

# Challenges to Human Rights in a Globalized World

Abhijeet Kumar,

*L.L.M, Chanakya national law university patna*

Submitted: 01-07-2021

Revised: 13-07-2021

Accepted: 16-07-2021

## PREFACE

There have been various rights granted to the individuals of every nation be it be the right to life, right to freedom of religion, or any other right that may be necessary for the life of the individuals. Similarly, another important aspect of right that world does not take notice of is Human Rights. They are the most potent or one could say the most important set of rights that must be granted to humans. They do differ from the various other rights, which involve various other factors such as life, liberty, religion, education, etc. The ambit of Human rights is very wide in every aspect as it involves human as subject. When every aspect of the individual gets diminished the human rights come into play to guard the man. The ambit of human rights includes every individual be it man or woman of any category of any race. The subject matter is so wide that it cannot be easy to describe within the pages of this project work as every form of human life that comes into day-to-day life of the humans come within its ambit. It does not take into notice of any factor such as race, colour, sex, or any other factor, they simply work on the guise of being human beings. They have been prevalent since ancient times if talk of the Indian scenario, as various kings of India Dharma as their principle and even have enforced righteous things under their ruling. Apart from India many other countries have recognised these forms of rights in their historical growth. The growth at the international level could be cited by the coming of the Magna Carta adopted in 1218, but its main enforcement could be cited by the enforcement of the UDHR that came in 1948. Prior to the UDHR there were various other treaties which paved way for the UDHR, but it must be noted that the major influence or the major component was the coming of the UDHR, which contains 30 articles which heavily advocate of the well-behaved life of human beings. But, though the re hav been various enactments that have advocated significantly for the development of the human rights, but still it is to be noticed that there are 4 various challenges that have come before the enforcement of human rights.

Globalisation has been the most significant thing that has occurred during the last few decades. By globalisation, it is to be meant that relations between the nations of the globe for any purpose, be it for trade, political relations, etc. But the literal meaning of it that can be cited that the relations between the nations of the globe of the earth. In this era of globalisation, the essence of Human rights has seen to be lost as every nation just for developing itself has negated the life of the humans to a great extent. It has been seen that various countries have helped the countries at times of war of in artillery support negating all aspect that what it could have caused in this era where population has spread to an outmost extent.

So as this era has seen globalisation there has also been various degradation of the rights of the human. This rapid globalisation has paved serious challenge before the enforcement of human rights. In this globalised world it can be seen that the human rights have faced severe challenges which we may find in the topic of discussion. But, it is so heartening to say that in such a civilised world the world has forgotten the rights of the individual and has created a ruckus in the minds of the people. There have been immense violation of human rights and various other rights that must have been granted to the humans. It is to be seen that the modern world which is filled up by various rights have posed up various challenges before the human rights too that forms the most potent form of rights prevalent in the society

## INTRODUCTION

In this era of globalization there are various ambits of a civilized life, which provides some freedoms as rights and some obligations such as duties. The rights protect the individuals from the overt action or the consequences of either the state or the individuals of the society, while the duty imposed on an individual imposes some work or actions on the part of the individuals for the beneficiary for the state. While every state has its own set of rights and duties for the its individuals, so that the law and order be maintained in the state and the administration be run in a smooth manner.

Human Rights on the other hand differ from the rights of the individuals of any country. Human Rights forms a very big ambit which one could say encompasses the rights of the individuals of the state. Human rights would include all the rights of the human. A very simple definition of that would be all the rights simply for human are called human rights. Human Rights are the most basic or the most potent Rights which every human must have, they are granted to every human simply because he or she is a civilized being, the human rights form the most pertinent set of rights which every individual must avail of. These rights come into play of Human beings when no rights are left or when the state denies all the rights which must be given to the humans, then these rights come into play of the human beings.

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 the basic and absolute rights that every person has because he or she is a human being. They recognize the vulnerability of the human being in civil, political, economic, social and cultural processes and provide protection. Every human being has these rights, although the extent to which it can be enforced in practice varies from one country to another. Rights accompany certain duties and responsibilities as well. At the international level most of these human rights have been described in the United Nations (UN) Universal Declaration of Human Rights (1948). Human Rights are the very essence of a meaningful life and human dignity is the ultimate purpose of

the government. With regard to human rights certain aspects should be considered like:

1. Human Rights mean those rights that everybody should have. The subjects of human rights are not the members of this and that society, but of the community Introduction Page 5 of humankind. The basic qualification for holding human rights is to belong to the human race.

2. The objects of human rights, like those of plain rights, are of great significance. But just as rights may be said to override other considerations, human rights may be said to override mere rights.

3. The exercise of human rights might have a more restricted range than that of civil rights. We referred earlier to claiming, asserting, demanding, enjoying, protecting and enforcing a right. In case of human rights, the assertive end of this spectrum is more prominent. Often, human rights are appealed to when the claims they encompass are not locally acknowledged in the positive law. They should be acknowledged and enforced.

