



Protection And Promotion Of Human Rights: A Historical Overview

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Abstract: *Laski has rightly observed, " Rights are those social conditions of life without which no man can seek himself to be at his best". Like rights, human rights are also very essential for the development of his personality. The concept of human rights as it is understood today has evolved gradually over the centuries. Although the concept of "Human Rights" is considered a modern phenomenon, the essence of human rights is as old as human civilization. Human rights seem to have emerged recently but the concept of human rights can be observed by the idea of man, as a gregarious animal, has lived in communities, clans, villages, families, towns, or nations, and presented in independent world members. Kautilya in his masterpiece "Arthashastra" has defined and described the human rights of war prisoners. Human rights were evolved as civil rights, political rights, personal rights, legal rights, natural or divine rights, economic and social rights in the ancient period. Hence, there is a variety of expression, like 'inherent rights, 'natural rights', 'inalienable rights, 'basic fundamental rights, which are interchangeable terms to express the rights that a human being possess.*

Keywords: Human rights, gregarious animal, natural rights, fundamental rights.

Introduction:

The concept of human rights was first reflected in ancient Greece and Rome, where it was closely confined to the Pre-modern natural law doctrine of Greek stoicism. The Greek idea of divine law and freedom and the practice of Roman law are at the heart of today's ideas of human rights. During the 18th Century, the so-called Age of Enlightenment, growing confidence in human reason, and of course, the perfection of human affairs led it to become a more comprehensive one. John Locke in England, Montesquieu Voltaire and Jean Jacques Rousseau in France, and others supported human reason and also tried to prove the superiority of natural law. The concept of natural rights has influenced the English, French and American Revolutions in a wider manner. The practical examples of England's glorious revolution 1688 and the Bill of Rights in 1689 as well provided a

rationale for the wave of revolutionary agitation which influenced the West, most notably in North America and France. Certain historic documents like Pennsylvania Declaration (1776) American Declaration (1787) French Declaration (1789) reflected the intellectual milieu of the contemporary socio-political situations that have developed as a struggle against political absolutism. In the words of Maurice Cranston, it is evident that these struggles took place because the ill of absolutism promoted men to claim their rights which were denied to them. All those revolutions have contributed to the foundation of human rights as we find today. Henry David Thoreau was the first philosopher to have used the term "human rights" in his treatise; 'Civil Disobedience', which influenced Leo Tolstoy, Mahatma Gandhi, and Martin Luther King to develop and propagate the concept of non-violent resistance to unethical governmental actions. Mahatma Gandhi said: "respect of one, equally applies to the whole universe. All mankind, in essence, are alike, what is, therefore, possible for one is possible for everybody." The curse of the Second World War led to the birth and recognition of the modern human rights movement in the global scenario. President Roosevelt's proclamation in 1941 the four freedoms of speech and expression, of belief, freedom from fear and want- as a universally acceptable set of standards, along with the works of different renowned NGOs were some of the substantial developments in this context.

But after the establishment of the United Nations in 1945, and the subsequent international concerns for the commitment of the protection of human rights widened the scope of this movement. A cornerstone of this post-war human rights regime was the Universal Declaration of Human Rights (UDHR) that was adopted on 10th December 1948, which is commonly known as "Human Rights Day". The sources of this Declaration owe much to the English constitution. The post-war era emphasized the adoption of equality, liberty, and social justice as the significant cardinal principles of human rights. The first documentary use of the expression of human rights took place in UDHR and two other international covenants - International Covenant on Civil and Political Rights (ICCPR) and International Covenant on Economic, Social and Cultural Rights (ICESCR) of 1966 which came into force in 1976 with the consent and approval of the United Nations. Global recognition for the human rights movement grew during the 1970s when Amnesty International gained permanent observer status as an NGO at the United Nations. Its reports and Statement, and press releases about basic human rights gained respectful attention around the world. The U.N. Declaration 1948 was able to attract the attention of civil society organizations and Individuals in the third world to fight precious rights. Hence numerous civil society organizations (Human Rights Watch, Amenity International) emerged in Asia, Africa, and Latin America fighting against oppressive State and basic human rights; be it the right to life, right to free expression, right to work & better working conditions and host of similar rights. At last, we can say, Amnesty and many of its sister organizations inspired a shape the later course of civil liberties movements all over the world. Amnesty International was awarded the Nobel Peace Prize for its contribution to the cause of human rights. Thus the historical perspective highlighted the realities of man's struggle for rights that were found to be age-old struggles of mankind itself. The concept of human rights was in a rudimentary form in ancient times, informative stage in Middle Ages and had fully grown in the 20th Century with the formation of the United Nations. The U.N. Charter, however, was not a binding instrument, and merely stated the ideal which was to be later developed by different agencies and organs. The first concrete initiative by way of constituting the different human rights was initiated by the U.N. General Assembly in December 1948, by adopting the Universal Declaration of Human Rights. It was sought to be followed by an International Bill of Rights which could be made legally valid and binding on the Covenanting Parties. After all, Universal Declaration operated merely as a Statement of ideals which was not of the nature of a legally binding covenant and had no machinery for its enforcement. The absence of that was intended to be removed by the U.N. General Assembly by adopting in December 1966, two Covenants for the observance of human rights: 1. The Covenant on Civil and Political Rights. 2. The Covenant on Economic, Social, and Cultural Rights.

