

5.1 Human Rights of Disadvantaged People :

- Women
- Children
- Displaced persons
- Disabled persons,
- Including Aged and
- HIV Infected People

Women

Gender equality is at the very heart of human rights and United Nations values. A fundamental principle of the United Nations Charter adopted by world leaders in 1945 is "equal rights of men and women", and protecting and promoting women's human rights is the responsibility of all States.

Issues commonly associated with notions of women's rights include, though are not limited to, the right: to bodily integrity and autonomy; to be free from sexual violence; to vote; to hold public office; to enter into legal contracts; to have equal rights in family law; to work; to fair wages or equal pay; to have reproductive rights; to own property; to education.

Although the issue of women's rights has attracted international recognition and support, women still face many inequalities and barriers. Gender-based violence and economic discrimination are problems in many parts of the world.

In The United States

Many feminists in the United States believe that gender-based discrimination and inequality exist in schools, in homes, and in workplaces. Studies in the late 1900s showed that teachers from kindergarten to college level often treated boys and girls differently, steering boys toward mathematics and science and girls toward the humanities and social sciences. However, another study conducted in Denmark suggests that female students are less inclined to pursue the sciences, even when they are encouraged to do so.

However, critics charge that the problem is often dismissed as a “private matter” in which law enforcement officials and others are reluctant to interfere.

Workplace challenges take many forms. The rise of feminism in the late 1900s brought considerable public attention—and a number of lawsuits—to the problems of sexual discrimination and harassment at work. Since that time there has been a movement toward stricter enforcement of laws and company policies against such practices. But the problem has not disappeared. Some people believe that limits on behavior in the workplace are often overly strict and violate the right to free speech.

Other lingering issues concern pay and job opportunities. In 1975, women earned 62 percent of what men earned; by 2008 that figure had risen to 77 percent. The wage gap between women and men exists at all levels of education. One reason for the gap is that women generally tend to be concentrated in lower-paying occupations and are not well represented in high-level managerial positions. As of 2008 women accounted for 46.5 percent of the country’s workforce, and 39 percent worked in management, professional, or related occupations. Many feminists see these statistics as proof of discrimination against women in the business world.

Another possible explanation for the wage gap is that many women may not view earning a high salary as a top priority. Other aspects of their work may be more important, such as a flexible schedule that allows them to spend more time with their families. Some surveys suggest that salary differences are small for men and women who have similar qualifications and work the same number of hours each week.

In Other Countries

In 1995, the Beijing Conference on Women’s Rights seemed to establish women’s rights as basic human rights. However, a United Nations review of the issue five years later revealed that recognition of this idea around the world was uneven at best. According to a report by Human Rights Watch (HRW), many national governments have taken half measures, such as stating a policy or passing a law against some kinds of gender violence while allowing other kinds to continue. HRW mentions governments in South Asia, the Middle East, and Africa that have failed to challenge the traditional idea that men can discipline their wives as they see fit. The report cites as an example the “honor killings” of women in Pakistan by male relatives who consider their behavior immoral or disgraceful. Violence against women remains a serious issue. According to a 2006 United Nations report, one in three women worldwide is attacked

often by a family member. Women in war-torn areas and refugee women are at special risk, as they are vulnerable to attacks from enemy forces and lack the support of community and social institutions. Another form of violence is the trafficking of women and girls for forced labor or sexual servitude. Trafficking is a worldwide problem, and the practice is widespread in Africa and Asia.

Another major threat to women is ritual genital mutilation (RGM), which is routinely practiced in some cultures of Africa and the Middle East. It involves the removal of all or part of a woman's external reproductive organs. The procedure is usually performed by people with no medical training, using unsterilized instruments and no anesthesia. The goal of RGM is usually to keep women sexually pure by reducing or eliminating the pleasure of sex.

Women around the world face a variety of other challenges, such as laws that prevent them from owning property, obtaining a divorce, or even driving a car. They must also deal with policies and practices that limit their reproductive rights. Helping women around the world achieve basic human rights is an acknowledged goal of the modern women's movement. However, feminists differ on many other issues, such as whether it is important to increase the number of women in science, government, and other traditionally male areas. Women and men around the world will continue to debate the steps that should be taken in the future to protect the rights of all women.