4. There is a question of the location of the duties that correlate with human rights. In this regard, there are universal human rights in a strong and a weak sense. Rights in a strong sense are held against everybody else. Rights in the weak sense are held against a particular section of humanity. Everyone has a right to life against everyone else. Basically, all human rights are said to have three correlate duties- duties to avoid depriving, duties to protect from deprivation and duties to aid the deprived.

Various authors have defined human rights in following manner-

Dr. UpendraBaxi, while attempting to describe human rights says that for the first time in recent history, we move from conceptions of rights as resources for individuals against state power to a conception of human rights as species rights as well. And it is natural to this conception that the rights stand addressed not just to states but to international organizations as well, whose major world historical role, all said and done to enunciate new human future through a reconstruction of person whose loyalties are global or planetary.

Leonid F. Evmenov is of the view that human rights should not only be declared but codified in legislation. According to the norms of national legislation and international human rights act-that is the only objective condition under which humanism of any social shade can be revealed, from Mahatma Gandhi's ahimsa to Lenin's philanthropy.

Mr. E.S. Venkataramiah is of the opinion that the concept of human rights is very much the product of history and of human civilization and as

such is subject to evolution and change. Every person born in this world however entitled to certain minimum rights which ought not to be curtailed in any manner.

Justice Fatima Bibi has observed that the concept of human rights has assumed importance globally during the past few decades and has international significance as every country is subject to international scrutiny by the world body which indicates members-states for violations, while there is increasingly widespread concern for universal respect and observance of human rights, gross violation of internationally recognized norms continues unabated in almost all parts of the world.

Justice Ranganatha Mishra, Former Chairman of National Human Rights Commission of India, has observed that it is obligation which all of us have to perform. Man, wherever he likes whatever religion he professes, whatever he takes, is a member of the one family. All of us must learn to live like a member of one family. The whole world is one family. We will be able to develop the culture of Human Rights. In the absence of Human rights, individuals and families are disintegrating in the modern era. It is a challenge to human process.

Justice Venkatachalam, Former Chairperson, Human Rights Commission is of the opinion that human rights are rights in their own nature, without which we cannot live as human beings.

List of Human Rights Human rights and fundamental freedoms allow citizens to develop human qualities, intelligence, talents and conscience to satisfy spiritual and other needs. There are basically different rights like civil, political, economic and social rights.

The Civil and Political Rights Include- Right to life; Right to liberty; Right to security of the person; Right to privacy and prosperity; Right to marry and raise a family; Right to a fair trial; Right of freedom from slavery, torture and arbitrary arrest; Right to freedom of movement and to seek asylum; Right to freedom of thought, conscience and religion; Right to freedom of opinion and expression; Right to freedom of assembly and association; Right to nationality; Right to free elections, participation and universal suffrage.

The Economic and Social Rights Include- Right to work; Right for just reward; Right to rest and leisure; Right to form and join trade unions; Right to periodic holidays with pay; Right to social security; Right to standard of living; Right to education and right to participation in the cultural life of the community. In India there are basically four types of principles i.e.-Dharma, Artha, Karma

and Moksha that ensures and promote human rights.

A few significant human rights are: (1) Right to Equality-The very foundation of the Indian culture is laid on the principles of equality, equity and other egalitarian tenets. The Right to Equality (Samanta) is regarded as an important right without which happiness is not available. The Article 1 of the Universal Declaration of Human Rights, 1948 in this context states, "All human beings are born free and equal in dignity and right. It has also been reinforced in Article 7 of the same document, "All are equal before law and are entitled without any discrimination of equal protection of the law".

(2) Right to Happiness-Human beings desire happiness at every stage and in every sphere of his or her life. Hence it is a natural human right to be happy as without happiness life becomes dull and dreamy. Right to happiness is therefore essential for every individual and has been recognized.

(3) Right to Education-Through ages education is regarded as a means of equality and potential instruments for social change. Importance of education cannot be overestimated and it has been rightly emphasized for the development of the child. Right to education has therefore been guaranteed to every child. The Constitution of India says, "State shall endeavor to provide within a period of ten years from the commencement of this Constitution free and compulsory education for all children until they complete or attain age of 14 years".

(4) Right to Protection-It is the basic responsibility of the state to ensure protection to its individuals from insecurity and oppression. It has therefore been included as a fundamental right. Under Article 21 of the Constitution of India it has been declared as one of the human rights. Convention of the Right of the Child has included the Right to Survival and Right to Protection as important rights of every child.

(5) Right to Religion-Universal Declaration of Human Rights states, "Everyone has the right to freedom of thought, conscience and religion." The Constitution of India has also recognized freedom to religion as one of the fundamental rights. The Article 21 says, "Freedom of conscience, free profession, practice and propagation of religion subject to public order and to other professions. All these parts of the business are equally entitled to freedom to conscience and the right to freely profess, practice and propagate religion." The Constitution has made provisions relating to religion to safeguard the feelings, beliefs and sentiments of the common man.

