**HISTORICAL PERSPECTIVE OF HUMAN RIGHTS: AN ANALYSIS**

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**Abstract**

After the world war second in 1945 a new world order came into being, 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, provided a frame work for a series of international human right conventions. The main objective of the study is to investigate and analysis the historical development of human rights. For conducting of this study data was collected from several articles, books, related documents and internet regarding human rights as a quality paper.

**Key Words**

Human Rights, Evolution, Convention, Charter, United Nations, Magna Carta.

**Introduction**

A universal set of principles is necessary to guide the social policy and social justice. The development of these principles is vital not only to ensure least standards of development but to make the most of the opportunities. The universal conventions of the United Nations, Declarations of various Nations and World Conference Documents provide the most reliable manner to create the principles for the advancement standard. The United Nations documentation provides internationally on the social, political and economical issues. This documentation accepts the fundamental rights that are necessary for the people, based on humanity and the respect, the promotion and protection of these rights, by the governments. Thus, Human Rights, the implicit concept of the present era has a worldwide outlook.

**HUMAN RIGHTS**

A target on social policy and justice can be attained based on the need factor. Strategic needs and practical needs are the necessary factors for the living of the people in the country. They should have a security for their livelihood, access to education and health services and the amalgamation of social, economic and political processes. Whether the rights are legitimized globally, nationally or through local institutions, all depends on the perceptions of the individuals.

Under the support of the United Nations, human rights are well thought-out to be the assertion for the people and which the state governments should follow for their general public. Human Rights are the central rights of the individuals belonging by virtue, to the human race.

As per the meaning of Modem Liberal Political Cultures Human rights are defined as those that can be uphold in a society followed by two basic rules. Firstly, all individuals should be permitted to act in the way they choose providing that in doing so, they do not prohibit other individuals from the same opportunity. Secondly, all individuals must take responsibility for the repercussion of their actions. Human Rights are therefore essential for every individual for their all round development through the protection and availability of the rights.

**EVOLUTION OF HUMAN RIGHTS**

Most of the foremost religions on the earth have a human perspective towards the rights of the entity despite the differences in the content. Many Greek and Roman philosophers recognized the idea of natural rights, since the background of human rights is based upon 'natural law' or 'natural rights'.

The evolution of human rights can be broadened under the classification of ancient, medieval and that in the eighteenth and nineteenth centuries, with respect to the western countries. During the ancient period a codification similar to the set of human rights emerged in terms of contracts between the princes and the feudal assemblies. The most significant commitment of this kind was in the English Magna Charta. Magna Charta was granted by King John at Runnymede of England, to an English baron on June 15, 1215. The Magna Charta was therefore a safeguard against the arbitrary acts by the king. With the effect of this Charta, many rights were framed. Land and property could no longer be held, judges had to identify and respect laws, taxes could not be forced without common council, and there could be no imprisonment without any trial. Magna Charta also introduced the concept of jury trial, which protects against arbitrary arrest and imprisonment. The Charta therefore set forth the principle that the power of the king was not absolute. The Charta though applied to one and all, further broadened to incorporate the Englishmen in the English Bill of Rights in 1689 and extended to all the citizens. The Charta was supported in 1628 by the Petition of Rights and in 1689 by the Bill of Rights, to shape the base for the parliamentary supremacy over the crown and give the documentary influence for the rule of laws in England.

Medieval Europe witnessed enormous degradation of common people due to occurrence of feudalism. The follow-up of human rights was obstructed owing to series of wars for maintenance of religious principles. Anyone who dishonored the principles of church and Christianity were dealt with severely, as the church dominated the political affairs of the country. Introduction of child marriage, early motherhood made the children devoid of education. The feudal lords took an opportunity to use their life socially, politically, economically and treated them brutally. The occurrence of French Revolution in 1789 widens the principles of liberty, equality and fraternity. The French Declaration of the Rights of citizens became a source of credentials and instance to codify human rights in the newly framed constitutions of the nation-states that were rising. The Russian Revolution of 1917 determined much on economic and social rights.

**UNITED NATIONS ORGANISATION AND UNITED NATIONS CHARTER**

The failure of League of Nations and the destructions caused by Second World War troubled the minds of the Allied Nations. The sequence of events that took place for the creation of United Nations Organization in 1945 was as follows.

The first step towards the creation of the World Organization was the signing of the London Declaration at the St. James Palace. On June 12, 1941 the representatives of the Great Britain, Canada, Australia, New Zealand and the Union of South Africa and the exiled governments of the Netherlands, Norway, Poland, Yugoslavia and General de Gaulle of France met at St. James Palace and signed the London Declaration, called as Declaration of St. James Palace 1941. This declaration mentioned about the enjoyment of economic and social security for people both in war and peace.

