HISTORY OF HUMAN RIGHTS MOVEMENTS

BA HISTORY

VI SEMESTER

ELECTIVE COURSE

(2011 Admission Onwards)

UNIVERSITY OF CALICUT

SCHOOL OF DISTANCE EDUCATION

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What are Human Rights?

*Human rights are the rights a person has simply because he or she is a human being.* Human rights are held by all persons equally, universally, and forever. Human rights are **inalienable**: you cannot lose these rights any more than you can cease being a human being. Human rights are **indivisible**: you cannot be denied a right because it is "less important" or "non-essential." Human rights are **interdependent**: all human rights are part of a complementary framework. For example; your ability to participate in your government is directly affected by your right to express yourself, to get an education, and even to obtain the necessities of life.

Another definition for human rights is those basic standards without which people cannot live in dignity. To violate someone’s human rights is to treat that person as though she or he were not a human being. To advocate human rights is to demand that the human dignity of all people be respected. In claiming these human rights, everyone also accepts the responsibility not to infringe on the rights of others and to support those whose rights are abused or denied.

Human rights are norms that help to protect all people everywhere from severe political, legal, and social abuses. Examples of human rights are the right to freedom of religion, the right to a fair trial when charged with a crime, the right not to be tortured, and the right to engage in political activity. These rights exist in morality and in law at the national and international levels. Historical sources for bills of rights include the Magna Carta (1215), the English Bill of Rights (1689), the French Declaration of the Rights of Man and the Citizen (1789), and the Bill of Rights in the United States Constitution (1791). Early philosophical sources of the idea of human rights include Francisco Suarez (1548–1617), Hugo Grotius (1583–1645), Samuel Pufendorf (1632–1694), John Locke (1632–1704), and Immanuel Kant (1724–1804). The main sources of the contemporary conception of human rights are the Universal Declaration of Human Rights (United Nations, 1948) and the many human rights documents and treaties that followed in international organizations such as the United Nations, the Council of Europe, the Organization of American States, and the African Union.

The philosophy of human rights addresses questions about the existence, content, nature, universality, justification, and legal status of human rights. The strong claims made on behalf of human rights (for example, that they are universal, or that they exist independently of legal enactment as justified moral norms) frequently provoke skeptical doubts and countering philosophical defences. Reflection on these doubts and the responses that can be made to them
has become a sub-field of political and legal philosophy with a substantial literature.

1. The General Idea of Human Rights

This section attempts to explain the generic idea of human rights by identifying four defining features. The goal is to answer the question of what human rights are with a general description of the concept rather than a list of specific rights. Two people can have the same general idea of human rights even though they disagree about which rights belong on a list of such rights and even about whether universal moral rights exist. This four-part explanation attempts to cover all kinds of human rights including both moral and legal human rights and both old and new human rights (e.g., both Lockean natural rights and contemporary international human rights). The explanation anticipates, however, that particular kinds of human rights will have additional features. Starting with this generic concept does not commit us to treating all kinds of human rights in a single unified theory.

(1) Human rights are rights. Lest we miss the obvious, human rights are rights. Most if not all human rights are claim rights that impose duties or responsibilities on their addressees or duty bearers. Rights focus on a freedom, protection, status, or benefit for the right holders. The duties associated with human rights often require actions involving respect, protection, facilitation, and provision. Rights are usually mandatory in the sense of imposing duties on their addressees, but some legal human rights seem to do little more than declare high-priority goals and assign responsibility for their progressive realization. One can argue, of course, that goal-like rights are not real rights, but it may be better to recognize that they comprise a weak but useful notion of a right. A human rights norm might exist as (a) a shared norm of actual human moralities, (b) a justified moral norm supported by strong reasons, (c) a legal right at the national level (where it might be referred to as a “civil” or “constitutional” right), or (d) a legal right within international law. A human rights advocate might wish to see human rights exist in all four ways.

(2) Human rights are plural. If someone accepted that there are human rights but held that there is only one of them; this might make sense if she meant that there is one abstract underlying right that generates a list of specific rights. But if this person meant that there is just one such specific right such as the right to peaceful assembly this would be a highly revisionary view. Human rights address a variety of specific problems such as guaranteeing fair trials, ending slavery, ensuring the availability of education, and preventing genocide. Some philosophers advocate very short lists of human rights but nevertheless accept plurality.

(3) Human rights are universal. All living humans—or perhaps all living persons—have human rights. One does not have to be a particular kind of person or a member of some specific nation or religion to have human rights. Included in the idea of universality is some conception of independent existence. People have human rights independently of whether they are found in the practices, morality, or law of their country or culture. This idea of universality
needs several qualifications, however. First, some rights, such as the right to vote, are held only by adult citizens or residents and apply only to voting in one’s own country. Second, the human right to freedom of movement may be taken away temporarily from a person who is convicted of committing a serious crime. And third, some human rights treaties focus on the rights of vulnerable groups such as minorities, women, indigenous peoples, and children.

(4) **Human rights have high-priority.** Maurice Cranston held that human rights are matters of “paramount importance” and their violation “a grave affront to justice”. If human rights did not have high priority they would not have the ability to compete with other powerful considerations such as national stability and security, individual and national self-determination, and national and global prosperity. High priority does not mean, however, that human rights are absolute. As James Griffin says, human rights should be understood as “resistant to trade-offs, but not too resistant”. Further, there seems to be priority variation within human rights. For example, when the right to life conflicts with the right to privacy, the latter will generally be outweighed.

Let’s now consider **five other features** or functions that might be added.

**Should human rights be defined as inalienable?** Inalienability does not mean that rights are absolute or can never be overridden by other considerations. Rather it means that its holder cannot lose it temporarily or permanently by bad conduct or by voluntarily giving it up. It is doubtful that all human rights are inalienable in this sense. One who endorses both human rights and imprisonment as punishment for serious crimes must hold that people’s rights to freedom of movement can be forfeited temporarily or permanently by just convictions of serious crimes. Perhaps it is sufficient to say that human rights are very hard to lose.

**Should human rights be defined as minimal rights?** A number of philosophers have proposed the view that human rights are minimal in the sense of not being too numerous (a few dozen rights rather than hundreds or thousands), and not being too demanding. Their views suggest that human rights are—or should be—more concerned with avoiding the worst than with achieving the best. Henry Shue suggests that human rights concern the “lower limits on tolerable human conduct” rather than “great aspirations and exalted ideals”. When human rights are modest standards they leave most legal and policy matters open to democratic decision-making at the national and local levels. This allows them to have high priority, to accommodate a great deal of cultural and institutional variation, and to leave open a large space for democratic decision-making at the national level. Still, there is no contradiction in the idea of an extremely expansive list of human rights and hence minimalism is not a defining feature of human rights. Minimalism is best seen as a normative prescription for what international human rights should be. Moderate forms of minimalism have considerable appeal, but not as part of the definition of human rights.

**Should human rights be defined as always including moral rights?** Philosophers coming to human rights theory from ethics sometimes assume that human rights must be, at bottom, moral rather than legal rights. There is no
contradiction, however, in people saying that they believe in human rights, but only when they are legal rights at the national or international levels. As Louis Henkin observed, “Political forces have mooted the principal philosophical objections, bridging the chasm between natural and positive law by converting natural human rights into positive legal rights”. Theorists who insist that the only human rights are legal rights may find, however, that the interpretations they can give of characteristics such as the universality of human rights and of their independent existence are fairly weak.

**Should human rights be defined in terms of serving some sort of political function?** Instead of seeing human rights as grounded in some sort of independently existing moral reality, a theorist might see them as the norms of a highly useful political practice that humans have constructed or evolved. Such a view would see the idea of human rights as playing various political roles at the national and international levels and as serving thereby to protect urgent human or national interests. These political roles might include providing standards for international evaluations of how governments treat their people and as helping to specify when use of economic sanctions or military intervention is permissible. There are powerful advocates of this sort of view. These theorists would add to the four defining elements above some set of political roles or functions. This view may be plausible for the very salient international human rights that have emerged in international law and politics in the last fifty years. But human rights can exist and function in contexts not involving international scrutiny and intervention such as a world with only one state. Imagine, for example, that an asteroid strike had killed everyone in all countries except New Zealand, leaving it the only state in existence. Surely the idea of human rights as well as many dimensions of human rights practice could continue in New Zealand, even though there would be no international relations, law, or politics. And if a few people were discovered to have survived in Iceland and were living without a government or state, New Zealanders would know that human rights governed how these people should be treated even though they were stateless. How deeply the idea of human rights must be rooted in international law and practice should not be settled by definitional fiat. We can allow, however, that the sorts of political functions that Rawls and Beitz describe are typically served by international human rights today.

2. The Existence and Grounds of Human Rights

2.1 How Can Human Rights Exist?

The most obvious way in which human rights exist is as norms of national and international law created by enactment and judicial decisions. At the international level, human rights norms exist because of treaties that have turned them into international law. For example, the human right not to be held in slavery or servitude in Article 4 of the European Convention and in Article 8 of the International Covenant on Civil and Political Rights exists because these treaties establish it. At the national level, human rights norms exist because they have through legislative enactment, judicial decision, or custom become part of a country’s law. For example, the right against slavery exists in the United States
because the 13th Amendment to the U.S. Constitution prohibits slavery and servitude. When rights are embedded in international law we speak of them as human rights; but when they are enacted in national law we more frequently describe them as civil or constitutional rights.

Enactment in national and international law is one of the ways in which human rights exist. But many have suggested that this is not the only way. If human rights exist only because of enactment, their availability is contingent on domestic and international political developments. Many people have looked for a way to support the idea that human rights have roots that are deeper and less subject to human decisions than legal enactment. One version of this idea is that people are born with rights, that human rights are somehow innate or inherent in human beings. One way that a normative status could be inherent in humans is by being God-given. The U.S. Declaration of Independence (1776) claims that people are “endowed by their Creator” with natural rights to life, liberty, and the pursuit of happiness. On this view, God, the supreme lawmaker, enacted some basic human rights.

Rights plausibly attributed to divine decree must be very general and abstract (life, liberty, etc.) so that they can apply to thousands of years of human history, not just to recent centuries. But contemporary human rights are specific and many of them presuppose contemporary institutions (e.g., the right to a fair trial and the right to education). Even if people are born with God-given natural rights, we need to explain how to get from those general and abstract rights to the specific rights found in contemporary declarations and treaties.

Attributing human rights to God’s commands may give them a secure status at the metaphysical level, but in a very diverse world it does not make them practically secure. Billions of people do not believe in the God of Christianity, Islam, and Judaism. If people do not believe in God, or in the sort of god that prescribes rights, then if you want to base human rights on theological beliefs you must persuade these people of a rights-supporting theological view. This is likely to be even harder than persuading them of human rights. Legal enactment at the national and international levels provides a far more secure status for practical purposes.

Human rights could also exist independently of legal enactment by being part of actual human moralities. All human groups seem to have moralities: imperative norms of behaviour backed by reasons and values. These moralities contain specific norms (for example, a prohibition of the intentional murder of an innocent person) and specific values (for example, valuing human life.) One way in which human rights could exist apart from divine or human enactment is as norms accepted in all or almost all actual human moralities. If almost all human groups have moralities containing norms prohibiting murder, these norms could constitute the human right to life. Human rights can be seen as basic moral norms shared by all or almost all accepted human moralities. This view is attractive but has serious difficulties. Although worldwide acceptance of human rights has been increasing rapidly in recent decades, worldwide moral unanimity about human rights does not exist. Human rights declarations and treaties are
intended to change existing norms, not just describe the existing moral consensus.

Yet another way of explaining the existence of human rights is to say that they exist most basically in true or justified ethical outlooks. On this account, to say that there is a human right against torture is mainly to assert that there are strong reasons for believing that it is always wrong to engage in torture and that protections should be provided against its practice. This approach would view the Universal Declaration as attempting to formulate a justified political morality. It was not merely trying to identify a pre-existing moral consensus; it was also trying to create a consensus that could be supported by very plausible moral and practical reasons. This approach requires commitment to the objectivity of such reasons. It holds that just as there are reliable ways of finding out how the physical world works, or what makes buildings sturdy and durable, there are ways of finding out what individuals may justifiably demand of each other and of governments. Even if unanimity about human rights is currently lacking, rational agreement is available to humans if they will commit themselves to open-minded and serious moral and political inquiry. If moral reasons exist independently of human construction, they can—when combined with premises about current institutions, problems, and resources—generate moral norms different from those currently accepted or enacted. The Universal Declaration seems to proceed on exactly this assumption. One problem with this view is that existence as good reasons seems a rather thin form of existence for human rights. But perhaps we can view this thinness as a practical rather than a theoretical problem, as something to be remedied by the formulation and enactment of legal norms. The best form of existence for human rights would combine robust legal existence with the sort of moral existence that comes from being supported by strong moral and practical reasons.

2.2 Human Agency as the Basis of Human Rights

A justification for human rights—whether teleological, consequentiality, deontological, or something else—should justify the main features of human rights including their mandatory character, their universality, and their high priority. This makes the construction of a good justification a daunting task.

Grounding human rights in human agency and autonomy has had strong advocates in recent decades. In Human Rights: Essays on Justification and Application (1982) Alan Gewirth offered an agency-based justification for human rights. He argued that denying the value of successful agency and action is not an option for a human being; having a life requires regarding the indispensable conditions of agency and action as necessary goods. Abstractly described, these conditions of successful agency are freedom and well-being. A prudent rational agent who must have freedom and well-being will assert a “prudential right claim” to them. Having demanded that others must respect her freedom and well-being, consistency requires her to recognize and respect the freedom and well-being of other persons. Since all other agents are in exactly the same position as she is of desperately needing freedom and well-being, consistency requires her to recognize and respect their freedom and well-being. She “logically must accept”
that other people as agents have equal rights to freedom and well-being. These
two abstract rights work alone and together to generate equal specific human
rights of familiar sorts. Gewirth's aspiration was to provide an argument for
human rights that applies to all human agents and that is inescapable. From a
few hard-to-dispute facts and a principle of consistency he thinks we can derive
two generic human rights—and from them, a list of more determinate rights.
Gewirth's views have generated a large critical literature.

A more recent attempt to base human rights on agency and autonomy is
Gewirth's goal of providing a logically inescapable argument for human rights,
but his overall view shares key structural features with Gewirth's. These include
starting the justification with the unique value of agency and autonomy,
postulating some abstract rights, and making a place for a right to well-being
within an agency-based approach.

In the current dispute between "moral" (or "orthodox") and "political"
conceptions of human rights, Griffin strongly sides with those who see human
rights as fundamentally moral rights. Their defining role, in Griffin's view, is
protecting people's ability to form and pursue conceptions of a worthwhile life—a
capacity that Griffin variously refers to as "autonomy," "normative agency," and
"personhood." This ability to form, revise, and pursue conceptions of a
worthwhile life is taken to be of paramount value, the exclusive source of human
dignity, and thereby the basis of human rights. Griffin holds that people value
this capacity "especially highly, often more highly than even our happiness."

"Practicalities" also shape human rights in Griffin's view. He describes
practicalities as "a second ground" of human rights. They prescribe making the
boundaries of rights clear by avoiding "too many complicated bends," enlarging
rights a little to give them safety margins, and consulting facts about human
nature and the nature of society. Accordingly, the justifying generic function that
Griffin assigns to human rights is protecting normative agency while taking
account of practicalities.

Griffin claims that human rights suffer even more than other normative
concepts from an "indeterminacy of sense" that makes them vulnerable to
proliferation. He thinks that tying all human rights to the single value of
normative agency while taking account of practicalities is the best way to remedy
this malady. He criticizes the frequent invention of new human rights and the
"ballooning of the content" of established rights. Still, Griffin is friendly towards
most of the rights in the Universal Declaration of Human Rights. Beyond this,
Griffin takes human right to include many rights in interpersonal morality. For
example, Griffin thinks that a child’s human right to education applies not just
against governments but also against a child’s parents.

Griffin’s thesis that all human rights are grounded in normative agency is
put forward not so much as a description but as a proposal, as the best way of
giving human rights unity, coherence, and limits. Unfortunately, accepting and
following this proposal is unlikely to yield effective barriers to proliferation or a
sharp line between human rights and other moral norms. The main reason is one
that Griffin himself recognizes: the “generative capacities” of normative agency are “quite great.” Providing adequate protections of the three components of normative agency (autonomy, freedom, and minimal well-being) will encounter a lot of threats to these values and hence will require lots of rights. A better strategy here involves imposing demanding tests through the justificatory process—and particularly near its end when questions of burdensomeness and feasibility are being considered. Perhaps Griffin could build these tests into his notion of practicalities.

Griffin thinks that he can explain the universality of human rights by recognizing that normative agency is a threshold concept—one once one is above the threshold one gets the same rights as everyone else. One’s degree of normative agency does not matter. There are no “degrees of being a person” among competent adults. Treating normative agency in this way, however, is a normative policy, not just a fact about concepts. An alternative policy is possible, namely proportioning people’s rights to their level of normative agency. This is what we do with children; their rights grow as they develop greater agency and responsibility. To exclude proportional rights, and to explain the egalitarian dimensions of human rights such as their universality and their character as equal rights to be enjoyed without discrimination, some additional ground pertaining to equality seems to be needed.

2.3 Political Conceptions of Human Rights

A political conception of human rights offers an account of what human rights are—or at least of what contemporary human rights are at the national and international levels. Advocates of political conceptions of human rights are often agnostic about universal moral rights while rejecting moral skepticism and thinking possible the provision of sound normative justifications for the content, normativity, and roles of human rights.

John Rawls introduced the idea of a political conception of human rights in his book, *The Law of Peoples*. The basic idea is that we can understand what human rights are and what their justification requires by identifying the main roles they play in some political sphere. In *The Law of Peoples* this sphere is international relations (and, secondarily, national politics). Rawls was attempting a normative reconstruction of international law and politics within today’s international system, and this helps explain Rawls’s focus on how human rights function within this system. Human rights within interpersonal relations are not part of this sphere.

Rawls says that human rights are a special class of urgent rights. Besides saying that human rights are rights that are high priority or “urgent,” Rawls also accepts that they are plural and universal. But Rawls was working on a narrower project than Gewirth and Griffin. The international human rights he was concerned with are also defined by their roles in helping define in various ways the normative structure of the global system. They provide content to other normative concepts such as legitimacy, sovereignty, permissible intervention, and membership in good standing in the international community.
The justificatory process for human rights and the other principles of the law of peoples is analogous to the one for principles of justice at the national level that Rawls described in ‘A Theory of Justice’. Instead of asking about the terms of cooperation that free and equal citizens would agree to under fair conditions, we ask about the terms of cooperation that free and equal peoples or countries would agree to under fair conditions. We imagine representatives of the world’s countries meeting to choose the normative principles that constitute the basic international structure. These representatives are imagined to see the countries they represent as free (rightfully independent) and equal (equally worthy of respect and fair treatment). These representatives are also imagined to be choosing rationally in light of the fundamental interests of their country, to be reasonable in seeking to find and respect fair terms of cooperation, and impartial because they are behind a “veil of ignorance”—they lack information about the country they represent such as its size, wealth, and power. Rawls holds that under these conditions these representatives will unanimously choose principles for the global order that include some basic human rights.

Rawls advocated a modest list of human rights, one that leaves out many fundamental freedoms, rights of political participation, and equality rights. He did this for two reasons. One is that he wanted a list that is not parochial to the liberal democracies and that countries around the world would find attractive. The second reason is that he viewed serious violations of human rights as triggers of the permissibility of various kinds of intervention by other countries, and only the most important rights can play this role.

Leaving out any protection for equality and democracy is a high price to pay for assigning human rights the role of making international intervention permissible when they are seriously violated. We can accommodate Rawls’s underlying idea without paying that price. To accept the idea that countries engaging in massive violations of the most important human rights are not to be tolerated we do not need to follow Rawls in equating international human rights with a heavily-pruned list. Instead we can work up a view—which is needed for other purposes anyway—of which human rights are the weightiest and then assign the intervention-permitting role to this subset.

Let’s now turn to Charles Beitz’s account of human rights in The Idea of Human Rights. His view shares many similarities with Rawls’s but is more fully developed. Like Rawls, Beitz deals with human rights only as they have developed in contemporary international human rights practice. Beitz suggests that we can develop an understanding of human rights by attending to “the practical inferences that would be drawn by competent participants in the practice from what they regard as valid claims of human rights.” Observations of what competent participants say and do inform the account of what human rights are. The focus is not on what human rights are at some deep philosophical level; it is rather on how they work by guiding actions within a recently emerged and still evolving discursive practice. The norms of the practice guide the interpretation and application of human rights, the appropriateness of criticism in terms of human rights, adjudication in human rights courts and—perhaps most importantly—responding to serious violations of human rights. Beitz says that
human rights are “matters of international concern” and that they are “potential triggers of transnational protective and remedial action.”

Beitz does not agree with Rawls’s view that these roles require an abbreviated list of human rights. He accepts that the requirements of human rights are weaker than the requirements of social justice at the national level, but denies that human rights are minimal or highly modest in other respects.

Beitz rightly suggests that a person can accept and use the idea of human rights without accepting any particular view about their foundations. It is less clear that he is right in suggesting that good justifications of human rights should avoid as far as possible controversial assumptions about religion, metaphysics, ideology, and intrinsic value. Beitz emphasizes the practical good that human rights do, not their reflection of some underlying moral reality. This makes human rights attractive to people from around the world with their diverse religious and philosophical traditions. The broad justification for human rights and their normativity that Beitz offers is that they protect “urgent individual interests against predictable dangers ("standard threats") to which they are vulnerable under typical circumstances of life in a modern world order composed of states.”

3. Which Rights are Human Rights?

This section discusses the question of which rights belong on lists of human rights. Not every question of social justice or wise governance is a human rights issue. For example, a country could have too much income inequality or inadequate provision for higher education without violating any human rights. Deciding which norms should be counted as human rights is a matter of considerable difficulty. And there is continuing pressure to expand lists of human rights to include new areas. Many political movements would like to see their main concerns categorized as matters of human rights, since this would publicize, promote, and legitimize their concerns at the international level. A possible result of this is “human rights inflation,” the devaluation of human rights caused by producing too much bad human rights currency.

One way to avoid rights inflation is to follow Cranston in insisting that human rights only deal with extremely important goods, protections, and freedoms. A supplementary approach is to impose several justificatory tests for specific human rights. For example, it could be required that a proposed human right not only deal with some very important good but also respond to a common and serious threat to that good, impose burdens on the addressees that are justifiable and no larger than necessary, and be feasible in most of the world’s countries. This approach restrains rights inflation with several tests, not just one master test.

Human rights are specific and problem-oriented. Historic bills of rights often begin with a list of complaints about the abuses of previous regimes or eras. Bills of rights may have preambles that speak grandly and abstractly of life, liberty, and the inherent dignity of persons, but their lists of rights contain specific norms addressed to familiar political, legal, or economic problems.
In deciding which specific rights are human rights it is possible to make either too little or too much of international documents such as the Universal Declaration or the European Convention. One makes too little of them by proceeding as if drawing up a list of important rights were a new question, never before addressed, and as if there were no practical wisdom to be found in the choices of rights that went into the historic documents. And one makes too much of them by presuming that those documents tell us everything we need to know about human rights. This approach involves a kind of fundamentalism: it holds that when a right is on the official lists of human rights that settles its status as a human right. But the process of identifying human rights in the United Nations and elsewhere was a political process with plenty of imperfections. There is little reason to take international diplomats as the most authoritative guides to which human rights there are. Further, even if a treaty could settle the issue of whether a certain right is a human right within international law, such a treaty cannot settle its weight. It may claim that the right is supported by weighty considerations, but it cannot make this so. If an international treaty enacted a right to visit national parks without charge as a human right, the ratification of that treaty would make free access to national parks a human right within international law. But it would not be able to make us believe that the right to visit national parks without charge was sufficiently important to be a real human right.

3.1 Civil and Political Rights

These rights are familiar from historic bills of rights such as the French Declaration of the Rights of Man and the Citizen (1789) and the U.S.Bill of Rights (1791, with subsequent amendments). Contemporary sources include the first 21 Articles of the Universal Declaration, and such treaties as the European Convention, the International Covenant on Civil and Political Rights, the American Convention on Human Rights, and the African Charter on Human and People’s Rights. Some representative formulations follow:

Everyone has the right to freedom of thought and expression. This right includes freedom to seek, receive, and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing, in print, in the form of art, or through any other medium of one’s choice. (American Convention on Human Rights, Article 13.1)

Everyone has the right to freedom of peaceful assembly and to freedom of association with others, including the right to form and to join trade unions for the protection of his interests (European Convention, Article 11).

Every citizen shall have the right to participate freely in the government of his country, either directly or through freely chosen representatives in accordance with the provisions of the law. 2. Every citizen shall have the right of equal access to the public service of his country. 3. Every individual shall have the right of access to public property and services in strict equality of all persons before the law (African Charter, Article 13).
Most civil and political rights are not absolute—they can in some cases be overridden by other considerations. For example, the right to freedom of movement can be restricted by public and private property rights, by restraining orders related to domestic violence, and by legal punishments. Further, after a disaster such as a hurricane or earthquake free movement is often appropriately suspended to keep out the curious, to permit access of emergency vehicles and equipment, and to prevent looting. The International Covenant on Civil and Political Rights permits rights to be suspended during times “of public emergency which threatens the life of the nation” (Article 4). But it excludes some rights from suspension including the right to life, the prohibition of torture, the prohibition of slavery, the prohibition of ex post facto criminal laws, and freedom of thought and religion.

3.2 Rights of Women, Minorities, and Groups

Equality of rights for historically disadvantaged or subordinated groups is a longstanding concern of the human rights movement. Human rights documents repeatedly emphasize that all people, including women and members of minority ethnic and religious groups, have equal human rights and should be able to enjoy them without discrimination. The right to freedom from discrimination figures prominently in the Universal Declaration and subsequent treaties. The Civil and Political Covenant, for example, commits participating states to respect and protect their people’s rights “without distinction of any kind, such as race, colour, sex, language, political or other opinion, national or social origin, property, birth, or social status”.

A number of standard individual rights are especially important to ethnic and religious minorities, including rights to freedom of association, freedom of assembly, freedom of religion, and freedom from discrimination. Human rights documents also include rights that refer to minorities explicitly and give them special protections. For example, the Civil and Political Covenant in Article 27 says that persons belonging to ethnic, religious, or linguistic minorities “shall not be denied the right, in community with other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language.”

Feminists have often protested that standard lists of human rights do not sufficiently take into account the different risks faced by women and men. For example, issues like domestic violence, reproductive choice, and trafficking of women and girls for sex work did not have a prominent place in early human rights documents and treaties. Lists of human rights have had to be expanded “to include the degradation and violation of women”. Violations of women’s human rights often occur in the home at the hands of other family members, not in the street at the hands of the police. Most violence against women occurs in the “private” sphere. This has meant that governments cannot be seen as the only addressees of human rights and that the right to privacy of home and family needs qualifications to allow police to protect women within the home.

The issue of how formulations of human rights should respond to variations in the sorts of risks and dangers that different people face is difficult
and arises not just in relation to gender but also in relation to age, profession, political affiliation, religion, and personal interests. Due process rights, for example, are much more useful to young people (and particularly young men) than they are to older people since the latter are far less likely to run afoul of the law.

Since 1964 the United Nations has mainly dealt with the rights of women and minorities through specialized treaties such as the International Convention on the Elimination of All Forms of Racial Discrimination (1965); the Convention on the Elimination of All Forms of Discrimination Against Women (1979); the Convention on the Rights of the Child (1989), and the Convention (2007). See also the Declaration on the Rights of Indigenous Peoples (2007). Specialized treaties allow international norms to address unique problems of particular groups such as assistance and care during pregnancy and childbearing in the case of women, custody issues in the case of children, and the loss of historic territories by indigenous peoples.

Minority groups are often targets of violence. Human rights norms call upon governments to refrain from such violence and to provide protections against it. This work is partly done by the right to life, which is a standard individual right. It is also done by the right against genocide which protects groups from attempts to destroy or decimate them. The Genocide Convention was one of the first human rights treaties after World War II. The right against genocide seems to be a group right. It is held by both individuals and groups and provides protection to groups as groups. It is largely negative in the sense that it requires governments and other agencies to refrain from destroying groups; but it also requires that legal and other protections against genocide be created at the national level.

Can a group right fit the general idea of human rights proposed earlier? Perhaps it can if we broaden the conception of who can hold human rights to include ethnic and religious groups (see the entry on group rights). This can be made more palatable, perhaps, by recognizing that the beneficiaries of the right against genocide are individual humans who enjoy greater security against attempts to destroy the group to which they belong.

3.3 Environmental Rights

In spite of the danger of rights inflation, there are doubtless norms that should be counted as human rights but are not generally so treated. After all, there are lots of areas in which people’s dignity and fundamental interests are threatened by governmental actions and omissions. Consider environmental rights, which are often defined as rights of animals or of nature itself. Conceived in this way they do not fit our general idea of human rights because the right holders are not humans or human groups. But more modest formulations are possible; environmental rights can be understood as rights to an environment that is healthy and safe. Such a right is human-oriented: it does not directly address issues such as the claims of animals, biodiversity, or sustainable development.
A justification for this right must show that environmental problems pose serious threats to fundamental human interests, values, or norms; that governments may appropriately be burdened with the responsibility of protecting people against these threats; and that most governments actually have the ability to do this. This last requirement—feasibility—may be the most difficult. Environmental protection is expensive and difficult, and many governments will be unable to do very much of it while meeting other important responsibilities. The problem of feasibility in poorer countries might be addressed here in the same way that it was in the Social Covenant. That treaty commits governments not to the immediate realization of social rights for all, but rather to making the realization of such rights a high-priority goal and beginning to take steps towards its fulfilment.

Implementing a new right has opportunity costs. If no new resources are available, implementing a new right will mean that fewer resources are available for the implementation of existing rights. Rights are not magical sources of supply. This is not to deny, however, that successful implementation of a right can reduce threats in some areas and thereby reduce costs. For example, success in protecting the rights of minorities may reduce ethnic conflict and the threats to rights that it generates.

In 2012 the United Nations Human Rights Council appointed an Independent Expert on Human Rights and the Environment. The mandate for this position includes studying “human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment” and finding ways in which human rights can contribute to environmental protection.

3.4 Social Rights

The Universal Declaration included social (or “welfare”) rights that address matters such as education, food, and employment. Their inclusion has been the source of much controversy. Social rights are often alleged to be statements of desirable goals but not really rights. The European Convention did not include them (although it was later amended to include the right to education). Instead they were put into a separate treaty, the European Social Charter. When the United Nations began the process of putting the rights of the Universal Declaration into international law, it followed the model of the European system by treating economic and social standards in a treaty separate from the one dealing with civil and political rights. This treaty, the International Covenant on Economic, Social, and Cultural Rights (the “Social Covenant,” 1966), treated these standards as rights—albeit rights to be progressively realized.

The Social Covenant’s list of rights includes non-discrimination and equality for women in economic and social life (Articles 2 and 3), freedom to work and opportunities to work (Article 4), fair pay and decent conditions of work (Article 7), the right to form trade unions and to strike (Article 8), social security (Article 9), special protections for mothers and children (Article 10), the right to adequate food, clothing, and housing (Article 11), the right to basic health services (Article 12), the right to education (Article 13), and the right to participate in cultural life and scientific progress (Article 15).
Article 2.1 of the Social Covenant sets out what each of the parties commits itself to do about this list, namely to “take steps, individually and through international assistance and co-operation...to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant.” In contrast, the Civil and Political Covenant simply commits its signatories to “respect and to ensure to all individuals within its territory the rights recognized in the present Covenant” (Article 2.1). The contrast between these two levels of commitment has led some people to suspect that economic and social rights are really just valuable goals.

The system to monitor and promote compliance with the Social Covenant is modest since it mainly requires participating countries to make periodic reports on measures taken to comply with the treaty. Countries agree “to submit...reports on the measures which they have adopted and the progress made in achieving the observance of the rights recognized herein” (Article 16). A committee of experts, created by the Economic and Social Council in 1987, is given the job of looking at the progress reports from the participating countries. This body, the Committee on Economic, Social and Cultural Rights, studies the reports, discusses them with representatives of the governments reporting, and issues interpretive statements known as “General Comments” on the requirements of the treaty. A recent amendment to the treaty allows residents of countries that approve the amendment to submit complaints of violations to the Committee.

Why did the Social Covenant opt for progressive implementation and thereby treat its rights as being somewhat like goals? The main reason is that nearly half of the world’s countries were in no position in terms of economic, institutional, and human resources to realize these standards fully or even largely. For many countries, noncompliance due to inability would have been certain if these standards had been treated as immediately binding. We will return to this topic below.

Opponents of social rights often deny them the status of human rights, restricting that standing to civil and political rights. Familiar objections to social rights include the following: (1) they do not serve truly fundamental interests; (2) they are too burdensome on governments and taxpayers; and (3) they are not feasible in less-developed countries.

It is far from the case that most social rights pertain to superficial interests. Consider two examples: the right to an adequate standard of living and the right to free public education. These rights require governments to try to remedy widespread and serious evils such as hunger and ignorance. The importance of food and other basic material conditions of life is easy to show. These goods are essential to people’s ability to live, function, and flourish. Without adequate access to these goods, interests in life, health, and liberty are endangered and serious illness and death are probable. Lack of access to educational opportunities typically limits (both absolutely and comparatively) people’s abilities to participate fully and effectively in the political and economic
life of their country. Lack of education increases the likelihood of unemployment and underemployment.

Another way to defend the importance of social rights is to show the highly useful support they provide to the full realization of civil and political rights. If a government succeeds in eliminating hunger and providing education to everyone this promotes people’s abilities to know, use, and enjoy their liberties, due process rights, and rights of political participation. This is easiest to see in regard to education. Ignorance is a barrier to the realization of civil and political rights because uneducated people often do not know what rights they have and what they can do to use and defend them. It is also easy to see in the area of democratic participation. Education and a minimum income make it easier for people at the bottom economically to follow politics, participate in political campaigns, and to spend the time and money needed to go to the polls and vote.

The second objection is that social rights are too burdensome. It is very expensive to guarantee to everyone basic education and minimal material conditions of life. Perhaps social rights are too expensive or burdensome to be justified even in rich countries. Frequently the claim that social rights are too burdensome uses other, less controversial human rights as a standard of comparison, and suggests that social rights are substantially more burdensome or expensive than liberty rights. Suppose that we use as a basis of comparison liberty rights such as freedom of communication, association, and movement. These rights require both respect and protection from governments. And people cannot be adequately protected in their enjoyment of liberties such as these unless they also have security and due process rights. The costs of liberty, as it were, include the costs of law and criminal justice. Once we see this, liberty rights start to look a lot more costly. To provide effective liberties to communicate, associate, and move it is not enough for a society to make a prohibition of interference with these activities part of its law and accepted morality. An effective system of provision for these liberties will require a legal scheme that defines personal and property rights and protects these rights against invasions while ensuring due process to those accused of crimes. Providing such legal protection in the form of legislatures, police, courts, and prisons is extremely expensive.