(6) Right to Human Treatment - It is essential that we have to be humane and considerate. In case of organizations the employees are expected to have right humane treatment if they are provided fair wages, bonus and other incentives. The Article 23(3) of Human Rights Declaration states, "Everyone who has the right to just and favorable remuneration ensuring for himself and his family an existence of worthy humane dignity and supplemented, if necessary, by other means of social protection"

(7) Right to Social Security- The Universal Declaration of human rights under Article 22, reads "Everyone is a member of the society as such enjoys right to social security is entitled to realization through national efforts and international cooperation and in accordance with the organization and resources of each state". Every individual is not equal and they have individual differences of all kinds. Since there exist inequality among people in respect of social, economic and political aspects. It is the duty of the state to provide facilities which will provide a basic sustenance of life. United Nation is of the opinion that Family is a natural and fundamental group unit of the society and is entitled to protection by state and society.

(8) Right to Justice-The Article 10 of the Universal Declaration of Human Rights states, "Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any or all criminal charges against him". Thus, it's clear that every individual has right to justice by the ruler or king of the land and that should be free from any kind of discrimination or any personal biases

### **HISTORY OF HUMAN RIGHTS**

Originally, people had rights only because of their membership in a group, such as a family. Then, in 539 BC, Cyrus the Great, after conquering the city of Babylon, did something totally unexpected—he freed all slaves to return home. Moreover, he declared people should choose their own religion. The Cyrus Cylinder, a clay tablet containing his statements, is the first human rights declaration in history.

The idea of human rights spread quickly to India, Greece and eventually Rome. The most important advances since then have included. The Magna Carta of 1215 gave people new law and made the king the subject of the law. Then the next significant rise of human rights was seen by the petition of rights in 1628 which set out the rights for the people. Then, the United States Declaration

of Independence of 1776 proclaimed the right to life, liberty and the pursuit of happiness. Then the Declaration of the rights of the man and the citizens of 1789 was a major document of France which set out that all citizens are equal under law. Then came the major document which was recognised the most containing 30 rights under the name of Universal Declaration of Human Rights in 1948.

In relation to legal perspective there are some of the agreements, charters and various treaties which are of great historical significance, which paved the way to the present days most widely translated document in the world i.e., The Magna Carta of Human Rights. These charters have also been a source for the constitutions of many nations of the world. They are discussed in brief:

1. Magna Carta, 1215 The Magna Carta (also called Magna Charta) granted by King John of England to the English barons on June 15, 1215 was in response to the heavy taxation burden created by the third Crusade and the reign of Richard-I. The conception of human rights, from the recognition under U.K. perspectives, may be found in the Magna Carta. The Magna Carta of 1215 CE is considered as an important milestone in the human rights struggle, where the feudal lords intended to restrain the king from arbitrary arrest or punishment of any kind. Consequently, Magna Carta was only concerned with baronial liberties rather than universal human rights. This great Charter promised that no civil or criminal action would be taken against any free man without sufficient proof. However, the irony of the human rights was that many groups fought for their rights, but later realized, that they had prepared the ground for 'new groups' to demand the same rights from them; ultimately, however, these rights were pronounced as common to all humans.

2. Petition of Rights 1628 However, the movement of recognizing individual rights which started with the Magna Carta continued through the Petition of Rights, 1628, which is one of England's most famous Constitutional documents. It was written by parliament as an objection to an overreach of authority by King Charles I. during his reign, English citizens saw this overreach of authority as a major infringement on their civil rights. Later this was culminated in the Bill of Rights, 1689, which was enacted in the form of a parliamentary statute.

3 Bill of Rights 1689 The English Bill of Rights is an act that the Parliament of England passed on 27 December 1689. The Bill of Rights contributed towards the development of fundamental rights. This Bill was a part of a major settlement between the Crown and Parliament. The Bill creates separation of powers, limits the powers of the king



and queen, enhances the democratic election and bolsters freedom of speech. Nonetheless, some of general principles such as prohibition of illegal and cruel punishments assumed universal significance and subsequently appeared in many instruments including UDHR.

4. Act of Settlement 1701 The Act of Settlement is an Act of the Parliament of England that was passed in 1701 to settle the succession to the English and Irish crowns on Protestants only. The line of Sophia of Hanover was the most junior among the Stuarts, but consisted of convinced Protestants. The Act of Settlement which followed the Bill of Rights declared that 'Rights and Liberties of the subject are the 'birth-right of the people of England'.