The meeting of American President Roosevelt and British Prime Minister Winston Churchill led to the common declaration of the destined so called Atlantic Charter on 14th August 1941.The charter was only an statement of the certain common principles in the national policies . One of the eight points of the charter, two was based directly on the world organization and the others confirmed on the international justice and the freedom of people to express their desires.

President Roosevelt of America, Prime Minister Churchill of Britain, Maxim Litinov of USSR, and T.V. Soong of China signed the document, known as the United Nations Declaration 1942. This declaration too was a widespread program on the general principles and purposes.

The Foreign Ministers of Great Britain, the United Nations and the Soviet Union, signed the Moscow Declaration 1943. As per the declaration under Clause four (4), recognition for the establishment of an International organization, based on the principle of the supreme equality of all peace adoring nations and preservation of global peace and security.

Tehran Declaration on December 1, 1943 signed by Roosevelt, Stalin and Churchill acknowledged that the task of the United Nations rested on the support of the awe-inspiring masses of the people.

Dumbarton Oaks Conference 1944 gave a touch to the establishment of United Nations Organization. In order to create a blue- print of the Atlantic Charter, the Moscow and Tehran declarations, the representatives of Great Britain, USSR, China and the United Nations Governments meet at a secret mansion called the Dumbarton Oaks in Washington D.C. on October 7, 1944. According to this conference, the United Nations shall have four principal organs. They are the General Assembly, Security Council, the International Court of Justice and a Secretariat.

San Francisco Conference 1945 formally known as the United Nations Conference on International Organization consisted of delegates of fifty nations and they met on 25, April 1945. The delegates at San Francisco draw up 111 articles of the charter. The last session of the conference was held on June 25, 1945 where the charter was accepted collectively and was signed by fifty nations. Poland, a signatory of the United Nations Declaration, whose government was announced on 26, June 1945, signed the charter on October 15, 1945 and thus the charter was signed by fifty-one countries. The United Nations did not come into existence at the occasion of signing the charter since it required the approval of the Congresses and the Parliaments. Thus the United Nations came into existence on October 25, 1945 leading the ratification of the charter by twenty-nine of the signatories including the five permanent members of the Security Council.

**Preamble of the United Nations** **Charter**

The Preamble of United Nations is preceded by the words "Charter of United Nations". The Preamble of the United Nations Charter has set forth the basic aims of the United Nations. They are:

• To save succeeding generations from the scourge of war.

• To re-affirm faith in fundamental human rights.

• To establish justice and respect for international obligations.

• To promote social progress and better standard of life.

The Preamble also states that, to achieve these ends, the people of the United Nations are firm to: Practice tolerance, To live in peace as good neighbors, To bring together to maintain peace and security, To guarantee that armed forces shall not be used except in general interest and To utilize international machinery for the social and economic enhancement of all people.

**Purposes of the United Nations**

The principles of the United Nations were established in Article I of the United Nations Charter. They are as follows:

1. **To maintain International Peace and Security:** The requirement of the hour during the formation of the United Nations was freedom from battle and fear from war and this was mentioned in Article I, Para 1 of the charter.

2. **To develop friendly relations among Nations:** To thwart clashes among the nations, the charter inscribed about the friendship based on the principles of equal rights and self determination. Article I, Para 2 of the charter present the right to equality among the nations.

3. **To achieve International Co-operation:** Article I, Para 3 of the charter lays down two points of international cooperation among nations. Firstly, international co-operation among the nation-states was presented in order to solve the economic, social, cultural and humanitarian problems. Secondly, international cooperation is attained to endorse and encourage respect for human rights and for fundamental liberties for all without any discrimination.

4. **To make the United Nations an International Forum for Harmonization**: Article I, Para 4 of the charter describe the function of the United Nations as a centre for harmonizing the proceedings of the nations.

**Principles of the United Nations**

The vital principles of the United Nations are laid down in the Article 2 of the charter and they are:-

1. The Principle of Sovereign Equality.

2. The Principle of the Fulfillment of Obligations.

3. The Principle of Peaceful Settlement of International Disputes.

4. The Principle of Non-Use of Force.

5. The Principle of Assistance to the United Nations.

6. The Principle for the Non-Member States, and

7. The Principle of Non-Intervention in Domestic Matters of the State.

Therefore, the establishment and organization of the United Nations would advance help us to know about the human rights under the United Nations Charter.

**HUMAN RIGHTS UNDER UNITED NATIONS CHARTER**

Averting the bane of war and to support peace among the nations and the reinstallation of peace was the key concern and the United Nations agreement intended for that. The Charter contained prerequisites for the defense and endorsement of human rights in the preamble and articles, stated.