The objective of the study: Based on the secondary data the present study has been carried out with the following objectives:

- To highlight the importance of human rights in the present context based on historical perspective.
- To explore the different conditions responsible for the present status of human rights at the global level.
- To analyze the basic tenants of human rights that is essential for the fullest development of the people.

Methodology: The present study is primarily based on the secondary data available in the different available literature in the form of books, Research papers, published articles, and journals.

Literature Review:

Kamruzzaman, M et. al. (2015) analyzed the root cause of human rights violations of rural women very elaborately. It was found that due to lack of proper education and awareness level the human rights of women are found to be at stake.

Gautam, et.al (2000) explored the basic idea of human rights and their probable causes of violation, and it was studied in the paper that justice of the masses is directly related to the observance and maintenance of human rights of the people of a state.

Moyn , Samuel (2010) highlighted the historical perspectives of human rights and their present status in different countries. It was found in the paper that violations of human rights are observed mostly in the third-world countries and its solutions are to be studied very deeply.

Definition of Human Rights:

- UN Definition on Human Rights is to ensure that human beings will be able to fully develop and use human qualities such as intelligence, talent, and conscience and fulfill his or her spiritual and other basic needs.
- UDHR spells out "the basic civil, political, economic, social and cultural rights that all human beings should enjoy."
- Laski, " Rights are those conditions of social life without which no man can seek, in general, to be himself at his best"

Why human rights are important?

Human rights define the minimum standards essential for people to live with dignity and equality of status irrespective of any differences. Human rights ensure people the freedom to choose how they live, how they express themselves, and what kind of government they want to choose, among many other alternatives. Human rights also guarantee people the means essential to satisfy their basic needs, like food, housing, and education, so they can take full advantage of all opportunities. At length, by ensuring life, liberty, and security, human rights would protect people against all sorts' atrocities and abuses by individuals and groups who are found to be arbitrary.

Basic Tenants of Human Rights

- **Universal:** The rights belong to all people equally regardless of any type of status. All people are born free and equal in respect of dignity and rights regardless of differences.
- **Inalienable:** They may not be snatched away or transferred by any individual or govt. under any circumstances and People still have the opportunity to enjoy human rights even though their governments violate those rights.
 - **Interconnected:** Human rights are interconnected in a manner that fulfillment or violation of one right affects the fulfillment of all other rights.
- **Indivisible:** No rights can be treated in isolation and no single right is more important than others.
- **Non-Discriminatory:** No discrimination can be possible in fulfillment of human rights on grounds of race, religion, colour, age, nationality, or ethnic origin, sex, or any other status that can impair the enjoyment of fundamental freedom and human rights.

Ancient and Religious Sources of Human rights:

- **The Hindu Vedas**
- **The Babylonian Code of Hammurabi(1775-1750) BC**
- **The Bible**
- **The Quran**
- **The Analects of Confucius**

Brief History of evolution of Human rights:

The Cyrus Cylinder (539 B.C.): In 539 B.C., Cyrus the Great, the first king of ancient Persia, captured the city of Babylon and his next great actions that marked a major advance for mankind in the history of rights as he freed the slaves and declared that all people had the right to choose their religion, and he also established racial equality. These privileges and other legal provisions were recorded on a baked-clay cylinder in the Akkadian language with a cuneiform script. (<https://www.humanrights.com/what-are-human-rights/brief-history/>) (<https://www.humanrights.com/what-are-human-rights/brief-history/>)

Cyrus Cylinder, this ancient legal document has now been regarded as the world's first provision of human rights that is translated into all six official languages of the United Nations and its provisions had impacted deeply the first four Articles of the Universal Declaration of Human Rights. (<http://cyruscylinder2013.com/2013/04/the-cyrus-cylinder-eleanor-roosevelt-and-the-universal-declaration-of-human-rights/>)

The Magna Carta (1215):

The Magna Carta, or "Great Charter," was found to be the most significant early influence on the extensive historical process that led to the rule of constitutional law today in the European world. In 1215, after King John of England violated several ancient laws and customs prevailed at that time and his subjects forced him to sign the Magna Carta, which enumerates what later came to be known as a milestone for the evolution of human rights. Among them was the separation of church from governmental interference, the rights of all free citizens to own and inherit property, and to be protected from excessive taxes. It established the right of widows who owned property to choose not to remarry and established principles of due process and equality before the law. It also contained provisions forbidding bribery and official misconduct. Magna Carta is regarded as the most widely accepted important legal documents in the development of modern democracy; the Magna Carta played a crucial role in the struggle to establish individual freedom. (<https://www.humanrights.com/what-are-human-rights/brief-history/magna-carta.html>)