Further, we should not think of social rights as simply giving everyone a free supply of the goods these rights protect. Guarantees of things like food and housing will be intolerably expensive and will undermine productivity if everyone simply receives a free supply. A viable system of social rights will require most people to provide these goods for themselves and their families through work as long as they are given the necessary opportunities, education, and infrastructure. Government-implemented social rights provide guarantees of availability (or “secure access”), but governments should have to supply the requisite goods in only a small fraction of cases. Note that education is often an exception to this since many countries provide free public education irrespective of ability to pay.

Countries that do not accept and implement social rights still have to bear somehow the costs of providing for the needy since these countries—particularly
if they recognize democratic rights of political participation—are unlikely to find it tolerable to allow sizeable parts of the population to starve and be homeless. If government does not supply food, clothing, and shelter to those unable to provide for themselves, then families, friends, and communities will have to shoulder this burden. It is only in the last century that government-sponsored social rights have taken over a substantial part of the burden of providing for the needy. The taxes associated with social rights are partial replacements for other burdensome duties, namely the duties of families and communities to provide adequate care for the unemployed, sick, disabled, and aged. Deciding whether to implement social rights is not a matter of deciding whether to bear such burdens, but rather of deciding whether to continue with total reliance on a system of informal provision that distributes assistance in a very spotty way and whose costs fall very unevenly on families, friends, and communities.

Once we recognize that liberty rights also carry high costs, that intelligent systems of provision for social rights supply the requisite goods to people in only a small minority of cases, and that these systems are substitutes for other, more local ways of providing for the needy, the difference in size between the costs of liberty rights and the costs of social rights ceases to seem so large.

Even if the burdens imposed by social rights are not excessive, it might still be wrong to impose them on individuals. Libertarians object to social rights as requiring impermissible taxation. Nozick, for example, says that “Taxation of earnings from labour is on a par with forced labour”. This view is vulnerable to an attack asserting two things. First, taxation is permissible when it is used to support government-organized systems of humanitarian assistance that fulfil more effectively than charity duties of assistance that all individuals have. Second, property rights are not so strong that they can never be outweighed by the requirements of meeting other rights.

The third objection to social rights is that they are not feasible in many countries. It is very expensive to provide guarantees of subsistence, minimal public health measures, and basic education. As we saw above, the Social Covenant dealt with the issue of feasibility by calling for progressive implementation, that is, implementation as financial and other resources permit. Does this view of implementation turn social rights into high-priority goals? If so, is that a bad thing?

Standards that outrun the abilities of many of their addressees are good candidates for normative treatment as goals. Treating such standards as goals, which allows us to view them as largely aspirational rather than as imposing immediate duties, avoids massive problems of inability-based noncompliance. One may worry, however, that this is too much of a demotion. As norms, goals seem much weaker than rights. But goals can be formulated in ways that make them more like rights. Goals can be assigned addressees (the party who is to pursue the goal), beneficiaries, scopes that define the objective to be pursued, and a high level of priority. Strong reasons for the importance of these goals can be provided. And supervisory bodies can monitor levels of progress and pressure low-performing addressees to attend to and work on their goals.
Treating very demanding rights as goals has several advantages. One is that proposed goals that exceed one's abilities are not as farcical as proposed duties that exceed one's abilities. Creating grand lists of human rights that many countries cannot at present realize seems fraudulent to many people, and perhaps this fraudulence is reduced if we understand that these "rights" are really goals that countries should promote. Goals are inherently ability-calibrated. What you should do now about your goals depends on your abilities and other commitments. Goals coexist happily with low levels of ability to achieve them. Another advantage is that goals are flexible; addressees with different levels of ability can choose ways of pursuing the goals that suit their circumstances and means. Because of these attractions of goals, it will be worth exploring ways to transform very demanding human rights into goals. The transformation may be full or partial.

A right together with its supporting reasons might be divided into two parts. One part, call it the "demand side," sets out the right holder's claim and the reasons why it is very valuable or important that this claim be fulfilled. In the right to a fair trial when one is arrested and accused of a crime the demand side would set out the right holder's claim to a fair trial and the reasons why that claim is very valuable or important. The other part, the "supply side," would set out the addressees' responsibilities in regard to the right holder's claim. It would explain why this claim to a fair trial is a matter of duty, what the duties are, and why it is these particular addressees rather than other possible addressees that have the duty.

A goal that is similar to a right could also be divided into these two parts. The demand side would set out the beneficiary's claim or demand and the reasons why it is very desirable or important that this demand be fulfilled. For example, the demand side might set out the reasons why it is desirable for the beneficiary to have access to employment. And the supply side would set out the addressee's responsibility in regard to the beneficiary's demand. It would explain why promoting access to employment for the beneficiary should be a goal for the addressee. It does not impose duties on the addressee, but it shows that the addressee has good reasons for acting to satisfy the demand.

Since even a goal that is supported by good reasons imposes no duties—that is, fails to be mandatory in character—we may think that such goals are poor substitutes for rights and should not be called "rights." But it is possible to create right-goal mixtures that contain some mandatory elements and that therefore seem more like real rights. A minimal right-goal mixture would include a duty to try to realize the goal as quickly as possible. Here the demand side would set out the beneficiary's demand or claim and the reasons why it is very desirable or important that this demand be fulfilled. And the supply side would explain why the addressee has good reasons to pursue this goal, but also explain why the addressee has a duty to try to realize this goal with all deliberate speed. The economic and social rights in the Social Covenant seem to fit this model. The countries ratifying the Covenant agree to make it a matter of government duty to realize the list of rights as soon as possible.
individually and through international assistance and co-operation to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant.” The signatories agree, on this interpretation, to make it a matter of duty to realize the listed rights as soon and as far as resources permit.

A problem with such a right-goal mixture is that it allows the addressee great discretion concerning when to do something about the right and how much to do. A panel supervising compliance with a human rights treaty may wish to remove some of this discretion by requiring that the addressees at least take some significant and good faith steps immediately and regularly and that these steps be documented. Duties to try are less vaporous if they are combined with duties that require immediate steps. Countries may be required to act in certain ways (e.g., make a good faith effort and be prepared to demonstrate that they have done so), set specific benchmarks and timetables, establish agencies to work on the goals, provide them with budgets, and use expert assistance from international agencies. To facilitate the monitoring of compliance the country may be required to collect data continuously concerning realization of the goals, make periodic reports, and allow its citizens to complain to the monitoring body about failures to pursue the goals energetically (United Nations 1991).

Insistence that human rights not be too demanding can be complemented by measures to enhance the ability of developing countries to realize human rights. Possible strategies for such a combined approach include using aid to increase the resources available for implementing rights, providing education to current and future officials, offering technical assistance concerning mechanisms of implementation, and battling corruption.

John Rawls proposed a duty of liberal democratic countries to aid poor or “burdened” countries. Rawls defines “burdened societies” as ones that “lack the political and cultural traditions, the human capital and know-how and, often, the material and technological resources needed to be well-ordered”. Rawls holds that well-off countries have a moral duty to assist burdened societies. Unfortunately Rawls does not provide much justification for this claim. In particular he does not use his idea of an international “original position” to work out how the justification for such a duty would go and what objections it would need to overcome.

A good defence of a duty of well-off countries to assist poor ones in realizing human rights would not automatically impose that duty on the citizens of the well-off countries (except, of course, through the taxes they pay). But perhaps citizens should share somehow in duties of international aid. One approach to explaining how and why citizens share in these duties involves viewing the citizens of a democratic country as having ultimate responsibility for the human rights duties of their government. If their government has a duty to respect or implement the right to a fair trial, or a duty to aid poor countries, its citizens share in that duty. They are required as voters, political agents, and taxpayers to try to promote and support their government’s compliance with its human rights duties. This principle of shared duty is particularly attractive in
democratic societies where the citizens are the ultimate source of political authority. This view makes individuals back-up addressees for the duties of their governments.

Thomas Pogge has taken a related but slightly different approach to generating individual duties from human rights that have governments as their primary addressees. Pogge emphasizes the Universal Declaration’s Article 28 which says that “Everyone is entitled to a social and international order in which this the rights and freedoms set forth in this Declaration can be fully realized.” Pogge sees in this Article a plausible norm, namely that both countries and individuals have negative duties not to be complicit in an international order that unfairly disadvantages poor countries and the people in them. A coercive political order, whether national or international, “must not avoidably restrict the freedom of some so as to render their access to basic necessities insecure—especially through official denial or deprivation. If it does, then all human agents have a negative duty, correlative to the postulated social and economic human rights, not to cooperate in upholding it unless they compensate for their cooperation by protecting its victims or by working for its reform. Those violating this duty share responsibility for the harms (insecure access to basic necessities) produced by the unjust institutional order in question”.

4. Universal Human Rights in a World of Diverse Beliefs and Practices

Human rights prescribe universal standards in areas such as security, law enforcement, equality, political participation, and education. The peoples and countries of planet Earth are, however, enormously varied in their practices, traditions, religions, and levels of economic and political development. Putting these two propositions together may be enough to generate the worry that universal human rights do not sufficiently accommodate the diversity of Earth’s peoples. A theoretical expression of this worry is “relativism,” the idea that ethical, political, and legal standards for a particular country or region are mostly shaped by the beliefs, values, and conditions of that country or region. The anthropologist William G. Sumner, writing in 1906, asserted that “the mores can make anything right and prevent condemnation of anything”.

Relativists sometimes accuse human rights advocates of ethnocentrism, arrogance, and cultural imperialism. Ethnocentrism is the assumption, usually unconscious; that “one’s own group is the centre of everything” and that its beliefs, practices, and norms provide the standards by which other groups are “scaled and rated”. This can lead to arrogance and intolerance in dealings with other countries, ethical systems, and religions. Finally, cultural imperialism occurs when the economically, technologically, and militarily strongest countries impose their beliefs, values, and institutions on the rest of the world. Relativists often combine these charges with a prescription, namely that tolerance of varied practices and traditions ought to be instilled and practiced through measures that include extended learning about other cultures.

The conflict between relativists and human rights advocates may be partially based on differences in their underlying philosophical beliefs, particularly in met ethics. Relativists are often subjectivists or non-cognitivists
and think of morality as socially constructed and transmitted. In contrast, philosophically-inclined human rights advocates are more likely to adhere to cognitivism, moral realism, and intuitionism.

During the drafting in 1947 of the Universal Declaration, the Executive Board of the American Anthropological Association warned of the danger that the Declaration would be "a statement of rights conceived only in terms of the values prevalent in Western Europe and America." Perhaps the main concern of the AAA Board in the period right after World War II was to condemn the intolerant colonialist attitudes of the day and to advocate cultural and political self-determination. But the Board also made the stronger assertion that "standards and values are relative to the culture from which they derive" and thus "what is held to be a human right in one society may be regarded as anti-social by another people".

This is not, of course, the stance of most anthropologists today. Currently the American Anthropological Association has a Committee on Human Rights whose objectives include promoting and protecting human rights and developing an anthropological perspective on human rights. While still emphasizing the importance of cultural differences, anthropologists now often support cultural survival and the protection of vulnerable cultures; non-discrimination, and the rights and land claims of indigenous peoples.

The idea that relativism and exposure to other cultures promote tolerance may be correct from a psychological perspective. People who are sensitive to differences in beliefs, practices, and traditions, and who are suspicious of the grounds for extending norms across borders, may be more inclined to be tolerant of other countries and peoples than those who believe in an objective universal morality. Still, philosophers have been generally critical of attempts to argue from relativism to a prescription of tolerance. If the culture and religion of one country has long fostered intolerant attitudes and practices, and if its citizens and officials act intolerantly towards people from other countries, they are simply following their own traditions and cultural norms. They are just doing what relativists think people mostly do. Accordingly, a relativist from a tolerant country will be hard-pressed to find a basis for criticizing the citizens and officials of the intolerant country. To do so the relativist will have to endorse a transcultural principle of tolerance and to advocate as an outsider cultural change in the direction of greater tolerance. Because of this, relativists who are deeply committed to tolerance may find themselves attracted to a qualified commitment to human rights.

East Asia is the region of the world that participates least in the international human rights system—even though many East Asian countries do participate. In the 1990s Singapore’s Senior Minister Lee Kuan Yew and others argued that international human rights as found in United Nations declarations and treaties were insensitive to distinctive “Asian values” such as prizing families and community (in contrast to strong individualism); putting social harmony over personal freedom; respect for political leaders and institutions; and emphasizing responsibility, hard work, and thriftiness as means of social progress. Proponents
of the Asian values idea did not wish to abolish all human rights; they rather wanted to deemphasize some families of human rights, particularly the fundamental freedoms and rights of democratic participation (and in some case the rights of women). They also wanted Western governments and NGOs to stop criticizing them for human rights violations in these areas.

At the 1993 World Conference on Human Rights in Vienna, countries including Singapore, Malaysia, China, and Iran advocated accommodations within human rights practice for cultural and economic differences. Western representatives tended to view the position of these countries as excuses for repression and authoritarianism. The Conference responded by approving the Vienna Declaration. It included in Article 5 the assertion that countries should not pick and choose among human rights: “All human rights are universal, indivisible and interdependent and interrelated. The international community must treat human rights globally in a fair and equal manner, on the same footing, and with the same emphasis. While the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms.”

Perhaps the debate about relativism and human rights has become obsolete. In recent decades widespread acceptance of human rights has occurred in most parts of the world. Three quarters of the world’s countries have ratified the major human rights treaties, and many countries in Africa, the Americas, and Europe participate in regional human rights regimes that have international courts. Further, all of the world’s countries now use similar political institutions (law, courts, legislatures, executives, militaries, bureaucracies, police, prisons, taxation, and public schools) and these institutions carry with them characteristic problems and abuses. Finally, globalization has diminished the differences among peoples. Today’s world is not the one that early anthropologists and missionaries found. National and cultural boundaries are breached not just by international trade but also by millions of travellers and migrants, electronic communications, international law covering many areas, and the efforts of international governmental and non-governmental organizations. International influences and organizations are everywhere and countries borrow freely and regularly from each other’s inventions and practices.

Worldwide polls on attitudes towards human rights are now available and they show broad support for human rights and international efforts to promote them. A December 2011 report by the Council on Foreign Relations surveyed recent international opinion polls on human rights that probe agreement and disagreement with propositions such as “People have the right to express any opinion,” “People of all faiths can practice their religion freely,” “Women should have the same rights as men,” “People of different races [should be] treated equally,” and governments “should be responsible for ensuring that [their] citizens can meet their basic need for food.” Big majorities of those polled in countries such as Argentina, Ukraine, Azerbaijan, Egypt, Iran, Kenya, Nigeria, China, India, and Indonesia gave affirmative answers. Further, large majorities
(on average 70%) in all the countries polled supported UN efforts to promote the human rights set out in the Universal Declaration. Empirical research can now replace or supplement theoretical speculations about how much disagreement on human rights exists worldwide.

5. International Human Rights Law and Organizations

Since 1948 an elaborate body of international human rights law has developed through state practice, the work of international courts, and multilateral treaty making. Dozens of human rights treaties are now operative within organizations such as the United Nations, the Council of Europe, and the African Union. Some of these treaties have been ratified by more than three-quarters of the world’s countries. This section sketches the development of international measures to promote and protect human rights. Efforts to protect human rights through international treaties began in 1919 in the League of Nations and expanded after World War II with treaties such as the Genocide Convention (1948), the European Convention on Human Rights and Fundamental Freedoms (1950), and the International Covenants on Civil and Political Rights and on Economic, Social, and Cultural Rights (both 1966). The international promotion and protection of human rights complements the legal protection of human rights at the national level.

5.1 Historical Overview

When a government violates the human rights of its residents the victims may be able to appeal to the country’s laws or bill of rights and get a court to order that the violations stop and that the government provide remedies. If suitable national laws and bills of rights are unavailable, however, victims of human rights violations may want help from international law and organizations. Traditionally, international law did not confer rights and protections on individual persons; its concern was exclusively the rights and duties of countries or states. Victims of human rights violations could appeal to heaven, and invoke standards of natural justice, but there were no international organizations working to formulate and enforce legal rights of individuals. After World War I the League of Nations had some success in using minority rights treaties to protect national minorities in Europe, but the effort ended with the rise of Nazi Germany and the beginning of World War II.

Countries fighting Hitler’s Germany decided that after their victory a new international organization would be needed to promote international peace and security, and that securing human rights in all countries would help lessen the likelihood of the reoccurrence of large wars. Indeed, prior to the official formation of the United Nations, the Allies imposed human rights obligations on Italy and Central European powers in peace treaties. Similar obligations were imposed on Germany and Japan during the Allied occupation. The United Nations was created in 1945. Its Charter established goals of protecting future generations from the “scourge of war” and promoting “fundamental human rights” and the “dignity and worth of the human person.”
Not long after its founding the UN established a committee with the charge of writing an international bill of rights. This document was to be similar to historic bills of rights such as the French Declaration of the Rights of Man and of the Citizen (1789) and the United States Bill of Rights (1791), but was to apply to every person in every country. This international bill of rights emerged in December 1948 as the Universal Declaration of Human Rights. Although some diplomats had hoped for a binding human rights treaty that countries joining the UN would have to adopt, the Universal Declaration was a set of recommended standards rather than a binding treaty. By now, however, almost all of the norms in the Universal Declaration have been incorporated in widely-ratified UN human rights treaties.

The Universal Declaration has been astoundingly successful in setting the pattern for subsequent human rights treaties and in getting countries to include its list of rights in national constitutions and bills of rights. The Universal Declaration and the treaties that followed largely define what people today mean when they speak of human rights. The Universal Declaration proposed six families of rights including security rights, due process rights, and liberty rights, rights of political participation, equality rights, and social rights. The inclusion of social rights to goods such as education and an adequate standard of living took the Declaration beyond its 18th century antecedents.

The Universal Declaration was born at a time that made its success difficult. The Declaration’s approval by the General Assembly coincided with the beginning of the Cold War—an ideological and geopolitical conflict between capitalist and communist countries that continued until almost 1990. Ideological differences and hostilities might have stalled the human rights movement if not for human rights advances in Europe. In the early 1950s Western European countries formed the Council of Europe and created the European Convention for the Protection of Human Rights and Fundamental Freedoms. This international treaty entered into force in September of 1953, and was binding upon countries that ratified it. The European Convention established basic rights similar to those in the Universal Declaration, but included provisions for enforcement and adjudication. The European Convention gave birth to the European Court of Human Rights, whose job is to receive, evaluate, and investigate complaints, mediate disputes, issue judgments, and interpret the Convention. The human rights set forth in the Convention are legally enforceable rights to which member states are bound. In creating the European Convention and Court, the countries of Western Europe gradually proved that effective protection of human rights could be provided at the international level.

Inspired by the success of the European Convention, the United Nations followed a similar path, creating numerous treaties aimed at the enforcement and adjudication of the rights set forth in the Universal Declaration. These documents establish legal obligations among the ratifying countries to implement international rights within their national legal and political systems. By 2000 the main human rights treaties had been ratified by a large majority of the world’s countries. As Ann Bayefsky writes, “Every UN member state is a party to one or
more of the six major human rights treaties. 80% of states have ratified four or more”.

Regional arrangements, similar to those in Europe, exist in the Americas and Africa. Efforts to protect human rights through international law have obviously not been totally successful—lots of human rights violations still occur today in all parts of the world. International human rights law is a work in progress, and has developed much farther than one could have expected in 1950 or even in 1975.

5.2 United Nations Human Rights Treaties

International human rights treaties transform lists of human rights into legally binding state obligations. The first such United Nations treaty was the Genocide Convention, approved in 1948—just one day before the Universal Declaration. The Convention defines genocide and makes it a crime under international law. It also requires ratifying states to enact legislation prohibiting genocide. Currently the Genocide Convention has more than 130 parties. The International Criminal Court, created by the Rome Treaty of 1998, is authorized to prosecute genocide at the international level, along with crimes against humanity and war crimes.

After the creation of the Universal Declaration, the Human Rights Commission proceeded to try to create treaties to make the rights in the Universal Declaration into norms of international law. Because of the Cold War, the effort went ahead at a glacial pace. To accommodate the ideological division between those who believed in the importance of social rights and those who did not, or who thought that social rights could not be enforced in the same way as civil and political rights, the Commission ultimately decided to create two separate treaties. Drafts of the two International Covenants were submitted to the General Assembly for approval in 1953, but approval was much delayed. Almost twenty years after the Universal Declaration, the United Nations General Assembly finally approved the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social, and Cultural Rights (both 1966). The Civil and Political Covenant contains most of the civil and political rights found in the Universal Declaration. The Social Covenant contains the economic and social rights found in the second half of the Universal Declaration (Articles 22–27). These treaties embodying Universal Declaration rights received enough ratification to become operative in 1976 and have now become the two most important UN human rights treaties. To date, these treaties have been ratified by about 75 percent of the world’s countries.

A country ratifying a UN human rights treaty agrees to respect and implement within domestic law the rights the treaty covers. It also agrees to accept and respond to international scrutiny and criticism of its compliance. This is a significant, if non-coercive, form of accountability. A ratifying country does not necessarily agree to make the human rights norm “self-executing”—that is, directly enforceable in domestic courts. That often requires implementing legislation.
A common method of treaty implementation within the UN is the creation of a standing committee (or “treaty body”) to monitor the performance of member states, and to which those states are required to submit periodic reports on compliance. The Civil and Political Covenant, which has been ratified by more than 150 countries, illustrates this approach. Rather than creating a human rights court, the Covenant created the Human Rights Committee (HRC), to promote compliance with its norms. The eighteen members of the HRC serve as independent experts rather than as state representatives. This potentially gives them some independence from the positions of their governments. The HRC frequently expresses its views as to whether a particular practice is a human rights violation, but it is not authorized to issue legally binding decisions.

The HRC is responsible for publishing “general comments” regarding the interpretation of the Civil and Political Covenant, reviewing periodic state reports on implementation of the Covenant, and receiving and investigating complaints of human rights violations made by states and individuals. The Committee holds public sessions in which it hears from non-governmental organizations such as Amnesty International and meets with representatives of the state making the report. The HRC then publishes “Concluding Observations” that evaluate human rights compliance by the reporting country. This process requires countries to hold discussions with the Human Rights Committee and have their human rights problems exposed to world public opinion. The reporting procedure is useful in encouraging countries to identify their major human rights problems and to devise methods of dealing with them over time. Unfortunately, the reporting system has few teeth when dealing with countries that stonewall or fail to report, and the Human Rights Committee’s conclusions often receive little attention.

In addition to the required reporting procedure, the HRC has the authority to consider state complaints that allege human rights violations by another member state. The Civil and Political Covenant also has an optional protocol, binding only on states that have separately ratified it, that authorizes the HRC to receive, investigate, and mediate complaints from individuals alleging that their rights under the Covenant have been violated by a participating state. About two-thirds of the states adhering to the Covenant have ratified this optional protocol.

Many other UN human rights treaties are implemented in roughly the same way as the Civil and Political Covenant. These include the International Convention on the Elimination of All Forms of Racial Discrimination (1966), the Convention on the Elimination of All Forms of Discrimination against Women (1979), the Convention on the Rights of the Child (1989), and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984). These human rights treaties create their own treaty bodies to monitor compliance and implementation. The proliferation of treaty bodies and reporting requirements has led to considerable overlap and inefficiency within the UN human rights system.

The standard UN system for implementing human rights is not very powerful. It is stronger on the promotion of human rights than on their protection through adjudication. Unlike the regional systems in Europe and the
Americas, it does not have an international human rights court with powers to order states to change their practices or compensate a victim. Its tools are largely limited to consciousness-raising, persuasion, mediation, and exposure of violations to public scrutiny.

5.3 Other United Nations Human Rights Agencies

Human Rights treaties are only one part of the UN's human rights program. In fact, the UN has several agencies and courts, independent of its human rights treaties, to address continuing human rights abuses. Three notable agencies are the High Commissioner for Human Rights (OHCHR), which serves as a full-time advocate for human rights within the UN; the Human Rights Council, which addresses gross human rights violations; and the Security Council, which has the authority to impose diplomatic and economic sanctions, sponsor peacekeeping missions, and authorize military interventions in cases of human rights emergencies.

5.3.1 The High Commissioner for Human Rights

In 1993, following recommendations included in the World Conference on Human Rights in Vienna, the United Nations General Assembly established the Office of the High Commissioner for Human Rights as part of the UN Secretariat. The OHCHR coordinates the many human rights activities within the UN, working closely with treaty bodies, such as the Human Rights Committee, and other UN agencies such as the Human Rights Council. The High-Commissioner assists in the development of new treaties and procedures, sets the agenda for human rights agencies within the UN, and provides advisory services to governments. Most importantly, the High Commissioner serves as a full-time advocate for human rights within the United Nations. The OHCHR also has field offices throughout the world, including offices in Central Asia, East and Southern Africa, the Pacific, Latin America, and the Middle East.

5.3.2 The Human Rights Council

In 2006 the longstanding UN Human Rights Commission was replaced by a new Human Rights Council. The Human Rights Commission was a 56 member committee, authorized by the UN Charter, consisting of state representatives. The stated goals of the replacement were to eliminate "double standards and politicization." The new Council's responsibilities include "promoting universal respect for the protection of all human rights," addressing gross human rights violations, making recommendations to the General Assembly, and "responding promptly to human rights emergencies." The Council's other responsibilities include providing direct assistance to UN member states to help them meet their human rights responsibilities through communication, technical assistance, and capacity building.

The Council consists of 47 members, elected directly and individually by the General Assembly with membership based on equitable geographic distribution. Council members serve terms of three years, with a limitation of no more than two consecutive terms. Procedures for Council membership are aimed at keeping countries with very poor human rights records off the Commission.
Members must be elected by an absolute majority of the General Assembly, requiring 96 votes in a secret ballot, rather than a simple majority of General Assembly members present. The General Assembly also acts as a check on the Council, with the ability to suspend Council members whose countries commit gross human rights violations. The Council meets at least three times per year for a total of not less than ten weeks, with the ability to hold special sessions when necessary.

An important 2008 development within the procedures of the Council is Universal Periodic Review. This is a system of scrutiny and evaluation run by the Council and its staff in which all UN member states are required once every four years to report on, receive evaluation, and have discussed in the Council their human rights practices. This requirement applies whether or not a country participates in human rights treaties.

5.3.3 The Security Council

The Security Council’s mandate under Article 24 of the UN Charter is the maintenance of international peace and security. The fifteen-member body consists of 5 permanent and 10 elected members. Nine votes are needed to approve any measures. Any of the five permanent members (China, France, Russia, the United Kingdom, and the United States) can exercise their veto power to prevent a given action from succeeding. The permanent membership of five countries, with their veto power, is a clear concession to economic and military power within the Security Council. The Security Council can issue binding decisions regarding international security or peace, authorize military interventions and impose diplomatic and economic sanctions. In recent years the Security Council has been willing to discuss and attempt to deal with major human rights crises. After the international failure to intervene to prevent the Rwandan genocide, the Security Council and other UN bodies began to develop the idea of a “Responsibility to Protect”.

5.4 Regional Human Rights Systems

Regional arrangements supplement the UN system by promoting and protecting human rights in particular parts of the world. Three regions—Europe, the Americas, and Africa—have formulated their own declarations and conventions for the protection and enforcement of human rights. Because of their locations, regional agencies and courts have better chances of effectively investigating alleged violations promptly and securing relief for victims. Regional agencies are also likely to be more attuned to the culture and identity of the region and may accordingly have a deeper understanding of problems, circumstances, and possible reforms.

5.4.1 The European System

Beginning in the mid-1950s, the European Court of Human Rights, established under the European Convention for the Protection of Human Rights (1950) showed the world that it was possible to adjudicate and enforce human rights at the international level. Article 3 of the Statute of the Council of Europe requires member states to accept the principles of human rights and
fundamental freedoms within their jurisdictions. The Council even defines its post-1989 role as that of a “human rights watchdog” for post-communist European countries. Since its inception membership in the Council of Europe has more than doubled—currently the Council has nearly 50 member states, about 20 of which are Central or Eastern European states.

The European Convention formulates human rights norms, legally binds member states to respect these norms, and creates a system of adjudication and enforcement. The European Convention’s commitment clause requires all member states to secure these fundamental rights to every person within their jurisdictions. The first section of the European Convention then sets forth the fundamental rights covered in the convention, while the second section establishes the European Court of Human Rights.

The rights set forth in the European Convention are similar to the first twenty-one articles of the Universal Declaration, covering standard civil and political rights. Social rights were treated in a separate document, the European Social Charter. The European Convention defines its rights in greater detail than the Universal Declaration. A good example of this is seen in the right to life. While the Universal Declaration simply sets forth, “everyone has the right to life…,” the European Convention’s formulation is far more specific, requiring a mens rea as a necessary condition for violation and defining specific exceptions to this right.

The European system originally had both a Commission and a Human Rights Court to ensure that member states fulfilled their human rights obligations. In 1998, the European Convention was amended to abolish the Commission, expand and reorganize the Court, and make the Court a full-time operation. Countries that ratify the European Convention agree to respect and implement a list of rights, but they also agree to the investigation, mediation, and adjudication of human rights complaints. The European Court of Human Rights, based in Strasbourg, France, is composed of one judge from each participating state in the Council of Europe. The judges, however, are appointed as independent jurists rather than as state representatives.

Citizens from the participating countries with human rights complaints who have been unable to find a remedy in their national courts may petition the European Court of Human Rights. Complaints by governments about human rights violations in another participating country are also permitted, but are rarely made. If the Court agrees to hear a complaint, it investigates and adjudicates it. Before issuing a judgment, the Court attempts to mediate the dispute. If conciliation fails, the Court will issue a judgment with supporting judicial opinions and impose a remedy. Through this process a large body of international human rights jurisprudence has developed. The Court currently has a very large backlog of cases. In 2004 reforms were implemented to address this problem.

5.4.2 The Inter-American System

The Organization of American States (OAS) is the oldest regional organization of states. In 1948, 21 states signed the OAS Charter, establishing
the regional organization and affirming their commitment to democracy, liberty, and equality before the law. Article 3 of the OAS Charter recognizes the “fundamental rights of the individual without distinction as to race, nationality, creed, or sex.” The Inter-American system has two main documents, the American Declaration of the Rights and Duties of Man and the American Convention on Human Rights; and two main treaty bodies, the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights.

Even before the UN adopted the Universal Declaration, the Organization of American States approved the American Declaration (1948). Like the Universal Declaration, the American Declaration encompasses the entire range of human rights. Additionally, the declaration includes an explicit list of duties, ranging from general duties toward society and one’s children, to an individual’s duty to vote, work, and pay taxes (Articles 29–38).

Despite its early beginnings, the Inter-American system of human rights progressed more slowly than its counterparts. Not until 1969 did the OAS adopt the American Convention on Human Rights, which entered into force in June of 1978. The Convention gave legal force to most of the rights established in the American Declaration with a commitment clause requiring states to adopt legislative or other measures necessary for full implementation of these rights. The Convention does not cover social rights. Those were subsequently added by the Protocol of San Salvador (1988).

The Inter-American Commission on Human Rights was established in 1959 and conducted its first investigation in 1961. The Commission is the first of two permanent bodies for promoting and protecting human rights in the Americas and consists of seven members elected by the OAS General Assembly who serve in their personal capacities.

The Commission’s main functions include investigating individual complaints and preparing reports on countries with severe human rights problems. To this end the Commission is authorized to:

- Receive and investigate individual petitions regarding human rights violations
- Publish reports regarding human rights situations in member states
- Visit member states and investigate general human rights conditions or particular problem areas
- Publish studies on specific subject areas, such as indigenous rights and women’s rights
- Make human rights recommendations to member states
- Submit cases to, or request advisory opinions from the Inter-American Court of Human Rights.

In 1979 the OAS adopted the Statute of the Inter-American Court of Human Rights, officially creating the Inter-American Court and defining its jurisdiction. The Court is authorized to interpret and enforce the Convention
(Davidson 1997). The Court is composed of seven judges who serve a six year term as individuals rather than as government representatives. The Court’s jurisdiction is limited to cases submitted to it by the Inter-American Commission on Human Rights or by the member states. The Court generally holds public hearings and delivers decisions in public sessions.

Historically, the Commission was a more important actor than the Court in the implementation of the American Convention. This seems to be changing, however, as the Court plays an increasingly active and central role.

5.4.3 The African System

The African Charter of Human and Peoples’ Rights was created within the Organization of African Unity in 1981, entering into force in 1986. In 2000 the Organization of African Unity transformed itself into the African Union. The Constitutive Act, whereby this was accomplished, reaffirmed Africa’s determination “to promote and protect human and peoples’ rights.” As of 2010 the African Union has 50 members in good standing.

The African Charter obligates ratifying countries to recognize the rights and duties listed and to adopt legislation or measures to bring them into effect (Article 2). The Charter is divided into two parts. The first part sets forth rights and duties and the second part establishes safeguards for them. Like the American Convention on Human Rights, the African Charter sets out not only rights but also duties of individuals (Articles 27–29). These individual duties, included perhaps to counter claims that human rights promote excessive individualism, are directed to family, society, state, and the international community.

The African Charter explicitly posits group rights—the rights of peoples. Examples of such rights include the right of a group to freely dispose of its natural resources in the exclusive interest of its members (Article 21), and the right of a colonized or oppressed group to free themselves from domination (Article 20).

The Charter created an African Commission on Human and Peoples’ Rights to promote and ensure the protection of human and peoples' rights in Africa (Article 30). The Commission meets twice a year and consists of eleven members of the African community who serve six year terms in their personal capacities. The functions of the Commission are the promotion of human rights, the protection of these rights, interpretation of the African Charter, and the performance of “any other tasks” requested by the AU (Article 45). The Commission is also authorized to perform studies regarding problems in the area of human rights; formulate rules addressing human rights problems; investigate alleged human rights violations; prepare reports discussing human rights abuses; and make recommendations to the AU Assembly (Articles 45–54). Furthermore, states are required to submit regular reports to the Commission on their human rights problems and efforts to address them (Article 62).

The African Court of Human and Peoples’ Rights is now in operation in Arusha, Tanzania. The first election of its eleven judges occurred in 2006. The
judges serve six-year terms and are permitted to serve two terms. The Court issued its first judgment concerning admissibility in 2009.