Child Rights:

They are abandoned. They do not get a chance to step in a school. They are left to fend for themselves on the streets. They suffer from many forms of violence. They do not have access to even primary healthcare. They are subjected to cruel and inhumane treatments every day. They are children – innocent, young and beautiful – who are deprived of their rights.

In the history of human rights, the rights of children are the most ratified. The United Nations Convention on the Rights of the Child (**UNCRC**) defines Child Rights as the minimum entitlements and freedoms that should be afforded to every citizen below the age of 18 regardless of race, national origin, colour, gender, language, religion, opinions, origin, wealth, birth status, disability, or other characteristics.

These rights encompass freedom of children and their civil rights, family environment, necessary healthcare and welfare, education, leisure and cultural

activities and special protection measures. The **UNCRC** outlines the fundamental human rights that should be afforded to children in four broad classifications that suitably cover all civil, political, social, economic and cultural rights of every child:

Right to Survival:

Right to be born

Right to minimum standards of food, shelter and clothing

Right to live with dignity

Right to health care, to safe drinking water, nutritious food, a clean and safe environment, and information to help them stay healthy

Right to Protection:

Right to be protected from all sorts of violence

Right to be protected from neglect

Right to be protected from physical and sexual abuse

Right to be protected from dangerous drugs

Right to Participation:

Right to freedom of opinion

Right to freedom of expression

Right to freedom of association

Right to information

Right to participate in any decision making that involves him/her directly or indirectly.

5.2 Impact of the Convention of the Child Rights

A milestone in the international human rights legislation, the 'Convention on the Rights of the Child' has been instrumental in putting all the issues pertaining to children issues on the global as well as national agenda. In addition to this, it has extensively mobilized actions for the realization of the rights and development of children worldwide.

It was not an overnight initiative that resulted in the adoption of the Child Rights. It took several years of movements and activism on shaping favourable, positive and constructive attitudes toward children, and also inciting actions to improve their well-being. The enormous efforts involved toward the implementation of the Convention, the significant amount of resources committed to this cause, and the overall effectiveness of the systems put in place for the execution process have a bearing on the success of child well-being outcomes.

Over the last 20 or so years, implementation of the Convention and its effect on child well-being varied from country to country and from one region of the world to the other. Based on analysis, there has been outstanding progress at a global level in addressing related to children. These include progress in access to services, reaching their fullest potential through education, enactment of laws that upholds the principle of the best interests of child, and child survival.

Human Rights of Displaced persons :

Displaced people are people who have had to leave their homes as a result of a natural, technological or deliberate event. Political turbulence in many regions of the world has increased the number of displaced people fleeing complex emergencies and disasters. Displaced Person / Displacement.

The displacement of people refers to the forced movement of people from their locality or environment and occupational activities. It is a form of social change caused by a number of factors, the most common being armed conflict. Natural

disasters, famine, development and economic changes may also be a cause of displacement.

In regard to population displacement resulting from development there are typically two types: direct displacement, which leads to actual displacement of people from their locations and indirect displacement, which leads to a loss of livelihood. Forced to leave the home region to which they are attached and for which they have the knowledge to make a living most effectively, displaced populations often become impoverished. The displacement of people as a result of development projects, policies and processes therefore constitutes a social cost for development.

One of the major challenges today is the growth in the number of internally displaced persons (IDPs) worldwide. While there are no official definitions of an internally displaced person, the Guiding Principles on Internal Displacement set by the Office for the United Nations High Commissioner for Refugees (UNHCR) holds internally displaced persons to be "persons or groups of persons who have been forced to flee, or leave, their homes or places of habitual residence as a result of armed conflict, internal strife, and habitual violations of human rights, as well as natural or man-made disasters involving one or more of these elements, and who have not crossed an internationally recognised state border".

Accordingly, the internally displaced are people who are forced to flee their homes, often for the very same reasons as refugees - war, civil conflict, political strife, and gross human rights abuse - but who remain within their own country and do not cross an international border. They are therefore not eligible for protection under the same international system as refugees. Also, there is no single international body entrusted with their protection and assistance.

