

THE JOURNAL OF EQUITY AND JUSTICE



VOLUME 1 AND ISSUE 1 OF 2023
INSTITUTE OF LEGAL EDUCATION



ILE Journal of Equity and Justice
(Free Publication and Open Access Journal)

Journal's Home Page – <https://jej.iledu.in/>

Journal's Editorial Page – <https://jej.iledu.in/editorial-board/>

Volume 1 and Issue 1 (Access Full Issue on – <https://jej.iledu.in/category/volume-1-and-issue-1-of-2023/>)

Publisher

Prasanna S,

Chairman of Institute of Legal Education (Established by I.L.E. Educational Trust)

No. 08, Arul Nagar, Seera Thoppu,

Maudhanda Kurichi, Srirangam,

Tiruchirappalli – 620102

Phone : +91 94896 71437 – info@iledu.in / Chairman@iledu.in



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Protecting and Promoting Human Rights: A Legal Framework for Equality and Justice

Author - Disha Sutti, Student at SVKM NMIMS

Best Citation - Disha Sutti, Protecting and Promoting Human Rights: A Legal Framework for Equality and Justice, *ILE Journal of Equity and Justice*, 1 (1) of 2023, Pg. 32-38, ISBN - 978-81-961791-3-7.

Abstract

This research topic focuses on the legal framework necessary for protecting and promoting human rights with an emphasis on equality and justice. The abstract provides an overview of the key points discussed in the research paper. The research begins by identifying the need for a comprehensive legal framework that upholds human rights and promotes equality and justice. The study argues that such a framework is necessary to protect individuals from discrimination and to ensure that all people enjoy equal access to opportunities and resources. The paper then examines the various legal instruments and institutions that are available to protect human rights. These include international conventions and treaties, national laws, and judicial bodies. The study explores the strengths and weaknesses of these legal instruments and institutions and suggests ways to improve their effectiveness in protecting and promoting human rights.

One of the main challenges in developing an effective legal framework for human rights is the need to balance competing interests, such as individual rights versus the needs of society as a whole. The study explores various approaches to balancing these interests, including the use of proportionality tests and other analytical frameworks. The research also highlights the importance of education and awareness-raising in promoting human rights and equality. The paper examines the role of

civil society organizations, the media, and other stakeholders in promoting awareness of human rights and encouraging participation in the development of legal frameworks. In conclusion, the paper argues that an effective legal framework for protecting and promoting human rights requires a multifaceted approach that includes international and national laws, judicial bodies, education, and awareness-raising efforts. The study suggests that a comprehensive legal framework can help to ensure that all people enjoy equal rights and opportunities, and can contribute to the promotion of a just and equitable society.

Keywords: human rights, justice, equality, society.

Introduction

Human rights law is a legal framework that aims to protect and promote the inherent dignity of every individual by guaranteeing basic human rights and freedoms. Human rights law recognizes that every person has fundamental rights, regardless of nationality, race, gender, religion, or other personal characteristics.

The concept of human rights is not new and can be traced back to ancient civilizations, but it was not until the 20th century that the international community developed a comprehensive legal framework to protect human rights. The Universal Declaration of Human Rights, adopted by the United Nations General Assembly in 1948, was a significant

milestone in the development of human rights law.

Human rights law encompasses a broad range of rights, including civil and political rights, such as freedom of expression, freedom of assembly, and the right to a fair trial. It also includes economic, social, and cultural rights, such as the right to education, healthcare, and adequate housing.

The protection and promotion of human rights are essential for ensuring equality, justice, and dignity for all individuals. Human rights law provides a legal framework for holding governments and individuals accountable for violations of human rights and ensuring that victims have access to effective remedies.

Evolution of Human Rights Law

The concept of human rights can be traced back to ancient civilizations, where laws and customs were developed to protect certain individual and collective rights. However, the modern concept of human rights law emerged after the atrocities of World War II, when the international community recognized the need for a comprehensive legal framework to protect basic human rights and prevent future abuses.

Here are some key events in the evolution of human rights law:

Universal Declaration of Human Rights (1948): Adopted by the United Nations General Assembly in 1948, the Universal Declaration of Human Rights is a landmark document that outlines fundamental human rights that should be protected by all nations. It has been translated into more than 500 languages and has served as the basis for many international and national laws.

International Covenant on Civil and Political Rights (1966): This treaty, along with the International Covenant on Economic, Social, and Cultural Rights, was adopted by the United Nations General Assembly in 1966 and entered into force in 1976. The International Covenant on

Civil and Political Rights recognizes a range of civil and political rights, including freedom of expression, freedom of assembly, and the right to a fair trial.

Convention on the Elimination of All Forms of Discrimination Against Women (1979): This treaty, adopted by the United Nations General Assembly in 1979, aims to eliminate discrimination against women and promote gender equality. It recognizes a range of rights for women, including the right to education, the right to participate in political life, and the right to reproductive health.