5. Social Contract Theories The doctrine of natural rights, during the 17th and 18th century received further impetus with the proponents of the Social Contract Theory, particularly of John Locke and Rousseau both of whom, attempted to trace the genesis of political society and government in terms of social contract among the subjects, without disturbing the natural rights of men. The concept of 'social contract' reflects that people set up the civil society and political government by virtue of a social agreement in their desire to ensure security to life and property. Even in such a state of nature, they had retained their natural rights. But, to what extent the theory can be relied upon, is a debatable issue as the whole theory is developed on apriority rule. The concept of natural rights finds its place in the thought of a legalist like Blackstone who draws the distinction between absolute and relative rights of persons. Though Blackstone has imported the doctrine of natural rights from the realm of political philosophy into the realm of jurisprudence, there seems to be dichotomy in his principle that asserted: "power of parliament is absolute and without control and what parliament does no authority of earth can undo". At the same time, he believed that "absolute rights of man shall be safeguarded by the laws made by parliament so long as the Constitution of England does not perish".

6 Virginia Bill of Rights 1776 The Virginia Declaration of Rights is a document drafted in 1776 to proclaim the inherent rights of men, including the right to reform or abolish "inadequate" government. For the first time the Bill of Rights was adopted in the written constitution as 'the basis and foundation' of the government. It was the constitution of Virginia that recognised the natural rights as bill of rights. Consequently, it inspired the makers of the American constitution introduce the First Ten Amendments to the constitution.

7. American Declaration of Independence 1776 By issuing the Declaration of Independence, adopted by the Continental Congress on July 4, 1776, the 13 American colonies severed their political connections to Great Britain. The Declaration summarized the colonists' motivations for seeking independence. By declaring themselves an independent nation, the American colonists were able to confirm an official alliance with the Government of France and obtain French assistance in the war against Great Britain. Theory of natural rights, then, entered into the realm of constitutionalism with two revolutionary documents, namely the American Declaration of Independence and the French Declaration of Rights of Man, which asserted that there were certain inalienable rights and it was the duty of the state and its organ to protect these rights.

8. French Declaration of Rights Man 1791 Inspired by the American Declaration of Independence, the French National Assembly in 1789 formulated the declaration of the Rights of Man. This Declaration recognised and declared natural rights as inalienable rights and operated as limitations over the acts of the government.

9. American Bill of Rights 1789 The original draft of the Constitution of America didn't contain the bill of rights. Therefore, some states urged for inclusion of Bill of Rights as precondition for their ratification to the federal Constitution. The demand was conceded and ultimately led to incorporate a Bill of Rights in the form of First Ten Amendments to the Constitution in 1791. By the Fourteen Amendment, the First Ten Amendment has been extended to the states in the year 1868. Here, it should be noted that the fundamental rights emerged as limitation over governmental power, so that it could not be used tyrannically against the individuals. Incorporation of a Bill of Rights within the framework of the Constitution of America was severely criticized by some British writers such as Bentham and Wheare who questioned the utility of having a Bill of Rights in the constitution. But these criticisms do not hold water, since today, every written constitution includes a Bill of Rights in the form of fundamental rights. Where a bill of rights is incorporated in the constitution, it becomes the duty of the courts 'to enforce' it as limitations or restraints against the State. 'Enlightenment' was a significant phase in the history of western philosophy in the 18th century CE. In this enlightenment period, reason was considered as a primary source for legitimacy and authority in all aspects of life. Taking reason as a primary source, enlightened thinkers questioned traditional

institutions, customs, moral beliefs, political structures and economic structures. 'Natural Law' developed by thinkers like John Locke and Thomas Hobbes in 17th and 18th century CE, had tremendous influence in the formative stages of human rights. Consequently, the American and French revolutions produced an 'American Declaration of Independence,' and 'Declaration of the Rights of Man and of the Citizen' in 18th century CE. The concept of universality understood in the 18th century was not worldwide in scope, and rights incorporated in to the constitution applied only to the citizens of the state. Nonetheless, not all the citizens enjoyed the privileges, particularly women, children and slaves were excluded fully or partially from possessing the rights. In this regard, Eva Berms quotes Olwen Huftun: "the mainstream enlightenment conception of the human right was that of the man able to fend for himself in the free market economy. Black slaves as property, women and children as dependents upon fathers and husbands, and even servants did not initially qualify for inclusion."

Similarly, in France, women were not given equal status with men. In the 18th century CE, Olympe de Gouges was executed, wanted women to be included as full subjects of rights and proposed a 'Declaration of Rights of Woman and of the Female Citizen.' This gender discrimination was based on the enlightened thought that rights are based on universal human nature derived by reason and women have to be considered as naturally rational. The people colonized by Europeans were also denied equal rights along with European and American citizens. Therefore, Eva Berms concludes that an exclusivist concept of rights, in the 18th and 19th centuries CE, was also reflected in international politics. International Law was limited only to a few states that recognized each other, and not all the countries that were not civilized according to European standards, therefore considered as "barbarian" or "savage" fit to be conquered and colonized.

