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Human Rights in Contemporary World: Emerging Challenges and Transformative Pathways

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ABSTRACT

This paper focuses in bringing out the importance of constitutional mandate for protection and promotion of Human Rights. The world during the last few years has seen gross violations of human rights. Human rights in the contemporary world encompass a range of fundamental freedoms and characteristics. The Human Rights issue is perceived as insurer of international peace and order. The purpose though gets negated by the arms race in the region. Human rights in global politics set standards for the treatment of individuals and communities. Human rights serve as minimum standards applying to all human beings; each state and society is free to define and apply higher and more specific standards.

Keywords: fundamental, freedoms, civil, political, human, rights declarations and covenants

INTRODUCTION

Human Rights in contemporary times encompass both everlasting ideals and ever-changing difficulties. Every human being is entitled to a set of fundamental rights of living called human rights. 'Rights', according to the New Webster's Dictionary, constitute a just claim or title. The legal basis of the modern concept of human rights is the slogan, "Liberty, Equality and Fraternity", of the French Revolution. Almost all the rights envisaged in the Universal Declaration of Human Rights are enshrined in the Indian Constitution. Despite civilization advancements and frequent pleas by Amnesty International, human rights violations are taking place in India. Women are subjected to various harassments. The Supreme Court has interpreted some existing laws in favour of women. There is a need to make the police accountable to the public. Transparency in the functioning of the bureaucracy is needed to lend credibility to the system.

Many countries today find themselves in the position of being required by international opinion to endorse United Nations human rights declarations and covenants. To be unable to do so is to get a state labeled an enemy of human rights even though social divisiveness and political instability, coupled with a deficient institutional framework and inadequate resources, make it impossible for them to adequately comply with the requirements. Some people point out that the 'human rights' referred to by the United Nations are so vaguely defined as to make it difficult to establish what constitutes a right's violation or a right's compliance, or that they require to be interpreted by reference to the particular values and traditions of each society. "The modern concept of human rights gained significant prominence after World War II, particularly in response to the atrocities of the Holocaust, leading to the adoption of the Universal Declaration of Human Rights (UDHR) by the United Nations General Assembly in 1948" (Carey, Sabine C. 2025) As a result, there can be no black and white judgment on the human rights position in a country. However, today the question of human rights has assumed a much deeper significance.

For long dismissed by various regimes as the preserve of well meaning liberals and radical social activists, these rights have emerged on the global political agenda as one of" the defining issues of this decade. There have been sharp divisions of Opinion on the global political agenda as one of the defining issues of this decade. The first stages start from the period of Rousseau of eighteenth century. In this period civil and political rights were thought to be human rights. Rousseau said "Man is born free, but he is chained everywhere". The Jurisprudent of this period thought and thought that the men would have natural rights given by God, and these rights would arrive from the traditional concept. "Many of the basic ideas that animated the human rights movement developed in the aftermath of the Second World War and the events of the Holocaust" (Gary J. Bass 2010) There have been sharp divisions of opinion on the global level on the basic questions, such as, what human rights mean, how they should be implemented, what role the United Nations, other international

associations or the non-governmental organizations should play in the process, what human rights violations and abuse: are, which human right has priority over the others, and so on. Questions are also being raised on whether the human rights advocacy derives from a new international awakening towards mankind or it is merely a new device in international diplomacy. Be that as it may, the disputes and controversies survive because of the dominant say of the West in this regard, and the reluctance on the part of others to accept the western concept and interpretation.

The traditional counter to the West used to come from the Soviet Union and its allies who would attack unemployment and galling economic disparity between different social groups (classes) in the West as, among other things, the violation of a Fundamental human right to work and earn a living. The collapse of communism, however, has not meant that the ideological battle over human rights is over. At the Commission of Human Rights in Geneva, the U.N.'s main forum for human rights debates, two schools of thought are battling it out. On the one side is the West with its emphasis on civil and Political rights; and on the other are' the third world countries, and within them a sub-group of Islamic countries who have taken over from the socialist countries in articulating a very different view of human rights.

To the West, human rights can be defined to mean the classical freedoms of life, thought, expression and association. Here, the individual becomes the focus of human rights. But the non-western countries emphasize on collectivity as the basis of human rights: the individual can develop only when the society as a whole develops. And such rights could be realized only at a collective level, infringing at times, if necessary, on some individual rights to a permissible extent. The West and many other countries regard q human right norms as universally applicable throughout the world, and feel all governments should abide by basic norms regardless of their cultural, social or political systems.

Other countries argue that human rights norms are culturally specific, and should not he blindly applied across cultures and social systems. For example, the right to trial by jury, so precious in Britain and the United States of America, has never prevailed in France but this does not mean that human rights are repressed by the French. Order and justice are attained in diverse ways in different countries at different times. Joining the debate between universalism and cultural particularize, the Islamic countries have also expressed the view that there can be no universal human rights norms, and that the definition of human rights should respect the cultural diversities. Thus the degree of personal freedom and liberty found in a Western society may not be applicable to other societies, and so the West should not try to impose its norms on the rest of the world.

