

Historical Perspective on Evaluation of Human Rights

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ABSTRACT: *A new world order came into being out of the ashes of World War II in 1945, putting respect for human rights alongside peace, security and development as the primary objectives of the United Nations. The Universal Declaration of Human Rights, proclaimed in 1948, formed the basis for a series of conventions on international human rights. Almost all national laws inspired by these conventions are currently under threat. Equal Rights and Basic Freedoms are widely accepted as the birthright of all human beings. The main objective of the thesis is to examine and analyze philosophical thought about the historical history of human rights. Data was collected from many blogs, books and related papers on human rights as a qualitative paper to undertake this research.*

KEYWORDS: *Conventions, Equal rights, Fundamental Rights, Human Rights, Historical Perspective.*

INTRODUCTION

As the Second World War appeared to be drawing to a close, world leaders started planning for banishing war and restoring sustainable peace. The United Nations Charter envisaged promotion of Universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion as one of the means for that end [1]. The U.N. on December 10, 1948 The Universal Declaration of Human Rights was adopted and proclaimed by the General Assembly. For the first time, the Declaration established a basic principle of rights without prejudice for all populations and all nations. Human rights are largely intrinsic and natural rights; it is simply difficult to enforce, protect or enjoy human rights. It is also true that the creation of life is quite difficult without upholding human rights. In this regard every nation follows the international instrument of Human Rights. In this sense, in 2009 a National Human Rights Commission was established in Bangladesh to protect the human rights of its citizens [2].

CONCEPTS OF HUMAN RIGHTS

Rights are something people demand or desire for their self-Development. Rights are those basic standards without which people cannot live in dignity. Hobbhouse says, "Rights are what we may expect from others, and others from us and all genuine rights are conditions of social welfare". The word 'Human Rights' was first used by Thomas Paine, a Frenchman, when translating the French Declaration of the Rights of Man and the Citizen from French to English, but he was sadly detained. Human rights are the fundamental norms under which people are unable to live with dignity. The fundamental rights and freedoms to which all human beings are entitled are also held to include the right to life and freedom, freedom of thought and speech, and the right to equality before the law [3]. Violating the human right of another is to treat the person as though he or she were not a human being. Essentially, there are few natural rights

that cannot be violated, but are not protected by federal law at the same time. "Human Rights means Right to life, Right to liberty, Right to equality and Right to dignity of a person guaranteed by the constitution of the People's Republic of Bangladesh and such other Human Rights documents and ratified by the People's Republic of Bangladesh and enforceable by the existing laws of the Bangladesh" (National Human Rights Commission Act, 2009 Section-2(f) [4].

TYPES OF HUMAN RIGHTS

Human Rights are integrated, broad and covered a wide range of rights. On the basis of Universal Declaration of Human Rights, 1948 there are following classification;

- A. Civil rights & Political rights; Known as Fundamental rights, Guaranteed by Article (27-44) part (III) of Bangladesh Constitution.
- B. Economic rights & Social and Cultural rights; Bangladesh constitution, part (II) Article (8-25) not guaranteed.
- C. Solidarity rights, that is, I) right to development II) right to self-determination.

The total numbers of Human Rights are 27; from which 25 is described by the Universal Declaration of Human Rights, 1948 and rest two are described by the Declaration on the Granting of Independence to Colonial Countries and Peoples (DGICCP) and Declaration on the Right to Development (DRD) [5].

SALIENT FEATURE OF HUMAN RIGHTS

The evident characteristics of Human Rights make them different from other rights. The unique features are as follows:

- **Inherent:** Human Rights' most excellent qualities are that it is intrinsic and normal. By some unique quality of credibility, none acquires it. It is not any individual's or any social system's charity. Each man is entitled to these rights by birth.
- **Not Exchangeable:** Human Rights cannot be handed over, exchanged or transferred. It is excessive to all. It could neither be given away, nor could be stolen or taken away by snatching.
- **Universality:** Universality stands out as the basic value of human rights. Everyone is entitled to all the rights and freedoms set forth in this Declaration.
- **Equality:** Human Rights refer to equal enjoyment of opportunities and resources to all. Justice, rule of law and indiscrimination are the philosophy of Human Rights.

- Feasibility: The important characteristics of Human Rights are its feasibility or effectiveness. That is Human Rights should never be viewed as a hypothetical or abstract concept. It is shaped by social values, norms, culture and institutions [6].

Differences between Human Rights and Fundamental Rights

Human Rights: Human Rights are those basic standards without which people cannot live in dignity. Human Rights are inherent to each individual.

Fundamental Rights: Fundamental Rights are those rights or Human Rights which are guaranteed by the constitution. All Fundamental Rights are Human Rights but all Human Rights are not fundamental rights. Human Rights are concerned with all human beings of the world but fundamental rights are related between one state and their citizens [7].

Historical Perspective

The concept of Human Rights is as old as the ancient doctrine of natural right. It is ultimately created after the creation of human beings. Thus Human Rights are developed day by day by the various declaration and treaty. On the other side, the fundamental rights are derived from the Human Rights and recognized by the states own constitution. State organization is a precondition for ensuring the fundamental rights but not essential for Human Rights. While the idea of human rights has ancient precedents in many religions of the world, the belief in the sanctity of human life is the notion that a human being has a collection of inviolable rights simply because of being human started in the Early Modern period during the era of Renaissance humanism [8]. Prior to this habeas corpus, the Magna Carta of 1215 AD was enshrined. England's European wars of religion and civil wars of the seventeenth century gave rise to the ideology of liberalism, and during the 18th century Period of Enlightenment, belief in human rights became a core concern of European intellectual culture. At the heart of the American and French revolutions that inaugurated a period of democratic reform in the nineteenth century, the principle of human rights paved the way for the advent of universal suffrage. The Twentieth Century World Wars contributed to the International Declaration of Human Rights. For special interest groups such as feminism and the civil rights of African-Americans, the post-war period saw human rights movements. The human rights of members of the Soviet bloc, along with workers' rights in the West, emerged in the 1970s [9].

Human Rights apparently seem to be a concept of modern age. But the origin of the concept takes us to the remote past. So it can be stated that Human Rights have acquired the sophisticated legal and well-arranged present from by wandering a long way. The chronological history of Human Rights can be looked at from three phases according to the development and recognition. These are

- (i) The Ancient Age
- (ii) The Medieval Age

(iii) The Modern Age

Magna Carta

The 'Magna Carta' was the most critical phase of the Middle Ages in promoting human rights. In the middle Ages, it was the most prominent written text on human rights. It was a political charter adopted in 1215 A.D. by King John and was reaffirmed by King Edward III. Magna Carta forced the King to renounce certain privileges, respect certain legal processes and agree that the will of the King could be bound by the law. There are 63 articles, including the preamble, of which Articles 39 and 40 are of special significance.

Article 39: No freeman shall be arrested or imprisoned or outlawed or exiled or in any way harmed. Nor will proceed against him, or send others to do so, except according to the lawful sentence of his peers or according to the Common Law. Article 40: To none will we sell, to none will we refuse of delay right or justice [10].

CONCLUSION & DISCUSSION

The preceding discussion gives an impression that natural Human Rights had to pass a long way to obtain legal and international recognition. Universal Declaration of Human Rights created the stream of worldwide efforts and international co-operations for assuring human rights. While human rights have a universal figure, because of the distinct socio-economic and political system of different countries, its extent and periphery differ. In Europe or America, the right to expression or freedom of thinking or freedom of opinion may be considered as the most essential human rights in a well-developed social system, while the norm of rights in a poor, developing Third World country is relief from poverty or ignorance.

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