### Generations of Human Rights

There are three overarching types of human rights norms: civil-political, socioeconomic, and collective-developmental. The first two, which represent potential claims of individual persons against the state, are firmly accepted norms identified in international treaties and conventions. The final type, which represents potential claims of peoples and groups against the state, is the most debated and lacks both legal and political recognition. Civil-political human rights include two subtypes: norms pertaining to physical and

civil security (for example, no torture, slavery, inhumane treatment, arbitrary arrest; equality before the law) and norms pertaining to civil-political liberties or empowerments (for example, freedom of thought, conscience, and religion; freedom of assembly and voluntary association; political participation in one's society). Socio-economic human rights similarly include two subtypes: norms pertaining to the provision of goods meeting social needs (for example, nutrition, shelter, health care, education) and norms pertaining to the provision of goods meeting economic needs (for example, work and fair wages, an adequate living standard, a social security net). Finally, collective-developmental human rights also include two subtypes: the self-determination of peoples (for example, to their political status and their economic, social, and cultural development) and certain special rights of ethnic and religious minorities (for example, to the enjoyment of their own cultures, languages, and religions).

This division of human rights into three generations was initially introduced in 1979 by Czech jurist Karel Vesak. His divisions follow the three watchwords of the French Revolution: Liberty, Equality, and Fraternity. The three generations are reflected in some of the rubrics of the Charter of Fundamental Rights of the European Union. The Universal Declaration of Human Rights includes rights that are thought of as second generation as well as first generation ones, but it does not make the distinction in itself. The same was highlighted by Louis B. Sohn and he has classified human rights under the following three categories.

- (1) The Human Rights of the First Generation;
- (2) The Human Rights of the Second Generation; and
- (3) The Human Rights of the Third Generation.

1 The Human Rights of First Generation  
The human rights of the first generation are civil and political rights of the individuals. The various civil and political rights are conferred through different Constitutions and also by the International Covenant on Civil and Political Rights of 1966. However, these rights are not new rights. They have been recognised since long and have developed from the time of the Greek city states and have found expression in different national charters over a period of time. The right to life, liberty, security, free speech, assembly and worship are some of the civil rights. Right to free elections and representative institutions are examples of political rights which provide legitimation, integration and participation by linking the ruler to the consent of the ruled. These rights are human

rights arising out of the conflict between people and governmental tyranny. For this reason, the main sources of civil and political rights are considered to be the American and French Revolutions. These rights came as formal assurances against oppression and arbitrary governmental tyranny. Human freedom and liberty as “the fruits of struggle against the authority of state”. The human rights of first generation reflect long established human values and as such are incorporated not only in almost every Constitution of various States but also in the International Covenant on Civil and Political Rights, 1966; in the European Convention on Human Rights and Fundamental Freedoms, 1950, and in American and African instruments of 1969 and 1981, respectively. As the civil and political rights are incorporated in different national, regional and international instruments, they represent an overwhelming consensus of an international community and further have given rise to rules of international customary law of general application. Louis Sohn has suggested that “the consensus on virtually all provisions of the covenant on civil and political rights is so widespread that they can be considered as part of the law of mankind, a jus cogens for all.

2. The Human Rights of the Second Generation These rights are the economic, social and cultural rights. Rights to education, health, freedom from want, fear or terror are examples of economic and social rights. These rights require that the Government should act to secure these to the people. Freedoms of thought, of communication, and of cultural and aesthetic experience are examples of cultural rights. These rights are claimed in response to threat of mass manipulation. These rights are incorporated in the International Covenant on Economic Social and Cultural Rights, 1966. The main source for the origin of these rights is considered to be the Russian Revolution of 1917 and the Paris Peace Conference of 1919. The Russian Revolution is significant in recognising economic rights. The Paris Peace Conference is more significant for the establishment of the International Labour Organisation. The International Labour Organisation has laid emphasis on the concept of social justice by proclaiming that “peace can be established only if it is based upon social justice” and that, “the failure of any nation to adopt humane conditions of labour is an obstacle in the way of other nations which desire to improve the conditions in their own countries”. The real credit for giving expression to economic and social rights goes to the American President Roosevelt. He, for

the first time expressed his hope for an instrument dealing with economic and social rights. In his message to the Congress on January 6, 1941, President Roosevelt referred to the four essential freedoms viz., freedom of speech and expression, freedom of every person to worship God in his own way, freedom from want and freedom from fear, which he looked forward to as foundations of a future world. “Freedom from want” formed the basis on which the concepts of economic and social rights were formulated. President Roosevelt, in another message to the Congress in 1944 made the concept of “freedom from want” clear. He contemplated that “true individual freedom cannot exist without economic security and independence” and that “people who are hungry and out of a job, are the stuff of which dictatorships are made”; thus, economic truths have become accepted as self-evident. He was of the view that economic problems in the present-day world had acquired an alarming magnitude; he therefore advocated drastic economic and social reforms. These pronouncements were of full impact upon the United Nations Organisation when it began to address itself to the human rights issues.