The United Nations Charter gave a whirling position to the international law and opened new dimensions for its maturity. Individuals were given more concern and the associate countries were required to endorse the adherence of human rights irrespective of caste, sex, color and religion, etc. The United Nations Charter globalised the conception of human rights and is the first international manuscript that gave weight to human civil liberties and freedoms. The charter is from this time forth keen to the success and execution of human rights and elementary independence and attainment of these to all· men and women without any consideration to race, religion, and caste language. Without the realization of these objectives, one cannot have lasting peace and safekeeping in the world.

United Nations Charter is a global constitution without bill of rights. It neither defined human rights nor enumerated. The assurance for them was also not granted. Likewise, during the drafting of the charter at San Francisco Conference, it was avowed that it should not contain an International Bill of Rights and consequently precise list of rights could not be geared up.

**Role of United Nations Charter in Promotion and Protection of Human Rights**

The United Nations Charter mentions the term "human rights" seven times but does not make any reference to its protection. The term, protection of human rights does not find place in the United Nations Charter. Amongst the United Nations agencies, only the Security Council and the International Court of Justice can keep enforcement action and can bind a judgment or a resolution. The Security Council can threaten or vote sanctions for its own actions or that of a court.

The founding Charters of the human rights framework are the UDHR, ICESCR, ICCPR.

**UNIVERSAL DECLARATION OF HUMAN RIGHTS**

As a matter of concern, the idea of human rights and fundamental freedoms were considered in the Atlantic Charter and Declaration of the United Nations. At the conference in San Francisco, the Latin American and especially Panama wanted a charter which will contain the provisions for the protection and promotion of human rights. After the United Nations Charter came into force, the main conceptualization was the promotion of universal equality among the individuals irrespective of caste, creed, sex or religion. To attain this, was to frame the International Bill of Rights.

Economic and Social Council prescribed the process for the preparation of the draft of the International Bill of Rights. The preliminary draft was prepared at the First Session which was on January 9 to 25, 1947 and which was considered by the Commission on Human Rights at its second session held from December 2 to 17, 1947. The Commission determined to apply the term International Bill of Human Rights to a series of documents in preparation and established three working groups.

The Universal Declaration of Human Rights was adopted in 1948 and International Covenants were adopted in 1966. Later two protocols were also adopted. Hence, the two International Covenants, the Universal declaration of Human Rights and the Optional Covenants comprise the International Bill of Human Rights.

The General Assembly proclaimed the declaration as "a common standard of achievement for all people and all nations" and called upon all nations to endorse and secure recognition and observance of rights and freedom set forth in.

**Universal Declaration- Character of Customary Rule of International Law**: - In view of the fact that the Universal Declaration has recognized the value of human beings and their universality, some provisions of the declaration reflect customary international law as follows:

* Right to Equality
* Prohibition against Slavery.
* Prohibition against Torture.
* Prohibition against Arbitrary Arrest and Detention.

**International Covenants on Human Rights**

The common standard of the achievements of freedom and enjoyment of human rights was stated in the Universal Declaration of human rights. But the fact is that it was not legally binding and hence a separate covenant was prepared. The Commission on Human Rights in 1947, decided to frame a separate covenant which would be a covenant on precise rights and thus the document was known as International Covenant on Human Rights. The General Assembly on December 16, 1966, adopted the two covenants.

• International Covenant on Civil and Political Rights.

• International Covenant on Economic, Social and Cultural Rights.

Additional protocols were also enacted to the International Covenant on Civil and Political Rights. The General Assembly on December 15, 1989 adopted the First Optional Protocol on the International Covenant on Civil and Political Rights aiming at the Abolition on Death Penalty. The Second Optional Protocol was adopted on July ll, 1991 based on Article 8, Para l.

The separation of human rights into three generations was initially proposed in 1979 by the jurist Karel Vasak at the International Institute of Human Rights in Strasbourg. They are essentially civil and political in nature and serve to protect the individual from excesses of the state. First generation rights include, inter alia, freedom of speech, the right to a fair trial, and freedom of religion. Second-generation human rights are related to equality. They are fundamentally social, economic, and cultural in nature. Third-generation human rights focus essentially on fraternity and, in generic terms, can be seen as rights of harmony.

**International Covenant on Civil and Political Rights**

This Covenant consists of 53 articles and is divided into 6 parts. While in Parts I, II and III, a range of rights and freedoms are stated and other three parts are categorized with implementation procedures for recognition of human rights. This Covenant exhibits main articles that are compulsory for the provision of human rights for the people.

Article 1 refers to the right of people to self resolve, and states that all people have the right to decide their political status and can liberally accomplish their economic, social and cultural benefits based upon the basic principle of joint benefit and international law.

Part II enumerated the State party rights and obligations. It incorporated ladder to be taken by the State parties to integrate the provisions of the convention in the domestic laws and to implement such laws to give effect to the rights documented by the covenant. The State parties guarantee equal rights of men and women and gratification of social and political rights.