The African system has enormous human rights problems to address, frequently faces non-cooperation by governments, and has inadequate resources. But despite these problems the African Union seems to be slowly constructing international mechanisms to promote and protect human rights in Africa.

5.4.4 Other regions

Large areas of the world lack functioning regional human rights systems (although they are, of course, covered by the worldwide UN system). No regional system exists in Asia, although the members of Association of Southeast Asian Nations (ASEAN) created in 2009 an Intergovernmental Commission on Human Rights. The Arab League has an Arab Charter of Human Rights but it has received little ratification despite its adoption more than a decade ago.

5.5 The International Criminal Court

After countries throw off oppressive regimes or emerge from civil war they face a period of (what we now call) transitional justice. During this period they face the question of what should be done about prosecuting and punishing political, military, and ethnic leaders who organized and carried out severe human rights violations. The International Criminal Court (ICC) is designed to prevent impunity for human rights crimes, genocide, war crimes, and crimes against humanity. The ICC was based on the models and experience of the Nuremberg Tribunal, the International Tribunal for the Former Yugoslavia, and the International Criminal Tribunal for Rwanda.

The ICC was created in 1998 when 120 States adopted the Rome Statute of the International Criminal Court setting forth the jurisdiction and functions of the Court. This treaty came into force in 2002. In the following year the member states adopted Rules of Procedure and Evidence, Elements of Crimes, an Agreement on Privileges and Immunities, and elected the Court’s 18 judges.

The ICC has a prosecutor who receives petitions, conducts investigations, and prosecutes grave international crimes (Articles 34, 42). The Prosecutor may accept referrals made by State Parties or by the UN Security Council, and may also accept information about crimes from individuals and nongovernmental organizations.

The ICC operates as a backup system to efforts at the national level to prosecute war crimes and human rights violations. Under the doctrine of complementarity, the Court’s jurisdiction comes into play only when a country is unwilling or unable to make a good faith effort to prosecute and convict violators. A person alleged to have committed a crime under the ICC Statute whose country is unwilling or unable to prosecute him or her falls under the jurisdiction of the ICC if (1) the country of which the accused is a citizen is a party to the Statute, or has authorized the jurisdiction of the court in the matter; (2) the country in whose territory the accused allegedly committed the crime is a party to the Statute, or has authorized the jurisdiction of the court in the matter, or (3) the
crime the accused allegedly committed is referred to the Court by the Security Council.

The Court’s jurisdiction is limited to “the most serious crimes of concern to the international community as a whole” (Rome Statute, Article 1). The Statute identifies four crimes over which the ICC may exercise jurisdiction: (1) genocide; (2) crimes against humanity; (3) war crimes; and (4) the crime of aggression against another state.

As of 2013, 122 countries have ratified the ICC. Prominent countries that have not joined include China, India, Israel, Russia, and the USA. No Middle Eastern country except Jordan has ratified.

5.6 Promotion of Human Rights by States

Perhaps the most important role that states play in international human rights law is in defining and establishing that law by creating and ratifying human rights treaties. Treaties are generally authored by committees of state representatives, and they are ratified by executive and legislative consent at the national level. Once a treaty is established, states help give it life by creating domestic legislation to implement it, conforming their conduct to its norms, and using it as a standard for domestic and international evaluation and criticism.

Article 56 of the UN Charter obligates member states to take “joint and separate action” to promote observance of human rights and fundamental freedoms for all. Within a country, means of promoting international human rights include incorporating international norms into a state’s constitution and criminal law; creating limits on federalism; and, promoting human rights through propaganda and education. Perhaps the most basic method is enforcement through law at the national level. For example, to comply with the Genocide Convention a country must make genocide a crime within its own legal system. Much international law is obeyed because its norms have been incorporated into the legal systems of countries (Hathaway 2005). Since the end of the Cold War, numerous states have formulated new or revised constitutions that include human rights. A sampling of these states includes Romania (1991), Slovenia (1991), Congo (1992), Lithuania (1992), Albania (1993), Russian Federation (1993), Moldova (1994), Tunisia (1995), Cameroon (1996), and Poland (1997) (See Alston 1999.)

An example of the incorporation in domestic law of international norms is found in the United Kingdom’s Human Rights Act of 1998. The Act makes the norms of the European Convention part of the domestic law of the UK. Under this Act, a resident of the UK can bring a human rights claim in British courts under this Act instead of having to go to the European Court of Human Rights in Strasbourg, France.

Another mechanism for state promotion of human rights is the creation of national human rights commissions. Their functions include educating people on human rights, promoting human rights, and advising local governments about human rights. Representatives of state commissions are permitted to participate in annual United Nations human rights sessions, enabling a state’s human rights
problems or successes to receive attention at the international level. Countries
with national human rights commissions include Australia, Canada, Fiji, India,
Ireland, Mexico, Nepal, the Philippines, and Uganda, to name a few.

States often take actions, unilaterally or together with other states,
tended to promote and protect human rights in other countries. For example,
in the late 1990s Australia led the military effort to restore peace and respect for
human rights in East Timor. A new crisis erupted in 2006 and Australia,
Portugal, New Zealand, and Malaysia again sent troops to suppress the violence.
States use diplomacy, publishing reports and statements, conditioning access to
trade or aid on human rights improvements, economic sanctions, and military
intervention to promote human rights in other countries.

Humanitarian intervention is the use of force by one state to prevent or
stop gross human rights violations and other humanitarian disasters in another
state. Military intervention, even when it has humanitarian purposes, conflicts
with the idea of non-intervention—a cornerstone of international law. The
principle of non-intervention discourages the use of force against the political and
territorial sovereignty of states, and in doing so promotes international peace and
security. Perhaps humanitarian intervention, like self-defence, is an exception to
the principle of non-intervention.

War can be rationalized by calling it “humanitarian intervention” and
emphasizing high-minded motives. This possibility was seriously debated with
regard to the United States’ intervention in Iraq.

Still, there are situations in which military intervention is the only possible
means of ending a consistent pattern of gross human rights violations. Humanitarian intervention relies on the principle that sovereign nations have an
obligation to respect fundamental human rights. When state officials perpetrate
human rights crimes and the government fails to bring them to justice, the
responsibility of the international community is triggered. International
organizations have been widely criticized for failing to intervene early and
decisively during the genocide in Rwanda.

Efforts by states help add real power to the international human rights
system. The countries of Western Europe along with Canada and Australia have
been the historic pillars of the human rights establishment. (Perhaps the United
States should be added to this list, but its record of compliance with and support
for human rights is very mixed.) These countries have lent their considerable
power and influence to the system, keeping it going during hard times and
helping it expand and flourish in better times. Although these countries all have
human rights problems of their own, and have not always risen to the challenge
of human rights emergencies, they have sometimes provided military and
peacekeeping forces at considerable cost to themselves in money and lives. They
have often worked closely with the Security Council in these efforts. They do not,
however, have a standing legal commitment to do this, except their commitment
under the UN Charter to support the actions of the Security Council.
5.7 **Nongovernmental Organizations**

Nongovernmental organizations such as Human Rights Watch and Doctors without Borders are extremely active at the international level in the areas of human rights, war crimes, and humanitarian aid. Nongovernmental organizations (NGOs) allow for collaborations between local and global efforts for human rights by “translating complex international issues into activities to be undertaken by concerned citizens in their own community”. The functions of international NGOs include investigating complaints, advocacy with governments and international governmental organizations, and policy making. Local activities include fundraising, lobbying, and general education.

Although they do not have the authority to implement or enforce international law, NGOs have several advantages over state organizations in the human rights system. Much of their work includes information processing and fact finding, in which NGOs educate people about their human rights and gather information regarding human rights abuses in violating countries. In this process NGOs have the benefit of access to local people and organizations and are often able to get direct and indirect access to critical information about current human rights violations. Once they gather information, NGOs can design campaigns to educate the international community about these abuses.

A key function of NGOs is advocacy—urging support for human rights and attempting to influence governments or international groups with regard to particular human rights violations. Advocacy involves education, persuasion, and the public shaming of violators. Representatives of NGOs are seen everywhere in the international human rights system. Many international human rights NGOs attend and often participate in the meetings of UN human rights bodies. They provide information about human rights situations through their reports and testimony. They shape the agendas, policies, and treaties of the UN through participation and lobbying. Notable examples include NGO involvement in the development of the Universal Declaration of Human Rights and the UN Declaration on Torture and Other Cruel, Inhuman or Degrading Treatment.

NGOs with affiliates around the world include Amnesty International, Human Rights Watch, the International Commission of Jurists, the International Federation of Human Rights, Minority Group Rights, Doctors without Borders, and Oxfam. Besides these high profile NGOs there are thousands of local and national organizations working on human rights issues.

5.8 **The Future of Human Rights Law**

A person who has read the foregoing account of human rights law may wonder whether all the work that has gone into its creation and implementation has made any difference. If so much international human rights law exists, why is the world such a mess?

A simple answer with much truth in it is that the world’s human rights problems are large and deeply entrenched, and that human rights law and organizations are, by comparison, not very strong—particularly within the United Nations. Some of the countries that have the worst human rights records do not
participate in the UN human rights system and many others participate in a formal and hypocritical way.

Regional systems, particularly in Europe and the Americas, do somewhat better. They have their own human rights courts, are more powerful, and enjoy more serious and sincere participation by many (but not all) of their members.

The first 50 years of the human rights movement were handicapped by the Cold War. With that handicap removed, the 1990s were a period of growth and improvement in human rights law and institutions. The period since 2001 has seen a preoccupation with terrorism that has taken much attention and energy away from other human rights problems.

Success in promoting human rights requires hard-to-achieve success in other areas including building more capable, responsive, efficient, and non-corrupt governments, dealing with failed states, increasing economic productivity (to pay for the protections and services that human rights require), improving the power and status of women, improving education, and managing international tensions and conflicts. Realizing human rights worldwide is a project for centuries, not decades. This is not to say, however, that progress cannot proceed at a faster pace than it currently does.

Still, human rights are more widely accepted than they have ever been. They have become part of the currency of international relations, and most countries participate in the human rights system. Treaty arrangements help encourage and pressure countries to deal with their human rights problems. The human rights project continues and has not failed.

**HUMAN RIGHTS VIOLATION**

**What it Means to Violate Human Rights**

There is now near-universal consensus that all individuals are entitled to certain basic rights under any circumstances. These include certain civil liberties and political rights, the most fundamental of which is the right to life and physical safety. Human rights are the articulation of the need for justice, tolerance, mutual respect, and human dignity in all of our activity. Speaking of rights allows us to express the idea that all individuals are part of the scope of morality and justice.

To protect human rights is to ensure that people receive some degree of decent, humane treatment. To violate the most basic human rights, on the other hand, is to deny individuals their fundamental moral entitlements. It is, in a sense, to treat them as if they are less than human and undeserving of respect and dignity. Examples are acts typically deemed "crimes against humanity," including genocide, torture, slavery, rape, enforced sterilization or medical experimentation, and deliberate starvation. Because these policies are sometimes implemented by governments, limiting the unrestrained power of the state is an important part of international law. Underlying laws that prohibit the various
"crimes against humanity" is the principle of non-discrimination and the notion that certain basic rights apply universally.

**The Various Types of Violations**

The number of deaths related to combat and the collateral damage caused by warfare are only a small part of the tremendous amount of suffering and devastation caused by conflicts. Over the course of protracted conflict, assaults on political rights and the fundamental right to life are typically widespread. Some of the gravest violations of the right to life are massacres, the starvation of entire populations, and genocide. Genocide is commonly understood as the intentional extermination of a single ethnic, racial, or religious group. Killing group members, causing them serious bodily or mental harm, imposing measures to prevent birth, or forcibly transferring children are all ways to bring about the destruction of a group. Genocide is often regarded as the most offensive crime against humanity.

The term "war crime" refers to a violation of the rules of justice in war by any individual, whether military or civilian. The laws of armed conflict prohibit attacks on civilians and the use of weapons that cause unnecessary suffering or long-term environmental damage. Other war crimes include taking hostages, firing on localities that are undefended and without military significance, such as hospitals or schools, inhuman treatment of prisoners, including biological experiments, and the pillage or purposeless destruction of property. Although clearly outlawed by international law, such war crimes are common. According to Kofi Annan, Secretary-General of the United Nations, it is increasingly true that "the main aim... [of conflicts]... is the destruction not of armies but of civilians and entire ethnic groups."

Women and girls are often raped by soldiers or forced into prostitution. For a long time, the international community has failed to address the problem of sexual violence during armed conflict. However, sexual assaults, which often involve sexual mutilation, sexual humiliation, and forced pregnancy, are quite common. Such crimes are motivated in part by the long-held view that women are the "spoils" of war to which soldiers are entitled. Trafficking in women is a form of sexual slavery in which women are transported across national borders and marketed for prostitution. These so-called "comfort women" are another example of institutionalized sexual violence against women during wartime. Sexual violence is sometimes viewed as a way to destroy male and community pride or humiliate men who cannot "protect" their women. It is also used to silence women who are politically active, or simply inflict terror upon the population at large. Mass rapes may also form part of a genocide strategy, designed to impose conditions that lead to the destruction of an entire group of people. For example, during the 1990s, the media reported that "rape and other sexual atrocities were a deliberate and systematic part of the Bosnian Serb campaign for victory in the war" in the former Yugoslavia.

Rather than simply killing off whole populations, government forces may carry out programs of torture. Torture can be either physical or psychological, and aims at the "humiliation or annihilation of the dignity of the person."
Physical torture might include mutilation, beatings, and electric shocks to lips, gums, and genitals. In psychological torture, detainees are sometimes deprived of food and water for long periods, kept standing upright for hours, deprived of sleep, or tormented by high-level noise.

Torture is used in some cases as a way to carry out interrogations and extract confessions or information. Today, it is increasingly used as a means of suppressing political and ideological dissent, or for punishing political opponents who do not share the ideology of the ruling group.

In addition to torture, tens of thousands of people detained in connection with conflicts "disappear" each year, and are usually killed and buried in secret. Government forces "take people into custody, hold them in secret, and then refuse to acknowledge responsibility for their whereabouts or fate." This abduction of persons is typically intended to secure information and spread terror. In most cases, interrogations involve threats and torture, and those who are arrested are subsequently killed. Corpses are buried in unmarked graves or left at dumpsites in an attempt to conceal acts of torture and summary execution of those in custody. Because people disappear without any trace, families do not know whether their loved ones are alive or dead.

Various lesser forms of political oppression are often enacted as well. Individuals who pose a threat to those in power or do not share their political views may be arbitrarily imprisoned, and either never brought to trial or subject to grossly unfair trial procedures. Mass groups of people may be denied the right to vote or excluded from all forms of political participation. Or, measures restricting people's freedom of movement may be enforced. These include forcible relocations, mass expulsions, and denials of the right to seek asylum or return to one's home.

Political oppression may also take the form of discrimination. When this occurs, basic rights may be denied on the basis of religion, ethnicity, race, or gender. Apartheid, which denies political rights on the basis of race, is perhaps one of the most severe forms of discrimination. The system of apartheid in South Africa institutionalized extreme racial segregation that involved laws against interracial marriage or sexual relations and requirements for the races to live in different territorial areas. Certain individuals were held to be inferior by definition, and not regarded as full human beings under the law. The laws established under this system aimed at social control, and brought about a society divided along racial lines and characterized by a systematic disregard for human rights.

In addition, women are uniquely vulnerable to certain types of human rights abuses -- in addition to the sexual abuse mentioned above; entrenched discrimination against women is prevalent in many parts of the world and leads to various forms of political and social oppression. This includes strict dress codes and harsh punishments for sexual "transgressions," which impose severe limitations on women's basic liberties. In addition, women in some regions (Africa, for example) suffer greater poverty than men and are denied political influence, education, and job training.
Human Rights Violations and Intractable Conflict

Many have noted the strong interdependence between human rights violations and intractable conflict. Abuse of human rights often leads to conflict, and conflict typically results in human rights violations. It is not surprising, then, that human rights abuses are often at the centre of wars and that protection of human rights is central to conflict resolution.

Violations of political and economic rights are the root causes of many crises. When rights to adequate food, housing, employment, and cultural life are denied, and large groups of people are excluded from the society's decision-making processes, there is likely to be great social unrest. Such conditions often give rise to justice conflicts, in which parties demand that their basic needs be met.

Indeed, many conflicts are sparked or spread by violations of human rights. For example, massacres or torture may inflame hatred and strengthen an adversary's determination to continue fighting. Violations may also lead to further violence from the other side and can contribute to a conflict's spiralling out of control.

On the flip side, armed conflict often leads to the breakdown of infrastructure and civic institutions, which in turn undermines a broad range of rights. When hospitals and schools are closed, rights to adequate health and education are threatened. The collapse of economic infrastructure often results in pollution, food shortages, and overall poverty. These various forms of economic breakdown and oppression violate rights to self-determination and often contribute to further human tragedy in the form of sickness, starvation, and lack of basic shelter. The breakdown of government institutions results in denials of civil rights, including the rights to privacy, fair trial, and freedom of movement. In many cases, the government is increasingly militarized, and police and judicial systems are corrupted. Abductions, arbitrary arrests, detentions without trial, political executions, assassinations, and torture often follow.

In cases where extreme violations of human rights have occurred, reconciliation and peace building become much more difficult. Unresolved human rights issues can serve as obstacles to peace negotiations. This is because it is difficult for parties to move toward conflict transformation and forgiveness when memories of severe violence and atrocity are still primary in their minds.

What Can Be Done?

International humanitarian law has been enacted to preserve humanity in all circumstances, even during conflicts. Such law "creates areas of peace in the midst of conflict, imposes the principle of a common humanity, and calls for dialogue." It rules out unlimited force or total war and seeks to limit the use of violence in the hopes of maintaining the necessary conditions for a return to peace. Various international committees are in place to monitor compliance with human rights standards and report any violations. When breaches do occur, they
are brought to the attention of international tribunals or tried in an international court or war crimes tribunal.

But conflicts sometimes progress beyond the state at which international law can help. As the number of victims grows and more individuals are taken prisoner, tortured, or executed, it becomes more difficult to resort to the legal path.

In addition, it is often difficult to "reconcile the safeguarding of human rights with conflict resolution." Many peacekeeping and conflict-prevention initiatives have failed both to protect human rights and help the parties towards conflict resolution. In part this is due to the fact that while wars between states have diminished, wars within states have escalated. Many internal conflicts involve a surge in organized violence. Genocide, crimes against humanity, and aggression against civilians have become a central part of warfare in these "internal" conflicts. Such violence often arises out of identity issues -- in-group/out-group dynamics -- and attempts of one ethnic or religious group to gain and maintain political control and to exclude other groups. Such conflicts are often not fought over principles or ideas, but rather focus on differences. The "outsiders" are dehumanized, making human rights violations such as severe discrimination or ethnic cleansing all the more psychologically feasible. Thus, attacks on human rights are often at the very heart of these internal conflicts.

In response, public authorities must regain control of organized violence. This means a re-establishment of the rule of law and a rebuilding of trust in public authorities. In addition, more inclusive, democratic values are needed to defuse exclusivist ideals. In the face of such violations, leaders must champion international legal norms and human rights. These human rights norms are central to the maintenance of civil society, and necessary for grounding attitudes of tolerance and mutual respect within communities.

Serious difficulties arise, however, when those in power are responsible for human rights violations. In this case, outside intervention is necessary to stop the abuse.

**The Question of Humanitarian Intervention**

There is much disagreement about when and to what extent outside countries can engage in humanitarian intervention. More specifically, there is debate about the efficacy of using military force to protect the human rights of individuals in other nations. This sort of debate stems largely from a tension between state sovereignty and the rights of individuals.

Some defend the principles of state sovereignty and non-intervention, and argue that other states must be permitted to determine their own course. It is thought that states have diverse conceptions of justice, and international coexistence depends on a pluralist ethic whereby each state can uphold its own conception of the good. Among many, there is "a profound skepticism about the possibilities of realizing notions of universal justice." States that presume to judge what counts as a violation of human rights in another nation interfere with that nation's right to self-determination. In addition,
requiring some country to respect human rights is liable to cause friction and can lead to far-reaching disagreements. Thus, acts of intervention may disrupt interstate order and lead to further conflict.

Others think, "Only the vigilant eye of the international community can ensure the proper observance of international standards, in the interest not of one state or another but of the individuals themselves." They maintain that massive violations of human rights, such as genocide and crimes against humanity, warrant intervention, even if it causes some tension or disagreement. Certain rights are inalienable and universal, and "taking basic rights seriously means taking responsibility for their protection everywhere." If, through its atrocious actions, a state destroys the lives and rights of its citizens, it temporarily forfeits its claims to legitimacy and sovereignty. Outside governments then have a positive duty to take steps to protect human rights and preserve life. In addition, it is thought that political systems that protect human rights reduce the threat of world conflict. Thus, intervention might also be justified on the ground of preserving international security.

Nevertheless, governments are often reluctant to commit military forces and resources to defend human rights in other states. In addition, the use of violence to end human rights violations poses a moral dilemma insofar as such interventions may lead to further loss of innocent lives. It is imperative that the least amount of force necessary to achieve humanitarian objectives be used, and that intervention not do more harm than good. Lastly, there is a need to ensure that intervention is legitimate, and motivated by genuine humanitarian concerns. The purposes of intervention must be apolitical and disinterested. However, if risks and costs of intervention are high, it is unlikely that states will intervene unless their direct interests are involved.

Many note that in order to truly address human rights violations, we must strive to understand the underlying causes of these breaches. These causes have to do with underdevelopment, economic pressures, various social problems, and international conditions. Indeed, the roots of repression, discrimination, and other denials of human rights stem from deeper and more complex political, social, and economic problems. It is only by understanding and ameliorating these root causes and strengthening civil society that we can truly protect human rights.

UNITED NATIONS’

UNIVERSAL DECLARATION OF HUMAN RIGHTS

While some dictionaries define the word right as “a privilege,” when used in the context of “human rights,” we are talking about something more basic. Every person is entitled to certain fundamental rights, simply by the fact of being human. These are called “human rights” rather than a privilege (which can be taken away at someone’s whim). They are “rights” because they are things you are allowed to be, to do or to have. These rights are there for your protection against people who might want to harm or hurt you. They are also there to help us get along with each other and live in peace.
Many people know something about their rights. Generally they know they have the right to food and a safe place to stay. They know they have a right to be paid for the work they do. But there are many other rights. When human rights are not well known by people, abuses such as discrimination, intolerance, injustice, oppression and slavery can arise.

Born out of the atrocities and enormous loss of life during World War II, the United Nations Universal Declaration of Human Rights was signed in 1948 to provide a common understanding of what everyone’s rights are. It forms the basis for a world built on freedom, justice and peace.

Rights for all members of the human family were first articulated in 1948 in the United Nations’ Universal Declaration of Human Rights (UDHR). Following the horrific experiences of the Holocaust and World War II, and amid the grinding poverty of much of the world’s population, many people sought to create a document that would capture the hopes, aspirations, and protections to which every person in the world was entitled and ensure that the future of humankind would be different.

The 30 articles of the Declaration together form a comprehensive statement covering economic, social, cultural, political, and civil rights. The document is both universal (it applies to all people everywhere) and indivisible (all rights are equally important to the full realization of one's humanity). A declaration, however, is not a treaty and lacks any enforcement provisions. Rather it is a statement of intent, a set of principles to which United Nations member states commit themselves in an effort to provide all people a life of human dignity.

Over the past 50 years the Universal Declaration of Human Rights has acquired the status of customary international law because most states treat it as though it were law. However, governments have not applied this customary law equally. Socialist and communist countries of Eastern Europe, Latin America, and Asia have emphasized social welfare rights, such as education, jobs, and health care, but often have limited the political rights of their citizens. The United States has focused on political and civil rights and has advocated strongly against regimes that torture, deny religious freedom, or persecute minorities. On the other hand, the US government rarely recognizes health care, homelessness, environmental pollution, and other social and economic concerns as human rights issues, especially within its own borders.

Across the USA, a movement is rising to challenge this narrow definition of human rights and to restore social, economic, and cultural rights to their rightful place on the human rights agenda. The right to eat is as fundamental as the right not to be tortured or jailed without charges!

The following are the simplified version of the 30 Articles of the UN Universal Declaration of Human Rights.

1. We Are All Born Free & Equal. We are all born free. We all have our own thoughts and ideas. We should all be treated in the same way.
2. **Don't Discriminate.** These rights belong to everybody, whatever our differences.

3. **The Right to Life.** We all have the right to life, and to live in freedom and safety.

4. **No Slavery.** Nobody has any right to make us a slave. We cannot make anyone our slave.

5. **No Torture.** Nobody has any right to hurt us or to torture us.

6. **You Have Rights No Matter Where You Go.** I am a person just like you!

7. **We're all equal Before the Law.** The law is the same for everyone. It must treat us all fairly.

8. **Your Human Rights Are Protected by Law.** We can all ask for the law to help us when we are not treated fairly.

9. **No Unfair Detainment.** Nobody has the right to put us in prison without good reason and keep us there, or to send us away from our country.

10. **The Right to Trial.** If we are put on trial this should be in public. The people who try us should not let anyone tell them what to do.

11. **We're always innocent Till Proven Guilty.** Nobody should be blamed for doing something until it is proven. When people say we did a bad thing we have the right to show it is not true.

12. **The Right to Privacy.** Nobody should try to harm our good name. Nobody has the right to come into our home, open our letters, or bother us or our family without a good reason.

13. **Freedom to Move.** We all have the right to go where we want in our own country and to travel as we wish.

14. **The Right to Seek a Safe Place to Live.** If we are frightened of being badly treated in our own country, we all have the right to run away to another country to be safe.

15. **Right to a Nationality.** We all have the right to belong to a country.

16. **Marriage and Family.** Every grown-up has the right to marry and have a family if they want to. Men and women have the same rights when they are married, and when they are separated.

17. **The Right to Your Own Things.** Everyone has the right to own things or share them. Nobody should take our things from us without a good reason.

18. **Freedom of Thought.** We all have the right to believe in what we want to believe, to have a religion, or to change it if we want.

19. **Freedom of Expression.** We all have the right to make up our own minds, to think what we like, to say what we think, and to share our ideas with other people.
20. **The Right to Public Assembly.** We all have the right to meet our friends and to work together in peace to defend our rights. Nobody can make us join a group if we don’t want to.

21. **The Right to Democracy.** We all have the right to take part in the government of our country. Every grown-up should be allowed to choose their own leaders.

22. **Social Security.** We all have the right to affordable housing, medicine, education, and childcare, enough money to live on and medical help if we are ill or old.

23. **Workers’ Rights.** Every grown-up has the right to do a job, to a fair wage for their work, and to join a trade union.

24. **The Right to Play.** We all have the right to rest from work and to relax.

25. **Food and Shelter for All.** We all have the right to a good life. Mothers and children, people who are old, unemployed or disabled, and all people have the right to be cared for.

26. **The Right to Education.** Education is a right. Primary school should be free. We should learn about the United Nations and how to get on with others. Our parents can choose what we learn.

27. **Copyright.** Copyright is a special law that protects one’s own artistic creations and writings; others cannot make copies without permission. We all have the right to our own way of life and to enjoy the good things that art, science and learning bring.

28. **A Fair and Free World.** There must be proper order so we can all enjoy rights and freedoms in our own country and all over the world.

29. **Responsibility.** We have a duty to other people, and we should protect their rights and freedoms.

30. **No One Can Take Away Your Human Rights.**
MOVEMENTS AGAINST RACIAL DISCRIMINATION

ANTI-SLAVERY MOVEMENTS

Slavery was an event that has been going on for many years. It caused many problems; therefore some people knew it had to be stopped. The Anti-Slavery Movement began during the 1700s in Europe and later on it spread to the United States. In the U.S. there were many abolitionist leaders that were aiming to abolish slavery and some also aimed to give the slaves their rights. Many of those abolitionist leaders formed anti-slavery societies that included people who were against slavery. There was a very important event that happened during the anti-slavery movement. This event is the Underground Railroad. Frederick Douglass was a very important African-American figure during the anti-slavery movement. The document that ended slavery was the Emancipation Proclamation. Slavery had persisted for many years. It caused protest, rebellion, and social and civil war because many people were against slavery and wanted to end it.

WILLIAM WILBERFORCE (1759-1833)

Wilberforce was a deeply religious English member of parliament and social reformer; who was very influential in the abolition of the slave trade and eventually slavery itself in the British Empire.

William Wilberforce was born on 24 August 1759 in Hull, the son of a wealthy merchant. He studied at Cambridge University where he began a lasting friendship with the future prime minister, William Pitt the Younger. In 1780, Wilberforce became Member of Parliament for Hull, later representing Yorkshire. His dissolute lifestyle changed completely when he became an evangelical Christian, and in 1790 joined a leading group known as the Clapham Sect. His Christian faith prompted him to become interested in social reform, particularly the improvement of factory conditions in Britain.

The abolitionist Thomas Clarkson had an enormous influence on Wilberforce. He and others were campaigning for an end to the trade in which British ships were carrying black slaves from Africa, in terrible conditions, to the West Indies as goods to be bought and sold. Wilberforce was persuaded to lobby for the abolition of the slave trade and for 18 years he regularly introduced anti-slavery motions in parliament. The campaign was supported by many members of the Clapham Sect and other abolitionists who raised public awareness of their cause with pamphlets, books, rallies and petitions. In 1807, the slave trade was finally abolished, but this did not free those who were already slaves. It was not until 1833 that an act was passed giving freedom to all slaves in the British Empire.
Wilberforce’s other efforts to ‘renew society’ included the organisation of the Society for the Suppression of Vice in 1802. He worked with the reformer, Hannah More, in the Association for the Better Observance of Sunday. Its goal was to provide all children with regular education in reading, personal hygiene and religion. He was closely involved with the Royal Society for the Prevention of Cruelty to Animals. He was also instrumental in encouraging Christian missionaries to go to India.

Wilberforce retired from politics in 1825 and died on 29 July 1833, shortly after the act to free slaves in the British Empire passed through the House of Commons. He was buried near his friend Pitt in Westminster Abbey.

**QUESTION OF SLAVERY AND THE CIVIL WAR IN AMERICA, 1861-1865**

The American Civil War is one of the most prominent events in American history, and it changed many things not just in America alone, but in the world as well. Rapid thought tells us that yes, this was an inevitable event. But historical events are not that easy to decipher. There are numerous examples that show us that, prominent and important historical events do not occur due to one reason or due to some easily identifiable reasons. Instead, a confluence of a large number of unpredictable and seemingly, unrelated events lead to the specific outcomes; we have studied for many years.

The American Civil War was no different in this regard, and no one can say that they truly saw it coming. It is easy to speculate in retrospect and say that the war was unavoidable, but the truth is far more complicated than that. In reality, the American Civil War was not inevitable and it could have easily been avoided. But, once it crossed a certain threshold, there was no turning back.

**CAUSES AND EFFECTS OF THE CIVIL WAR**

While the term 'civil war' generically refers to a war within the nation, it has now become synonymous to the American Civil War - also known as the War Between the States - of 1861, which was fought between the United States of America (Union) and the Confederate States of America (Confederacy). While the Union was backed by various Free states and the five border slave states, the Confederacy comprised the eleven Southern slave states which had seceded from the Union. The war started on 12th April, 1861, and came to an end on 9th April, 1865, thus lasting for four years and resulting in heavy loss of life and property.

**CAUSES OF THE CIVIL WAR**

Causes for the outbreak of Civil War existed in plenty, and one of the most prominent among them was the prevalence of slavery in the United States during this period. While the economy of the Northern states was driven by industries, the same was driven by agriculture in the Southern states. The Southern states were in favour of slavery as they needed these slaves to work as labourers on their fields. When the Federal Government decided to end the unethical practice of slavery, it was strongly opposed by the politicians from the Southern states. At the end of the day, both sides were at the loggerheads with Northern states accusing the slave states of being a threat to the democracy, and the Southern states accusing the free states of attacking their culture.
In the meanwhile, the Republican candidate Abraham Lincoln became the President of the United States by defeating John C. Breckinridge - the nominee of the Southern faction, by a huge margin. Lincoln's pro-abolition stance had always been a threat for the Southern states and his election came in as a major blow for them. Adding to the woes was the decision of the slave state of Kansas, which declared itself a free state and joined the Union. In a brave attempt, the Southern states decided to secede from the Union and formed the Confederate States of America (also known as Confederacy) under the leadership of Jefferson Davis. When the first seven states declared the secession on 4th March, 1861, the Federal government questioned its legality and labelled it a rebellion, which prompted four more states to join the Confederacy.

The economic divide between the Northern states and Southern states was also among one of the most prominent causes of the Civil War. The people from Southern slave states always thought that the Federal government was biased towards the Northern states, and when the legality of secession was questioned it just added fuel to the fire. The actual War began when the Confederate forces attacked a U.S. military installation in South Carolina. What followed was a brutal period of four years, wherein millions of Americans, especially youth between the age group of 20-30, lost their lives.

**EFFECTS OF THE CIVIL WAR**

The American Civil War finally came to an end with a victory for the Union on 9th April, 1865. Over the next few months, the Confederate forces surrendered in different parts of the country. Soon after the War, President Lincoln under his capacity of being the Commander in Chief of the Army and Navy issued the Emancipation Proclamation which declared the freedom of all slaves in the Confederate States of America. As many as 3.5 million blacks were freed from the clutches of slavery during the Civil War. The reconstruction phase, which had begun during the war itself, came to an end in 1877. During the reconstruction phase, the authorities tried to address the issues caused by reunion of states. Special emphasis was given to the act of determining the legal status of the eleven Southern states which seceded from the Union.

As far as the economic effects of the Civil War are concerned, they were by and large in the favour of Northern states. Many policies intended to boost the industrial sector of the United States were not given a nod because they were staunchly opposed by the Southern states legislators. When these legislators resigned during secession, the legislators from the Northern states lobbied to approve all these pending policies and gave the industrial sector of the United States the much-needed boost. Similarly, acts like the Morrill Tariff of 1861 and the National Bank Act of 1863, which were introduced just after the Civil War played a crucial role in the development of the United States.

While the main reason for the outbreak of this war, i.e. slavery, was abolished, the war did leave some blots on the American history. As many as 1,030,000 people lost their lives in this war, among which 620,000 were soldiers. The gruesomeness of this war is highlighted by the fact that the total number of
deaths in Civil War is more than the total number of deaths in all the other wars of United States combined.

SLAVERY DURING THE CIVIL WAR

Civil war is known as the bloodiest war in the history of America and any discussion on this subject will not be complete without the mention of slavery. This article will attempt to provide some information on the life of slaves during the Civil War.