The Human Rights of the Third Generation These are collective rights. According to Louis B. Sohn, individuals are also members of communities- family, religious communities, social or professional communities or racial communities (groups) or the political community viz. the State. It is not surprising, therefore, that international law not only recognises inalienable rights of individuals, but also recognises certain collective rights exercised jointly by individuals who are grouped into larger communities including people and nations. The right to self-determination, right to development, right to peace and right to solidarity are examples of third generation human rights. According to Karel Vesak, the third generation of human rights refers to a fraternity or brotherhood. This category of rights is based on the sense of solidarity which is essential for the realisation of the major concern of any international community such as peace, development and environment. The human rights of the third generation infuse human dimensions into areas where they have, all too often, been missing having been left to the state or states; these rights can be realised only “through the concerted efforts of all the actors on the social scene; the individual, the state, the public and private bodies and the international community. These are the rights which belong to people as a group; they emphasise that human needs are best fulfilled within a collectivity.

## **SIGNIFICANCE OF HUMAN RIGHTS IN A GLOBALISED WORLD**

### **Human rights ensure people have basic needs met**

Everyone needs access to medicine, food and water, clothes, and shelter. By including these in a person's basic human rights, everyone has a baseline level of dignity. Unfortunately, there are still millions of people out there who don't have these necessities, but saying it's a matter of human rights allows activists and others to work towards getting those for everyone.

### **Human rights protect vulnerable groups from abuse**

The Declaration of Human Rights was created largely because of the Holocaust and the horrors of WWII. During that time in history, the most vulnerable in society were targeted along with the Jewish population, including those with disabilities and LGBT. Organizations concerned with human rights focus on members of society most vulnerable to abuse from powerholders, instead of ignoring them.

### **Human rights allow people to stand up to societal corruption**

The concept of human rights allows people to speak up when they experience abuse and corruption. This is why specific rights like the right to assemble are so crucial because no society is perfect. The concept of human rights empowers people and tells them that they deserve dignity from society, whether it's the government or their work environment. When they don't receive it, they can stand up.

### **Human rights encourage freedom of speech and expression**

While similar to what you just read above, being able to speak freely without fear of brutal reprisal is more expansive. It encompasses ideas and forms of expression that not everybody will like or agree with, but no one should ever feel like they are going to be in danger from their government because of what they think. It goes both ways, too, and protects people who want to debate or argue with certain ideas expressed in their society.

### **Human rights give people the freedom to practice their religion (or not practice any)**

Religious violence and oppression occur over and over again all across history, from the Crusades to the Holocaust to modern terrorism in

the name of religion. Human rights acknowledge the importance of a person's religion and spiritual beliefs, and lets them practice in peace. The freedom to not hold to a religion is also a human right.

### **Human rights allow people to love who they choose**

The importance of freedom to love cannot be understated. Being able to choose what one's romantic life looks like is an essential human right. The consequences of not protecting this right are clear when you look at countries where LGBT people are oppressed and abused, or where women are forced into marriages they don't want.

### **Human rights encourage equal work opportunities**

The right to work and make a living allows people to flourish in their society. Without acknowledging that the work environment can be biased or downright oppressive, people find themselves enduring abuse or insufficient opportunities. The concept of human rights provides a guide for how workers should be treated and encourages equality.

### **Human rights give people access to education**

Education is important for so many reasons and is crucial for societies where poverty is common. Organizations and governments concerned with human rights provide access to schooling, supplies, and more in order to halt the cycle of poverty. Seeing education as a right means everyone can get access, not just the elite.

### **Human rights protect the environment**

The marriage between human rights and environmentalism is becoming stronger due to climate change and the effects it has on people. We live in the world, we need the land, so it makes sense that what happens to the environment impacts humanity. The right to clean air, clean soil, and clean water are all as important as the other rights included in this list.

### **Human rights provide a universal standard that holds governments accountable**

When the UDHR was released, it had a two-fold purpose: provide a guideline for the future and force the world to acknowledge that during WWII, human rights had been violated on a massive scale. With a standard for what is a human right, governments can be held accountable for their actions. There's power in naming an injustice and pointing to a precedent, which makes the



UDHR and other human right documents so important.

### CHALLENGES OF HUMAN RIGHTS IN A GLOBALISED WORLD

The human rights which form a very important and basic rights of human have been vulnerable to many challenges some of which we will deal in the text below. Every law which comes has to face some challenges in this emerging globalisation era, as at the international level the enforcement mechanism has been weak due to the lacunae present in the implementation of international law. Firstly, we shall discuss some challenges which the human rights face in the era of globalisation.