Convention on the Rights of the Child (1989): This treaty, adopted by the United Nations General Assembly in 1989, recognizes the rights of children and aims to protect them from exploitation, abuse, and neglect. It recognizes a range of rights for children, including the right to education, the right to healthcare, and the right to protection from violence.

International Criminal Court (2002): The International Criminal Court is a permanent international court established to prosecute individuals for genocide, war crimes, and crimes against humanity. It is the first international court with jurisdiction over crimes committed by individuals, including government officials, and provides an important mechanism for holding individuals accountable for human rights abuses.

The evolution of human rights law has been marked by significant progress, but many challenges remain in ensuring that human rights are protected and promoted for all individuals.

Principles of Human Rights Law

Human rights law is based on several key principles that provide a foundation for protecting and promoting human rights. These principles include:

- **Universality:** Human rights apply to all individuals, regardless of their

nationality, race, gender, religion, or other personal characteristics.

- Inalienability: Human rights are inherent and cannot be taken away or surrendered by individuals or governments.
- Interdependence and indivisibility: Human rights are interconnected and interdependent, and the protection of one right often depends on the protection of other rights.
- Equality and non-discrimination: All individuals are entitled to equal protection and enjoyment of human rights without discrimination based on any personal characteristics.
- Participation and inclusion: All individuals have the right to participate in decisions that affect their lives and to have their voices heard in the political, social, and economic spheres.
- Accountability and rule of law: Governments and individuals are responsible for upholding human rights and are accountable for violations of those rights. Human rights law provides a legal framework for holding them accountable and ensuring access to effective remedies.
- Respect for human dignity: Human rights are based on the inherent dignity of every individual and aim to protect and promote that dignity.

These principles provide a framework for understanding and applying human rights law and are essential for ensuring that human rights are protected and promoted for all individuals.

International Legal Instruments for Human Rights Protection

International legal instruments are important mechanisms for protecting and promoting human rights at the global level. Here are some key international legal instruments for human rights protection:

1. Universal Declaration of Human Rights (UDHR): Adopted by the United Nations General Assembly in 1948, the UDHR outlines fundamental human rights that should be protected by all nations. While not legally binding, the UDHR has been influential in the development of international human rights law.
2. International Covenant on Civil and Political Rights (ICCPR): Adopted by the United Nations General Assembly in 1966, the ICCPR recognizes a range of civil and political rights, including freedom of expression, freedom of assembly, and the right to a fair trial. The ICCPR has been ratified by over 170 countries and is legally binding for those that have ratified it.
3. International Covenant on Economic, Social, and Cultural Rights (ICESCR): Adopted by the United Nations General Assembly in 1966, the ICESCR recognizes a range of economic, social, and cultural rights, including the right to education, the right to healthcare, and the right to adequate housing. The ICESCR has been ratified by over 160 countries and is legally binding for those that have ratified it.
4. Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW): Adopted by the United Nations General Assembly in 1979, CEDAW aims to eliminate discrimination against women and promote gender equality. It recognizes a range of rights for women, including the right to education, the right to participate in political life, and the right to reproductive health. CEDAW has been ratified by over 180 countries and is legally binding for those that have ratified it.
5. Convention on the Rights of the Child (CRC): Adopted by the United Nations General Assembly in 1989, the CRC recognizes the rights of children and aims to protect them from exploitation,

abuse, and neglect. It recognizes a range of rights for children, including the right to education, the right to healthcare, and the right to protection from violence. The CRC has been ratified by nearly every country in the world and is legally binding for those that have ratified it.

6. International Labour Organization (ILO) Conventions: The ILO has adopted a range of conventions that protect the rights of workers, including the right to work, the right to safe working conditions, and the right to freedom of association. The ILO conventions are legally binding for those that have ratified them.

These international legal instruments provide a framework for protecting and promoting human rights at the global level and serve as important mechanisms for holding governments and individuals accountable for human rights violations.

National Implementation of Human Rights

While international legal instruments for human rights provide a global framework for promoting and protecting human rights, it is up to individual nations to implement these standards at the national level. Here are some ways in which nations can implement human rights:

1. Constitutional protections: Many countries have enshrined human rights in their constitutions. These protections can provide a basis for legal action against individuals or governments that violate human rights.
2. Legislation: Governments can pass laws that protect human rights and provide legal remedies for violations. For example, a country might pass a law prohibiting discrimination on the basis of race or gender.
3. Human rights commissions: Some countries have established human rights

commissions that are responsible for monitoring human rights violations and making recommendations to the government.

4. Courts: Courts can play an important role in protecting human rights by interpreting laws and holding individuals or governments accountable for violations.
5. Civil society: Civil society organizations such as non-governmental organizations (NGOs) and community groups can play an important role in promoting human rights by advocating for policy changes, providing support to victims of human rights violations, and monitoring government actions.
6. International human rights bodies: Countries can also be held accountable for human rights violations through international human rights bodies such as the United Nations Human Rights Council or regional human rights bodies.

Effective implementation of human rights requires a commitment from governments to prioritize and protect these rights. It also requires participation from civil society organizations and individuals to hold governments accountable for violations and advocate for policy changes that promote and protect human rights.