The history of slavery in America dates back to the seventeenth century when slaves were brought to Virginia in 1619. The era of slavery in US can be broadly divided into three sections,

- The Antebellum
- Slavery during the Civil War
- The Reconstruction

We will be focusing our attention on the lives of slaves during the Civil War - a war many believe was fought for their emancipation. But before we get an insight into this subject, it is important to know in brief the events that led to the Civil War.

Abraham Lincoln was elected the President of United States in 1860 and this propelled anxiety and fear in the minds of the southern states who believed that the government will pass laws that will dampen their economy and the 'southern way of life.' This was primarily because of the reason that northerners hadn’t too much at stake in the institution of slavery. Their economy chiefly depended on industries and factories. South, on the other hand, depended on slaves heavily for their work. The plantations of indigo, tobacco, rice, and cotton (after the invention of cotton gin) required hard labour and the slaves were made to work for long hours so that profit was maximized.

Many people believe that the Civil War was about North’s struggle to emancipate the slaves and South’s fight to continue the slave trade. However, it should be remembered that the North did not go to war to emancipate the slaves, instead Abraham Lincoln, before becoming the President had explicitly stated that his aim wasn’t to abolish slavery, but to contain its spread. However, the southern states (none of which had voted for Abraham Lincoln) believed that the election of Abraham Lincoln was detrimental to their economy, and hence, there was no other option than secession.

South Carolina was the first state to declare secession from the United States in 1861. Other southern states which had considerable stake in the slave labour soon followed suit and seceded from the Union. These were Mississippi, Georgia, Alabama, Florida, Louisiana, and Texas. These states came to be known as the Confederate States.

The event that precipitated the Civil War was the aggression at Fort Sumter (a fort in the Southern State of South Carolina) by the Confederacy. This prompted Abraham Lincoln to call 75,000 volunteers to help the Union in fighting
the Confederate States. As the skirmish was heading to become a full-fledged war, four more southern states seceded and joined the Confederacy. These were the states of Virginia, Arkansas, Tennessee, and North Carolina. These eleven states fought against the twenty-three states of the Union, and thus began America’s bloodiest war which left over 620,000 people dead.

**Contraband of War**

Slaves who ran away from their masters during the onset of Civil War found sanctuary in the Union border lines, but as per the Fugitive Slave Act, the escaped slaves had to be returned to their masters. However, in Union controlled Virginia, General Benjamin Butler came up with a strategy that earned him the title of "Beast Butler" among the southerners. General Butler declared escaped slaves as "contraband of war", and it rendered the Fugitive Slave Act ineffective. This encouraged thousands of slaves to cross over to the Union side with the assurance that they will be not returned to their masters.

**Slaves in the Confederacy**

In the south, the army took slaves with them to the frontline to do menial works like washing, cooking, digging etc. The idea was that by using the slaves for these chores, the army would be able to use more white men as soldiers. However, this move boomeranged badly as not only did the soldiers escape on the first opportunity, but they also provided intelligence inputs to the Union army.

As the Union army (6 million) easily outnumbered the Confederacy (2 million), there was a desperate need for the south to push more men in the war. Still hesitating to arm slaves, the responsibility fell on the laymen of the south who worked in industries and factories. These people neither owned any slaves nor had any interests in the institution, but they joined the war because they inherently believed that the North must be defeated in order to ensure that their southern way of life is not hindered. Because of the influx of working white men in the Confederate army, there was a shortage of labourers in the industries and factories. To counter this, the owners decided to allow the slaves to fill in for the whites. Slaves were also made to work on rail lines, and the work was harsher than it was on the plantations. In the final days of the Civil War, the Confederates, who had always thought of slaves as inferior, contemplated allowing them to join the army and fight against the Union. However, before any progress could be made on this, the Confederates lost the war.

Although life was much difficult for slaves on the frontline, the condition of bondsmen on plantations was not good either. The war had caused a shortage in the supply of food, and slaves were the first to face the brunt of this deprivation. One thing that had changed on the plantation was that the slaves had started to rebel, albeit in a different way. The slaves slowed down their pace of working as there was a shortage of supervisors on the fields. With a majority of white men fighting a fratricidal war on the borders, it was left to white women and elderly to rein in the slaves. But, their attempts at disciplining the soldiers turned futile and many slaves refused to obey their orders.
Slaves in the Union

The problem for Lincoln was that he had not foreseen the emergence of such a large number of escaped slaves. The Union army, though sophisticated in its war-effort, lacked the skills to deal with the burgeoning number of slaves. The slaves were provided with food and shelter, but their life was similar if not worse as it was in the Southern states. They had to perform the same tasks like digging latrines, building fortifications, laundry etc.

Although Abraham Lincoln was anti-slavery, to preserve the Union he had to think about the repercussions abolishment would have on the whole country. A majority of Northerners were anti-slavery as well, but it won't be right to say that they considered blacks as equals. Soldiers serving in the Union army resented the fact that they had to stay away from their families in such hostile conditions to fight for the rights of slaves. This caused animosity in their hearts towards the escaped slaves and there were several reports of ill-treatment. Lincoln had first thought that the free slaves would be resettled somewhere outside America, and the government will fund this exercise initially until the slaves develop their own economy, however, not many northerners were in favour of this proposal and eventually, this plan never materialized.

The Beginning of Emancipation

Although Confederacy had not been recognized as an independent country by any European power, there were simmering apprehensions among the North that if something drastic is not done, Confederacy may well gain an advantage by having the international support with it. Amidst mounting pressure by abolitionists and international countries, Abraham Lincoln slowly began the emancipation program. This was a major breakthrough in the war as till now, the Union war motto was to preserve the Union, but now for the first time since the war had started, emancipation of slaves took centre stage.

On September 22, 1862, Abraham Lincoln issued what is known as the Preliminary Emancipation Proclamation. It explicitly stated that slaves in the rebel states would be declared free after 1st January, 1863. The proclamation did nothing to deter the south from retreating and fighting continued as usual. As promised, Abraham Lincoln issued the Emancipation Proclamation on 1st January, 1863. Here is an excerpt of the Proclamation,

That on the first day of January, in the year of our Lord one thousand eight hundred and sixty-three, all persons held as slaves within any State or designated part of a State, the people whereof shall then be in rebellion against the United States, shall be then, thenceforward, and forever free; and the Executive Government of the United States, including the military and naval authority thereof, will recognize and maintain the freedom of such persons, and will do no act or acts to repress such persons, or any of them, in any efforts they may make for their actual freedom.

The important thing to note in this proclamation was that it did not speak anything about the future of slaves in the loyal Border States. Historians believe
that although the proclamation was more symbolic than effectual, and it was the stepping stone towards the abolishment of slavery three years later.

**Slaves in the Army: From Victims to Soldiers**

After the announcement of Emancipation Proclamation, pressure had been mounting on the Union government to allow slaves to fight against the South. However, this was met with much skepticism as not many people in the north thought that slaves could be good soldiers. They also thought that by enlisting the slaves in the army, the world will get the notion that the Union army is not competent enough to fight the war on its own. However, the prospect of a seemingly unending war convinced Lincoln that it was time that the slaves be allowed to fight their oppressors. The Second Confiscation and Militia Act (1862) was passed and it allowed the President to employ slaves to join the army and help it in suppressing the rebellion.

Many slaves thought that they will now be able to fight the war which started for their emancipation, but to their dismay, they were confined to service units while the whites did all the fighting. To make matters worse, the slave soldiers experienced what is now termed as 'institutional racism'. The white soldiers were paid $13 per week, but the slave soldiers were paid $10 only. Also, a part of the wage was deducted for clothing charges, which left the slave soldiers with around $7 per week.

The first significant step in formation of an African American unit took place in New Orleans where three National Guards were formed, but, the biggest moment of triumph and vindication came on July 18, 1863 when the 54th Massachusetts - a unit comprising mainly African Americans attacked Fort Wagner. The Confederacy soldiers inside the fort retaliated and the 54th Massachusetts lost as many as 600 soldiers. Although, the troops were not successful in conquering Ford Wagner, the sacrifice and valour of the soldiers proved that the slaves wanted freedom and they could lay down their life to achieve it. By the time the war was over in 1865, about 180,000 black men had served in the Union army. The total casualty of the slave soldiers was 40,000 out of which 30,000 died of illness and epidemics.

**Abolishment of Slavery**

The Civil War ended in 1865 with the Northern forces under the Union defeating the southern states fighting under Confederacy. The Congress passed the 13th amendment which abolished slavery in the United States on January 31, 1865, and it was ratified by the states on December 6, 1865. The amendment stated,

*Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.*

The period of Reconstruction started soon after and there was a significant change in the lives of slaves in the South. It would be wrong to say that after the end of Civil War, the slaves were treated as equals, but their condition changed from being slave labourers to free labourers.
ABRAHAM LINCOLN (1809-1865)

The 16\textsuperscript{th} president of the United States and president during the Civil War (1861–1865), Abraham Lincoln will forever be remembered by his inspirational rise to fame, his efforts to rid the country of slavery, and his ability to hold together a divided nation. Lincoln's Emancipation Proclamation, Gettysburg Address, and two outstanding inaugural addresses are widely regarded as some of the greatest speeches ever delivered by an American politician.

Starting life in a log cabin

Abraham Lincoln was born to Thomas and Nancy Lincoln on February 12, 1809, in a log cabin on a farm in Hardin County, Kentucky. Two years later the family moved to a farm on Knob Creek. There, when there was no immediate work to be done, Abraham walked two miles to the schoolhouse, where he learned the basics of reading, writing, and arithmetic.

When Abraham was seven, his father sold his lands and moved the family into the rugged wilderness of Indiana across the Ohio River. After spending a winter in a crude shack, the Lincolns began building a better home and clearing the land for planting. They were making progress when, in the summer of 1818, a terrible disease known as milk sickness struck the region. First it took the lives of Mrs. Lincoln's uncle and aunt, and then Nancy Hanks Lincoln herself died. Without Mrs. Lincoln the household began to fall apart, and much of the workload fell to Abraham and his sister.

The next winter Abraham's father returned to Kentucky and brought back a second wife, Sarah Bush Johnson, a widow with three children. As time passed, the region where the Lincolns lived grew in population. Lincoln himself grew tall and strong, and his father often hired him out to work for neighbors. Meanwhile, Lincoln's father had again moved his family to a new home in Illinois, where he built a cabin on the Sangamon River. At the end of the first summer in Illinois, disease swept through the region and put the Lincolns on the move once again. This time it was to Coles County. Abraham, who was now a grown man, did not go along. Instead he moved to the growing town of New Salem, where he was placed in charge of a mill and store.

Entering public life

Life in New Salem was a turning point for Lincoln, and the great man of history began to emerge. To the store came people of all kinds to talk and trade and to enjoy the stories told by this unique and popular man. The members of the New Salem Debating Society welcomed him, and Lincoln began to develop his skills as a passionate and persuasive speaker. When the Black Hawk War (1832) erupted between the United States and hostile Native Americans, the volunteers of the region quickly elected Lincoln to be their captain.

After the war he announced himself as a candidate for the Illinois legislature. He was not elected, but he did receive 277 of the 300 votes cast in the New Salem precinct. In 1834, after another attempt, Lincoln was finally elected to the state legislature. Lincoln's campaign skills greatly impressed John Todd
Stuart (1807–1885), a leader of the Whigs, one of two major political parties in the country at the time. Stuart was also an outstanding lawyer in Springfield, Illinois, and soon took Lincoln under his care and inspired him to begin the study of law.

Lincoln served four straight terms in the legislature and soon emerged as a party leader. Meanwhile, he mastered the law books he could buy or borrow. In September 1836 Lincoln began practicing law and played an important part in having the Illinois state capital moved from Vandalia to Springfield. In 1837 Lincoln himself moved to Springfield to become Stuart's law partner. He did not, however, forget politics. In 1846 Lincoln was elected to the U.S. Congress. During these years Lincoln had become engaged to Mary Todd (1818–1882), a cultured and well-educated Kentucky woman. They were married on November 2, 1842.

**First failure**

When Congress met in December 1847, Lincoln expressed his disapproval with the Mexican War (1846–48), in which American and Mexican forces clashed over land in the Southwest. These views, together with his wish to abolish, or end, slavery in the District of Columbia, brought sharp criticism from the people back in Illinois. They believed Lincoln was "not a patriot" and had not correctly represented his state in Congress.

Although the Whigs won the presidency in 1848, Lincoln could not even control the support in his own district. His political career seemed to be coming to a close just as it was beginning. His only reward for party service was an offer of the governorship of far-off Oregon, which he refused. Lincoln then returned to Illinois and resumed practicing law.

**War on the horizon**

During the next twelve years, while Lincoln rebuilt his legal career, the nation was becoming divided. While victory in the Mexican War added vast western territory to the United States, then came the issue of slavery in those new territories. To Southerners, the issue involved the security and rights of slavery everywhere. To Northerners, it was a matter of morals and justice. A national crisis soon developed. Only the efforts of Senators Henry Clay (1777–1852) and Daniel Webster (1782–1852) brought about the Compromise of 1850. With the compromise, a temporary truce was reached between the states favoring slavery and those opposed to it. The basic issues, however, were not eliminated. Four years later the struggle was reopened.

Lincoln's passionate opposition to slavery was enough to draw him back into the world of politics. He had always viewed slavery as a "moral, social and political wrong" and looked forward to its eventual abolition. Although willing to let it alone for the present in the states where it existed, he would not see it extended one inch.

At the same time, Illinois Senator Stephen A. Douglas (1813–1861) drafted the Kansas-Nebraska Act, which would leave the decision of slavery up to the new territories. Lincoln thought the bill ignored the growing Northern determination to rid the nation of slavery. Soon, in opposition to the expansion of
slavery, the Republican party was born. When Douglas returned to Illinois to defend his position, Lincoln seized every opportunity to point out the weakness in it.

**Republican leader**

Lincoln's failure to receive the nomination as senator in 1855 convinced him that the Whig party was dead. By summer 1856 he became a member of the new Republicans. Lincoln quickly emerged as the outstanding leader of the new party. At the party's first national convention in Philadelphia, Pennsylvania, he received 110 votes for vice president on the first ballot. Although he was not chosen, he had been recognized as an important national figure.

National attention began turning toward the violence in Kansas and the Supreme Court decision in the Dred Scott case, which debated the issue of slavery in the new territories. Meanwhile, Douglas had returned to Illinois to wage his fight for reelection to the Senate. But unlike in earlier elections, Illinois had grown rapidly and the population majority had shifted from the southern part of the state to the central and northern areas. In these growing areas the Republican Party had gained a growing popularity—as had Abraham Lincoln.

As Lincoln challenged Douglas for his seat in the Senate, the two engaged in legendary debates. During the Lincoln-Douglas debates, Lincoln delivered his famous "house divided" speech, stating "A house divided against itself cannot stand. I believe the government cannot endure permanently half slave and half free." Lincoln proved his ability to hold his own against the man known as the "Little Giant." In the end Douglas was reelected as senator, but Lincoln had gained national attention and his name was soon mentioned for the presidency.

**The 16th president**

In 1860 the Republican National Convention met and chose Lincoln as their candidate for president of the United States. With a divided Democratic party and the recent formation of the Constitutional Union party, Lincoln's election was certain. After Lincoln's election victory, parts of the country reacted harshly against the new president's stand on slavery. Seven Southern states then seceded, or withdrew, from the Union and formed the Confederate States of America.

In his inaugural address he clarified his position on the national situation. Secession, he said, was wrong, and the Union could not legally be broken apart. He would not interfere with slavery in the states, but he would "hold, occupy, and possess" all property and places owned by the federal government. By now there was no avoiding the outbreak of the Civil War.

**The Civil War**

From this time on, Lincoln's life was shaped by the problems and fortunes of civil war. As president, he was the head of all agencies in government and also acted as commander in chief, or supreme commander, of the armies. Lincoln was heavily criticized for early failures. Radicals in Congress were soon demanding a reorganization of his cabinet, or official advisors, and a new set of generals to
lead his armies. To combat this, Lincoln himself studied military books. He correctly evaluated General Ulysses S. Grant (1822–1885) and General William T.Sherman (1820–1891) and the importance of the western campaign. Thanks, in part, to Lincoln’s reshuffling of his military leaders, the Union forces would soon capture victory over the Confederates.

Afterward, Lincoln issued his Emancipation Proclamation. The proclamation called for the freeing of all slaves in territories still at war with the Union. Later, during his Gettysburg Address, he gave the war its universal meaning as a struggle to preserve a nation based on freedoms and dedicated to the idea "that all men are created equal."

Lincoln was reelected in 1864. As the end of the Civil War appeared close, Lincoln urged his people "to bind up the nation's wounds" and create a just and lasting peace. But Lincoln would never be able enjoy the nation he had reunited. Five days after the Confederate army surrendered and ended the Civil War, Lincoln was shot by John Wilkes Booth at Ford’s Theater in Washington, D.C., on April 14, 1965. The president died the next day.

Although the reasons for Lincoln’s assassination would be debated, his prominent place in American history has never been in doubt. His work to free the slaves earned him the honorable reputation as the Great Emancipator. His ability to hold together a country torn apart by civil war would forever secure his place as one of America's greatest presidents.

**MAHATMA GANDHI**

Mohandas Karamchand Gandhi(1869-1948) popularly known as Mahatma Gandhi was a major political and spiritual leader of India who led the country in the non-cooperation movement in 1922 and Salt march in 1930 and later in Quit India movement in 1942 during its struggle for independence. Known as Beloved Baapu in India, Mahatma Gandhi adopted the policy of mass disobedience and non-violent resistance as weapons against the British Rule in India and followed a principle of Ahimsa (total Non-Violence). He endured several hardships, was arrested and occasionally beaten in his journey and struggle to Justice and Freedom. However, his struggle does not restrict to India itself, as the leader played a key role in the Civil Rights movement in South Africa and secured them the right to justice and equality. His birthday 2 October is commemorated as Gandhi Jayanti, a national holiday and as the International Non-Violence day across the world.

Mohandas Karamchand Gandhi was born in Porbandar, a town in Gujarat in western India on 2 October 1869. His father Karamchand Gandhi was the Diwan of Porbandar state of British India. His mother Putlibai was Karamchand’s fourth wife. Having born in a Hindu family Gandhi strictly followed vegetarianism and fasting as means of self-purification. At the age of 13 he was married to one year older kasturba. In 1885, Kasturbai gave birth to their first child who survived only few days. Later the couple had four sons. All along his schooling days Gandhi was an average student and passed his matriculation exam from Samaldas College, Gujarat with some difficulty. On 4th September 1888, he
traveled to England to study law at the university College London and to train as a barrister, as his family wanted him to be a barrister.

CIVIL RIGHTS MOVEMENT IN SOUTH AFRICA

South Africa changed Gandhi dramatically, as he faced the discrimination commonly directed at blacks and Indians. One day in court at Durban, the magistrate asked him to remove his turban. Gandhi refused and stormed out of the courtroom. He was thrown off a train at Pietermaritzburg, after refusing to move from the first class to a third class coach while holding a valid first class ticket. Travelling further on by stagecoach, he was beaten by a driver for refusing to travel on the foot board to make room for a European passenger. He suffered other hardships on the journey as well, including being barred from many hotels. These incidents have been acknowledged by several biographers as a turning point in his life, explaining his later social activism. It was through witnessing firsthand the racism; prejudice and injustice against Indians in South Africa that Gandhi started to question his people’s status, and his own place in society. Gandhi extended his original period of stay in South Africa to assist Indians in opposing a bill to deny them the right to vote. Though unable to halt the bill’s passage, his campaign was successful in drawing attention to the grievances of Indians in South Africa. He founded the Natal Indian Congress in 1894, and through this organization, he moulded the Indian community of South Africa into a homogeneous political force. In January 1897, when Gandhi returned from a brief trip to India, a white mob attacked and tried to lynch him.[1] In an early indication of the personal values that would shape his later campaigns, he refused to press charges against any member of the mob, stating it was one of his principles not to seek redress for a personal wrong in a court of law.

At the onset of the South African War, Gandhi argued that Indians must support the war effort in order to legitimize their claims to full citizenship, organizing a volunteer ambulance corps of 300 free Indians and 800 indentured labourers called the Indian Ambulance Corps, one of the few medical units to serve wounded black South Africans. In 1906, the Transvaal government promulgated a new Act compelling registration of the colony’s Indian population. At a mass protest meeting held in Johannesburg on September 11th that year, Gandhi adopted his still evolving methodology of satyagraha (devotion to the truth), or non-violent protest, for the first time, calling on his fellow Indians to defy the new law and suffer the punishments for doing so, rather than resist through violent means. This plan was adopted, leading to a seven-year struggle in which thousands of Indians were jailed (including Gandhi), flogged, or even shot, for striking, refusing to register, burning their registration cards, or engaging in other forms of non-violent resistance. While the government was successful in repressing the Indian protesters, the public outcry stemming from the harsh methods employed by the South African government in the face of peaceful Indian protesters finally forced South African General Jan Christiaan Smuts to negotiate a compromise with Gandhi. Gandhi’s ideas took shape and the concept of Satyagraha matured during this struggle.
MARTIN LUTHER KING, JR.

Martin Luther King Jr. was a civil rights activist in the 1950s and 1960s. He led non-violent protests to fight for the rights of all people including African Americans. He hoped that America and the world could become a colorblind society where race would not impact a person’s civil rights. He is considered one of the great orators of modern times and his speeches still inspire many to this day.

Where did Martin grow up?

Martin Luther King Jr. was born in Atlanta, GA on January 15, 1929. He went to Booker T. Washington High School. He was so smart that he skipped two grades in high school and started his college education at Morehouse College at the young age of fifteen. After getting his degree in sociology from Morehouse, Martin got a divinity degree from Crozer Seminary and then got his doctor’s degree in theology from Boston University.

Martin’s dad was a preacher which inspired Martin to pursue the ministry as well. He had a younger brother and an older sister. In 1953 he married Coretta Scott. Later they would have four children Yolanda, Martin, Dexter, and Bernice.

How did he get involved in civil rights?

In his first major civil rights action, Martin Luther King Jr. led the Montgomery Bus Boycott. This started when Rosa Parks refused to move to give up her seat on a bus to a white man. As a result, Martin led a boycott of the public transportation system. The boycott lasted for over a year. It was very tense at times. Martin was arrested and his house was bombed, but in the end he prevailed and segregation on the Montgomery busses ended.

When did King give his famous "I have a Dream" speech?

In 1963 Martin Luther King, Jr. helped to organize the famous March on Washington. Over 250,000 people attended this march in an effort to show the importance of civil rights legislation. Some of the issues the march hoped to accomplish included an end to segregation in public schools, protection from police abuse, and to get laws preventing discrimination in employment.

It was at this march where Martin gave his "I have a Dream" speech. This speech has become one of the most famous speeches in history. The march and Martin’s speech were a success. The Civil Rights Act was passed a year later in 1964.

How did he die?

Martin Luther King Jr. was assassinated on April 4, 1968 in Memphis, TN. He was shot by James Earl Ray while standing on the balcony of his hotel.

NELSON MANDELA (1918-2013)

Nelson Rolihlahla Mandela (18 July 1918 – 5 December 2013) was a South African anti-apartheid revolutionary, politician, and philanthropist who served
as President of South Africa from 1994 to 1999. He was South Africa’s first black chief executive, and the first elected in a fully representative democratic election. His government focused on dismantling the legacy of apartheid through tackling institutionalised racism, poverty and inequality, and fostering racial reconciliation. Politically an African nationalist and democratic socialist, he served as President of the African National Congress (ANC) from 1991 to 1997. Internationally, Mandela was Secretary General of the Non-Aligned Movement from 1998 to 1999.

A Xhosa born to the Thembu royal family, Mandela attended the Fort Hare University and the University of Witwatersrand, where he studied law. Living in Johannesburg, he became involved in anti-colonial politics, joining the ANC and becoming a founding member of its Youth League. After the South African National Party came to power in 1948, he rose to prominence in the ANC’s 1952 Defiance Campaign, was appointed superintendent of the organisation’s Transvaal chapter and presided over the 1955 Congress of the People. Working as a lawyer, he was repeatedly arrested for seditious activities and, with the ANC leadership, was unsuccessfully prosecuted in the Treason Trial from 1956 to 1961. Influenced by Marxism, he secretly joined the South African Communist Party (SACP) and sat on its Central Committee. Although initially committed to non-violent protest, in association with the SACP he co-founded the militant Umkhonto we Sizwe (MK) in 1961, leading a sabotage campaign against the apartheid government. In 1962, he was arrested, convicted of conspiracy to overthrow the state, and sentenced to life imprisonment in the Rivonia Trial.

Mandela served over 27 years in prison, initially on Robben Island, and later in Pollsmoor Prison and Victor Verster Prison. An international campaign lobbied for his release. He was released in 1990, during a time of escalating civil strife. Mandela joined negotiations with President F. W. de Klerk to abolish apartheid and establish multiracial elections in 1994, in which he led the ANC to victory and became South Africa’s first black president. He published his autobiography in 1995. During his tenure in the Government of National Unity he invited several other political parties to join the cabinet. As agreed to during the negotiations to end apartheid in South Africa, he promulgated a new constitution. He also created the Truth and Reconciliation Commission to investigate past human rights abuses. While continuing the former government’s liberal economic policy, his administration also introduced measures to encourage land reform, combat poverty, and expand healthcare services. Internationally, he acted as mediator between Libya and the United Kingdom in the Pan Am Flight 103 bombing trial, and oversaw military intervention in Lesotho. He declined to run for a second term, and was succeeded by his deputy, Thabo Mbeki. Mandela became an elder statesman, focusing on charitable work in combating poverty and HIV/AIDS through the Nelson Mandela Foundation.

Mandela was a controversial figure for much of his life. Denounced as a communist terrorist by critics, he nevertheless gained international acclaim for his activism, having received more than 250 honours, including the 1993 Nobel
Peace Prize, the US Presidential Medal of Freedom, the Soviet Order of Lenin and the Bharat Ratna. He is held in deep respect within South Africa, where he is often referred to by his Xhosa clan name, Madiba, or as Tata ("Father"); he is often described as "the father of the nation".

**DESMOND TUTU**

Desmond Mpilo Tutu is a South African social rights activist and retired Anglican bishop who rose to worldwide fame during the 1980s as an opponent of apartheid. He was the first black South African Archbishop of Cape Town and primate of the Church of the Province of Southern Africa (now the Anglican Church of Southern Africa).

Bishop Desmond Tutu was born in 7 October 1931 in Klerksdorp, Transvaal. His father was a teacher, and he himself was educated at Johannesburg Bantu High School. After leaving school he trained first as a teacher at Pretoria Bantu Normal College and in 1954 he graduated from the University of South Africa. After three years as a high school teacher he began to study theology, being ordained as a priest in 1960. The years 1962-66 were devoted to further theological study in England leading up to a Master of Theology. From 1967 to 1972 he taught theology in South Africa before returning to England for three years as the assistant director of a theological institute in London. In 1975 he was appointed Dean of St. Mary's Cathedral in Johannesburg, the first black to hold that position. From 1976 to 1978 he was Bishop of Lesotho, and in 1978 became the first black General Secretary of the South African Council of Churches. Tutu is an honorary doctor of a number of leading universities in the USA, Britain and Germany.

Desmond Tutu has formulated his objective as "a democratic and just society without racial divisions", and has set forward the following points as minimum demands:

1. Equal civil rights for all
2. The abolition of South Africa's passport laws
3. A common system of education
4. The cessation of forced deportation from South Africa to the so-called "homelands"

The South African Council of Churches is a contact organization for the churches of South Africa and functions as a national committee for the World Council of Churches. The Boer churches have disassociated themselves from the organization as a result of the unambiguous stand it has made against apartheid. Around 80 percent of its members are black, and they now dominate the leading positions.

Tutu's admirers see him as a man who since the demise of apartheid has been active in the defence of human rights and uses his high profile to campaign for the oppressed, though his consistent opposition to Israel and the United States has made him controversial. He has campaigned to fight AIDS, tuberculosis, poverty, racism, sexism, the imprisonment of Chelsea Manning, homophobia and transphobia. He received the Prize in 1984; the Albert Schweitzer
Prize for Humanitarianism in 1986; the Pacem in Terris Award in 1987; the Sydney Peace Prize in 1999; the Gandhi Peace Prize in 2007; and the Presidential Medal of Freedom in 2009. He has also compiled several books of his speeches and sayings.

**WANGARI MAATHAI (1940 - 2011)**

Wangari Muta Maathai (1 April 1940 – 25 September 2011) was a Kenyan environmental and political activist. She was educated in the United States at Mount St. Scholastica and the University of Pittsburgh, as well as the University of Nairobi in Kenya. In the 1970s, Maathai founded the Green, an environmental non-governmental organization focused on the planting of trees, environmental conservation, and women's rights. In 1986, she was awarded the Right Livelihood Award, and in 2004, she became the first African woman to receive the Nobel Peace Prize for "her contribution to sustainable development, democracy and peace". Maathai was an elected member of Parliament and served as assistant minister for Environment and Natural Resources in the government of President Mwai Kibaki between January 2003 and November 2005. Furthermore she was an Honorary Councillor of the World Future Council. In 2011, Maathai died of complications from ovarian cancer.

**INTERNATIONAL HUMAN RIGHTS LAW**

International human rights law is the body of international law designed to promote and protect human rights at the international, regional and domestic levels. As a form of international law, international human rights law is primarily made up of treaties, agreements between states intended to have binding legal effect between the parties that have agreed to them; and customary international law, rules of law derived from the consistent conduct of states acting out of the belief that the law required them to act that way. Other international human rights instruments while not legally binding contribute to the implementation, understanding and development of international human rights law and have been recognised as a source of political obligation.

Enforcement of international human rights law can occur on a domestic, a regional or an international level. States that ratify human rights treaties commit themselves to respecting those rights and ensuring that their domestic law is compatible with international legislation. When domestic law fails to provide a remedy for human rights abuses, parties may be able to resort to regional or international mechanisms for enforcing human rights.

International human rights law is closely related to, but distinct from international humanitarian law. They are closely related because the substantive norms they contain are often similar or related: Both provide, for example, a protection against torture. They are distinct because they are regulated by legally discrete frameworks, and usually operate in different contexts and regulate different relationships. Generally, human rights are understood to regulate the relationship between states and individuals in the context of ordinary life, while humanitarian law regulates the actions of a belligerent state and those parties with which it comes into contact, both hostile and neutral, within the context of an armed conflict.
UNIT-III

INDIAN EXPERIENCE OF HUMAN RIGHTS

Human right is the equal right of all humans to define their individual and collective identities. The promotion and protection of human rights in contemporary Indian plural society cannot be simply reduced to the universal principle of human rights. The contemporary views on human rights are viewed in widely accepted Western modern traditions and liberal democracy which accord primacy to universality of rights, principle of equality and individual as the claimant of rights. These serious concerns of the western human rights opinions negate or at least reduce the possibilities of expression and articulation of cultural pluralism, the contesting idea of group differentiated rights and community as the focus of rights and justice. The principle of universal applicability of rights and its prime concern for individual freedom and liberty is restricted by the demands of cultural plurality and specificity of community.

The idea of individual liberty and the principle of equality have been important in many respects, but in its ultimate analysis they contradict the interests of the community and claims of rights of the groups. Therefore, the promotion and protection of human rights along the western line and liberal democracy appears as a complex problem. The redressal of the minority specific problems, their specific cultural identity and rights and their accommodation in a just manner call for a shift from reductionist conception of rights to the group and community sensitive approach to human rights. At the same time, it, however, does not mean negation of the certain basic human rights of individuals such as right to life and liberty, equality and right to non-discrimination which have been conceptualized and advanced through different human rights declarations, conventions and covenants.

A positive approach towards human rights necessitates constructive reconciliation between individual and community, universality and specificity, and non-discrimination principle of equality and social justice. With this background the paper studies problem in its theoretical context and in its empirical explication. The empirical ground has been located in the Indian situation. In this regard, pluralism and federal idea have been relied upon as appropriate and authentic bases of promoting and protecting human rights in a plural society on the one hand, and as the basis of pursuing a model of nation and state building on the other. Since pluralism and federal idea provide adequate space for expression, articulation and interplay of the basic principle of human rights, it is therefore premised here that multiculturalism and federal idea must be considered as a prelude to human rights.
HUMAN RIGHTS DISCOURSE

Harold J. Laski in his classic A Grammar of Politics observed that every state is known by the rights that it maintains. When read together with Rawlsian principle of justice as fairness, right essentially means a claim of the people on the state for capacity endowment to improve their life. This demonstrates that the human rights discourse is primarily embedded in the Western idea of liberal democracy. The basic concern of this discourse is individual as the claimant of rights. Common bond of citizenship and all embracing conception of citizen's rights define the extent of human rights. In this framework, guaranteeing of civil and political rights to all individuals, irrespective of ethnic and cultural membership, is considered to be the protector of community as the state stands above all the forms of ethnic and cultural group membership. This value neutral conception of state under the dispensation of common citizenship rights announces disjunction between state and community. This disjunction considers state as morally superior. However, this supposed disjunction and proclaimed neutrality of the state do not necessarily protect the interests of the ethnic and cultural minority groups.

In practice, this kind of assumption may advance the majority interests, for the value neutral rules and laws applicable to all citizens are largely derived from the majority context. In fact, in a multicultural society, laws of the state may embody values which contradict practices of some communities, while being closer to the practices of other communities. Consequently, laws may be perceived differently by means of different communities; and these laws are likely to affect the life of different communities in different ways. Such a state in its basic design and orientation favours majority culture which is reflected in terms of language policy, land rights, the extent of autonomy to ethnic groups, and also in the decision-making process. This inequality reinforces and creates new forms of inequality to which minority groups are subjected to. The logic of apparent equality espoused through the principle of non-discrimination cannot be sustained in the long run. Seen from the minority perspective, it is in fact a source of legitimacy to inequality.

Considering the dynamics of the problem, the recent variants of political liberalism have introduced the minority concern in the agenda of human rights. There are emerging trends towards recognition of minority rights. Will Kymlicka unequivocally pleads for group differentiated rights. He maintains, ... group-differentiated self-government rights compensate for unequal circumstances which put the members of minority cultures at a systemic disadvantage in the cultural market-place, regardless of their personal choices in life. This is one of the many areas in which true equality requires not identical treatment but rather differential treatment in order to accommodate differential needs. The recognition of minority and community along with citizenship rights of individual is a major shift in the agenda of human rights.