Part III of the International Covenant on Civil and Political Rights deal with substantive rights. These are definite rights of the individuals and the obligations of the State Parties. Right to life, liberty and security are several of the indispensable substantive rights.

**International Covenant on Economic, Social and Cultural Rights**

The International Covenant of Economic, Social and Cultural Rights consist of 31(thirty one) articles there in Part I. Part I cite about the self resolve of the individuals. Part II lays down the accomplishments of the States parties to the Covenant. Article II provides that each State party undertakes steps to maintain so, both individually and through international aid. There are certain other rights that are itemized in Part III of the Covenant and they are:

1. Right to work
2. Right to just and favorable conditions of work
3. Right to form and join trade unions
4. Right to Social Security
5. Right relating to motherhood, childhood, marriage and family
6. Right to adequate food, clothing, housing, and standard of living.
7. Right to physical and mental health
8. Right to education especially compulsory primary education
9. Right relating to science and culture.

The Covenant thus upholds what exactly the State parties have to do in the future. From this time forth, they are a promotional caucus in a way or so, helping in attaining the objectives to promote the standard of living.

**KINDS OF HUMAN RIGHTS:-** The Universal Declaration of Human Rights sorted out not different types of human rights but arranged them in different articles. The succeeding changes that occurred in the United Nations system sorted out the three kinds of human rights as:

* Civil and Political Rights
* Economic, Social and Political Rights.
* Environmental, Cultural and Developmental Rights

**a. Civil and Political Rights**

Rights connected to the protection of the right of the lives of the people and their individual emancipation is what is known as Civil Rights or liberties. Civil rights are indispensable for every individual for safeguarding his right to life, liberty and security. Moreover, right to freedom from persecute, inhuman and undignified treatment, freedom of thought, conscience, religion and freedom of movement, are convinced rights which are important for a person to lead a stately and dignified life.

**b. Economic, Social and Political Rights**

Economic, Social and Political Rights are allied to the bare minimum necessities of the life to the human beings. It is somewhat more outstandingly referred to as the "security - oriented" right. Right to satisfactory food, clothing, housing, and standard of living, freedom from hunger/food shortage, right to work, social security, physical and mental health and right to education are some of the rights that are incorporated in this category of rights.

**c. Environmental, Cultural and Developmental Rights**

These consist of the rights to live in an environment that is clean and protected from devastation. It also comprises rights to protect cultural, political and economical development. They are also referred to as the third generation of rights.

The Vienna Conference of 1993 has avowed that, "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."

**INTERNATIONAL HUMAN RIGHTS LAW**

Owing to the State sovereignty during the 17th (seventeenth) and 18th (eighteenth) centuries, international law has gained a lot of significance and this has emerged to provide rules for the States. Fairly than itemized the rights for the human beings, the international law has stated duties for the State to abide by:

1. To recognize the right of every individual to life, liberty, and property and to accord to all within its territory the full and entire protection of their right without distinction as to nationality, race, sex, language and religion.

2. To recognize the right of every individual to the free practice, both public and private, of every faith, religion or belief.

3. To recognize the right of every individual both to the free use of the language of his choice and to the teaching of such language.

4. To recognize that no motive based directly or indirectly on distinction of sex, race, language, or religion, empowers States to refuse to any of their nationals, private and public rights.

5. To recognize that the equality as contemplated herein is not to be nominal, but effective.

6. To recognize that except for motives based upon its general legislation, no State shall have right to withdraw its nationality from those whom for reasons of sex, race, religion, or language.

**CONVENTION ON THE RIGHTS OF THE CHILD**

To guard the children from abuses, Convention on the Rights of the Child has been recognized. The 1959 United Nations Declaration of the Rights of Child has framed 10 principles which provided an influential moral framework for children's rights but were not legally enforceable. The Convention on the Rights of the Child was adopted by the General Assembly in 1989. Since then this convention has been endorsed by every single UN member States in the world, except Somalia and United States of America. The Convention on the Rights of the Child elaborates rights according to the special needs and perspectives of the child. This is the only human rights treaty, which covers the full spectrum of civil, political, economic, social and cultural rights thus stressing their indivisible and interdependent relationship. Thus, this Convention stands as a landmark for the international consensus on the basic principles of the universality and indivisibility of all human rights. According to the Convention on Rights of the Child, Every human being under the age of eighteen is a child, unless majority is attained earlier under national law.

**Amnesty International**

Amnesty International is worldwide organization acting on behalf of victims of human rights abuses around the world. This organization draws its mandate from the Universal Declaration of Human Rights. Amnesty International has highlighted the sufferings and cases of children who have been victims of torture, ill- treatment or extrajudicial execution. Guided by the Convention on the Rights of the Child, Amnesty International seeks to develop its work on children under three themes: Juvenile Justice, Children in Armed Conflict and Children in the Community and Family.

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