South-East Asia has taken the lead in dismissing western concepts as either unsuited or highly selective in their interpretation. The West believes that in the post-cold war era, the agenda for freedom must embrace every prisoner of conscience, every victim of torture, every individual who is denied basic human rights. Those countries (China, Indonesia, Singapore, Malaysia, Cuba, etc.) that have held out against the sweep of liberal democracy regard this invitation to 'embrace every prisoner of conscience ....' as a blatant attempt to interfere in their internal affairs. They assert that nobody should put his rights above those of the state; all countries have the right to choose their own systems and institutions and the means to stabilize them, and other countries have no right to interfere, but all these must have element of humanization.

The cherished goals of Indian Constitution are indicated in the preamble; which for justice, social economic and political liberty of thought, expression, belief, freedom of worship equality of status and opportunity and to promote fraternity assuring the dignity of the individual."Some of the UDHR was researched and written by a committee of international experts on human rights, including representatives from all continents and all major religions, and drawing on consultation with leaders such as Mahatma Gandhi" (Glendon, Mary Ann ,2001) Human rights are fundamental rights inherent to all human beings. "The inclusion of both civil and political rights and economic, social, and cultural rights was predicated on the assumption that basic human rights are indivisible and that the different types of rights listed are inextricably linked " (Glendon, Mary Ann , 2004). The UNHRC is responsible for universal protection of all human rights and fundamental freedom for all

The next main conceptual dispute is over the relative importance or priority of civil and political rights over the human rights' of other sorts. "Socialist states placed much greater importance on economic and social rights and argued strongly for their inclusion" (Ball & Gready 2007: 35) The West has until recently tended to define human rights primarily it terms of political freedom, and the Western concept of human rights abuses include torture and other mistreatment of prisoners, arbitrary arrests, interference with privacy; restrictions on freedom of speech, press and association, and sometimes the repression of those who demand self determination. The developing countries have argued that civil and political rights have little meaning in situations of economic, social and cultural deprivation. They argue that a Western-dominated iniquitous international system is as responsible for human rights violations as domestic political systems are Indonesia, for instance, has for long argued that freedom from hunger and illiteracy should come before political freedom, and, in an Asian context, the indivisibility and inter-dependence of all aspects of rights should be effectively ensured.

The developing countries see any intercessions or comments in political terms as efforts to and political rights have little meaning in Situations of economic, social and cultural deprivation. “Charles Beitz proposes a typology of six paradigms of action that agents, such as human rights agencies, international organizations, individual states, and NGOs, could use to enforce human rights: (1) accountability, (2) inducement, (3) assistance, (4) domestic contestation and engagement, (5) compulsion, and (6) external adaptation” (Beitz, Charles 2009:35). They argue that a Western. dominated iniquitous international system is as responsible for human rights violations as domestic political systems are Indonesia, for instance, has for long argued that freedom from hunger and illiteracy should come before political freedom, and, in an Asian context, the indivisibility and inter-dependence of all aspects of rights should be effectively ensured. The developing countries see any intercessions or comments in political terms as efforts to appropriate human rights, to help preserve the political and ideological hegemony of the North over the South. They see attitudes of moral and cultural superiority implicit in many of the Western pronouncements on the human rights situations in the countries of the South.

India occupies a mid-way position in the entire gamut of such debate. With its liberal democratic institutions and parliamentary system of government, India is on the winning side of the ideological divide. “Economic sanctions are often levied upon individuals or states who commit human rights violations. Sanctions are often criticized for its feature of collective punishment in hurting a country's population economically in order dampen that population's view of its government” (Mueller, John; Mueller, Karl 1999:43). But its human rights lapses and economic weakness have made the government vulnerable to international pressure. This has made India wary of human rights ‘being used as a further instrument of pressure. The government claims to be assiduously vigilant about its commitment to human rights; but at the same time it is equally arm that the slogans of human rights do not become an instrument in the hands of the vested interests to challenge its political cohesion and territorial integrity.

Several third world countries argue that as long as Western nations continue to preach morality while practicing hypocrisy, human rights will be used as, a stick to beat those who refuse to fall in line with the great powers of the world. The view has some substance. The collapse of the Soviet Union and the triumph of liberal democracy, as the world’s dominant ideology have given the West, especially the U.S. a powerful new instrument in its foreign policy arsenal. Whether it is the former Yugoslavia or Iraq, the protection of human rights has become a sufficient cause to legitimize a political and/or a military intervention. At a lesser level, the international community, through the U.N., has maintained pressure on scores of countries ranging from Equatorial Guinea to Sri Lanka to respect the civil and political rights of their citizens.