The Universal Declaration of Human Rights could not address the problem of minority in vocal terms. But the assertion and demands of the minority in vocal terms have resulted into greater degree of recognition both at the national
and international levels. The adoption of the Declaration on the Rights of National Minorities in 1991 by the organization of Security and Cooperation in Europe, adoption of Council of Europe Framework Convention for the Protection of National Minorities, 10 November 1994, and the United Nations Declaration of the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities (18 December, 1992), and the Draft Declaration on Indigenous Rights concluded in 1993 by the UN Sub-Commission on Prevention of Discrimination and Protection of Minorities (a formal adoption of the UN General Assembly is still awaited till the completion of this paper) are some of the cases which exemplify the enlarging ambit of human rights. These emerging concerns for minority rights and recognition to community explicitly endorses the principle of multiculturalism and federal idea as the basis of promoting human rights in a plural society.

**HUMAN RIGHTS IN PLURALIST FEDERAL POLITY**

Pluralism and federal idea constructively reconcile the demands of citizenship rights and community rights. Therefore, these need special consideration and treatment while addressing the agenda on human rights. Negatively defined, pluralism is against homogeneity, uniformity and the standardization of cultural forms. It is diametrically opposed to mono cultural construction of identity and its subscribed forms of expression and articulation. It is essentially critical of and resistant to the reductive imperatives of mono cultural assimilation. It, therefore, neither approves the thesis of melting pot nor is subjected to homogenizing format of nation station. Pluralism is committed to the protection, promotion and maintenance of ethno cultural diversity which, in turn, provides opportunities to the minorities to preserve maintain and express their distinct cultural form life style and rights.

As a matter of principle pluralism stands for heterogeneity, diversity and multiplicity of forms and structures, plurality of ways and means and for distinctiveness. In its basic spirit, it not only ensures prevalence of different and multiple forms of culture but also liberates the minority groups from the homogenizing logic of identity. It is this stance of pluralism that guarantees social and cultural rights to diverse groups and leads to recognition of minority groups. The principles of pluralism, therefore, renders the presumption of homogeneity and uniformity of cultural mode in a multicultural, multi-religious, multi-ethnic, multi-caste and multi-regional society theoretically, empirically and operationally invalid. Advocating for the pluralist condition for civil democracy, Iris Young very eloquently articulates four virtues of pluralist heterogeneity: (i) It encourages and enables interactive and intersecting multiplicities in social and subject positions. It thus gives voice to, and works to clear an institutional space for, that which might otherwise be eclipsed or effaced; (ii) It makes possible the living out of variety, imparting contextualized nuance and specificity to the general and the various; (iii) It is committed critically to satisfying the excitement and desirability of the new or multiple and diffused possibilities; and (iv) Plural heterogeneity must not only exist (silently), it must be seen to exist (publicly). These four virtues of multicultural heterogeneity get expression through the federal idea of regulating differences and multicultural heterogeneity in a plural society.
In its political context pluralism demands the fulfilment of the following conditions: (a) recognition of socio-cultural differences; (b) preservation, maintenance and promotion of socio-cultural differences; and (c) representation of differences in all the basic decision-making arrangements. It is in this context that federal idea makes special appeal, for it provides well articulated space for both autonomy and integration. Here the interests of the minorities and groups are protected and promoted in a manner which cannot be done in any other institutional arrangement. Federal principle facilitates harmonious political integration out of a plural social order. Federalism provides a shield to the minorities for the protection of their rights and claims. In its manifestation it appears a non-majoritarian form of democracy. It serves well the principle that there are no simple majorities or minorities. All majorities are compounded of congeries of groups and the corollary principle of minority rights, which not only protect the possibility for minorities to preserve themselves but forces majorities to be compound rather than artificially simple. Thus the protection of minorities and their rights is an important component of the principle of pluralism and federalism. Their incorporation in the agenda of human rights enhances and enriches the ambit of the idea of human rights itself. However, little attention has been paid to these principles in case of addressing the problems of human rights and the specificity of identity, problems and rights of minorities. These have largely been addressed according to the general principles of democracy and the claims of citizenship.

The assertion of ethno-religious and cultural identity by minorities, movement for recognition and representation and ethno-cultural conflicts in different parts of the world have led to realization that minority problems and their accommodation invite special attention. The general principle of liberal democracy and the universal agenda of human rights do not address to the disadvantages to which these groups are subjected to. Group differentiated rights can help rectify this disadvantage by alleviating the vulnerability of minority cultures to majority decisions. These external protections ensure that members of the minority have the same opportunity to live and work in their own culture as members of the majority. This is the reason that consociationalism and federalism have been advanced as models of accommodating diversities and protecting minorities in a plural society. Both the models represent non-majoritarian principles of democracy. Both of them are based on the prescription of ‘recognition’ and ‘representation’. But whereas consociationalism stands for non-territoriality principle of recognition and representation of cultural diversity, federalism in its basic spirit and design is based on territorial principle of recognition and representation of differences.

Lijphart outlines links between federalism and consociationalism on the basis of certain attributes. He identifies five principal attributes of federalism: (i) a written constitution; (ii) a bicameral legislature; (iii) of legislature; (iv) the right of the component units to be involved in the process of amending the federal constitution; and (v) decentralized government. Talking about consociational democracy, he identifies following attributes: (i) Grand coalition which referees to power sharing, means that the political leaders of all
the significant segments of a plural society jointly govern the country; (ii) Segmented autonomy means that the decision-making is delegated to the separate segments as much as possible; (iii) Proportionality in terms of political representation, appointments in civil services and allocation of funds; and (iv) Minority veto—a guarantee for minorities that they will not be outvoted by majorities when their vital interest is at stake.

However, it appears that consociationalism is based on the idea of the existence of essentially permanent minority and majority on certain accounts of ethnic, religious and cultural distinctiveness.

THE INDIAN EXPERIENCE

As pointed out earlier consociationalism runs through a difficult situation in a complex plural society like India wherein there is no permanent division of majority and minority in terms of time and space. At one point of time one group may appear minority on certain accounts and as a majority on other. Sikhs are in majority in Punjab, while in minority in the country. Similarly Muslims who are in minority in the country are in majority in the state of Jammu & Kashmir. Region has its own importance. Territorial dimensions of cultural differences are equally pronounced in India. In this context federal principles have more appeal, for federalism does not take a simple view of cultural difference. It rather provides a more comprehensive model of recognition and representation of cultural diversity. It reconciles identity and autonomy. If it grants autonomy to the minorities through a complex process and institutional mechanism, it also associates them to the larger society. Its institutional mechanism serves the purpose of protecting and promoting the rights of the minority groups. If we examine the Indian situation, India presents an important and interesting case. The Indian Constitution incorporates both the principles of federalism and consociationalism and judiciously combines the demands of both. However, the federal principles are more pronounced than the consociational principles because the former takes a different position with regard to the redressal of the problems of minorities in a complex situation of India. Special provisions in the Constitution of India relating to minorities are very close to the idea of federalism.

The recognition of the territorial dimension of cultural diversity is exemplification of the federal principle. Many times federalism is considered as preferred form of political recognition of cultural diversity and consociationalism is considered as transient arrangement. So far as the protection of minorities in terms of their specific cultural identity and rights is concerned, the Indian Constitution devised a broader framework. In many respects it incorporates the agenda of human rights but goes beyond the liberal framework of human rights. Though the idea of equality, liberty and fraternity reigns supreme, it has special provisions for group specific and minority rights. This concern is attested by the Articles of the Indian Constitution which make space for protective discrimination and minority rights. Whereas Articles 15(4) and 16(4) exclusively deal with the protective discrimination clauses, Article 25 to 30 are concerned...
with minority protection. These provisions are the product of long deliberations and considered views of the Constituent Assembly members.

Dr. B.R. Ambedkar, the architect of the Indian Constitution, categorically stated in the Constituent Assembly that rights of minorities should be absolute rights. He observed that the rights which are indicated in Article 18 are rights which every minority, irrespective of any other consideration, is entitled to claim. It is another thing that the idea of protection of minorities and full enjoyment of minority rights has yet to be realized. The constitutional shield with regard to protection is important but the more important is societal response in which these groups are located. The operational dynamics of society may not match with the constitutional proclamation. Tolerance and non-discrimination have much to do with the ethos of society.

Mutual understanding and respect among the groups and communities may provide better anchorage to the idea of multiculturalism and an adequate agenda for minority protection. In this regard Duchacek rightly points out that whether minority rights are protected by a national constitution or an international treaty, much depends on the actual practice, sometimes a minority may use its own language, run its mass media, and glorify its own separate culture and heritage yet be effectively barred by the majority from any real share in the political life and decision-making processes; as a result, living in a ghetto-like situation such a groups may permanently train behind the political, social and evolution of the rest of the country. Perhaps this is the context in which the idea of Federal Nation Building becomes important.

**CURRENT CONCERNS**

Federal nation building in its basic spirit and orientation addresses to the Indian imperatives of human rights. The specificity of India calls for a more constructive approach towards human rights which should not essentially be confined to the constitutional model. It should be reflected both in society and in the pattern of nation and state building. The concept of federal nation building weaves a thread which largely corresponds to the demands of both autonomy and integration. Its prescriptions are important in many respects but chiefly in that it provides conducive condition for protection and promotion of human rights. It neither falls prey to exclusivist agenda nor to the hegemonic prescription to generalized and homogenous design of the majoritarian tenets. It is based on the belief that the celebration of cultural heterogeneity has its own validity once it is juxtaposed with homogeneity in a plural society. However, there must be a common space for mediating the demands of identity and difference. Federal nation building offers such space. While at one level it believes in the existence of cultural pluralism, social diversity and heterogeneity, at other level it does not deny the commonness of experience and shared sense of identity.

The two extremes of identity and difference have their own limitations because the one extreme of identity can sustain fascist social movements as readily as empancipatory ones, and difference may license genocide almost as easily as it does celebration. The logic of construction of federal nation is rooted in the belief that there should be construction of federal nation which is rooted in
the belief that there should be constructive balance between difference and identity. The diversities of culture, religion, ethnic formation and regional particularism be respected and accommodated in the spirit of autonomy and interdependence. These should also form the essential part of the larger common shared identity and commonness. In many respects it also champions the idea of territorial community and sustains a bond of affinity. This bond of affinity and commonness, however, must affect non-homogeneity, non-hierarchical and non-centralizing spirit. The core of the process of federal nation building is territorial organisation of social and cultural diversities.

Territorialization of diversities has been a part of the process of state formation and nation building in India. Both autonomy and integration have been the operative principles. Due to its unique historical experience, India has been referred as a federal nation state. Rasheeduddin Khan observes, "A Federal Nation is a mosaic of people in which unified political identity is reconciled with socio-cultural diversities. Its hallmark is unity of polity and plurality of society." This perception of Indian identity advances the idea of human rights in a plural society. Such a conceptualisation of the process of nation and state building not only strikes a balance between identity and difference but also presupposes the protection of the rights of different categories of minorities. Federal nation building is based on the important value premises of democracy, secularism, social justice and respect and protection of human rights. Each of these value premises is exhaustive with regard to the idea of human rights both in its essence and appearance. The striking feature of federal nation building is its strong assumption of living together in difference which is generally referred as unity in diversity in India. In this regard it must be remembered that the aspects of unity and diversity must be reflected in the realm of civil society and in the institutional structure of the state. The basic principles of multiculturalism and the process of federal nation building correspond to this demand which, in turn, facilitate the promotion and protection of human rights. Thus, it appears that along the principle of multiculturalism and its articulation through the structure and process of federal nation building, there must prevail a sense of mutual understanding and appreciation among different segments of society. Though the minority-majority framework remains there, this does not essentially preclude exclusion and subordination. In India, pluralism has been a part of philosophy and social and cultural life. Religious pluralism has been a fact and value in the multi religious situation of India. This aspect of collective existence needs to be brought back in society. The political principle in itself is not a sufficient condition of peace, harmony and order. Deeper is societal perception. Some federalists go to the extent of claiming that social life is by nature federal. The way people live their lives and organize themselves naturally, without state intervention, is intrinsically federal. It is a natural social reality expressive of multiple roles, aims and identities. Therefore, for better understanding of the multicultural conditions and specific demands of federal nation building, a sense of appreciation needs to be instilled among the people. The human rights education will have to take this fact into consideration. The aspects of cultural diversity, intercommunity relations, autonomy and identity of different groups
etc. need to be highlighted. Their inclusion in the curriculum and projection through media may promote understanding and respect for human rights.

**CONSTITUTIONAL SAFEGUARDS**

In India, the National Constitution of 1950 or any other Constitutional document does not define the word 'Minority'. The Constitution only refers to Minorities and speaks of those "based on religion or language". In the Constitution of India, the Preamble (as amended in 1976) declares the State to be "Secular", and this is of special relevance for the Religious Minorities. Equally relevant for them, especially, is the prefatory declaration of the Constitution in its Preamble that all citizens of India are to be secured "liberty of thought, expression, belief, faith and worship and "equality of status and of opportunity."

The Constitution of India has provided two types of safe-guards - general and specific to safeguard various interests of the minorities. In the first category are those provisions that are equally enjoyed by both groups. The provisions ensure justice- social, economic and political equality to all. The second category consists of provisions meant specifically for the protection of particular interests of minorities.

- people's right to "equality before the law" and "equal protection of the laws";
- prohibition of discrimination against citizens on grounds of religion, race, caste, sex or place of birth;
- authority of State to make "any special provision for the advancement of any socially and educationally backward classes of citizens" (besides the Scheduled Castes and Scheduled Tribes);
- citizens' right to "equality of opportunity" in matters relating to employment or appointment to any office under the State - and prohibition in this regard of discrimination on grounds of religion, race, caste, sex or place of birth.
- Authority of State to make "any provision for the reservation of appointments or posts in favour of any backward class of citizens which, in the opinion of the State, is not adequately represented in the services under the State;
- People’s freedom of conscience and right to freely profess, practice and propagate religion - subject to public order, morality and other Fundamental Rights;
- Authority of State to make law for "regulating or restricting any economic financial, political or other secular activity which may be associated with religious practice", and for "providing for social welfare and reform";
- Authority of State to make laws for "throwing open" of Hindu, Sikh, Jain or Buddhist "religious institutions of a public character to "all classes and sections of the respective communities;
- Sikh community's right of "wearing and carrying of kirpans";
- Right of "every religious denomination or any section thereof - subject to public order, morality and health - to establish and maintain institutions for religious and charitable proposes, "manage its own affairs of religion", and own and acquire movable immovable property and administer it "in accordance with law";
- People's "freedom as to payment of taxes for promotion of any particular religion";
- People's "freedom as to attendance at religious instruction or religious worship in educational institutions" wholly maintained, recognized, or aided by the State;
- Right of "any section of the citizens" to conserve its "distinct language, script or culture"
- Restriction on denial of admission to any citizen, to any educational institution maintained or aided by the State, "on grounds only of religion, race, caste, language or any of them";
- Right of all Religious and Linguistic Minorities to establish and administer educational institutions of their choice; and
- Freedom of Minority-managed educational institutions from discrimination in the matter of receiving aid from the State.

Part IV of the Constitution of India, containing non-justifiable Directive Principles of State Policy, includes the following provisions having significant implications for the Minorities:

- Obligation of the State "to endeavour to eliminate inequalities in status, facilities and opportunities" amongst individuals and groups of people residing in different areas or engaged in different vocations;
- Obligation of State to "endeavour to secure for the citizens a uniform civil code throughout the territory of India";
- Obligation of State "to promote with special care" the educational and economic interests of "the weaker sections of the people" (besides Scheduled Castes and Scheduled Tribes; and
- Obligation of State to "take steps" for "prohibiting the slaughter of cows and calves and other mulch and draught cattle".

Part IV-A of the Constitution, relating to Fundamental Duties, applies in full to all citizens, including those belonging to Minorities and of special relevance for the Minorities are the following provisions in this Part:

- Citizens' duty to promote harmony and the spirit of common brotherhood amongst all the people of India "transcending religious, linguistic and regional or sectional diversities; and
- Citizens' duty to "value and preserve the rich heritage of our composite culture".
Some other provisions of the Constitution having special relevance and implications for the Minorities are:

- Official obligation to pay out of the consolidated funds of the States of Kerala and Tamilnadu 46.5 and 13.5 lakh rupees respectively to the local "Dewasom Funds" for the maintenance of Hindu temples and shrines in the territories of the erstwhile State of Travancore-Cochin;

- Special provision relating to the language spoken by a section of the population of any State;

- Provision for facilities for instruction in mother-tongue at primary stage;

- Provision for a Special Officer for Linguistic Minorities and his duties;

- Special provision with respect to Naga religious or social practices, customary law and procedure, and "administration of civil and criminal justice involving decisions according to Naga customary law."

- Identical special provision for the Mizos; and

- Provision relating to continuation in force of pre-Constitution laws "until altered or repealed or amended by a competent legislature or other competent authority"

Part III of the Constitution gives certain fundamental rights. Some of these rights are common to all the citizens of India including minorities. These rights are enshrined in -

**Article 14:** This ensures equality before law and equal protection of law.

**Article 15:** This prohibits discrimination on any ground i.e. religion, race, caste, sex, place of birth.

**Article 21:** No person shall be deprived of his life or personal liberty except the procedure established by law.

**Article 25:** This ensures freedom of conscience and the right freely to profess, practice and propagate religion.

**Article 26:** This ensures a right to manage religious institutions, religious affairs, subject to public order, morality and health.

**Article 29:** Gives minorities a right to conserve their language, script or culture.

- It provides for the protection of the interests of minorities by giving them a right to establish and administer educational institutions of their choice. The State is directed not to discriminate against minorities institutions in granting aid.

**Article 350A:** Directs the State to provide facilities for instruction in the mother tongue at the primary stage of education.

**Art 164(1):** According to this article in states of Bihar, MP and Orissa there shall be a Minister in charge of tribal welfare who may in addition be in charge of the welfare of the scheduled castes and backward classes.
**Art 244(1):** Regarding administration of scheduled areas and tribal areas - (1) The provisions of the Fifth schedule shall apply to the administration and control of the Scheduled areas and Scheduled tribes in any state other than the state of Assam, Meghalaya, Tripura and Mizoram. (2) The provisions of the sixth schedule shall apply to the administration of the tribal areas in the state of Assam, Meghalaya, Tripura and Mizoram.

**Art 244(A):** Formation of an autonomous state comprising certain tribal areas in Assam and creation of local legislature or Council of Ministers or both thereof. Parliament may by law from within the state of Assam an autonomous state comprising (whether wholly or part) all or any of the tribal areas.

**Art 275:** Provided that there shall be paid out of consolidated fund of India as grants-in-aid of the revenues of a state such capital and recurring sums as may be necessary to enable the state to meet the costs of such schemes of development as may be undertaken by the state with the approval of the Govt of India for the purpose of promoting the welfare of the scheduled tribes in that state or raising the level of administration of the scheduled areas therein to that of the administration of the rest of the areas in that state. Provided further that there shall be paid out of the consolidated fund of India as grant-in-aid of the revenues of the state of Assam sum capital and recurring.

**Art 330:** Reservation of seats for the scheduled castes and scheduled tribes in the House of People.
- Seats shall be reserved for scheduled castes
- The scheduled tribes except the scheduled tribes except the scheduled tribes in the autonomous districts of Assam
- The scheduled tribes in the autonomous districts in Assam.

**Art 332:** Reservation of seats for scheduled castes and scheduled tribes in the Legislative Assemblies of the states.
- Seats shall be reserved for the scheduled castes and the scheduled tribes (except the STs of autonomous districts of Assam) in the Legislative Assembly of every state.
- Seats shall be reserved also for the autonomous districts in the Legislative Assembly of the state of Assam.

**Art 334:** Reservation of seats and special representation in Legislative Assemblies and House of People to cease after fifty years.

**Art 335:** Claims of scheduled castes and scheduled tribes to service and posts- The claims of the members of the scheduled castes and scheduled tribes shall be taken into consideration consistently with the maintenance of efficiency of administration in the making of appointments to service and posts in connection with the affairs of the Union or of a state.

**Art 338:** National Commission for scheduled castes and scheduled tribes...
Art 339: Control of the Union over the administration of Scheduled castes and Scheduled tribes.

Art 340: Appointment of a commission by the president to investigate the conditions of backward classes.

Art 341: Power of the President to specify the castes, races or tribes or posts of or groups within castes, races or tribes as scheduled castes.

Art 342: Power of the President to specify the tribes or tribal communities or parts of or groups within tribes or tribal communities as scheduled tribe.

Art 350(A): Facilities for instruction in mother tongue of a minority group.

Art 350(B): Special officer for linguistic minorities.

**FUNDAMENTAL RIGHTS IN INDIA**

The Constitution of India defines fundamental rights in Part-III that guarantees every citizen with some rights irrespective of race, place of birth, religion, caste, creed or gender. These are the essential rights which a person born along with. Fundamental rights revolutionizes the inequalities existing in pre-independence era. They had put a taboo on untouchability, forbid discrimination on the grounds of religion, race, caste, sex, or place of birth, trading of human beings and forced labour. They also protect cultural and educational rights of ethnic and religious minorities.

The Fundamental Rights are essential for the development of the personality of an individual and to preserve dignity of a human. Any person can move to court if anyone challenges his fundamental right. These Fundamental Rights not only protects individuals from any arbitrary state actions but also prevents violation of human rights. Some Fundamental Rights apply for both the Indian citizen as well as persons of other nationality whereas others are available only to Indian citizens.

The right to life and personal liberty and the right to freedom of religion are available to all people. On the other hand, freedoms of speech and expression and freedom to reside and settle in any part of the country are exclusively meant for citizens. All the provisions of the Constitution, including Fundamental Rights can be amended. Basically every citizen in India enjoys six fundamental rights:

1. **The Right to Equality** (Articles 14 to 18) says that all men are born equal and therefore they should be treated equally. All Citizens are equal before law. No citizen can be denied to access shops, public hotels, and places of entertainment etc. on the basis of caste, religion, sex or place of birth. Equality of opportunity is given in employment. Government has implied many laws to safeguard the interests of weaker sections of the society. For example, Reservation is given to the socially and economically backward Classes, the Scheduled Castes and Scheduled Tribes in employment, School and College admissions, etc. Untouchability is abolished in Article 17 of the constitution. Untouchability is a punishable offense.
2. **Right to Freedom** is the essence of Democracy. According to Right to Freedom every citizen can freely express his thoughts and no one can stop him for doing so. They can move freely to any part of India and relocate to any part of India. They have the freedom to practice any trade or occupation. Nobody can be punished until he violates law. The constitution framed certain rules for the protection of an individual’s life and personal liberty. The right of freedom of an individual should not affect the freedom of the others.

3. **Right against Exploitation** says no individual can be forced or compelled to do work without wages. The rights of women and children are also protected. Articles 23 and 24 of Indian constitution prohibit trafficking in human beings and forced labor that abolished the employment of children below the age of 14 years in factories and mines. Begar, or forced labor is a crime and is a punishable offense. Trafficking in humans for slavery or prostitution is also prohibited by law.

4. **Right to Freedom of Religion** guarantees the religious freedom to all citizens of India. Articles 25, 26, 27 and 28, provide religious freedom to all citizens of India. Being a secular country all the religions are treated alike. All the religions are respected equally. Everyone has an equal right to practice and spread his own religion. All religious bodies are free to manage their affairs. The Government does not interfere in the religious practice of the people until proper public order is maintained.

5. **Cultural and Educational Rights** say India is a land of many languages, religions and cultures. There are many minority groups. Articles 29 and 30 gives them right to conserve their culture. They have the right to establish and administer educational institutions of their choice. The cultural and educational rights of all groups of people irrespective of their origin are safeguarded by the constitution.

   Anybody can set up their own educational institutions to protect and develop their culture. State cannot discriminate against any institution on the basis of its administering community. A judgment by Supreme Court held in 1980, said “the State can certainly take regulatory measures to promote the efficiency and excellence of educational standards.

   It can also issue guidelines for ensuring the security of the services of the teachers or other employees of the institution.” According to another judgment on 31 October 2002, the Supreme Court ruled the procedure for admission to any professional course should remain the same for all.

6. **Right to Constitutional Remedies** say The Right to Constitutional Remedies empowers every citizen to move Supreme Court directly in case if someone denies or challenges his Fundamental Rights. For instance, in case of imprisonment, a citizen has the right to question his imprisonment to see if it is according to the provisions of the law of the country. A court can issue various writs like habeas corpus, mandamus, prohibition, quo warranto or certiorari to safeguard the citizens’ fundamental rights.
HUMAN RIGHTS AND THE VIOLATION OF HUMAN RIGHTS IN INDIA

Human rights and the violation of human rights is an important area of concern in India. Here we talk about some of the human rights that are being violated in India, the reasons they are violated, and how the problem can be stopped. Human rights should be defined first, they are as follows:

It enshrines the right of every human being to: 'life, liberty and security of person'; freedom from slavery; torture or cruel, inhuman or degrading treatment; and arbitrary detention; equality before the law; and a fair trial; freedom of movement; nationality; the protection of the family; the ownership of property; freedom of thought, conscience and religion; participation in the government of his country; social security; work with just remuneration and the right to form or join a union; an adequate standard of living; and education. The Declaration ends by affirming the individual's duties to the community, and in the same spirit, states that 'Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realised'.

The declaration was ambitious with no legal authorization, essentially leaving no concrete definition to "human rights". However, any action that does take away any freedom from an individual is considered a violation. Although the constitution makes a list of fundamental rights and freedoms with respect to all individuals, violations are still present. The violations of "human rights" take place within India's political system. A democratic society cannot protect human rights when the politicians and police forces surrounding it are corrupt. Corruption affects India at all levels of decision-making and in the distribution of the states largesse. People normally think that violations are taking place from the hands of other citizens; in this case the violations are coming from those who are supposed to be protecting them. Corruption is a major obstacle in the development of India. There is an estimate that only 17 percent of funds allocated by government for poverty reduction actually reaches the poor. Corruption actually dilutes human rights in a significant way. The politicians and police should worry about everyday functioning of the state, rather they are well known for their corruptness and brutality which makes matters even worse for a large country. The violation of human rights has been present since the existence of India, and it will stay that way until some significant changes are made.

History of India

India has a long history of the rise and fall of empire, change of ruling class and dynasties, foreigners coming onto its soil and, finally, the creation of India as its own country. The Aryans, the Muslims and the British were foreigners, who invaded India at different periods of time. On August 15, 1947, India gained independence from the colonial rule of Britain. With the separation from British rule came the need for India to have their own fundamental rights. On November 26, 1949, a new constitution was adopted in India. Part three of the constitution has a section titled "fundamental rights" which is for all individuals living in India including: men, women, and children, adults, rich and poor. The Indian justice system is in place to ensure that human rights are not violated. The courts are in charge to make sure that the proper punishment is handed to those who violate
the human rights of others. However, with the level of corruption that takes place in India, they often do not fulfil their obligations. The fact that corruption remains an important problem even after fifty five years of Independence in India and continues to eat away the precious resources of the country, and that all forms of victimization result from civil, political, economic and social rights violations, is enough justification for formulating new strategies to address corruption.

Justice

Justice is achieved when there are equal rights for all and there is a balance between individual interests and community interests. On theory of justice is the Gandhian Theory, which came into existence in the 20th century. Gandhi was against all kinds of social, economic and political injustice. Gandhi's definition of justice was based on truth, equality and non exploitation. His life mission was a mission for justice for the weak, the poor and the oppressed. He fought very hard so that the weaker groups in society could create an identity for themselves and that they would be treated as equals with other groups in society.

Fake Encounters (Extra-judicial killings)

Extra-judicial killings in India by the security forces or police are known as 'encounter killings'. This means that the victim was killed due to an armed encounter with security forces or the police. When the police force or security force is involved in a killing, it is usually deemed to be defensive. A serious case, one such as attempted murder, robbery, and rape are often offenses that are normally put against the victims, the case is then closed at that point without a further investigation. The case is closed at that point since the accused has died and criminal cases are closed when the accused has passed on. Even though these are unnatural deaths, the victim has been killed; an investigation will not take place to find out if the death was an actual encounter or if the use of force was justified.

Trafficking

Women, men, and children are trafficked for various purposes, such as marriage, agricultural labour, working in various informal sector industries, domestic labour, participating in dangerous sports such as camel racing, recruitment in armed conflict, and for sex work. The biggest issue is not the process of being trafficked, rather the state which these persons are left in. Once trafficked, they have little to no options for leaving the place or position they now find themselves in. These people can now find themselves in positions having to work against their will for sub-par wages and benefits, in certain cases, no compensation at all. Bangladesh has enacted a law preventing single women from travelling across its borders. Such laws violate the fundamental human right to mobility, and discriminate against women. They are now in a position where no legal options are available to them; they must depend on the illicit options offered by traffickers.
Kashmir

Governments also adopt a special language in order to appear to be transparent. They do not talk about torture or summary execution; instead, they speak of "excesses." These executions are not uncommon; they are not the occasional excesses of eager security officers. These killings are calculated and deliberate, and they are carried out as a policy. Because such tactics are believed to have been successful in crushing Sikh militants in Punjab, the policy is often referred to as the "Punjab solution."

No member of security forces has ever been prosecuted for the murders in Kashmir. The security forces have also used lethal force against peaceful demonstrators, shooting unarmed civilians. Disappearances, which have also been on the rise in Kashmir, are facilitated by the fact that the security forces routinely disregard laws requiring detainees to be produced in court.

Detainees are typically held without having access to lawyers or family in detention centres, this has likely contributed to the increasing number of disappearances.

Most detainees in Kashmir are tortured. Detainees are generally held in temporary detention centres, controlled by the various security forces, without access to the courts, relatives, or medical care. Methods of torture commonly include suspension by the feet or hands, stretching the legs apart, burning with clothes irons and other heated objects, and severe beatings. According to doctors in Kashmir, the use of electric shock is routine. One common form of torture involves crushing the leg muscles with a heavy wooden roller, causing acute kidney failure in some cases. During search operations and reprisal attacks, civilians have been assaulted and women raped. Such abuses are not confined to the Kashmir valley, but have also been reported from Doda.

The government has made available a list of security personnel punished for abuses. However, the list does not accurately describe the nature of the abuse, or when it was committed. In five years of conflict, the number of officers and constables jailed for terms of more than one year is fifteen. In other cases, punishments have been minimal. With a lack of accountability and all this corruption, there will not be any confidence in the justice system. Something needs to change!

Child Labour

In India, the agricultural sector is the most significant employer of children. The children are frequently exposed to hazardous chemicals, risk of injury or snake bites, and bad weather. Typically the children have little or no protective gear; also they have minimal access to water for drinking or hygienic reasons. Even with laws that prohibit children less than 14 years of age from working in most industrial sectors, India is home to the largest number of working children in the world, with between 40 and 115 million child workers between the ages of 5 - 14 years. About 80% of India's child workers are employed in the agricultural sector. Girls between the ages of 7 - 14 years earned on average 18 rupees for working a 12 hour day. Most children are working in
debt bondage to pay off a family loan or advance. The children are put through harsh conditions; they are exposed to pesticides that are sprayed in the fields while they are working. Children have told researcher that they had fainted, vomited, or had convulsions after the spraying of pesticides. None of the children are provided with protective equipment by their employers.

**The Police**

Many people believe that the justice system in India is corrupt because of the lack of protection provided by the police. The structure of the police system needs to change before the quality of life can be improved. First off the police need to learn to separate themselves from political corruptness and ensure that they do not get involved. Politicians are known to take advantage of the police to accomplish personal gains, and many times the police are the ones who are blamed for corrupt activities on behalf of the politicians.

There are many loopholes in the Indian constitution which denies justice to the poor and the weak which leads to a lack of proper investigation for the weak groups in society by the police. If there is ever a conflict of interest between those that are a dominant class in society and those that are less powerful, the police will typically protect those of the dominant class and regulate the behaviour of the less powerful. The reason for these actions by the police is because the powerful groups are typically made of politicians. The politicians have the power to run the city, they can offer bribes to police officers and they have the power to promote the officers, in order to protect themselves. This leads to the lower class/less powerful groups taking the blame for offences and events that they had no connection to. Many people refuse to report cases to the police because they know that the police are corrupt.

One of the reasons that the human rights are violated by police officers in India is due to the fact that the officers are not provided with adequate training. The police typically recruit uneducated men and women with no training and skills. The government does this because they believe that the job of an officer does not need skilled workers, so any individual is believed to be capable of performing the duties of an officer. Another reason that police violate human rights is because the pay associated with their jobs is not sufficient, in turn; they are tempted to take bribes which ultimately lead to corruption.

**The Courts**

The courts in India, Including the Supreme Court are not above violating human rights. The only way to discourage human rights violations is to have the justice system reformed. The reform would need to ensure that the courts impose more sanctions against officers that continue to abuse human rights. This should also change the roles and rules surrounding police officers so that they fulfil their duties to protect human rights and freedoms. Additionally, the courts would also need to stand up against the powerful politicians and hold them accountable for their actions. The ultimate outcome anticipated by these actions would be to protect the human rights from being violated, this can be possible if the courts can enforce stricter rules and regulations surround police officers.
Conclusion

Human rights violations are an ever growing problem in India. The violations of human rights have been around since the creation of India in 1947, these are not issues that are new. The ultimate reasons behind human rights violations stand with the corruption of the politicians and the police officers. These are the people which are supposed to be looking out for the best interest of the citizens, yet they are the ones, above all else, violating these rights. The issues lay with the justice system as a whole, not only including police and politicians, but also the court system as well. The officers violate human rights sometimes as instructed by the highly powerful politicians, but other times they violate human rights to serve their own self interest, without instructions from those above them in the hierarchy. This is not always the case; however, this type of scenario is very likely, especially if the police do not want to put their job in jeopardy (by not following instructions given by politicians).

To overcome the existence of the violation of human rights, the justice system will need to be reformed. The courts will need to have stricter sanctions and penalties toward politicians and police officers. The police officers and politicians will also need to realize the importance and necessity of treating other individuals as equals with respect and not violate their human rights. New laws would need to be put in place to ensure that the police are performing their duties as they should. If all else fails, they should allow outside investigations to take place to gain or regain confidence in the justice system.

DALIT PANTHER

Dalit Panther is a social organization, founded by Namdev Dhasal in April 1972 in Mumbai. Later on many dalit activists joined this organization. But the Namdev Dhasal, Raja Dhale and Arun Kamble were the original leaders of Dalit Panther, which saw its heyday in 1970s and through the 80s.

Dalit Panther is inspired by Black Panther Party, a revolutionary movement amongst African-Americans, which emerged in the United States and functioned from 1966-1982. The initiative to form the Dalit Panther Movement was taken up by Namdeo Dhasal at Mumbai The name of the organization was borrowed from the 'Black Panther' Movement of the USA. They called themselves "Panthers" because they were supposed to fight for their rights like panthers, and not get suppressed by the strength and might of their oppressors.

The US Black Panther Party always acknowledged and supported the Dalit Panther Party through the US Black Panther Newspaper which circulated weekly throughout the world from 1967-1980.