Disabilities can be physical in nature, cognitive, behavioral, or even emotional. This particular disabilities topic center contains mostly reference to physical and sensory forms of disability, as other forms are adequately covered in other topic centers. All human beings are born free and equal in dignity and rights. People with disabilities all over the world experience human rights violations, stigma and discrimination. To have a disability means that one has fundamental difficulty accomplishing things that others take for granted. There are many social factors that can affect whether or not individuals with disabilities are included or excluded from participation on various factors that can affect whether or not individuals with disabilities are included or excluded from participation on various activities, which in turn can affect development or esteem. Disability is thus just not a health problem. It is a complex phenomenon, reflecting the interaction between features of a person's body and features of the society in which he or she lives.

Meaning of Disability:

Disability is an impairment that may be cognitive, development, intellectual, activity, limitations, sensory or some combination of these. It substantially affects a person's life activities and may be present from birth or occur during a person's lifetime.

Disability is a contested concept, with different meanings of different communities. It may be used to refer to physical or mental attributes that some institutions, particularly medicine, view as needing to be fixed. It may refer to limitations imposed on people by the constraints of an ablest society. People with disabilities have the same health needs as non disabled people for immunizations, cancer screening etc.

They may also experience a narrow margin of health both because of poverty and social exclusion and also because they may be vulnerable to secondary conditions such as pressure sores or urinary tract infections.

International Human Rights: UN Charter:

The charter of the United Nations of 1945 is the foundational treaty of the United Nations, an intergovernmental organization. Article 55 says that With a view to the creation of conditions of stability and well being which are necessary for the peaceful and friendly relations among nations based on respect for the principle of equal rights and self determination of people's, the United Nations s shall promote:

- a. Higher standard of living , full employment and conditions of economic and social progress and development;
- b. solutions of international economic, social, health, and related problems and international cultural and educational cooperation
- c. . Universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion.

Declaration On The Rights of Disabled Persons:

The Declaration of the Rights of Disabled persons was a declaration of the General Assembly of the United Nations made on 9 Dec 1975. It is the 3447 th resolution made by by the Assembly.

The disabled person shall enjoy all rights contained in this declaration without distinction or discrimination. The disabled persons have inherent rights to respect for their human dignity and irrespective of the origin, nature and seriousness of their handicaps and disabilities, have same Fundamental Rights. Disabled persons have the same civil and political rights as other human beings. Disabled persons are entitled to the measures designed to enable them to become as self-reliant as possible. Disabled persons have the right to economic and social security, including the right, according to their capabilities, to secure and retain employment or to engage in a useful, productive and remunerative occupation and to join trade unions. Disabled persons have the right to live with their families or with foster parents and to participate in all social, creative or recreational activities. Disabled persons shall be protected against all exploitation and treatment of a discriminatory, abusive or degrading nature

5.4 Human Rights for HIV Infected People

People who are HIV positive or have been diagnosed with Aids have the same rights as everyone else

Human dignity

Everyone has the right to have their dignity respected and protected. A person or institution (e.g. A hospital or company) may not insult or damage any person's self-respect, by their words or action.

Education

You have the same right as anyone else to basic or adult basic education. A school cannot refuse to educate you or your child because you have HIV or Aids.

Medical Treatment

You have the right to make your own decision about medical treatment. No person may be refused emergency treatment. Hospitals or doctors cannot refuse to treat a person with HIV or Aids or force you to take a HIV test.

Privacy

Everyone has the right to privacy. If you have HIV or Aids, you have the right to keep that information to yourself. Your boss, hospital or your doctor cannot force you to tell them, or force you to have a HIV/Aids test.

Pregnancy

It is your right to make your own decisions about your pregnancy and medical treatment. No one can force you to terminate your pregnancy because you are HIV positive. Work

People with HIV or Aids can choose what kind of work they want to do. For example, you cannot be prevented from becoming a teacher or health care worker because you are HIV positive or have been diagnosed with Aids.

Housing

Everyone has the right to have access to adequate housing. People living with HIV or Aids may not be refused a subsidy or loan to buy a house. Evicting a person from a house or flat because of their health is illegal.

Social grant

You have the right to a disability grant if you are too ill to support yourself or your Family.

Freedom of expression

Everyone has the right to freedom of expression, which includes freedom to receive or give out information or ideas. This right is important as a way to ensure that the proper information about how to prevent HIV is available in schools or prisons.