Human Rights Violations and Remedies

Human rights violations can take many forms, including discrimination, torture, arbitrary detention, and restrictions on freedom of expression or association. When human rights are violated, victims may seek remedies to address the harm they have suffered. Here are some common remedies for human rights violations:

Legal remedies: Victims of human rights violations may seek legal remedies through the courts, either at the national or international level. This can include seeking compensation for

damages or asking for an injunction to stop ongoing violations.

Administrative remedies: Some countries have administrative bodies that can investigate human rights violations and provide remedies such as compensation or reinstatement of employment.

Truth and reconciliation commissions: In cases of widespread human rights violations, truth and reconciliation commissions may be established to investigate and document the abuses and provide recommendations for reparations and prevention of future violations.

International human rights bodies: Victims of human rights violations can also seek remedies through international human rights bodies such as the United Nations Human Rights Council or regional human rights bodies. These bodies may investigate allegations of violations and make recommendations for remedies or bring cases before international courts.

Advocacy and awareness-raising: Civil society organizations and individuals can also advocate for change and raise awareness about human rights violations, which can put pressure on governments to take action and prevent future violations.

Remedies for human rights violations can provide victims with justice and reparations for the harm they have suffered. They can also serve as a deterrent to future violations and promote accountability for those responsible. However, effective remedies often require a strong commitment from governments to uphold human rights and ensure that those responsible for violations are held accountable.

Contemporary Challenges to Human Rights

While human rights law has made significant progress in promoting and protecting human rights, there are many contemporary challenges that threaten these gains. Here are some of the most pressing challenges to human rights:

Discrimination and inequality: Discrimination and inequality continue to be major challenges to human rights, particularly for marginalized and vulnerable groups such as women, people with disabilities, and minority groups.

Populism and nationalism: Populist and nationalist movements have gained traction in many countries, often at the expense of human rights. These movements may seek to undermine international human rights standards and promote policies that discriminate against certain groups.

Climate change: Climate change poses significant challenges to human rights, including the right to life, health, and adequate food and housing. Climate change disproportionately affects marginalized communities and can exacerbate existing inequalities.

Technology: Advances in technology have created new challenges for human rights, including issues related to privacy, surveillance, and access to information. Technology can also be used to perpetrate human rights abuses, such as through the spread of hate speech and propaganda.

Conflict and displacement: Armed conflict and forced displacement are major challenges to human rights, particularly for refugees and internally displaced persons. These crises can result in violations of the right to life, liberty, and security of a person, as well as the right to a standard of living adequate for health and well-being.

Addressing these challenges requires a commitment to upholding human rights at all levels, from national policies to international cooperation. It also requires participation from civil society organizations and individuals to hold governments accountable for violations and advocate for policy changes that promote and protect human rights.

Promoting Human Rights Education and Awareness

Promoting human rights education and awareness is essential for advancing human rights and preventing human rights violations. Here are some ways in which education and awareness can be promoted:

Schools and universities: Human rights education can be integrated into school curriculums at all levels, from primary schools to universities. This can include courses on human rights law, history, and current issues.

Training programs: Training programs can be developed for professionals such as police officers, judges, and government officials to ensure that they understand and uphold human rights standards in their work.

Community outreach: Community groups and civil society organizations can conduct outreach programs to raise awareness about human rights and promote respect for diversity and tolerance.

Media and social media: Media and social media can be used to raise awareness about human rights issues and promote public debate and discussion.

International cooperation: International organizations such as the United Nations and regional bodies can promote human rights education and awareness through their programs and initiatives.

Promoting human rights education and awareness can help to build a culture of respect for human rights and prevent human rights violations. By educating individuals about their rights and responsibilities, they can become empowered to take action to defend their rights and hold governments accountable for violations.

Conclusion

Human rights law has made significant progress in promoting and protecting human rights, but there is still much work to be done. Here are some future directions in human rights law:

Strengthening international cooperation: International cooperation is essential for promoting and protecting human rights, and there is a need for stronger collaboration between governments, international organizations, and civil society organizations.

Addressing emerging challenges: Emerging challenges such as climate change, technology, and displacement require new approaches to promoting and protecting human rights. These challenges must be addressed through innovative solutions that are grounded in human rights principles.

Promoting accountability: Accountability is key to preventing human rights violations and ensuring that those responsible for violations are held accountable. This requires strengthening national and international mechanisms for investigating and prosecuting human rights abuses.

Empowering individuals and communities: Empowering individuals and communities to defend their rights is essential for promoting human rights. This requires promoting access to information, education, and resources to support human rights advocacy.

Addressing systemic inequalities: Systemic inequalities such as discrimination and inequality must be addressed to promote human rights. This requires policies and initiatives that promote social justice, inclusion, and equal access to opportunities.

In conclusion, the future of human rights law will require continued commitment from all stakeholders to promote and protect human rights. By working together and addressing emerging challenges, we can build a more just

and equitable world that upholds the dignity and rights of all individuals.

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