Its organization was modelled after the Black Panther and Shiv Sena. The members were young men belonging to Neo-Buddhists and Scheduled Castes. Most of the leaders were literary figures whose age ranged between 20 to 30 and academic qualifications ranged from Non-matric to M.A. The controversy over the article "Kala Swatantrya Din"(Black Independence Day) by Dhale which was published in "Sadhana" (Special issue of the August 15, 1972) created a great sensation and publicised the Dalit Panthers through Maharashtra. The Panther's
full support to Dhale during this controversy brought Dhale into the movement and made him a prominent leader. With the publicity of this issue through the media, Panther branches sprang up spontaneously in many parts of Maharashtra.

The Dalit Panther movement was a radical departure from earlier Dalit movements. Its initial thrust on militancy through the use of rustic arms and threats, gave the movement a revolutionary coloration.

**TRIBAL MOVEMENTS**

Tribal movements were basically directed to preserve the tribal identity which was thought to be in danger due to intrusion of external people affecting the social, political and geo-economical position of the tribes. These movements were mostly violent, isolated and frequent.

There were about seventy tribal movements from 1778 to 1947. These movements can be broadly divided into two parts i.e., movements of the frontier tribes and movements of the non-frontier tribes depending upon the geographical area of their initiation. Both these types of revolts had different sets of causes. Movement of frontier tribes was mostly revialist and tended to be political and secular. On the contrary, the non-frontier tribes revolted usually against the 'outsiders' and the British administration.

The movement of the non-frontier tribes can be divided into three broad parts. First one started from 1795 and continued up to 1860. The movements of this phase were primarily politico-religious led by tribal heads. Second phase was from 1860 to 1920 in which the nature of movements changed from politico-religious to economic also. The penetration of outsiders resulted in the misbalancing of tribal economy.

The leaders of these movements were from the lower class of the society. Third phase (1920-1947) coincides with the phase of intense mass movement for freedom struggle and so its impact was quite obvious on the tribal movements. This phase saw the transformation of tribal movements into a common mass movement with leaders coming also from non-tribal educated groups.

Bhils of Khandesh revolted against the British occupation in 1818. Their struggle lasted for thirty years which was finally suppressed after large scale military operations combined with conciliatory measures. Santhal uprising was the most massive among movements of the first phase.

The Santhals of Daman-i-koh (modern Sahibganj, Godda, Pakur and Dumka districts of Jharkhand and some parts of Bhagalpur and Banka districts of Bihar) revolted and attempt to oust the dikus or the outsiders whom they considered morally corrupt. In 1854, the first impulse of the revolt was felt when the Santhals started looting money-lenders and Zamindars.

The British government started a major military campaign to suppress the rebellion. Thousands of Santhal men and women were killed. Apart from above mentioned tribal movements, there "Were many other rebellions which took place in-first phase: Pahariyas (Jharkhand 1778); Kol Uprisings (Maharastra
1784-85); Chauri Revolt (Bihar 1798); Kherwar Uprising (Jharkhand 1870); and Gond Uprising (Baster, M.P. 1842) etc.

The hill tribes, Koya and Khonda Dora of Rampa region of Chodavaram revolted in March 1879 against the depredation of the government supported zamindars and the new restrictive forest regulations. The authorities launched military campaigns against the rebellious people and several other ways were used for suppression of the movement. Tribal resentment against the imposition of forest laws and feudal system led to the rise of the revolt of the tribes of Jagdalpur region in modern Chhattisgarh.

The rebels disrupted communication system, attacked symbols of colonial power and tried to seize Jagdalpur town. The British military operation in 1910 suppressed the rebellion. The Ulgulam was led by Birsa Munda during 1895-1900 in Jharkhand. On 19th January, 1900 the rebels were defeated in a fight at Sail Rakeb hill. Birsa was captured and imprisoned, where he died in June 1900. The nature of the rebellions of this phase can be concluded in the following lines:

(a) The movements of this phase changed from politico-religious to economic also.
(b) The leaders come from the lower class of tribal society.
(c) In this phase also, the non-tribal poor & service castes were spared.
(d) Attack on colonial symbols was given priorities, the second decade of the 20th century, Tana Bhagat movement started initially in a religious form but later transformed into a political one under the impact of the Indian National Congress. This movement was centred on the Oran tribes of Chhotangapur in Jharkhand. Thus the resistance of the local grievances and problems was amalgamated with the National movement. Salient features of the movements of this phase are as follows:

(a) These movements coincide with the national movement & hence the leadership also came from non-tribal educated groups.
(b) This phase saw the transformation of tribal movements into mass movements.
(c) Now, the movements were largely political in nature.
(d) Various legislative & administrative measures were adopted by the British government to suppress the movement.

The tribal movements in the North-East region of India were also politico-religious in nature. Due to the majority of the tribes in the region, and their economic and social position, the movements were hardly socioeconomic in character. Following were the important tribal movements of North-East India:

**Khasi Uprising:** The conscriptions of labourers of road construction linking up the acquired Brahmaputra Valley with Sylhet passing through the Khasi region resulted in the uprising of the Khasis supported by the Garos and led by the Tirhut Singh. Though the rebellion continued for four years, it was suppressed in 1833 by the colonial power.
**Kuki Uprising:** The Kukis of Manipur revolted in 1917 under the leadership of Jadonang and his niece, Rani Gaidinliu. The British policy of recruitment of Kuki labourers during the First World War seriously affected the stability of the agriculture based Kuki economy. Also the system of begar imposed upon the tribes and the ban of shifting cultivation led to the rebellion. Guirella warfare of the Kukis lasted for two years when it was crushed by the British in 1919.

**Singphos Revolt:** Simultaneously with the Khasi uprising, the Singphos also broke into rebellion in early 1830 which was though suppressed within some months. But the Singphos again rebelled in 1839 when many police officers were killed by them.

The tribal movements of the North-East were to same extent different in nature which can be summed up as follows:

(a) The intrusion of British Administrative system instigated the tribes.
(b) Directed against the colonial exploitation.
(c) Due to majority of tribes in the region & their secured social & economic position, these movements were hardly socio-economic.
(d) Most of the rebellions were confirmed to the tribes only.

**INDIAN WOMEN’S MOVEMENT**

The roots of the Indian women’s movement go back to the 19th century male social reformers who took up issues concerning women and started women’s organizations. Women started forming their own organization from the end of the 19th century first at the local and then at the national level. In the years before independence, the two main issues they took up were political rights and reform of personal laws. Women’s participation in the freedom struggle broadened the base of the women’s movement.

In post-independence India, large number of women’s autonomous groups has sprung up challenging patriarchy and taking up a variety of issues such as violence against women, greater share for women in political decision making, etc. both at the activist and academic level. India has a rich and vibrant women’s movement but it has still a long way to go to achieve gender equality and gender justice.

**SOCIO-RELIGIOUS REFORM MOVEMENTS**

The roots of the Indian women’s movement go back to the early nineteenth century when social reformers, beginning with Ram Mohan Roy (1772-1833), began to focus on issues concerning women. Roy condemned sati, kulin polygamy and spoke in favour of women’s property rights. He held the condition of Indian women as one of the factors responsible for the degraded state of Indian society. If Ram Mohan is remembered for his anti-sati movement, Ishwarchandra Vidyasagar is more often remembered for his widow remarriage campaign. Following them, improving the condition of women became the first tenet of the Indian social reform movement. Women’s inferior status, enforced seclusion, early marriage, condition of widows and lack of education...
were facts documented by reformers throughout the country. Women’s Organizations started by men who belonged to the socio religious reform associations began the first organization for women. In Bengal, Keshub Chandra Sen, a prominent Brahmo Samaj leader, started a woman’s journal, held prayer meetings for women and developed educational programmes for women. Members of the Brahmo Samaj formed associations for women of their own families and faith.

The Prarthana Samaj in Maharashtra and Gujarat did similar work. Narayan Ganesh Chandavarkar, Madhav Govind Ranade and R.G. Bhandarkar in Pune and Mahipatram Rupram Nilkanth and his associates in Ahmedabad started organizations for prohibition of child marriage, for widow remarriage and for women’s education. The male-inspired and male-guided organizations for women did valuable work in educating women and giving them their first experience with public work. While the men wanted their women to be educated and take part in public activities, they regarded the home as the primary focus for women.

Women’s organizations started women by the end of the 19th century; a few women emerged from within the reformed families who formed organizations of their own. One of the first to do so was Swarnakumari Devi, daughter of Devendranath Tagore, a Brahmo leader, and sister of the poet Rabindranath Tagore, who formed the Ladies Society in Calcutta in 1882 for educating and imparting skills to widows and other poor women to make them economically self reliant. She edited a women journal, Bharati, thus earning herself the distinction of being the first Indian woman editor. In the same year, Ramabai Saraswati formed the Arya Mahila Samaj in Pune and a few years later started the Sharda Sadan in Bombay.

The National Conference was formed at the third session of the Indian National Congress in 1887 to provide a forum for the discussion of social issues. The Bharat Mahila Parishad was the women’s wing of this and was inaugurated in 1905. It focused on child marriage, condition of widows, dowry and other “evil” customs. The Parsis, the Muslims and the Sikhs all formed their own women’s organizations. Women in Calcutta, Bombay, Madras and other smaller cities formed associations whose members were drawn from among a small group of urban educated families. They were useful in bringing women out of their homes, giving them an opportunity to meet other women, doing philanthropic work, encouraging them to take an interest in public affairs and thus broadening their horizon. It also gave them the experience of managing an organization. National Women’s Organizations The early women’s organizations had been confined to a locality or city. In 1910, Sarala Devi Chaudhurani, daughter of Swarnakumari Devi formed the Bharat Stree Mandal (Great Circle of India Women) with the object of bringing together “women of all castes, creeds, classes and parties... on the basis of their common interest in the moral and material progress of the women of India.” It planned to open branches all over India to promote women’s education. Branches were started in different cities such as Lahore, Amritsar, Allahabad, Hyderabad, Delhi, Karachi and other cities. Purdah was regarded by Sarala Devi as the main obstacle for women’s education and
teachers were sent round to women’s homes to educate them. She wanted women to escape male domination and so only women were allowed to join her organization. The Bharat Stree Mahila Mandal however proved to be a short lived venture.

**Votes for Women**

In the inter war years, between 1917 and 1945, there were two main issues that the women’s movement took up- political rights for women and reform of personal laws. When Lord Edwin Montague, Secretary of State for India, came to India to join the Viceroy, Lord Chelmsford to survey the political scene with a view to introduce constitutional reforms, Indian women saw an opportunity to demand political rights. This led to the foundation of the Women’s Indian Association (WIA) in 1917 by Annie Besant, Margaret Cousins and Dorothy Jinarajadasa, all three Irish women Theosophists, who had been suffragettes in their own country. They were joined by Malati Patwardhan, Ammu Swaminathan, Mrs. Dadabhoy and Mrs. Ambujammal. WIA was in a sense the first all India women’s association with the clear objective of securing voting rights for women. A Memorandum signed by 23 women from different parts of the country, demanding votes for women on the same terms as men which would enable them to have a say in political matters was submitted to Montague and Chelmsford. It also stated other demands such as for education, training in skills, local self- government, social welfare, etc. (Cousins,1950) The Indian National Congress at its session in Calcutta in 1917, over which Annie Besant presided, supported the demand of votes for women and so did the Muslim League.

A women’s delegation led by Sarojini Naidu met the Secretary of State and the Viceroy to plead their case personally. The women leaders argued that the absence of women in the legislative assemblies was deplorable and that their presence would be extremely helpful as they could ensure that “children grow up to be splendid, healthy, educated efficient and noble sons and daughters of India...”

Women’s organizations held meetings all over India to express support for women’s franchise. Behind the scene, Margaret Cousins and a few other women worked hard to make their case. At this time petition politics was the main way of making an impression on the government. The South borough Franchise Committee toured India in 1918 to gather information. It accepted women’s petitions but was initially reluctant to grant the franchise to women as it felt that Indian women were not yet ready for it. WIA and other women’s groups were furious and continued their agitation.

Sarojini Naidu and Annie Besant went to England to present evidence before the joint Parliamentary Committee while local branches of WIA held meetings, passed resolutions and forwarded them to London. A delegation was sent to England to plead their case.

The Joint Parliamentary Committee of Parliament finally agreed to remove the sex disqualification but left it to the provincial legislatures to decide how
and when to do so. Travancore-Cochin, a princely state, was the first to give voting rights to women in 1920, followed by Madras and Bombay in 1921. Other states followed. Franchise was of course extremely limited. Women could vote only if they possessed qualifications of wifehood, property and education. In the elections held in 1926, Kamaladevi Chattopadhyaya stood for the Madras Legislative Council elections from Mangalore but was defeated by a narrow margin. The Madras Government nominated Dr. Muthulakshmi Reddy, a noted social worker and medical doctor, to the Legislative Council where she took up the women’s cause.

Ten years after the Montague-Chelmsford Reforms, the Simon Commission was appointed in 1927 as the first step towards the formulation of a new India Act. This led to the second round in the battle for female enfranchisement. When the Commission visited India, the Indian National Congress boycotted it on the ground that there were no Indian members on the Commission. The WIA joined the boycott, while the All India Women’s Conference was divided and some of its members met the Commission. AIWC prepared a Memorandum to be submitted to the Franchise Committee of the Second Round Table Conference demanding universal adult franchise, mixed general electorate and no reservation of seats for women. The Franchise Committee under the chairmanship of Lord Lothian rejected universal adult franchise but recommended that 2 to 5 per cent of seats in the provincial legislatures be reserved for women (Reddy, 1956). AIWC rejected the demand for reserved seats. The Government of India Act of 1935 increased the number of enfranchised women and removed some of the previous qualifications. All women over 21 could vote provided they fulfilled the qualification of property and education. Women had to wait till after independence to get universal adult franchise.

Reform of Personal Laws

The All India Women’s Conference was established in 1927 at the initiative of Margaret Cousins to take up the problem of women’s education. Women from different parts of India belonging to different religions, castes and communities attended the first session in Pune that was a great success. AIWC’s initial concern was with education but it realized that girls did not go to school because of purdah, child marriage, and other social customs. It therefore took up these issues. It waged a vigorous campaign for raising the age of marriage which led to the passing of the Sarda Act in 1929. AIWC took up the cause of reform of personal law. As there was some opposition to a common civil law, it demanded reform of Hindu laws to prohibit bigamy, provide the right to divorce and for women to inherit property. The women’s movement carried on a sustained campaign for these reforms that were finally obtained with the passing of the Hindu Code Bills in the 1950s.

Women in the National Movement

While on the one hand women’s organizations were fighting for women’s political and economic rights and trying to improve their position by education and social reform, women’s struggle entered a new phase with the arrival of Mahatma Gandhi on the Indian political scene. Women had been
associated with the freedom struggle before that too. They had attended sessions of the Indian National Congress and taken part in the swadeshi movement in Bengal, 1905-11 and in the Home Rule Movement. But the involvement of really large number of women in the national movement began when Gandhi launched the first Non Co-operation Movement and gave a special role to women. Peasant women played an important role in the rural satyagrahas of Borsad and Bardoli. Women participated in the Salt Satyagraha, in the Civil Disobedience Movement, in the Quit India Movement and in all the Gandhian satyagrahas. They held meetings, organized processions, picketed shops selling foreign cloth and liquor and went to jail. While thousands of women joined the freedom movement in response to Gandhi’s call, there were others who could not accept his creed of non-violence and joined revolutionary or terrorist groups. Their hatred of the British was intense and their plan was to make attempts on European lives as widely as possible. They believed in individual acts of heroism not in building a mass movement.

Women participated in the freedom movement because they were inspired by patriotism and wanted to see the end of foreign rule. It is debatable as to how far this participation liberated them. Women’s participation in the freedom movement did not lead to a separate autonomous women’s movement since it was part of the anti-colonial movement. While women who picketed shops, marched in processions or went to jail or threw bombs did not question male leadership or patriarchal values, it did generate in them a sense of self-confidence and a realization of their own strength. Many returned to their homes but others continued their activities in the public arena. It transformed the lives of many young widows such as Durgabai Deshmukh or Kamaladevi Chattopadhyaya. Women won respect for their courage and the large numbers in which they participated in the freedom struggle and at the Karachi session of the Indian National Congress in 1930, the resolution on Fundamental Rights gave equal rights to women.

Women in the labour movement

In 1917 Anasuya Sarabhai had led the Ahmedabad textile workers’ strike and in 1920 under her leadership the Majoor Mahajan, the Ahmedabad textile mill workers union was established. By the late 1920s, the presence of women in the workers’ movement was noticeable. There were several prominent women unionists and women workers were consciously organized and a special role was given to them in the workers’ movement. Bombay was the centre of this development and Maniben Kara emerged as the socialist leader of railway workers and Ushabai Dange and Parvati Bhore as Communist leaders of textile workers. In the 1928-29 Bombay textile mill workers’ strike, women played a leading role, as they did in the Calcutta strike during the same years.

First Phase of Women’s Movement: An Assessment

19th century social reformers were primarily concerned with issues that affected urban, upper caste, middle class women such as purdah, sati, education, age of marriage and widow remarriage. They argued that uplift of women was necessary because women are the mothers of future generations.
While women were urged to come out and work for the nation, there was no questioning of the traditional role of mother and wife. In fact it was stressed that if they were educated they would become better wives and mothers.

The women’s organizations demanded political rights and reforms in personal laws. The nationalist movement brought into its fold elite women but also poor, illiterate rural and urban women. What then was the nature of the women’s movement during the period before independence? Social reform, demand for political, economic and legal rights as well as participation in the freedom struggle were the main elements in the women’s movement.

Women’s participation in the public arena and in politics legitimized their claim to a place in the governance of India. The national women’s organizations like WIA and AIWC tried to remain apolitical but many of their leaders and members joined political parties whose main demand was swaraj.

As early as 1918, moving the resolution at the Indian National Congress, Sarala Devi Chaudhurani told the delegates that women had as much rights as men for this was the age of human rights, justice, freedom and self determination. She asked, “How do we attain rights?” and answered, “By the strength of our agitation we must force men to concede our demands and at the same time carry on propaganda among ourselves.”The women’s organizations did precisely this by holding meetings carrying on propaganda and petitioning the government to give women votes and bring about changes in laws pertaining to marriage, divorce, property rights, etc. All women’s organizations worked very hard to gather information for the Rao Committee on the Hindu Code Bill. They issued questionnaires and held meetings to discuss the implications of these reforms. Efforts were also directed towards women’s education and improving the condition of poorer women. These organizations cut across boundaries of religion, caste, language and region.

In 1938 the Indian National Congress set up a National Planning Committee under the chairmanship of Jawaharlal Nehru. One of the 29 sub-committees established was on “Women’s Role in a Planned Economy” in which many prominent women’ organizations and women Congress leaders were members. The terms of reference of the committee were very comprehensive and dealt with every aspect of women’s life and work. The committee put in an enormous amount of work, sending detailed questionnaires and compiling a huge amount of data. In its report, it came up with some extremely radical recommendations.

The women in the movement were educated and mentored by men but they were not mere puppets of the anglophile elite or even of nationalists. Nor were they a monolithic group. Some had been educated in English medium convent schools others in pathasalas. Some were from princely families, others from ordinary middle class homes. Some of them were strong personalities with views of their own.

The women’s movement in pre-independent India has been often called the first wave feminism. In this phase, women blamed tradition and religion for their suffering and sought redress in education and legal change. They were
feminists in the sense that they recognized women as oppressed because of their sex. They looked upon women as biologically, psychologically and spiritually different from men and based their claim for representation in public life on the complementarily of this difference. They argued that women could bring a special knowledge of the household and family matters to forums where public policy was debated and formulated. This ideology fitted well with Gandhi’s views on women and the nationalist desire to bring women into the freedom movement.

**The Women’s Movement: 1970s to the Present**

In post-independent India, the women’s movement was divided, as the common enemy, foreign rule, was no longer there. Many of the Muslim members went over to Pakistan. Some of the women leaders now formally joined the Indian National Congress and held positions of power as Ministers, Governors and Ambassadors. Free India’s Constitution gave universal adult franchise and by the mid fifties India had fairly liberal laws concerning women. Most of the demands of the women’s movement had been met and there seemed few issues left to organize around. Women’s organizations now saw the problem as one of implementation and consequently there was a lull in the women’s movement.

Women dissatisfied with the status quo joined struggles for the rural poor and industrial working class such as the Tebhaga movement in Bengal, the Telangana movement in Andhra Pradesh or the Naxalite movement. Shahada, which acquired its name from the area in which it occurred, in Dhulia district in Maharashtra, was a tribal landless labourers’ movement against landlords. Women played a prominent role and led demonstrations, invented and shouted militant slogans and mobilized the masses. As women’s militancy developed, gender based issues were raised. There was an anti alcohol agitation as men used to get drunk and beat their wives. Women went round villages breaking pots in liquor dens. Prominent women’ organizations and women Congress leaders were members. The terms of reference of the committee were very comprehensive and dealt with every aspect of women’s life and work. The committee put in an enormous amount of work, sending detailed questionnaires and compiling a huge amount of data. In its report, it came up with some extremely radical recommendations.

Meanwhile in Ahmedabad, what was probably the first attempt at a women’s trade union was made with the formation of the Self Employed Women’s Association (SEWA) at the initiative of Ela Bhat in 1972. Its aim was to improve the condition of poor women who worked in the unorganized sector by providing training, technical aids and collective bargaining. Based on Gandhian ideals, SEWA has been a remarkable success.

The anti price rise agitation launched in Bombay in 1973 by Mrinal Gore of the Socialist Party and Ahalya Rangnekar of the CPI-M, together with others, mobilized women of the city against inflation. The movement grew rapidly becoming a mass movement for consumer protection. So many housewives got involved in the movement that a new form of protest was invented by women coming out in the streets and beating thalis (metal plates) with rolling pins. The Nav Nirman movement, originally a student’s movement in Gujarat
against soaring prices, black marketing and corruption launched in 1974 was soon joined by thousands of middle class women. Their method of protest ranged from mass hunger strike, mock funerals and prabhat pheris. The Chipko movement got its name from the Hindi word ‘chipko’ which means to cling. This clinging to trees was a particular action people used to save trees, which were crucial to their lives, from being felled. The movement began in 1973 in the small hilly town of Gopeshwar in Chamoli district when representatives from a sports factory came to cut trees. Women joined the movement in 1974 and with their united strength prevented the contractor from cutting trees. It was the women of Chipko who brought to public attention the importance of trees and the need to protect the environment.

Towards Equality Report

The publication of Towards Equality, the Report of the Committee on the Status of Women in 1974 and the United Nation’s declaration of 1975 as the International Year of Women beginning with the First World Conference on Women in Mexico, generated a new interest in and debate on women’s issues. The data collected by CSW Report after exhaustive countrywide investigation revealed that the de jure equality granted by the Indian Constitution had not been translated into reality and large masses of women had remained unaffected by the rights granted to them more than 25 years earlier. It provided the intellectual foundation of a new women’s movement that found expression both in activism and the academia.

The 1970s and 1980s witnessed the growth of numerous women’s groups that took up issues such as dowry deaths, bride burning, rape, and sati and focused on violence against women. They stressed the sexual oppression of women in a way previous reform or feminist groups had never done. They questioned the patriarchal assumptions underlying women’s role in the family and society based on the biological sex differences implying a “natural” separation of human activities by gender differentials, the public political sphere being the male domain and the private familial sphere as that of the female which eventually translates into a domination of male over female. It was held that based on such a dichotomous perception of male and female roles, women find themselves in a secondary role which may sometimes lead to humiliation, torture and violence even within the family. Such a questioning of the patriarchal character of the family and society was not evident in the earlier phase of the women’s movement. Thus they held that the first step towards women’s liberation was to become aware of such patriarchal assumptions based on biological sex differences and roles.

Some of the earliest autonomous women’s groups were the Progressive Organization of Women (POW, Hyderabad), the Forum against Rape (now redefined as Forum against Oppression of Women), Stree Sangharsh and Samata (Delhi). Among the first campaigns that women’s groups took up was the struggle against rape in 1980. This was triggered by the judgment of the Supreme Court to acquit two policemen who were accused of raping a minor tribal girl, Mathura, despite the fact that the High Court had indicted
them. Four eminent lawyers addressed an open letter to the Chief Justice of India protesting the patent injustice of this decision and this led to country-wide demonstrations. Several other rape cases became part of this campaign that culminated after several years of protest in Government agreeing to change the existing rape law. The amended law was enacted in 1983 after long discussions with women’s groups. Since then, women’s groups have lobbied again to have the law further changed to make it more stringent and have also fought for an implementation machinery to be set up without which the law is less effective than it was intended to be.

The POW in Hyderabad organized new and fresh protests against dowry. In the late 1970s, Delhi became the focus of the movement against dowry and the violence inflicted on women in the marital home. Groups which took up the campaign included ‘Stree Sangharsh’ and ‘Mahila Dakshita Samiti’. Later, a joint front called the ‘Dahej Virodhi Chetna Mandal’ (organization for creating consciousness against dowry) was formed under whose umbrella a large number of organizations worked. The anti dowry campaign attempted to bring social pressure to bear on offenders so that they would be isolated in the community in which they lived. Experience in the campaign revealed the need for counseling, legal aid and advice to women. It was in response to this that legal aid and counseling centers were set up in different parts of the country. Women’s organizations also succeeded in getting the dowry law changed. Sati was declared a punishable offence in 1829. Yet in 1987, Roop Kanwar, a young widow, was forcibly put on the funeral pyre of her husband and burnt to death in a village in Rajasthan. Women’s groups rose in protest and declared this to be a cold-blooded murder. They demanded a new Sati Prevention Bill.

There were several campaigns in the eighties relating to women’s rights. Among them was a campaign, in 1985, in support of the Supreme Court judgment in the divorce case where Shah Bano, a Muslim woman, had petitioned the Court for maintenance from her husband under Section 125 of the Criminal Procedure Act and the Court granted her demand. The orthodox Muslims, however, protested against interference with their personal law. In 1986, the government introduced the Muslim Women’s (Protection of Rights in Divorce) Bill denying Muslim women redress under Section 125. Women’s associations protested against this outside Parliament. Over the years it has become clear that changing laws alone means little unless there is a will to implement them and unless there is education and literacy which makes women aware of their rights and allows them to exercise them effectively. It was this realization that has led the women’s movement to take up in a more concerted manner programme of legal literacy and education, gender sensitization of textbooks and media.

Women’s studies as an identifiable area of teaching and research emerged in the 1960s in the United States, although the intellectual antecedents go back further, most noticeably in the works of Simone de Beauvoir and Virginia Wolf. The contemporary women’s movement provided the impetus for the establishment and growth of women’s studies across disciplines. Women’s studies spread to India slowly at first and then more rapidly following the UN Mid
Decade Conference in Copenhagen in 1980. The Indian Association of Women’s Studies established in 1981 is an institution of women academics and activists involved in research and teaching. In the last three decades a large number of books and journals by and on women have appeared. There are publishing houses that bring out books exclusively on feminist subjects. Efforts are being made to prepare reading and teaching material with a feminist perspective.

A number of universities and colleges have women’s study centres. All the major political parties, the Congress, BJP, CPI, and CPI (M) have their women’s wings. The new women’s groups declare themselves to be feminist. They are dispersed with no central organization but they have built informal networks among themselves. Their political commitment is more leftist than liberal. The Indian women’s movement is often accused of being urban based and middle class in character. While the urban feminists are more visible and articulate, rural women have also mobilized themselves. While street level protests and demonstrations give the women’s movement visibility, this is clearly not enough. What is needed is attention to basic survival needs such as food, safe drinking water, sanitation and housing. Women need education, health care, skill development and employment; safety in the home and at work. The last few years have seen the broadening and expansion of the movement to take in a whole range of issues. Women’s organizations not only lead campaigns and march on the streets, they, including the older ones such as AIWC, YWCA and others, run shelters for battered wives and women who are victims of violence and provide counselling and legal aid. They conduct training workshops on various issues.

They also help in forming self help groups to make women economically self-reliant. The success of the women’s movement has not been in the number of women appointed to office or in the number of laws passed but in the fact that it has brought about a new consciousness on the entire question of women in Indian society.

There would have been no women’s movement in India if Indian men in the nineteenth century had not been concerned with modernizing women’s roles. They focused on certain issues such as sati, child marriage, condition of widows, education, etc., because they saw the world through the prism of their own class and caste. Their efforts led to bringing women of their own families into the new world created by colonial rule. Women came out and created a space for themselves. They started organizations of their own, first at the local, then at the national level. They were motivated by liberal feminist ideas and the belief that education, granting of political rights, and legislative reforms would improve women’s position. They fought for the country’s freedom and believed that independence from foreign rule would remove obstacles in women marching forward. In the second phase, the women’s movement was more radical and challenged patriarchy.

Yet in terms of numbers, few women, even now, are involved in the women’s movement and one should not exaggerate its impact. The large majority of India women still live below the poverty line leading miserable wretched lives.
While there have been scattered and sporadic examples of women’s outraged protests against rape, dowry deaths or sati, women have not been able to mobilize themselves enough to exert political pressure and focus attention on those problems which are today affecting their role and status. Despite this long history of women’s struggle, Indian women are one of the most backward today in terms of literacy, longevity, maternal mortality, female work participation and sex ratio. Changing societal attitudes and women’s own self perceptions which are deeply rooted in our psyche and social structure is not easy. For every step forward that the movement takes, there may be a possible backlash, a possible regression.

History shows that though the struggle for women’s rights is long and hard, it is a struggle that must be waged and won. The women’s movement thus has a long way to go in its struggle for bringing about new values, a new morality and a new egalitarian relationship.
UNIT-IV

INTERNATIONAL SCENARIO

PROBLEMATISING THE FIRST, SECOND AND THIRD WORLD

A first world country is a fully developed country; a country that is economically stable, practices human rights and allows freedom of speech. Australia, America, Britain, Canada, Finland, Sweden, New Zealand, Austria, Netherlands, Germany, Switzerland, France, and the list can go on. These are first world countries. You should be able to figure out the rest.

Second World" refers to the former communist-socialist, industrial states, (formerly the Eastern bloc, the territory and sphere of influence of the Union of Soviet Socialists Republic) today: Russia, Eastern Europe (e.g., Poland) and some of the Turk States (e.g., Kazakhstan) as well as China.

Third world countries are developing countries, poor countries, countries of a war zone nature. But some rich countries are considered to be third world countries such as: Kuwait, Qatar, UAE and Saudi. These countries are rich but do not fully practice human rights and so on.

The origin of the term "Third World" had nothing to do with a nation’s economic development, or lack thereof. It was first used in 1952 by a French demographer, Alfred Sauvy. There was no analogous First World or Second World at the time, and he coined the phrase to map it to the "estates" into which historians used to divide the classes of society. The First Estate was the Church and the King (the monarch, ruling by Divine Right, was classified as a religious authority), the Second Estate was the nobility, and the Third Estate, roughly, was everyone else, from land-tied peons to wealthy merchant/traders. The term "Fourth Estate" to refer to the press didn’t gain general usage until the 19th century.

When Sauvy first used the phrase "Third World," historians, sociologists and demographers generally thought of the world as broken up into the "West" and the "Soviet bloc," or roughly, the developed nations of Europe and the Western Hemisphere, and the Soviet Union and those countries in their hegemony or sphere or influence.

Sauvy made the point that there were a number of nations that didn’t fall into either of these categories, who had their own agendas and needs, and like the Third Estate of the Middle Ages, were due to come into their own. Over time, First World has come to mean the developed nations of the West, and Second World is less often used to refer to the so-called "communist bloc," now almost entirely disused since the splintering of the Soviet Union.

As it happened, many of the nations in Sauvy’s Third World were also less economically developed nations. As a result, over time the phrase has generally
come to refer to the poorer parts of the world, without the societal, industrial, or technological infrastructure to support higher living standards for the people who lived there. "Second World" now sometimes refers to nations with developing economies, such as Vietnam, but its inherent ambiguity makes it an uncomfortable fit.

Today, some people object to the term as applied to a nation, claiming it has overtones of colonialism and paternalism, the "white man’s burden" of the Kipling poem. "Less economically developed nations" is often the preferred term, or more optimistically, Developing Nations. These all imply that "development" is economic, industrial, and/or technological — a nation’s intellectual, spiritual or social development remains unencumbered by terminology.

**Third World**

Third World was a term originally used to distinguish nations that neither aligned with the West nor with the East during the Cold War, many were members of the Non-Aligned Movement. Today, however, the term is used to denote nations with the smallest UN Human Development Index (HDI) in the world, independent of their political status. These countries are also known as the Global South, developing countries, least developed countries and the Majority World in academic circles.

Development workers also call them the two-thirds world and The South. Some dislike the term developing countries as it implies that economic development (industrialization) is the only way forward, while they believe it is not necessarily the most beneficial. The term Third World is also disliked as it implies the false notion that those countries are not a part of the global economic system. Some note that the underdevelopment of Africa, Asia and South America during the Cold War was influenced, or even caused by most powerful nations of the time; these nations could largely be divided into capitalist states in the west on the one hand, and communist states in the east on the other.

Noting that some of these countries have been left behind by economic globalization, some writers use the term Fourth World to refer to the poorest of these countries, which lack industrial infrastructure and the means to build it.

Many "third world" countries are located in Africa, Latin America, and Asia. They are often nations that were colonized by another nation in the past. The populations of third world countries are generally very poor but with high birth rates. In general they are not as industrialized or technologically advanced as the first world. The majority of the countries in the world fit this classification.

The term "third world" was coined by economist Alfred Sauvy in an article in the French magazine L’Observateur of August 14, 1952. It was a deliberate reference to the "Third Estate" of the French Revolution. Tiers monde means third world in French, but in the sense of "one-third" -- it does not mean "third in rank" (which would be troisieme monde). The term gained widespread popularity during the Cold War when many poorer nations adopted the category to describe themselves as neither being aligned with NATO or the Warsaw Pact, but instead
composing a non-aligned "third world" (in this context, the term "First World" was generally understood to mean the United States and its allies in the Cold War, which would have made the East bloc the "Second World" by default; however, the latter term was very seldom actually used).

Leading members of this original "third world" movement were Yugoslavia, India, and Egypt. Many third world countries believed they could successfully court both the communist and capitalist nations of the world, and develop key economic partnerships without necessarily falling under their direct influence. In practice, this plan did not work out quite so well; many third world nations were exploited or undermined by the two superpowers who feared these supposedly neutral nations were in danger of falling into alignment with the enemy. After World War II, the First and Second Worlds struggled to expand their respective spheres of influence to the Third World. The militaries and intelligence services of the United States and the Soviet Union worked both secretly and overtly to influence Third World governments, with mixed success.