1. Poverty and global inequities- Poverty and global inequities have been the major challenge for the implementation of human rights. Poverty has been prevalent in most of the developing countries and the undeveloped countries. Due to poverty the people are not well aware of their rights and become prey to various discriminations and other things. Poverty is the state of the individual in which he or she is deficit of the most basic amenities of life such as food, clothing and shelter. There have been various reports that have suggested that poverty exists in various countries and no one have been able to keep a check on that, the governmental authorities have failed and similarly the international organisations have also failed in their approach to overcome this problem. Poverty and inequities are a major challenge for the human rights as poverty and inequities construct an obstruction on the path of the enforcement of human rights.
2. Armed conflict- another major challenge before the implementation of human rights have been the armed conflict within the nations. Most of the developing countries such as India and Pakistan have armed conflict within them, which are a major concern of the human rights. The armed conflict has led to the death of soldiers and civilians at the borders of the countries, which have been immense violation of human rights and pose a great challenge before the human rights. The nations in armed conflict are the greatest violators of human rights as a lot of people mostly innocent and who are poor people. Thus, armed conflict between the nations and within the nation also are also major concern for the implementation of human rights.
3. Discrimination- Discrimination is distinction between people be it on the basis of

caste, creed, colour, religion, etc. It is the most potent factor which has led to failure of the growth of a state from times immemorial. It has been in existence in most of the countries be it developing or developed, all major countries have witnessed some forms of discrimination be it on the basis of caste or colour, but they have been in existence in most of the countries from times immemorial. The governmental authorities have failed to keep a check on discrimination and there have been various instances of it in recent times too. So, one cannot negate that they are a major concern for human rights as they are the most aggravated form of violation of human right that may exist, simply on the basis of physical appearance or social relation.

4. Impunity- exemption from punishment or loss have also been a serious challenge before the human rights as there have been various cases where the affluent members of the affluent family have been exempted from punishments of their heinous crimes just due to their relation with powerful men of the society. Impunity is the major concern and poses a serious challenge before human rights in a developing country where we talk of the supremacy of the law, or that the law is supreme, but still in this law-abiding world such things happen where the needy gets devoid of justice it would be a serious insult of human rights. So the culprit must not be left unpunished should be the major concern of the human rights.

5. Corruption – Corruption has been the major concern for the human rights, it can be defined as an overt act which must not have been performed. Corruption is involved into say that some thing may have happened legitimately or something may not have happened legitimately. It is the major drawback of the developing nations where power gets exploited by some men on the eve of money or other benefits. It is that insect that has had such adverse effect on the life of the people that the rights of the people have been negated to the most extent and they get to face serious concern due to that. The ambit of corruption cannot be defined in these pages as we may witness that it is existence in every form be it in the developing nations or the developed nations. It has degraded the growth of the nations in every aspect of human facet.

6. Democracy deficits- democracy is the essence of sovereignty as said by various scholars but we may find that in the real world it does not exist rather it looks good in the books only. The essence of democracy is being lost in most of the countries

and most of the countries which have rulers as dictators, face a lot of negation of human rights. The dictatorship or the excess powers in the hands of the governing authorities have witnessed a lot of negation of human rights. The end of democracy is being witnessed in most of the countries, it is not good to take name of the countries, but various news of protest by various organisations have been witnessed in the present times in most of the countries including India.

7. The weakness of the institutions- The weakness of the institutions has been a major challenge before the implementation of human rights. The weakness of the various institutions of the governmental organisations be it be the police administration, or other institutions working for the people. The weakness of the institutions has been witnessed which pose a serious threat to the human rights, the authorities which have been inscribed with power do not work with appropriate power what could be more challenging or concern before the human rights.

8. illiteracy- illiteracy is another major concern which has been seen as a serious challenge before human rights. The lack of education and knowledge leads people not to approach to their rights and leads to their deterioration. Due to lack of knowledge the people are not able to approach the courts and get devoid of justice, it is such a major concern that is unexplainable. Illiteracy is prevalent in most of the developing countries and the undeveloped countries where people do not have knowledge to approach the appropriate authorities in times of need.

9. Lack of power to the media – the media plays an important role in this revolutionised world, where every single thing gets captured and gets telecasted in the real world from the reel world. But we have witnessed that when the cases of human rights violation by affluent members of the society are involved the media which has grown as a potent weapon also remains silent and does not cover the matter. Until, the case becomes a much famous case the media also does not pay attention to the various cases which involve poor people or the needy. The media is also run by the people in government which keep a control on the it and keep a powerful hand on the media.

10. failure of the non-governmental organisations- The non-governmental organisations have also failed in their work to a much larger extent, whatever be the reason of their failure, but it is to be found that that they too have failed to a much large extent in their work whatever may be their work. It may be due to the control of the corrupt authorities over their work or lack of authority in

various field of their work ,but it cannot be negated that they too have failed in their work whatever may be their reason.

Apart from these challenges there are various challenges for the human rights, which lead to elation of the human rights in this civilized world. Though the human rights have been in existence from a long time but still there are many challenges which are paved in the path of human rights. These challenges are only of a simple nature which every nation face be it be the developing or the developed but still there are many more challenges which are paved in the path of human rights.