Freedom of association

Everyone has the right to freedom of association. You can join any organisation or group you choose. You cannot be forcefully separated from other people.

Freedom of movement

All citizens have the right to enter, to remain in and live anywhere in the country. If you have HIV or Aids, you are free to move around the country.

Labour relations

Everyone has the right to fair labour practices. No person may be unfairly treated or discriminated against at work.

Environment

Everyone has a right to an environment that is not harmful to their health or well-being.

5.5 Implementation of Human Rights:

The Implementation of Human Rights law depends to a large extent on the political will of states to comply with international standards. Ideally, a co-operative network of non – state actors and international Institutions all ensure effective implementation of the international norms and standards. That may Implement entails and array of activities. These include primarily activities to improve compliance by the states themselves, such as enacting national laws or administrative practices to comply with human rights standards, strengthening the judiciary branch of government, educating the population, establishing national human rights institutions, improvement of minimum health standards, improving prison conditions, and increasing participation in government. From the variety of activities that states are to take at the national level to implement human rights standards this section briefly discusses three: the incorporation of international standards into domestic law; the establishment of national human rights institutions and human rights Education.

Generally, to implement international Human Rights standards, states must affirmatively incorporate them into domestic law. In general, international treaties do not stipulate how states should implement human rights standards, leaving it to each state to decide how obligations will be implemented at the domestic level. However, it is notable that a few treaties specifically mandate the adoption of domestic laws as a part of its implementation framework.

Implementation at the international level

Implementation of human rights standards can be a difficult task for developing countries where the scarcity of resources may impose challenging obstacles to achieve compliance with human rights within a reasonable time. For example, while a state may in theory agree that people have the right to health, housing or other economic standards, it may not have the capacity radically to change everyone's living conditions in order to bring them up to the level of the norms aspired to. Similarly, one's right to a speedy and fair trial may require that a state increase funding to its judiciary system. Thus, international co-operation is essential to assist countries' adherence to international standards.

The promotion of human rights standards in another country can take

GE8074 Human Rights

violation of human rights. Often a differentiated approach is chosen, as this may often be the most effective way to bring about compliance. One sees international treaty organs, other countries and non-governmental organisations all working to promote human rights compliance.

National and State Human Rights Commission:

The National Human Rights Commission (NHRC) of India is a Statutory public body constituted on 12 October 1993 under the Protection of Human Rights Ordinance of 28 September 1993.[1] It was given a statutory basis by the Protection of Human Rights Act, 1993 (TPHRA).[2] The NHRC is the National Human Rights Commission of India,[3] responsible for the protection and promotion of human rights, defined by the Act as "Rights Relating To Life, liberty, equality and dignity of the individual guaranteed by the Constitution or embodied in the International Covenants".

The Protection of Human Rights Act mandates the NHRC to perform the following functions:

- Proactively or reactively inquire into violations of government of India human rights or negligence in the prevention of such violation by a public servant
- By leave of the court, to intervene in court proceeding relating to human rights
- Make recommendations about granting relief to the victims and their families.
- Review the safeguards provided by or under the Constitution or any law for the time being in force for the protection of human rights and recommend measures for their effective implementation
- Review the factors, including acts of terrorism that inhibit the enjoyment of human rights and recommend appropriate remedial measures
- To study treaties and other international instruments on human rights and make recommendations for their effective implementation

- Engage in human rights education among various sections of society and promote awareness of the safeguards available for the protection of these rights through publications, the media, seminars and other available means
- Encourage the efforts of ngos and institutions congress to working in the field of human rights.
- Such other function as it may consider it necessary for the protection of human rights.
- Requisitioning any public record or copy thereof from any court or office.

State Human Rights Commission:

The State Human Rights Commission of Tamil Nadu become functional vied notification G.O.Ms: 1466 on 17 April 1997. As it was constituted by the earlier notification G.O.Ms 1465 Dt: 20 December 1996.