The dependency theory suggests that multinational corporations and organizations such as the IMF and World Bank have contributed to making third world countries dependent on first world countries for economic survival. The theory states that this dependence is self-maintaining because the economic systems tend to benefit first world countries and corporations. Scholars also question whether the idea of development is biased in favor of Western thought. They debate whether population growth is a main source of problems in the third world or if the problems are more complex and thorny than that. Policy makers disagree on how much involvement first world countries should have in the third world and whether third world debts should be canceled.

The issues are complicated by the stereotypes of what third world and first world countries are like. People in the first world, for example, often describe third world countries as underdeveloped, overpopulated, and oppressed. Third world people are sometimes portrayed as uneducated, helpless, or backwards. Modern scholarship has taken steps to make academic discourse more conscious of the differences not only between the first world and the third world, but also among the countries and people of each category.

During the Cold War there were a number of countries which did not fit comfortably into the neat definition of First, Second, and Third Worlds. These included Switzerland, Sweden, and the Republic of Ireland, which chose to be neutral. Finland was under the Soviet Union’s sphere of influence but was not communist, nor was it a member of the Warsaw Pact. Austria was under the United States’ sphere of influence, but in 1955, when the country again became a fully independent republic, it did so under the condition that it remained neutral. None of these countries would have been defined as third world despite their non-(or marginally) aligned status.
With the 1991 collapse of the Soviet Union, the term Second World largely fell out of use and the meaning of First World has become extended to include all developed countries. By the end of the Cold War, the term Third World had shifted in English from its original meaning and became a synonym for infrastructure-poor countries. The term "Fourth World" came to denote to countries (such as Afghanistan) with almost no industrial infrastructure to speak of, or as a synonym for "least developed countries", as opposed to Third-World countries that are partially industrialized. Heavily industrialized states that were formerly communist are simply called "former communist countries.

**SAMIR AMIN**

Samir Amin (born 3 September 1931) is an Egyptian Marxian economist. He lives in Dakar, Senegal. He was born in Cairo, the son of an Egyptian father and a French mother (both medical doctors). He spent his childhood and youth in Port Said; there he attended a French High School, leaving in 1947 with a Baccalauréat. From 1947 to 1957 he studied in Paris, gaining a diploma in political science (1952) before graduating in statistics (1956) and economics (1957). In his autobiography *Itinéraire intellectuel* (1990) he wrote that in order to spend a substantial amount of time in "militant action" he could devote only a minimum of time to preparing for his university exams.

Arriving in Paris, Amin joined the French Communist Party (PCF), but he later distanced himself from Soviet Marxism and associated himself for some time with Maoist circles. With other students he published a magazine entitled *Étudiants Anticolonialistes*. In 1957 he presented his thesis, supervised by François Perroux among others, originally titled ‘The origins of underdevelopment - capitalist accumulation on a world scale’ but re-titled The structural effects of the international integration of pre-capitalist economies. A theoretical study of the mechanism which creates so-called underdeveloped economies.

After finishing his thesis, Amin went back to Cairo, where he worked from 1957 to 1960 as a research officer for the government’s "Institution for Economic Management". Subsequently Amin left Cairo, to become an adviser to the Ministry of Planning in Bamako (Mali) from 1960 to 1963. In 1963 he was offered a fellowship at the Institut Africain de Développement Économique et de Planification (IDEP). Until 1970 he worked there as well as being a professor at the university of Poitiers, Dakar and Paris (of Paris VIII, Vincennes). In 1970 he became director of the IDEP, which he managed until 1980. In 1980 Amin left the IDEP and became a director of the Third World Forum in Dakar.

**THE THIRD WORLD FORUM**

**Mission**

Created in 1975 Third World Forum assembles concerned intellectuals committed not only to the pursuance and expansion of the debate on the various possible development alternatives (itself considered in all its economic, social, political and cultural dimensions) but also to make real impact on the society concerned through debates.
Third World Forum mobilises, throughout the three continents (Africa, Asia, Latin America) about 1,000 personalities whose well known names usually associated with both creative thinking, capable of exhaustive probing and analysis of issues as well as men and women who proved their worth through their contributions in the formulation of policies, either as experts or as leaders of thought and social movements.

Third World Forum has been active for almost 30 years, during which it has been functioning as a network of intellectuals of three continents engaged in debates on various aspects of the “challenge to the development” of the peoples concerned. Since this “development” is in turn defined on the basis of the exigencies of a progressive social context (“development” for the benefit of the masses) that could foster enhanced democratisation of society in all of its dimensions (progress of political democracy, social rights, in gender issues, etc), in view of the mutual relationship between the internal social changes peculiar to the peoples and nations concerned and the prevailing trends in the global system. These debates concern macro-economic strategies, the forms of micro-economic management, analysis of economic forces’ vision of society and socio-political movements, in other words, all aspects of social life, as they include all the major issues concerning the world system (world economy, North-South relations, problems of environment and those relating to national and regional security and geo-strategy).

Positively the objective of Third World Forum is to identify concrete alternatives and formulate policy recommendations in the various areas in which it conducts research. Those alternatives and policy recommendations should not be the product of teams of researchers studying the problems in isolation. The product must be the result of interactions between “theory and practice”, between the scientific analysis of the problems and challenges on the one hand, strategies of action and targets of actual social movements on the other hand.

In that spirit, TWF operates as a “network” associating on the one hand organisations of what is usually called civil society and on the other hand centres of reflection where scientifically equipped thinkers pursue their research in response to the demands formulated explicitly (or implicitly in some cases) by the movements.

That choice is fundamental for Third World Forum. It stems from the idea that real world is not changed through pure “academic” reflections, but basically through the activities of social actors. But simultaneously it considers that the more those actors will be intellectually equipped to analyse the challenges, the more will their formulation of targets for action and policy recommendations be feasible, possible, efficient from the point of view of advancing towards required alternatives.

Impact

Beyond the impact achieved through the publication of TWF and partners researches, TWF has been animating a large set of debates, which have made a real impact. May be the best proof that this impact was not negligible is reflected...
is the role which TWF has been invited to play in the revival of the social movements throughout the whole world, more and more visible since the second half of the 1990s.

In that spirit Third World Forum was among the organisations that decided to set up together, the World Forum for Alternatives created in Cairo in 1997. The Secretariat of this World Forum for Alternatives is jointly run by CETRI (Louvain la Neuve, Director François Houtart) and Third World Forum (Samir Amin and Bernard Founou).

Third World Forum and the World Forum for Alternatives took the initiative, in partnership with others (Le Monde Diplomatique and Attac) in organising at Davos in January 1999, “another Davos” opposed to the dominant globalised neo-liberal economic strategies that constituted the agenda of the “World Economic Forum” (dubbed Davos Forum) with comments by a representative sample of the major social organisations and movements (trade unions, peasant organisations, women’s movements, NGOs and think tanks).

The initiative of this other Davos was widely publicised through the creation of the World Social Forum whose first three meetings were held in Porto Alegre (Brazil) in 2001, 2002 and 2003 and in Hyderabad (2003). Third World Forum and the World Forum for Alternatives are therefore actively involved in the development of the World Social Forum.

Third World Forum is now present in most major social fora, whether national, regional or global. In that way its contribution to the current most important debates is duly reflected.

**Overall strategy and suggested areas of activities**

The overall strategy of Third World Forum interventions and formulating its research programmes is defined every 3-4 years through the General Assembly of those who have been the coordinators of its major activities.

The current overall programme of Third World Forum has been formulated throughout the international major workshops organised in Dakar and Cairo (April 2001) and the major meetings of the Executive of the World Forum for Alternatives held in 2002 and early 2003. That overall integrated programme covers a wide range of areas of specific research, in response to the variety of the dimensions of the social reality. Such as:

- The new agrarian question and alternative prospects for peasant societies of the South;
- The new question of labour and prospects of restructuring labour unity;
- International Business Law or Peoples’ Rights;
- Managing resources of the planet, the case of oil, the case of water;
- In favour of a real dialogue between Europe, Africa and the Middle East;
- Towards new concepts of regionalisation in the South;
- Africa in the global system, the economic and the political dimensions;
- The debt issue: towards an international law regulating debts;
- Social, gender and democratic movements in the South;
- International chaos and militarisation of the globalisation processes;
- Reviving the solidarity of the “77” vis a vis global issues.

This integrated programme involves close co-operation between think tanks and social movements. This form of co-operation, which constitutes the central focus of the ambitions of Third World Forum and those of the World Social Forum and the possible Regional Social Forums as well, probably define the specific character of the networks or networks of networks formed by these organisations.

This necessary integration between the critical analysis of systems (globalised neo-liberal dominant system in the dominant position and visions of society imagined as a counterpoint) and that of the explicit or implicit strategic objectives of the social movements operating in the real world finds its ultimate and decisive logic in the common concern of TWF, WFA and WSF to assist in formulating concrete, efficient and credible alternatives to the so-called global neo-liberal project.

This search for “convergence in diversity” must proceed from permanent dialogue between “analysts” of the reality and representatives of those of the social and political movements working to transform such reality in favour of the popular and national interests they uphold.

At the end of the exercise, it should be possible to define our own agenda, that of social and popular movements involved in current or future struggles, thereby allowing for our positioning beyond the sole “response” to the agenda of the dominant system criticised (the agenda being that of G7 and the Institutions placed at its service – The World Bank, WTO and the World Economic Forum, dubbed Davos, in particular).

In this spirit, the Co-ordinators of the TWF and WFA networks recalled that our programmes must be rethought concretely by bearing the following requirements in mind:

(i) Refine the functional analysis of the really existing contemporary capitalism”, taking account of all the dimensions of the new realities through which it is expressed (scientific and technological revolution, transformation of production systems and social life, a more comprehensive geo-political globalised interdependence of the unilateral hegemonism of an exclusive super power, etc.). This refining effort should focus at the same time on the analysis of economic and social theories and on the language whereby its ideological dimensions are expressed. The analysis should also ensure a better integration of the economic and social dimensions of the globalised neo-liberal project and its political dimensions expressed, among other
channels, through the real danger of militarisation of the globalisation process.

(ii) Refine the interpretation of the meaning ascribed to the on-going struggles and the movements inducing them by identifying explicit and implicit strategies adopted by all civil society actors, in terms of the dominated class and the dominating groups; and in particular, the “democratisation” strategies proposed by either parties.

(iii) Identify, through the interpretation of the meaning of the movements, the more distant perspectives in which they are placed, the fundamental values and principles of the visions of society that they inspire. This identification will be devoted to raising each and everyone’s awareness of the diversity vital to the construction of the future. Such identification will also make it possible to further intensify the permanent criticism of the socio-economic theory, its basic concepts (economic efficiency, classes, peoples, nations and State), to identify those related to linkages between the authorities that are given prominence and those whose existence is veiled.

(iv) Have the ambition to inspire effective actions in the short, middle and long terms at all levels, from national to global levels.

**Structures and organisation of Third World Forum**

Third World Forum has been purposely created “small”, that is avoiding systematically the trap of heavy administrative infrastructures, which are common to too many “NGOs” proliferating during the last two decades. In that spirit what has been established as “HQ” for the organisation of Third World Forum, i.e. our Dakar office is only a small “liaison office”.

Third World Forum’s activities rely on two sets of supporters:

(i) The members of its own network of individuals, competent and respected in the communities of researchers, thinkers and policy makers.

(ii) The associate partners, which are research centres and think tanks as well as eventually social organisations and movements interested by the relevancy for their action of the issues raised in our programmes.

That network of partners, who are also in many cases associates in the World Forum for Alternatives and in the World Social Forum (and their national and regional replicas), would not function if not their positive assessment of the benefits that they draw from their inclusion in Third World Forum’s activities.

These light structures and complex patterns of interventions explain how such vast programmes as those of Third World Forum might be operated with a modest direct budget. In fact Third World Forum acts as a catalyst.

This function is of utmost importance. It is needed in order to reduce the deficiencies resulting from the extreme fragmentation which characterises the panorama of researches conducted in the areas of Third World Forum’s activities. It is perhaps because Third World Forum has been somehow successful in
performing that function that it has become one of the corner stone’s of the
global civil society as represented in the World Social Forum.

**SAMIR AMIN’S CONCEPT OF THIRD WORLD**

Amin analyzes the global capitalist system through its evolution over five
centuries and has found that its process of capital accumulation is exploitative
and destructive of many Third World countries. The monopoly global capitalist
model has created underdevelopment, stagnation, disintegration, marginalization,
exclusion, polarization, pauperization, inequality of income and wealth, bureaucracy and dictatorship, immorality and corruption, and cultural
and ethnic divisions. Accordingly, the Third World countries, the peripheries,
need a new strategy of development grounded in a new model characterized by
liberation, auto-centric economies, and full and effective participation in the
global system, which can help in shaping and changing the imperialist global
system. Amin’s contribution has provided such a model for change and
development, which makes it relevant for many countries.

**Introduction**

Samir Amin is a revolutionary economist because he was taught that
"surrender to an unjust order is not acceptable". He supports socialism for a
reason of "a revulsion against the wretchedness to which local children ... were
condemned." He believes in a world society that must "ensure genuine equality
for all human beings in all countries of the world". He is anti-imperialist because
he saw "the connection between the wretched social institutions of the Egyptian
people and the country’s submission to imperialist domination." Amin has
written many books and articles over the last forty years, analyzing capitalism,
globalization, and imperialism as well as their institutions. He has concluded
that these forms do exploit the majority of people over the globe and create chaos.
Accordingly, he rejects the bourgeois economics because of its tendency to
legitimize capitalism by formulating models devoid of power and social conflict.
Consequently, economic policy based on this science is the "art of managing
capitalist expansion".

We can review and analyze Amin’s contribution to globalization in order to
demonstrate its relevance to the process of economic development in the Third
World. Amin defines globalization as, "The establishment of a global market for
goods and capital, the universal character of competing technologies, the
progression towards a global system of production, the political weight that the
global system carries in the competition for global or regional hegemonies, the
cultural aspect of universalization, etc." Globalization does not mean the global
expansion of capitalist production, but it means power relations according to
which the most powerful nation on the earth, the United States of America,
imposes its cultural system on other nations.

Section 2 reviews some basic literature on Amin’s political global economy.
Section 3 analyzes Amin’s fundamental model of capital accumulation. Section 4
explains Amin’s analysis of the stages of capital accumulation on a global scale,
and section 5 provides some empirical facts associated with global capitalism,
pointing clearly toward the rejection of the capitalist road of development. Section
6 is devoted to tackle Amin's developmental road for the Third World as the best alternative option for development. A summary and conclusions will be provided in the last section.

**Review of some important literature**

Various economists and sociologists have critically evaluated Amin's work. Gerstein argues that Amin ignores production relations and considers only market exchange relations. He thinks that Amin's belief in the argument of unequal exchange has convinced him that taking production over circulation is an ideological alibi. Sica thinks that the study of the world economy must start with Amin's work. Sheila Smith accuses Amin of ignoring the national level, because he concentrates on central capitalism as the standard and peripheral capitalism as the distortion. Schiffer thinks that Amin’s theories simply do not fit the facts.

Chilcote provides a rigorous analysis of Amin’s contribution for explaining underdevelopment and the world system. Phelps points out that Amin has extended the dependency theory that Paul Baran initiated, arguing that modern imperialism has generated underdevelopment of the Third World. That is, Amin’s work is a central part of the Monthly Review School. Foster contends that Amin's Accumulation on a global Scale is indeed path-breaking in showing that imperialism, the global face of capitalism, is the drive for capitalist profits and marginalization and exclusion of many nations. Similarly, this paper concludes that capitalist globalization contributes significantly to the underdevelopment of many Third World countries, as their economic resources are looted by imperialist nations.

**The theoretical process of Capital Accumulation on a Global Scale**

The process of capital accumulation involves a transformation of initial money into commodities and then into a larger amount of money: the initial money plus surplus. Through this production and reproduction (accumulation) process, the surplus value is obtained by capitalists through exploiting the proletariat and working people. Amin has extended this process of capital accumulation into a theory of capital accumulation on a global scale. Capital accumulation process starts from a certain point at a specific time and continues penetrating and expanding on a global scale. Over this evolutionary course the process generates specific historical characteristics; consequently, it has been called differently: mercantilism, competitive capitalism, and monopoly capitalism (or imperialism).

Through this expansion the accumulation process of capital generates the center and the periphery. This center-periphery distinction means that the center is involved in the articulation of production of capital goods (sector I) and consumer goods (sector II) in a self-reliant (auto centric or inward looking) capitalist economy, delinked from structural dependence. The center is characterized by the use of skilled labor and by the cohesive linkage between sectors I and II. Moreover, the center is integrated culturally, and the capitalist mode of production is the dominant one. The other part, the periphery, is generally marked by the articulation of production for export and luxury.
consumption, and there is "lack of linkage between sectors I and II". In the periphery, the economy is specialized in the production of primary products and raw materials to satisfy the needs of the center. The periphery is characterized by an economic structure that is 'extraverted' "in the sense that the spinoff effects of growth are quickly transferred to the international economy." Culture and politics in the periphery are also weakly integrated, and "the capitalist mode of production, though dominant, is articulated with various "pre-capitalist" forms which are reproduced through the "development of underdevelopment".

For Amin, the process of capital accumulation leads to capitalist expansion into the periphery. This expansion produces the "crucial distortion toward export activities, which absorb the major part of the capital arriving from the center; (2) a distortion toward tertiary activities ... and (3) a distortion in the choice of branches of industry, toward light branches." This means "the transfer from periphery to the center of the multiplier mechanisms ... [cause] accumulation at the center to be a cumulative process. From this transfer results the conspicuous disarticulation of the underdeveloped economy, the dualism of this economy, and, in the end, the blocking of the economy's growth".

Accordingly, capital accumulation on a global scale generates growth in the centers and peripheries: 'Whereas at the center growth is development—that is, it has an integrating effect—in the periphery growth is not development, for its effect is to disarticulate. Strictly speaking, growth in the periphery, based on integration into world market, is development of underdevelopment". Put differently, the worldwide expansion of capitalism generates polarized accumulation: developed and underdeveloped nations, where the former (the few nations) dominate and control the latter (the majority of nations) because they have more power and wealth.

Polarization is "the concurrent construction of dominant centers and dominated peripheries, and their reproduction deepening in each state" which is "inherent in the process of accumulation of capital operating on a global scale". "The Third World had been constructed within the framework of capitalist development as the periphery of the newly arising centers of Europe's Atlantic seaboard". In other words, the center of the global system creates international division of labor, where it controls wealth and marginalizes many countries that are passively linked to the global system such that they adjust to the global economy but cannot affect it significantly. Usually such marginalized countries are exploited and excluded by capitalist productive relationships and their economic surpluses are appropriated by imperialists and invested elsewhere for more profits. Historically, this had happened even to China and India when British imperialism destroyed their industries and looted their wealth and palaces. But after their independence, and due to their non-capitalist systems and education, both countries have been able to become great powers on their own.

Rightfully and insightfully, Amin points out, development and underdevelopment are the two sides of global capitalist expansion. Amin states:
He continues, "The societies of the periphery were subjected to a constant structural adjustment [i.e.] ... to the demands of capital accumulation on a world scale". For example, some of these demands contribute to underdevelopment, as they require the diversion of economic surpluses to other rich nations and compel developing nations to pay huge interests on their external debt. That is to say, without capitalist productive relationships these economic resources can be reinvested in these nations; hence, underdevelopment can be overcome rapidly. This is indeed a clear rejection to Gerstein's contention that Amin ignored "the relations of production."

Besides the development and underdevelopment, the law of capital accumulation on a global scale generates world inequality in income distribution. The requirement of the process of capital accumulation on a global scale is "by its inner logic had to produce a polarization of wealth and power". Rewards for labor in the centers kept pace with productivity, but this was not the case in the periphery, because the periphery's proletariat was disconnected from the global labor market. The peripheries were subjected to the external expansion of the bourgeois states, a situation which led to a very intensive exploitation of peripheries' people: exploitation by world capital and domestic capital, and the latter uses the state power, which is mostly controlled by authoritarian regimes, to suppress and eliminate oppositions under the pretext of law and order. Indeed, this analysis refutes Smith's argument that Amin ignored the national levels, and shows that the exploitative relationships and the existence of low wages pauperize the working people.

In fact, this shows that polarization and pauperization are inseparable from existing capitalism. Amin's analysis, therefore, is based on the concept of "a world system founded on a market that integrated commodities and capital and excluded labor, whereas the concept of the capitalist mode of production supposed a market that integrated all three". This exclusionary process of labor, which creates the wage gap between developed and developing countries, and the retardation of technological movement to the peripheries have inhibited the capitalist market system from creating its images elsewhere as Marx predicts. Veblen thinks that exclusion and retardation are essential components of capitalist sabotage under monopoly (or higher plane) capitalism. Globally, this process produces not only development (center) and underdevelopment (periphery) but also polarization and inequality, leading to permanent global clashes manifested in revolutions and terrorism.

Indeed, Amin's theory is an excellent source to reorient Marx's and Luxemburg's theories of accumulation. Amin's attempt provides a clear understanding of the process of development and underdevelopment within the global system in which capital accumulation prevents (or blocks) the peripheries from taking the development road necessary to eradicate underdevelopment. This proposition is also inconsistent with Marx's and Luxemburg's analysis arguing that capital penetration in pre-capitalist areas would develop these underdeveloped areas. Sica rightly points out, "Certainly it is clear that competent discussions and studies of the world economy must begin with [Amin's] Unequal Development." This statement refutes Schiffer's argument that Amin's theory
does not fit reality, because capitalist penetration in the peripheries does hinder the development process, as the American occupation has done in Iraq.

**Evolutionary Stages of Global Capitalism**

Amin divides the evolutionary process of capital accumulation into three historical stages. The first stage (1500-1800) is called mercantilism. This period demonstrated the establishment of international exchange relationships between capitalist countries and colonies. Colonies were important outlets for markets and sources of raw materials. A fundamental issue needs to be stated in that before colonial control many countries from the Third World such as China and India were having similar level of economic development and per-capita income as the advanced capitalist nations. But after the colonial domination, India and China were looted by the French and the British. Other nations were subjected to similar exploitation and consequently their economic development was retarded for centuries and could not keep pace with the dominating countries. Clearly, this analysis provides more evidence for refuting Schiffer's contention that Amin's theory does not reality.

The second stage (1800-1880) is called competitive capitalism, a stage characterized by the industrial revolution and by equal exchange between the center and periphery which was gradually integrated into the international division of labor as agricultural and mineral exporters. The industrialized countries, the center, produced capital and consumption goods and had military superiority to conquer and dominate the periphery. For Amin capitalism's external expansion was a necessary and objective outcome of the process of capital accumulation because of the inadequacy of markets and the requirements of profit maximization.

The third stage (1880-present) is called monopoly capitalism (or imperialism), which is the most important stage for Amin's analysis, characterized by unequal exchange—the exchange of products whose prices of production, in the Marxist sense, are unequal—between the center and periphery. Other characteristics of this period were stagnation, mobility of capital on a world scale, and the integration of the world market. For Amin, the "export of capital to the periphery, where rates of exploitation were higher due to low wage-costs, prevented the fall in the rate of profit during the monopoly period by the mechanism of unequal exchange". Marx does suggest that one of the counteracting elements for the falling rate of profit is to move production operations to the underdeveloped area of the world because labor cost is very low and the rate of exploitation is very high.

In fact, Amin argues that global capitalism is driven by the globalized law of value, which generates "distortion by virtue of the fact that workers in the peripheral countries are paid at a lower rate than equally productive workers in the metropolitan centers." This is an unequal exchange because one hour of productive work in the advanced countries is exchanged for many hours of productive work in the Third World. For example, an engineer in a foreign capitalist firm in India earns $1.00 for two hours of work, but another engineer with the same qualifications and productivity earns $80.00 for two hours in
America. When they produce a product, and the product is sold globally at the American cost of labor, this mechanism allows the capitalist firm to earn very sizable profits or surplus value due to the exploitive productive relationship of Indian working people. Another example is from online education. If an American university charges $200.00 per credit and offers an online four-credit economic class, the American faculty cost per class may be more than $13,000.00. The university can employ an instructor who is not residing in the US and who may be better than the American instructor to teach the same class online for $500.00 a semester. If 25 students take the class, 100 credits will be generated for total revenue of $20,000.00. As can be readily seen, the total profit generated to the university by the American faculty is $7000.00, whereas the profit generated by the foreign faculty is $19,500.00. In Marx’s terminology the rate of exploitation of the foreign faculty is $(19,500/500) (100) = 3900$ percent. This is indeed unequal exchange, which explains the basic reason behind outsourcing of productive tasks to foreign countries. It also explains why the globalized law of value does not integrate labor market to capital and commodity markets through free international movement.

The third stage of imperialism is divided by Amin into four periods: (a) the expansion of 1880-1914, (b) the challenge period till 1949: the Russian revolution, the Chinese revolution, etc., (c) the postwar period between 1950-1991, and (d) the fourth period between 1991 and the present. If the earlier periods are ignored for simplicity, then the entire postwar period of 1950-present has four phases according to Amin. The first phase (1949-1954) is marked by the establishment of the global system in which the United States of America emerged as the global leader and the protector of capitalism: building Europe through the Marshall Plan, implementing Fordism by expanding globally and by making a compromise between labor and capital, isolating the USSR, etc. Over this phase Sovietism gradually moved away from its original socialist goals but was able to reach parity with the United States by the end of the 1960s. At the beginning of this phase African and Asian countries, the periphery of the global capitalist system, were still subject to colonial rule, but during the 1960s most of Asian and African nations regained their political independence.

The second phase is characterized by the Bandung era 1955-1975. The bourgeois Bandung project called for new developmentalism: independence, modernization, and industrialization for the Asian and African countries. This project was based on the myth of catching up through Soviet-style socialism and on the independence of the Third World. Over this phase the peripheries embarked on industrialization on unequal terms, a process that differentiated between semi-industrialized Third World countries and a Fourth World that had not begun to industrialize yet--uneven development at the periphery. It should be noted that industrialization of some of the peripheries was not the result of capitalist expansion; rather, it was a basic outcome of the continued pressure of the movement of national liberation.

The third phase of the postwar period (1976-1991) was characterized by the collapse of the three pillars on which internal and world order was based upon: the crisis in the capitalist West and the collapse of Fordism, the failure of
the Bandung project, and the collapse of Sovietism. It is appropriate to state that
the collapse of Fordism and the crisis of capitalism were the results of global
capital offensive penetration that eroded historical compromises and of workers' struggle against capital, respectively. The collapse of Sovietism was due to the facts that the Soviet system was neither socialist nor capitalist and was destroyed by the Afghanistan War.

The fourth phase of globalization (1991–present) represents the most important phase of U.S. imperialist domination, whose basic objectives according to Amin are, "To destroy the conquests of the working classes, to dismantle the systems of social security and employment protection, to return to poverty wages, to bring [some of] the peripheral countries back to their outmoded status as providers of raw materials while limiting the opportunities of those who become relatively industrialized by imposing the status of subcontractor on their productive systems, and to speed up the squandering of the resources of the planet." Amin describes this system of power relations as, "Imperialism is once again on the offensive ... globalization ... is ... imperialism". Also "Imperialism does not bargain to maintain its position in some countries, nor does it retreat" it is on the offense: "the Great Powers (conspicuously the United States) continually apply raw power in all domains, whether military ... or economically”.

Global Capitalism: Some Empirical Facts

Empirically, evidence is available to substantiate these propositions about U.S. imperialism. Amin analyzes various aspects of the U.S. hegemony: the control of the global monetary and financial system, the military superiority of the US, and the cultural and linguistic development of the American way. He points out, "We have seen the rich oil producers of the Gulf finance their own military conquest by Washington." The American occupation of Iraq was mainly motivated by the huge reserve of the Iraqi oil: the profit motive, which also can generate huge profits for the military complex. The government invents a false reality of Weapons of Mass Destruction by using various methods of deception and misinformation to create internal fear. Nationalism is invoked in order to bond American people behind the government’s imperialist invasion. Aggressive nationalism has brought most of people together, forming a coherent whole to defend the imperialist scheme of the ruling class. The Patriot Act and the surveillance of Americans are additional means to suppress opposing views, and the violation of human rights in Abu Ghraib has become the brand of U.S. democracy under monopoly capitalism. Many Americans and Iraqi citizens are being killed daily and Iraq has been looted and destroyed; and the ruling class capitalizes on this disastrous condition by making the best deal: more profits and wealth for Halliburton, oil corporations, and the military complex.

Indeed, U.S. imperialism generates more costs compared to its benefits (irrationality), and the underlying population pays the costs. Essentially, the benefits received by the American ruling class from the occupation and destruction of Iraq are about $100 billion annually calculated at $60 per barrel of oil for a production level of 5 million barrels a day. An equal amount is spent by the federal government for militarism, generating reasonable profitability for the
military complex. These benefits are far less than the public cost of the invasion: $400 billion now and expected to reach one trillion, the death of 3220 soldiers, the 23000 wounded soldiers, the psychological problems of US soldiers and families, the world spread of terrorism, the clear weakness of US foreign policy, the contamination of US image, the death of more than 500000 Iraqis, the looting of the Iraqi archeological materials, the destruction of the Iraqi infrastructure and industries, and the humiliation of Iraqi families: development of underdevelopment.

Therefore, for the Middle East, Amin contends, the U.S. (or "the new masters of the world") uses its resources, technologies, and weapons trying to dominate the world by controlling, or looting, the natural resources of this region. This control can achieve the basic goal of the ruling class: "Will not tolerate the reconstitution of any economic and military power capable of questioning its monopoly of domination over the planet, and for this purpose, it gave itself the right to wage preventive wars". Consequently, Amin thinks that U.S. and its alliance have actually imposed a permanent war in the region, a war that enhances the power of some Arab regimes, prevents any form of Arab democracy, and therefore enforces capital domination and American hegemony. But one can contend that the war in Iraq will be the basic transition for US whether to dominate the region or to be defeated by defenseless people. Many indicators, including the fact that the Iraqi people do not want to be occupied by foreign imperialist forces, show that US has been on the losing end, and the report of the Iraqi Study Group (ISG) has provided the President a graceful exit strategy.

The American occupation of Afghanistan, which came as a reaction to the terrorist attack of September 11, 2001, was essentially driven by the profit motive and has destroyed Afghanistan in many aspects. The new government has power over a very small area, and is not legitimate because it has been protected by the imperialist occupiers. The infrastructure of the country has been destroyed, which cannot support future growth and development. The production of opium is at the highest level, and war lords are controlling its revenues. Rumsfeld, the previous American secretary of defense, was concerned about the increased opium production in Afghanistan. The Pentagon reported in December 2006 that more increases in Opium production have been generated. Drug smuggling of heroin also increased between India and Sri Lanka. In short, the production and exports of opium from Afghanistan and Myanmar have created many problems in Russia, China, Iran, and other countries in the world. Surprisingly, at any rate, the U.S. occupation of Afghanistan has not eliminated Bin Laden's terrorist group. One fundamental achievement has been the building of the oil pipe line that goes through the northern part of Afghanistan. The same pipe line that the Taliban government rejected a deal with the US to build. In short, the occupation of Afghanistan has destroyed the country in all cultural and material aspects: a catastrophe, or development of underdevelopment.

For Africa, Amin has demonstrated many important facts that are related to its environment. Because of colonization Africa has maintained its position in the international division of labor as countries producing mineral and other primary products. This position has generated underdevelopment and negative
growth rates in GDP. Monopoly capitalism and multinational corporations have been able to extract economic surplus without reinvesting it to revolutionize agriculture and industry. Africa remains a disintegrated and divided continent, because monopoly capitalism creates ethnic divisions and social clashes.

Under the regime of globalization there are about 184 million unemployed world workers and about 2.8 billion world workers earn income of two dollars a day, an income that cannot lift them above the poverty line. In fact, one billion world workers live on less than a dollar day. In India one out of three workers earns less than the poverty line of one dollar a day. The states of the former Soviet Union have more than 150 million persons in poverty. In the United States of America there are more than 35 million persons below the poverty line, and in Philippines there are more than 24 million poor persons. In Argentina about 60% of people have an income level that is below the poverty line. In Iraq, Al Sadr city, which was called the Revolution and then Saddam City, has more than one million poor and marginalized persons below the poverty line. All of them have become soldiers for Muqtada Al Sadr's Al Mahdi army aiming at fighting and defeating US forces in Iraq. These excluded individuals have chosen this revolutionary alternative because the democracy of American imperialism (or globalization) has ignored poverty; consequently, the exploited and the looted people have become revolutionary Jihadists. Similar cases can be found in other slum cities in the world such as the ones in Sao Paulo, Cairo, Jakarta, Istanbul, to mention a few, cities that have been created by the IMF and World Bank policies to reproduce poverty.

Globalization has been associated with a widening inequality in income distribution. In the United States of America the Gini coefficient, an indicator measuring inequality, has increased from 0.35 in 1973 to 0.45 in 2004. Twenty percent of the American population has been receiving more than 50 percent of the distributed income and the other 80 percent receives less than 50 percent. American middle class has been squeezed in that part of it has moved upward and the other part has been moved downward. Similarly, in Japan the middle class has been replaced by a small group of very rich individuals and poor. In China, the wealth gap has been widening such that very few Chinese have become wealthy and millions of them have been living in the mostly poor country side. Chinese Gini coefficient has become about 0.45 in 2003, which is similar to the American Gini coefficient, signaling a higher inequality in income distribution. In Latin America the inequality has also been widening such that anti-Neo-liberal model political parties have been winning political elections such as the ones in Brazil and Venezuela for the purpose of instituting social programs that help the working people.

More important, globalization has been associated with the financial dominance of the US dollar. The dollar had been very strong against many world currencies. The strength of the dollar is usually driven by many factors, but higher interest rates and low rates of inflation were very important determinants. Particularly, higher interest rates relative to other advanced countries increased the demand for dollar, which led to a high exchange rate. If the Fed does not increase short term interest rate, the dollar exchange rate declines. While a
higher value of the dollar affected US exports negatively, it increased US imports and generated deficits in the international trade balance. Many countries have been able to sell their products in the American market as long as their national policies are compatible with the US foreign policy. But these countries had received US dollar that was not backed. In other words, it is a piece of paper. Many countries from the Third World such as China, India, Saudi Arabia, and the like have accumulated more than three trillion dollars in cash. Hence, it is of their interest to keep financing the United States of America, particularly the military expenditures on the wars in Iraq and Afghanistan. That is to say, the dollar hegemony has been established.

Globalization which has created many unregulated private production activities has led to the destruction of the world environment. Various studies have demonstrated that pollution has forced more than 200 million people of the globe to migrate to new places, because the previous locations became unbearable to live in. In short, globalization has created a dangerous environment for humanity.