### CONCLUDING REMARKS

Thus, a lot of things are the barriers of human rights, that is to say what are the challenges that have come before it, and are also now coming before it in a globalised world which we have today. First of all, about the concept of Human Rights as we have discussed above, they are the most potent or the most basic forms of right that are available to the individuals simply on the guise of just being humans. Apart from the rights of the individuals which the constitution provides them be it written or unwritten, there are various other rights which have been granted to them simply because of being human beings, Universal Declaration of Human Rights was adopted by most of the nations of the world in 1948 which paved the path of human rights in real sense in this globalised world at the international level. The UDHR has been accepted as jus cogens at the international level, which has been seen as a major development in the field of human rights. It consists of 30 articles which extensively advocate about the rights of the individual that they are born free and equal and various other rights which advocate for the most potent life form of the individual. The UN General Assembly adopted the UDHR for the significance of the society including people as its subjects, for the sake of people and since then all the member nations of the UN have adopted its resolution for the welfare of the people and for saving the dignity of the human. Apart from the member nations of the UN, other nations have too adopted its resolution considering as significant in nature. India too, has a deep history rooted for the sake of Human Rights. The Protection of Human Rights Act of 1993 is a major document in regard to the protection of human rights at our national level. There are various ambits of this act which heavily advocates about the rights of the humans for a dignified human life. The act talks about the setting up of the National commission and the State commission in every centre, with the central

commission in the capital city of India, that is Delhi. Though these forums in our country but still we see that a lot number of cases go unreported in our country due to the immense lacunae present in our judiciary. Talking of the international sphere there are various challenges in this world of globalisation and industrialisation, that we have discussed earlier in the above text. Poverty is a major challenge before the human rights, it is in an unending form of depravity, that is growing and growing in this rapid world, where the rich are becoming rich day by day and the poor are becoming poor day by day. Poverty is that state of helplessness in which does not have even the basic amenities of life, then what form of his dignified life can we think of. Illiteracy is also a major concern which has been a great challenge before the human rights, people do not know the appropriate authorities where to seek redressal for in case of violation of their rights be it fundamental or human rights. Apart from all the points discussed above in the text there are always new and emerging challenges that are posed before the human rights in this new era of where new things emerge at an instant. Thus, we can say that there are various challenges that are prevalent in this modern world in every sphere, so for the purpose of human rights which is our topic of discussion there are too a numerous of challenges which are imposed before it in this modern world and are more about to come.

### SUGGESTIVE REMARKS

Human Rights though being an important subject and though kept in purview of most of the countries still lack in many spheres which must be looked upon. Upon conclusion of my project topic, I came across various challenges of the human rights in this globalised where one country is in relation with the other either in respect of trade of any other field, and the increasing relations between the nations have significantly led to the negation of the human rights. So, I would like to suggest some measures which must be looked upon by the nations for the sake of the individuals in this era or globalisation so that the man is not negated of a dignified life. The lacunae present which must be looked upon or the measures which must be taken or adopted for the sake of dignified life of the human are: -

1. The appropriate authorities or every nation must work hard for the eradication of poverty within its nation and must also contribute toward its eradication of its neighbour nations.
2. The education policy must be looked upon by every nation in the rapid era of digitalisation or

developmental era so that every citizens of every country be at least well aware of his or her right and must at least take a stand of his own when no one is there to take care of him or her.

3. There must be awareness programmes conducted for the better knowledge of the people about their rights and other things which keep them abreast about the day-to-day life of the society.
4. The media should be given free hand to mock the governmental authorities or even the government in case of their failure.
5. The NGOs must also work for with the full extent and must bring in light the negated cases which go unreported where the needy do not get justice.
6. The UN must come with more stringent norms for the welfare of the individuals so that the essence of justice be maintained in the society and every man gets a dignified life.
7. The judges must look into the matter of grave deprivation of human rights with great care and more seriously and then deliver the justice in appropriate form be it be in whatever forum it may be.
8. The government must strive hard to remove the corruption within the countries be it in whatever form it may be as it leads to grave deprivation of the growth of the nation and ultimately the human rights.
9. Thus, we may conclude that there are various lacunae present in the working of the nations which lead to the depravity of human rights, which have been immensely dealt by the nations but still we may find that there are various challenges that are posed before it which leads to the depravity of the growth of the nations and ultimately the human beings. The challenges are immense and could not be dealt within the pages of this project, but still we need to come up as whole to curb this menace which is greatly affecting the life of the individuals and ultimately the government must come up with various norms for improving the life conditions of human, as we do not live in an era where the king is supreme, we live in an era where the law is supreme, and laws are made for the benefit of the nations as well, as the state and individuals or human being the subject matter of every state must not be negated and must be taken care to the most extent, so that the nations develops in an appropriate manner and the essence of justice be maintained in the society by at large.