The U. S. state department compiles a human rights situation report for all countries of the world except the U. S. itself. Uncle Sam almost eliminated the native population of North America, subjected millions of Africans to slavery denied them civil rights till three decades ago, conducted genocidal bombings, killed hundreds of thousands of Koreans, Vietmmese and Iraqis, and deprived the human rights of millions of people all over the world through excessive consumption, ecological depreciations and economic imperialism. On the other hand, a great deal of concern is expressed for human rights violations if some terrorists and secessionists are killed in encounters, in Kashmir or Punjab. Similarly, while the Serbs, the Iraqis, the Iranians and a host of other people whom the West loves to hate are automatic targets of human rights diplomacy, the Israelis get away with whatever they do, or at best receive a ritual slap on the wrist.

It is also clear that violations of civil and political rights in the developing countries are given a much higher priority by the West than the human rights violations resulting from the outbreak of racism and xenophobia in Western Europe, especially Germany. Japan, which frequently sings the tune of the West, is also oblivious of the fact that a number of Koreans, forcibly brought to Japan at the time of the Second World War, and their progeny still suffer a heap of discriminations and deprivations. A score of the communists (prisoners of conscience?) are in the Japanese jails without trial. The West rarely talks of them. Mudslinging also Sometimes becomes the purpose of pointing out human rights abuses in an Opponent country. In the eyes of Pakistan, there are gross human rights violations in Kashmir and Punjab, and lately in Ayodhya. But what about its own role in the two sensitive northern states? And what happened in Pakistan in the wake of the Ayodhya incident?

Despite the obvious double standards that are employed and the fact that human rights are often a fig leaf to disguise Western foreign policy interests the importance of human rights on the global agenda cannot be dismissed. It has to be accepted that in many parts of the developing world, democratic institutions exist only in name, and military regimes and corrupt, venal dictatorships impose themselves on their longsuffering populations. In Countries like India societal tensions have reached a boiling point and the relationship between the state and society has begun to alter. The liberal democratic institutions that India has erected are under threat. While no one denies that terrorism has to be dealt with firmly, is it not a fact that it is corruption and maladministration that has given rise to unrest and militancy? Nor can one turn a blind eye to police atrocities on the vulnerable sections of the population. In most situations if one is fair, the conflict is not between political and economic rights of individuals or society; the tension arises because the Government/political administrative

bosses support vested interest groups against the common masses. National interests and sovereignty are not the true concerns but self-aggrandizement, greed and short-term political ends are.

On a pragmatic plane, it is to be realized that the West is in a position to call the tune. Aid with strings attached may be unpalatable, but at times bitter medicines and false pride have to be swallowed. Furthermore, it is rather shortsighted to argue that cultural and social rights militate against freedom of belief and expression. They are all facets-equally important-of the same substance. If ideas and beliefs are to be denied validity outside the geographical and cultural bounds of their origins, Buddhism would have been confined to North India, Christianity to a narrow tract in the Middle East and Islam to Arabia. Probably bowing to pressure from its own activists and from outside, India is now proposing to set up a Human Rights Commission which is to tackle violations of such rights. It remains to be seen, however, if this is mere eyewash or a sincere effort.

None can condone the callous attitude of law-enforcing agencies, for instance their deliberate violation of law under the behest of political bosses. While cultural relativism cannot serve as a basis for diluting or derogating from universal human rights standards and obligations, we also need to recognize that the discourse on human rights takes place in an esoteric language and idiom which is unintelligible to vast sections of the human population. A conspicuous failure of the human rights movement has been its inability to expand the base of support for secular, democratic and pluralistic values. The social imagination of an entire generation is being captured by the ideologies of ethno-populism of exclusion and of intolerance. This should be immediately discouraged. Instead of pressure tactics, the family-culture may be advocated. Obligations of reciprocity within a family; for instance, Facilitate attitudes and values supportive of the rights of the child and the needs of the elderly. Such an approach leads to more effective protection of rights than what could be available in a legal culture which views these issues exclusively in terms of an individual‘s claim against the state. If ‘human rights are those moral rights which are owed to each man or woman by every man or woman solely by reason of being human’, coupled with the Western emphasis on individual rather than collectivity, addressing and preaching human rights to individuals and not the Government, may bring greater dividends.

CONCLUSION

Differences of opinions over human rights are inevitable, and to an extent logical, in the real world of competing states and contending interests. The promotion of human rights by all countries has always been selective. Any kind of external pressure is bound to fail. Every ethnic group has a passion for its cultural traditions and values. Even if some shortcomings are detected, they take time to be removed. The same applies to the human rights situation. In the situation of India-poor, developing, and culturally diverse, there is as much a need for the basic minimum. ‘roti, kapra aur makan’, the essentials of food, clothing and shelter, as for the civil liberties. The one cannot exist without the other. At the Vienna conference on Human Rights it was ultimately recognized by all the participants that democracy; development and human rights are interrelated concepts and ideals.

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