Scandals and corruption have been on the rise under the global system of capitalism. In the United States of America, many Republicans had lost the election of November 2006 due to connections with Abramoff, tax fraud, and other corruptive deals. Corporate scandals such as Enron and Halliburton created many problems in the energy market, particularly in California. Billions of dollars were not reported during the imperialist occupation of Iraq. Corruptive activities such as the provision of contracts without competitive bidding were practiced even by the United States government when it gave various contracts to Halliburton. In Thailand, many families received funds above the legal limits and few of them dominate the national economy. Asia Times Online reported on September 20, 2006 that "the outpouring of foreign aid and donations to Indonesia in the wake of the December 2004 tsunami is being pilfered by corruptive government officials and their affiliated business interests." Similarly, the same excellent media outlet reported on August 19, 2006 that "In India, corruption is under the table In China, it is over the table, while in Indonesia includes the table."

On a global scale, the future of humanity, Amin argues, depends on some cultural battles: "Today one of the major battles that will decide the future of humanity turns around the 'Americanization' of Europe. Its objective is to destroy the European culture and political heritage and substitute for it the one that is dominant in the United States." And "The other battle is that between the "North" of dominant capital and the "South," the 85 percent of humanity who are the victims of the imperialist project of the triad." To counter these battles, the U.S. ruling class, Amin contends, tries to do: "The new imperialist project of the U.S. ruling class requires a redoubling of an aggressive nationalism, which henceforth becomes the dominant ideology and recalls the Europe of 1914 rather than the Europe of today" Amin rationalizes the U.S. tendency to exploit by pointing out that the United States is a product of the conquest of the West "which leads to considering all other people as 'redskins' who have the right to live only on condition of not hindering the United States."
This hegemony faces resistance and opposition from capitalist states and others, particularly from the marginalized people, which the system reduces them to poverty. Amin expects marginalized people to react in the future, stating, "Such an order can [not] be long-lasting as it generates nothing but chaos and its effects are so disastrous that it will inevitably engender reactions strong enough to destroy it." He also asserts:

If one looks back at the tragic terrorist attacks of September 11, it seems that Amin’s prediction was accurate in that those marginalized people did serve notice, and most likely they will terrorize people in the future. Amin contends that those terrorists were described as "freedom fighters" and "trained for assassination in U.S.-funded camps."

At any rate, under early capitalism people expect that the capitalist development process integrates a country, establishes democracy, and maintains competitive environment and social relationships such as wage contract and negotiations. Most importantly, capitalism creates a unified culture and institutions that will have positive effects on the global system. But monopoly capitalism, or imperialism, creates division, social classes, protection, monopolization, and hegemony. Under monopoly capitalism large corporations dominate economies and usually retard development of other countries. Their relationships with marginalized nations are to keep these countries as markets for their products and economic resources. Even when there is modernization, the latter combines constructive dimensions such as capital accumulation and rising productivity and destructive dimensions such as commoditization of labour. This creates polarization of income on a world scale. Imperialist modernization integrates few in the labor force and excludes (marginalizes) massive number of workers. Similarly, it integrates few countries and excludes the rest. Amin correctly concludes, "The hegemonic strategy of the United States and its NATO allies is today the main enemy of social progress, democracy, and peace." This conclusion suggests that this century will be one of many conflicts which ends include wars and destruction.

**The Development Road for the Third World**

Amin criticizes the non-capitalist road for development, because it is actually a form of capitalist development, which is integrated into new globalization. The failure of agricultural development in the peripheries is manifested in increasing food dependency. "Without a genuine delinking of internal relative prices from those of world market, the rewards for peasant labor remained lower than those for urban labor. Amin believes that self-sufficiency of food in the ECC had been achieved by a policy of delinking European agricultural prices from those of the world market. Industrialization of the peripheries was dependent on external outmoded technology, and was not delinked. This non-capitalist development, Amin contends, brought increasing vulnerability through food shortages, technological dependency, and foreign debt.

Amin rejects the monopoly capitalist road of converting peasant-based subsistence agriculture to agribusiness, because it reintegrates the periphery into the global system and abandons delinking. This situation reinforces
peripherization according to Amin and creates polarization, inequality, and underdevelopment. Amin demonstrates clearly that many Third World countries in Africa and elsewhere, which he actually calls the Fourth World, have been in economic stagnation for a long period of time and have not been able to establish genuine development, because multinational corporations have exploited and looted their economic surpluses. Amin contends that productivity differential is about 2000 to 1 between advanced and non-advanced capitalist agriculture. This reduces the relative prices of food to industrial prices to one fifth of what they were fifty years ago. This is a basic result of unequal development: industrial and agricultural societies in the center and the Third World that could not replicate the pattern of the advanced countries. As indicated previously, the monopoly capitalist (or imperialist) model of development serves the financers and has disintegrated the social and economic fabric of the peripheries, an outcome that has created many political and ethnic problems.

Amin rejects the old Soviet road of creating cooperatives controlled and exploited by the state, and delinking deployed for this purpose produced a Soviet bourgeoisie. One should note that Amin did not consider the Soviet society as socialist. Socialism for him "means more than the abolition of private property ... [it] has a positive meaning of alternative labor relations other than those defining wage status, alternative social relations allowing society as a whole ... to control its social future. This in turn means a democracy far more advanced than the best bourgeois democracy". Sovietism had no such a system. Nor was the Soviet system a capitalist system although the ruling class was a bourgeoisie. Capitalism for Amin means the dispersal of the property of capital on the basis of competition, whereas the USSR had state centralization of property. Amin calls it "the Soviet mode of production."

Having rejected these existing roads, Amin formulates his own road based on a "vision of a region delinked, modernized, auto centric, embarked on agricultural development, and in the early stages of successful industrialization, based on an income distribution that wiped out the intolerable inequalities inherited from peripheral capitalism". Amin suggests this road for the development of the Arab world. This vision is based on "drawing on the inspiration of the Chinese communes", and builds around peasant revolution in the Third World. "It implied, therefore, industrialization at the service of agricultural development, which left behind the spurious bourgeois debate: import substitution or export industries". This vision can be implemented under the leadership of the working people. It follows that Amin is not committed "to the national bourgeoisie of the peripheral countries", as Gerstein thinks. Nor can Amin's vision be considered as "technical prescriptions that would presumably be useful to the national bourgeoisie in its struggle for "independent development", as Gerstein incorrectly argues.

Amin’s vision reflects world class struggle, pointing toward rebuilding of popular democratic societies based on the foundations of an internationalism of peoples, a proposition refuting Gerstein’s argument that Amin "does not emphasize the class struggle." This popular transition on a global scale begins with the liberation of the periphery and the adoption of a local model of
accumulation. Amin points out, "A development that is not merely development of underdevelopment will therefore be national, popular-democratic, and socialist." And in Dunn’s words: "The socialist mode of production is not possible on a national scale, but can only come about through the transformation of the world system as a whole”.

Amin suggests that these countries have to develop an industrial base that can serve the agricultural sector for its growth and transformation. Both of these sectors can constitute the core of development, which shapes fundamental changes. This formation allows global engagement with other countries, but he believes that these countries should not be dominated by the capitalist countries, or the center. Once domination is contained, the Third World countries can establish reasonable democratic and governance systems to support the base of the development process. At this stage these developing countries can shape the global system, i.e., they can affect and influence the global system directly and significantly, a mutual feedback reflecting a high degree of civilized participation which in turn destroys the process of marginalization of the Third World countries that have been subjugated to for the last several centuries. The destruction of marginalization and exclusion of these countries from the global system entails equal effective partners in global affairs. Indeed, all these economic and political outcomes provide important indicators for the relevance of Amin’s road of development to many Third World countries. Recently, Amin thinks that world nations may peacefully respond to the U.S. hegemony by establishing coherent relationships among them, which are conducive for better growth and development. In fact, this approach would create multipolarity as an alternative to the hegemonic system imposed by the US version of globalization.

Amin’s vision clearly suggests that he is not a Third Worldist. Nor is the class struggle less important for Amin, as Disney and others erroneously have argued. Nor does he ignore the national level, as Smith points out. That is, his critics had really irrelevant critique of his work. In fact, Amin has a complete intellectual thought aiming at eradicating pauperization and inequality through a revolutionary way such that people of the world can live in harmony without being dominated and exploited by the imperialist center, a conclusion that makes his thinking relevant to many nations.

Summary and conclusions

Amin’s entire system of thought is based on capital accumulation which is a process operating on a global scale. This process generates development (the center) and underdevelopment (the periphery). The center and the periphery each have their own characteristics, and both are linked through different specialization and an unequal exchange. Over the evolution of this global system and the development of polarization, inequality in income distribution on a global scale has been created. Pauperization is a fundamental outcome of the process of capital accumulation on a global scale, making world proletariat, especially the periphery’s proletariat, unable to buy products of the machine industry. Overproduction and pauperization reflect the basic social contradiction of global capitalism, which in turn generates the crisis and perpetuates the development of
underdevelopment. Delinking the peripheries and implementing industrialization to serve the agricultural sector within a new democratic system under the leadership of the working people is the only way to rescue the world from barbarism waged by monopoly capitalism, a way that has made Amin’s intellectual system relevant to many nations, particularly the Third World.

The main conclusions of reading Amin’s intellectual system are as follows. (1) Delinking the periphery in line with Amin’s democratic road model of development is the optimal path of development. (2) Capitalists do not allow the constitution of an integrated global labor market in order to weaken world worker solidarity and to keep wages low. (3) Amin generalizes the law of accumulation to a global scale in order to analyze the global capitalist economy as a coherent unit. It follows that any study of the global economy has to start with Amin’s analysis. (4) Amin rejects Marx’s theory of the falling rate of profit in explaining crisis under capitalism, because the system can prevent the rate of profit from falling. For him, therefore, the crisis is created by workers’ struggle and other factors generating chaos and reducing the profit margin. (5) The global system of development and underdevelopment has been established by capital expansion, suggesting that globalization has not homogenized the globe—it perpetuates uneven development and class struggle as well as unemployment, inequality in income distribution, exploitation, dollar hegemony, military occupation, environmental destruction, alienation, wars, human rights abuse, and dictatorships. These facts are also consistent with the current age of globalization.

**CULTURAL DIVERSITY AND DEVELOPMENT OF HUMAN RIGHTS**

**Historical Introduction:**

Human Rights were manifested in line with various human civilizations and as an objective outcome of justice seeking movements. At various historical era intellectuals, scholars, prophets and rulers had extremely effective role in institutionalization of human rights concepts. Historically, there seemed to be the defence of rights of human from three thousand years ago on, based on the exalted teachings of Justice-seeking movements. The Analects of Confucius in the Eastern Asia, and the epigraph (inscription) of Great Cyrus in Iran and western Asia during the conquest of Babel, and the Asian values at various eras in the Indian subcontinent, could be considered as the memorials of human rights history. From a historic perspective, what was found in these writings is considered as the precious heir of human society which is linked and depended to other parts.

Undoubtedly, these huge thoughtful and historic achievements belong to all human being and their use could help to a better understanding of human rights concepts. In other words, this precious heritage has international values for two reasons:

First and with regard to human rights concepts, the values posed in this viewpoint have very deep, wide reliable dimensions. Second, these ideas at their special time and place setting have been geographically dominant in various
parts of the world. In fact, these concepts were not only considered as a theory, but also have been practiced in societies. Therefore through a new approach, it could be concluded that intellectuals, rulers and prophets had the seeking of justice and protecting of the rights and dignity of human beings on the top of their activities. Confucius states: "Whenever the highest reality triumphs the life of human society, the Earth belongs to the fabric of society. The people choose among themselves the most knowledgeable diligent men to establish peace, unity, welfare and solidarity in the society. Then all individuals treat each other honestly and amicably like family members and give a helping hand to each other. This is the real human society."

These were stated several centuries ago (B.C.) but we find the fundamentals of human rights in those words of Confucius. On the other part, many of the historians and intellectuals believe that the first world declaration on Human Rights was issued by Cyrus the Great. He toppled down the Mad's dynasty and established a government based on the human principles. According to Aristotle, "Cyrus has released his country from servitude".

It is interesting to know that according to the documents and evidences, Holy Koran refers to Cyrus as zulghamein. He was a man of monotheism and a king of justice who was kind to inferiors. His manner was based on kindness, benevolence, and tolerance while he was a man of politics towards the tyrants and enemies. Cyrus has always defeated enemy tribes, and forgiven the offenders. He has always paid tribute to the high figures of every tribe and treated their inferiors with compassion and has politically taken measures for the disloyal and corrupt persons. In 538 B.C, when the news of the tyranny of Babel king became worldwide, Cyrus commanded a military group to Babel. When he conquered Babel, he issued an order by which forty thousand people were released from servitude and were returned to their homelands. With regard to the exalted rights of human, the epigraph of Cyrus is of paramount importance and is considered as the first charter of freedom and human rights in the legal forums. In a part of his historical epigraph, Cyrus states: "Every day I pray the Almighty Allah. My numerous armies moved in Babel city without any nuisance. I did not let anyone to make Babel land frightened. I considered their needs and their chapels and made efforts to improve their lives. I took away the undesirable yoke of Babel civilians. I renovated their destructed homes and put an end to their grieves...." These were two examples of the great history of human civilization based on the sense of justice and protection of human rights that were referred to. Meanwhile, these fundamentals have been influential at their special time and place and should be pondered about with respect to geographical expansion.

**A critic on cultural relativity and international human rights**

A western intellectual in the field of cultural relativity and international human rights, Jack Donnelly, has dealt with a kind of understanding of these two subjects and considered the classification of weak and strong, cultural relativity, extremist and non extremist globalization as an approach to get rid of the challenge.
However, there is a primary discussion: First, the elements of time and place have significant effects on en- culturing and globalizing human rights. For example globalization of human rights is based on the Universal Declaration of Human Rights and the relevant covenants, however a question has not yet been posed that the issuance of the Declaration, was principally established on the disputes of the West camp and the disputes were prompted by the main problems that hindered the establishment of peace and security in the West.

As a final point, Donnelly believes that human rights in our age is worldly in essence and should only be adjusted to some relatively common levels, based on the cultural diversity.

In the book, based on the effectiveness of time factor, another point is stated that we should comply with in our classification: "Development as freedom", under the title of Islamic tolerance: "Among the strong commentators and defenders of pluralism negligence in India, King Akbar should be mentioned; the great Emperor of Mogul, (whose reign was between 1556-1605). We face a powerful king who certified various forms of social religious behaviour and human rights, including the freedom of worship and religious practice that was impossible in many parts of Europe at his concurrent era. For example, an interesting event happened in 1591 in divergent Delhi which resembles what has happened in early third millennium. King Akbar issued quite a few different Orders at that historical era which were based on religious negligence.

The description of negligence is as follows:

No one shall interfere in others' religion and everybody is authorized to convert into another religion as he/she wishes. Of course this negligence was not strong in other social fields, but at one level negligence and equality were combined with non negligence and inequality at other level. However the area of public negligence on issues such as faith, belief, and religious practice is utterly remarkable. It should be borne in mind that these viewpoints were proposed by King Akbar at a time that faith inspection was being fully blossomed in Europe. Therefore could be realized how the theory of relativity and cultural diversity, which is based on the principles of time and place, is steering in its developmental path.

Justice as the highest tool of applying human rights

The concept of justice is specially respected by all human tribes. In a way, globalization of justice concept is acceptable by all people, although the concept may be misinterpreted. Justice shall be applied at various grounds, at any rate. However in the western culture more attention is paid to justice in terms of politics rather than other factors. One of the most famous intellectuals of the West, John Rawls, has introduced new interpretations of this concept which is, to a great extent, near to reality. The motive behind his interpretations lies in the fact that he considers de-povertization as the utmost result of justice. With regard to class distinction of the public, he even justifies it as acceptable if the wealth distinction is at the disposal of the poorest layers of society. Consequently, today a large gap exists between the profit-oriented
theories and the social and commercial arrangements. Furthermore, in many large countries of the world, the most significant concern over human rights is to fight against poverty and prevent its development in various social, natural, and cultural fields. The topic of trade and human rights shows the consideration of human rights principles in these arrangements.

One thing should be noted: what is more important than the very concept of justice is its management in society, especially in political and economical fields as well as judicial issues, to hinder the development of corruption, injustice and oppression.

Having in mind the justice and equality criteria, we should consider that different countries and various nations have diverse cultures, religions and traditions. Without considering the priorities and norms, diversity and relativity of these concepts would make the application a problematic one.

In many insistences, these sacred concepts would turn into pressure and an invasion tool. This shows the importance of the concept of diversity and relativity. Meanwhile, what prompts us in the current world to be sensitive towards the human rights issues and human dignity is the real degree of protecting these rights by those countries that consider themselves as the defenders and protectors of these rights. It is of vital importance to mention that the formulation of the universal Declaration of Human Rights and the relevant covenants happened after break-out of the World War II and the destructive fighting of the western countries. In fact, the new legacy of human rights was born through the battle of western countries and was a plaster on the old wounds of human beings, while these concepts could draw the attentions of other nations and states due to its prevalence, we should be convinced that these achievements are not the last ones and more than any other time the human society, that is thirsty for justice, peace, and security, needs the human rights concepts to institutionalize the intrinsic dignity of human and justice and to progress remarkably in fighting against poverty.

We reach to a conclusion that in the existing turbulent world the root of resolving all problems is not war and occupation. We may consider that during the past fifty years, after the Second World War, the signs and effects of previous world wars provocations are evident in all regional wars and clashes. Unfortunately, many of these struggles, wars and bleedings have occurred in the name of human rights, democracy and freedom. The violation of human rights and deprivation of Middle Eastern people, in particular the Iraqis and the Palestinians, from their primary rights, and the development of poverty and insecurity with the slogan of human rights, democracy and freedom is a catastrophic overshadowing of the Universal Declaration of Human Rights. The unconditional defence of western power for these disasters and development of insecurity and pandemonium has paved the way for upgrading the viewpoint of cultural diversity and rights based on the real needs and desire of people.
At the International Arrangements

The important points of the draft of establishing resolution of the United Nations Human Rights Council demonstrate the significance and general sensitivity to the issue of human rights. Some points of the draft that would serve to a better understanding of the subject are as follows:

The significance of the concept of cultural diversity and comprehensiveness of the human rights

The third paragraph of the introduction on human rights concept refers to "all human rights". This refers to the comprehensiveness of human rights as a consistent, indivisible and worldly concept. "All human rights" means human rights in all economic, political, civil, social and cultural aspects that should be complied with on the basis of justice and fairness.

In paragraph four of the introduction, even the significance and acceptance of national, regional, historical, cultural and religious characteristics of tribes and nations are emphasized and the states are, obliged to protect all human rights and fundamental freedoms of human beings, regardless of their political, economic and cultural systems.

The concepts of development, peace, and human rights are considered as inseparable elements.

Paragraph 8 of introduction refers to an important point that is the interrelationship of the concepts of peace, security, development and human rights that are considered as the infrastructure of the system of the United Nations and collective security.

In paragraph 12 of the introduction, the right of development is considered as a new human rights concept in the third millennium among others factors.

Preventing the application of dual standards and the politicization of the concept of human rights

Paragraph 9 is about the elimination of double standard in human rights and prevention of the politicization of human rights concepts. There are two more differences between the new Human Rights Council and the previous Commission:

- § The Human Rights Council has suspended the rights derived from membership due to its wide remarkable violation.
- § The creation of supervision system is one of the very important factors of the Human Rights Council.

According to this mechanism (Universal Periodic Review), the Council shall be obliged to submit the report of the human rights situation in all Member States of the United Nations. The new mechanisms shows the quest of Asian and Islamic civilization views more than before to upgrade the concepts of human rights is through dialog and cooperation rather than division of values to western and non-western.
Non Aligned movement, Cultural Diversity and Development of Human Rights

Last year the NAM in Tehran had an important meeting about human rights and cultural diversity. This session succeeded in some fields. The first one was the level of participants and the second one was issuing a strong declaration, completed by an action plan which follows:

**Cultural Diversity and human rights declaration:**

This concept was based upon reality and the purposes of United Nations charter, inter alia the right of the people for their self determination. Logical tolerance is also a fundamental value in the international affairs which should promote the culture of peace and dialogue. The resolution of general assembly emphasizes on cultural diversity as a source of mutual enrichment for cultural human life.

Mutual interactions in different cultures should be considered as a human life heritage. This interaction should be based upon antiracism and be used as a way for development and prosperity of all nations.

Fundamental elements in cultural diversity should be used as protector and promoter of social justice and tolerance in the society and all appropriate measures should be taken against the racism and apartheid.

In the concept of cultural diversity, the whole human rights is considered as a live organism, which interacts with international society, based upon justice and equality, and the regional and national specifications. Consequently it is a governmental duty to achieve these purposes on the basis of impartiality.

**Explanation of the topics of adopted program of action**

- 1. International commitment to respect cultural diversity
- 2. Dialogue for essential cooperation for enrichment of the universality of human rights
- 3. Upgrading and understanding the results of cultural diversity
- 4. Role of cultural institutes, medias and academics
- 5. Role of United Nations and other international organizations

All effective elements on the international scene to contribute for building an international order, based upon principle of Justice, equality, equity, human dignity and mutual understanding, promote and protect the development of cultural diversity.

Universal Human Rights may consider regional and national interest through a constructive cooperation which is based upon considering cultural, religious and historic backgrounds.

With respect for the cultural values of other nations, the concept of cultural diversity extends the participation of people and enhances a wider exchange of knowledge. In this way, the international community should avoid discrimination or preferential treatment towards other nations and cultures.
Development of their concepts is coming through respecting the other nations. On the otherwise the domination of values, lifestyle, believes from industrial countries to the south and developing countries, with the purpose of destroying their basic values and core principles of their societies to the detriment and even loss of cultural identities this situation creating a new kind of colonization and unilateralism.

Some industrial countries in regional conflict, considering in human measures like, restrictions of the people activities, borders problems, immigrant, destruction of home and vital infrastructure including destroy their cultural heritage, this is the situation in the Middle East especially in Palestine, Iraq and Afghanistan.

If for developing human rights, international communities should take appropriate measures to bring an end to this tragic and intolerable situation cooperation and dialogue among and between cultures and civilization, could facilitate the protection of tolerance in different cultures.

The best way to foster respect of cultural diversity is education, awareness of different civilization specially the concept of human rights, we should preparing and encouraging the incorporation of from work to study various cultures and civilizations in educational institutes, exchange of knowledge including leaving different languages, history and socio-political and economic thought of the countries.

United Nation, International community’s Human Rights Council should take appropriate measures for protecting and promotion the concept of cultural diversity and developing human rights. The enhancement of solidarity between the nations with exact obligation and framework of how to administer Justice and equalities upgrading the values of human rights through the nations.

**Conclusion**

There is a special tendency in the international community by which human rights in contemporary world is associated with the concepts of peace, security and development. Fundamental freedoms maintain political stimulant for economic security and create special priorities and values. We may not enrich the main value of cultural diversity in Asia without considering all components of these concepts.

We should authentically correct the present view that "Human Rights" is a totally western idea and cultural diversity and Asian values are based upon central authority and dominance. On the contrary, the western liberal values got the opposite position. Otherwise, in contemporary world the acceptance of diversity and relativity within the civilization and different cultures are extremely considerable. We should really hesitate an inclination to absolutes and general ideas about the culture and civilization of Africa, Asia and even Western values. Simplistic and superficial reading of culture and civilizations creates difference, division, corruption and atrocity in society.

The fact is that people encourage new talks, negotiation and education about other cultures that are based upon mutual understanding and respect. If
we believe in existence and settlement in a harmonious planet, we cannot ignore moral principles and other values.

THE FOURTH ESTATE

The fourth estate is the public press, referred to as a collective and encompassing photographers, journalists, television broadcasters, and radio announcers, among others. Many people generally agree that the press, or media, has immense political and social power, thanks to the fact that it can be used to shape societies while imparting news of note and commentary of interest. Because it is recognized as such an important body, many nations have laws which protect the rights of the press, ensuring that citizens have access to reporting on matters of interest and of note.

The origins of the term “the fourth estate” are best explained within the context of the medieval “estates of the realm.” In medieval society, three “estates” were formally recognized: the clergy, the nobility, and the commoners. Each estate had a very distinct social role and a certain level of power, and the idea became so entrenched in European society that it still lives on, to some extent, although society is far more egalitarian today.

In the middle of the 19th century, people began referring to the press as a fourth estate, referencing the fact that most parliaments and other houses of government had an area set aside specifically for the use of the press, and pointing out that the press was a distinct group within the larger framework of the realm. Several historians credit the coinage of the term to Edmund Burke, who is said to have referenced it when discussing the French Revolution, and Thomas Carlyle, a 19th century author, popularized the term.

The press plays a very important role in most societies, reporting on a wide variety of topics and creating powerful personalities who are relied upon for sources of information and commentary. Writing about the first estate in 1841, Thomas Carlyle pointed out that the press had a powerful role in parliamentary procedure, shaping the will of the people and influencing the outcome of votes among the government, as well. Carlyle also argued that the press was an important part of a democratic society, saying that writing gives people “a tongue which others will listen to.”

Because of the importance of journalism in society, most members of the media abide by certain professional and personal ethics. Many journalists attempt to cultivate an air of neutrality, focusing on reporting of the issues as they are so that people can judge the facts for themselves, while others focus on offering commentary and analysis from the perspective of a particular position. Journalists are careful as a whole to protect the integrity of the press, protecting sources, verifying information before publication, and using a variety of other techniques to convey a trustworthy appearance to the public, encouraging people to put their faith in the media.

THE ROLE OF MEDIA IN PROTECTION OF HUMAN RIGHTS

The concept of Human Rights has arisen from that of natural rights of all human. The belief that every person by virtue of his humanity is entitled to
certain natural rights is a recurring theme throughout the history of mankind. It can be traced back thousands of years from the Vedas to the Hammurabi Code to the Magna Carta, the French Declaration of Human Rights, and the American Bill of Rights. Time and again history shows that the existence of human rights has been recognised and accepted as a necessary component for the well being of civilisation at any given time.

In Ca.2050 BC, Ur Nammu, the king of Ur created the first legal codex: followed by several other sets of laws in Mesopotamia including the Code of Hammurabi (ca. 1780 BC); one of the best preserved example of the kind. Various rules and punishment on variety of matters including women’s rights, children’s rights and slave rights are mentioned in the code.

The Persian Empire (Iran) established unprecedented principles of human rights in the 6th century BC under the reign of Cyrus. Three centuries later, the Mauryan Empire established principles of civil rights. Religious documents – the Vedas, the Bible, the Quran and Analects of Confucius also referred to the duties, rights and responsibilities of the citizens. In 1222, the Mandan Charter of Mali was a declaration of essential human rights including the rights to life, and opposed the practice of slavery. Several 17th and 18th century European philosophers developed the concept of natural rights, the notion that people possess certain rights by virtue of being human.

The United States Declaration of Independence includes concept of natural rights and states “that all men are created equal, that they are endowed by their creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness” The concept of human rights has undergone a revolutionary change since the Magna Charta of 1215 to the rights contained in the Unites Nation Convention. The charter of United Nations which came into force in October1945 begins with the determination of the people of member nations to save the succeeding generations from the scourge of war and to reaffirm their faith in the fundamental human rights and the dignity of human being.

The ‘World conference of Human Rights’ held in 1993 marks a crucial stage in United Nation’s policy in the field of human rights. The Vienna Declaration encouraged the United Nations to pursue and strengthen its activities to make respect for human rights a priority objective on the same level as development and democracy and to work for the concurrent achievements of these three objectives.

It is interesting to note that the United Nations ‘Commission on Human Rights’ also created in 1947, a sub-commission on ‘Freedom of Information and of the Press’ to report to the ‘Commission on Human Rights’ on what rights, obligations and practices should constitute the freedom of information. This necessarily had to be juxtaposed with the human rights. Its report on the subject, including the draft code of ethics, was a copious contribution to the charter drawn up subsequently.
We feel that bearing in mind the pace of technological advancement in the field of communication, there is need to have a permanent sub-commission that could monitor the developments and their efficacy with the change of times. However, years after the creation of the revolutionary document, most people are still unaware of their rights. According to poll conducted recently by Amnesty International, the largest human rights organisation in the world, only 8% of adults and 4% of youth in the United States are aware of “foundation stone for human rights”.

It is here that the media can play a salutary role in creating larger awareness of the concept of human rights. Basic human rights that would constitute the right of every individual to his fundamental freedom without distinction as to race, sex, language or religion. Human society has developed from Stone Age to space age. But while some nations or societies have developed at pace the others seem to be nowhere in the race. The rights which citizens enjoy vary depending upon the economic, social, political and cultural developments.

In view of the fact that there is a revolutionary change and growth in every sphere of life and mainly in the communication and media world, media today, plays a decisive role in the development of society. Thus the role of media in protection of human rights cannot be ignored or minimized. Media is a communicator of the public. Today its role extends not only to giving facts as news, it also analyses and comments on the facts and thus shapes the views of the people. The impact of media on society today is beyond doubt and debate.

The media has been setting for the nation its social, political economic and even cultural agenda. With the advent of satellite channels its impact is even sharper and deeper. With twenty-four hours news-channels, people cannot remain neutral to and unaffected by what the channels are serving day and night. It is, therefore, of paramount importance that the media plays an important and ethical role at all levels and in all parts of the country and the world.

It would be appropriate to refer to the reports of the press council into the crisis that the nation faced in the 1990s in the State of Punjab and Jammu and Kashmir. When militancy was at its peak in these two states, the credibility of the media and threats to their free functioning also came under the scanner. Also inquired into by the Council were the reports of human rights violation by the Army and the Para military forces in Kashmir.

In Punjab, the press was under threat from militants who had imposed a crude form of censorship on the local press by enforcing publication of their dictates so as to perpetuate the fear psychosis, the mainstay of terrorists. In a double jeopardy, the government warned the press of use of rule of the law against publication of any ‘objectionable advertisements or subversive writings.

The Press Council in its report of 1991 cautioned that it would not be desirable to shut out the point of view of the militants completely as the people in a democratic society have a right to know what the militants stand for and the basis of their arguments, but there is a point beyond which the state cannot
abdicate. While it counselled the press to exercise due caution in disseminating the press notes of the militant groups, equal emphasis was laid on the need for the press to be vigilant against official plants to maintain its credibility. Soon thereafter in Kashmir, human rights excesses by army and the Para military forces had invited international concern and criticism. The role and the plight of the press also came under scanner. The Council found that the threat to the freedom of the press in Kashmir came primarily from the climate of fear that the militants had generated and caused the media to abandon their post. It was felt that the newspapers must be willing to accept the risks that go with their profession. Experienced hands should be posted who would report all sides and aspects of events fairly and objectively. The result of inquiry into the report of human rights excesses was astonishing. It was found that while some excesses had indeed taken place, been enquired into and processed, the most serious instances were without any foundation. Clearly, the psychological warfare by terrorists, orchestra human rights violation needs careful, unbiased and thorough investigation to sift the chaff from the grain.

Media can play a major role in protecting and promoting human rights in the world. It can make people aware of the need to promote certain values in the cause of human rights which are of eternal value to the mankind. Peace, non-violence, disarmament, maintenance and promotion of ecological balances and unpolluted environment and ensuring human rights to all irrespective of caste, colour and creed should be the minimum common agenda for the media.

The media can perform this role in different ways. It can make people aware of their rights, expose its violations and focus attention on people and areas in need of the protection of human rights and pursue their case till they achieve them. Media can also give publicity to the individuals and organisations, which are engaged in securing human rights. This will encourage as well as motivate others to do the similar work.

Media can inform and educate the people of their rights and suggest ways and means by which they can solve their problems and thus empowering them to protect their rights. Since media plays the role of communication between the state and the public, it can also play an effective role of making the authorities aware of their duties.

Media’s new role today is reporting, analysing and commenting. It faces a challenge in playing the role in protecting human rights in the world. While playing this new role, there is risk of its misuse. For that self-regulation is the need of the hour. Journalists should set ‘LakshmanRekha’ while reporting human rights violations. The main aim before the journalists should be to give facts but not in a manner and with the purpose to create sensation and to arouse the sentiments of the people. Projection and language should be decent and civilised. Journalists should not add insult to inquiry. Media should refrain from giving statements and pictures that are flaring. Since media is the mirror of the society, care should be taken that the mirror is not hazy.

While reporting such violation media should not get influenced by authorities. It should look deep into the problem and provide solutions. Mere
reporting of the facts is not enough. It should give reasons of the problem and the nature of the violations and then give solutions. Press has a sacred duty to focus human rights violations and then measures for protecting them.

Freedom of expression is a sacred right well accepted over the globe and journalists should respect this freedom. In Indian constitution, it finds place as a guaranteed fundamental right. The Government of India in tune with constitutional mandate professes its anxiety to protect and safeguard this fundamental right. But no right and for that matter the right to freedom of expression is absolute and unfettered in all circumstances but bound by duty to maintain peace and harmony of the body polity by exercising prudence and restraint in the exercise of right to freedom of speech. If exercise of this right is likely to inflame passion, the right to freedom of expression needs circumspection and consequent restraint for greater good of the society.

The apex court of the country in a watershed judgment in the case of Olga Tellies declared that a man has not only a right to live but to live with human dignity. Consequently all attributes for living with the dignity of a human soul namely education, shelter etc. are to be guaranteed and welfare activities of the State must be directed to ensure socio-economic condition where no one in the country is deprived of the basic requirements to lead a dignified life. The media being the watchdog of the nation must work for guiding the people and the government to move towards such goal relentlessly and in right direction.
SYLLABUS

HY6E02 HISTORY OF HUMAN RIGHTS MOVEMENTS

No. of credits: 2
No. of contact hours per week: 3

Aim of the course: To enable the student to understand the main strides in the development of struggles for human rights.

UNIT I - Problematising Human and Inhuman
- Defining human rights and violation – UN Proclamation
- Human Rights in the current scenario.

UNIT II - Movements against Racial Discrimination
- Anti-slavery movements - activities of William Wilber Force - Question of Slavery and the Civil War in America (1848) - Emancipation proclamation.

UNIT III - Indian Experience of Human Rights
- Constitutional safeguards – Movements against violation – Ideological background
- Dalit Panthers
- Tribal movements
- Women’s movements.

UNIT IV - International Scenario
- Problematising the First, Second and Third World – Shameer Amin's concept of Third World

Readings:
- Steiner Henry J., Diverse Partners: Non Governmental Organisations in Human Rights Movements.
- Shute Stephern and Susan Harley, On Human Rights.
- Marlin J., Revolution in Wonderland

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