Role of NGO'S:

The term non-governmental or non-profit is normally used to cover the range of organisations which go to make up civil society. Such organisations are characterised, in general, by having as the purpose of their existence something other than financial profit. However, this leaves a huge multitude of reasons for existence and a wide variety of enterprises and activities. Ngos range from small pressure groups on, for example, specific environmental concerns or specific human rights violations, through educational charities, women's refuges, cultural associations, religious organisations, legal foundations, humanitarian assistance programmes – and the list could continue – all the way to the huge international organisations with hundreds or even thousands of branches or members in different parts of the world. In this section, we look briefly at the significant role that such organisations have had, and continue to have, in the protection of human rights throughout the world. At nearly every level of the different attempts to preserve the dignity of individual citizens when this is threatened by the power of the state, ngos play a crucial role in:

- Fighting individual violations of human rights either directly or by supporting particular 'test cases' through relevant courts

- Offering direct assistance to those whose rights have been violated
- Lobbying for changes to national, regional or international law
- Helping to develop the substance of those laws
- Promoting knowledge of, and respect for, human rights among the population. The contribution of ngos is important not only in terms of the results that are achieved, and therefore for the optimism that people may feel about the defence of human rights in the world, but also because ngos are, in a very direct sense, tools that are available to be used by individuals and groups throughout the world. They are managed and co-ordinated – as many organisations are – by private individuals, but they also draw a large part of their strength from other members of the community offering voluntary support to their cause. This fact gives them great significance for those individuals who would like to contribute to the improvement of human rights in the world.

Process of NGO'S:

NGO'S may attempt

to engage in the protection of human rights at various different stages or levels, and the strategies they employ will vary according to the nature of their objectives – their specificity or generality; their long-term or short-term nature; their local, national, regional or international scope, and so on.

Direct assistance

- a. It is particularly common for ngos working on social and economic rights to offer some form of direct service to those who have been victims of human rights violations. Such services may include forms of humanitarian assistance, protection or training to develop new skills.
- b. Alternatively, where the right is protected by law, they may include legal advocacy or advice on how to present claims.
- c. In many cases, however, direct assistance to the victim of a violation or a human rights defender is either not possible or does not represent the best use of an organisation's resources. On such occasions, and this probably represents the majority of cases, ngos need to take a longer term view and to think of other ways either of rectifying the violation or of preventing similar occurrences from happening in the future.

Collecting accurate information

If there is a fundamental strategy lying at the base of the different forms of NGO activism, it is perhaps the idea of attempting to "show up" the perpetrators of

GE8074 Human Rights

injustice. Governments are very often able to shirk their obligations under the international treaties, or other rights standards, that they have signed up to because the impact of their policies is simply not known to the general public. Collecting such information and using it to promote transparency in the human rights record of governments is essential in holding them to account and is frequently used by ngos. They attempt to put pressure on people or governments by identifying an issue that will appeal to people's sense of injustice and then making it public.

Two of the best known examples of organisations that are reputed for their accurate monitoring and reporting are Amnesty International and the International Committee of the Red Cross. Both of these organisations possess authority not only among the general public but also at the level of the UN, where their reports are taken into account as part of the official process of monitoring governments that have agreed to be bound by the terms of international treaties.

Campaigning and lobbying

It can be fun to write to people who lead authoritarian or repressive regimes, have a dictator as a pen-pal, and be a complete nuisance to him by sending him these letters.

International actors often engage in campaigning and advocacy in order to bring about a policy change. Again, there are numerous forms, and an NGO will try to adopt the most appropriate one, given the objectives it has in mind, the nature of its "target", and of course, its own available resources. Some common practices are outlined below.

Letter-writing campaigns are a method that has been used to great effect by Amnesty International and other NGO'S People and organisations "bombard" government officials with letters from thousands of its members all over the world. Street actions or demonstrations, with the media coverage that these normally attract, may be used when organisations want to enlist the support of the public or to bring something to the public eye in order to 'name and shame'a government.

The media will frequently play an important part in lobbying practices, and socialmedia and the Internet are now assuming an increasingly significant role.

Shadow reports are submitted to UN human rights monitoring bodies to give an NGO perspective of the real situation regarding the enjoyment of human rights in a particular country.

In addition to demonstrations of support or public outrage, ngos may also engage in private meetings or briefings with officials. Sometimes the mere threat of bringing something to the public eye may be enough to change a policy or practice, as in the story below. Whilst this used to be mobilised, at one time, through tapes, posters and faxes, it is now mobilised through email campaigns and petitions, internet sites, blogs and electronic social networks.

binils.com