Petition of Right (1628)

The Petition of Rights is an important milestone in the emergence of human rights that was produced in 1628 by the English Parliament and sent to Charles I as a statement of civil liberties. The historic Petition of Rights, enacted and passed on 7th June 1628 which is an English constitutional Documents that procured special individual protections against the state, which is considered as an equal valued document with Magna Carta and the Bill of Rights 1689.. The Petition of Right put forwarded by Sir Edward Coke, was based upon earlier statutes and charters and emphasized on four principles:

- (1) No taxes may be levied without the consent of Parliament,
- (2) No subject may be imprisoned without valid cause shown (reaffirmation of the right of habeas corpus),
- (3) No soldiers may be quartered upon the citizenry, and

(4) Martial law may not be used in times of peace.

(<https://www.humanrights.com/what-are-human-rights/brief-history/magna-carta.html>)

United States Declaration of Independence (1776):

Thomas Jefferson, former president of America, authored the American declaration of Independence and on July 4, 1776, the United States Congress approved the Declaration of Independence. He composed the Declaration to give the formal explanation as to why Congress had voted on July 2 to achieve independence from Great Britain. Congress circulated the Declaration of Independence in different ways like it was initially published as a printed broadsheet that was widely distributed and read by the public. Constitutionally, the Declaration emphasized two themes: **Individual Rights** and the **Right to revolution**. These ideas became widely popularized by Americans and that was spread internationally as well influencing the French Revolution very deeply.

The Constitution of the United States of America (1787) and Bill of Rights (1791)

The Constitution of the United States of America is the fundamental law of the US federal system of government that was written during the summer of 1787 in Philadelphia and is also regarded as the landmark document of the Western world. This constitution was regarded as the oldest constitution found in written form and that described the principal organs of government and their principal functions, jurisdictions, and the basic rights of citizens.

The first ten amendments to the Constitution—the Bill of Rights—came into effect on December 15, 1791, that contracted the powers of the federal government of the United States and emphasized protecting the rights of all citizens, residents, and visitors in American territory irrespective of any discrimination.

The Bill of Rights came into existence to protect freedom of speech, freedom of religion, the right to keep and bear arms, the freedom of assembly, and the freedom to petition. It also forbids unreasonable search and seizure, cruel and unusual punishment, and compelled self-incrimination. Among the legal protections, the Bill of Rights prohibits Congress from passing any law preferring any religion and prohibits the federal government from depriving any person of life, liberty, or property without due process of law. In the case of federal criminal cases, it requires indictment by a grand jury for any capital offense, or infamous crime guarantees a speedy public trial with an impartial jury in the district in which the crime occurred and prohibits double jeopardy. (<https://www.humanrights.com/what-are-human-rights/brief-history/declaration-of-independence.html>)

Declaration of the Rights of Man and the Citizen (1789)

In 1789 the people of France were successful in abandoning the absolute monarchy and set the stage for the establishment of the first French Republic. After a few weeks of the abolition of feudalism, the Declaration of the Rights of Man and the Citizen was adopted by the National Constituent Assembly as the first step towards writing a constitution for the Republic of France.

The Declaration proclaims that all citizens are to be guaranteed constitutional rights of "liberty, property, security, and resistance to oppression." It argues that the need for law derives from the fact that the exercise of the natural rights of each man has only those borders which assure other members of the society the enjoyment of these same rights." Thus, the Declaration sees law as an "expression of the general will," intended to promote this equality of rights and to forbid "only actions harmful to the society."

The First Geneva Convention (1864)

Sixteen European countries and several American states attended a conference in Geneva in 1864 at the invitation of the Swiss Federal Council, under the aegis of the Geneva Committee. The historic conference was held to adopt a convention for the treatment of wounded soldiers in combat and the main principles laid down in the Convention and maintained by the later Geneva Conventions provided for the obligation to extend care

without discrimination to wounded and sick military personnel and respect for and marking of medical personnel transports and equipment with the distinctive sign of the red cross on a white background.

The United Nations (1945)

World War II that was continued till 1945, had ruined human civilization very massively in Europe and Asia and as a result, the UNO came into existence. Millions of people were dead; millions more were rendered homeless or starving in all affected countries. "Russian forces were closing in on the remnants of German resistance in Germany's bombed-out capital of Berlin. In the Pacific, US Marines were still battling entrenched Japanese forces on such islands as Okinawa. In April 1945, delegates from fifty countries met in San Francisco full of optimism and hope. The goal of the United Nations Conference on International Organization was to fashion an international body to promote peace and prevent future wars. The ideals of the organization were stated in the preamble to its proposed charter: "We the peoples of the United Nations are determined to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind." The Charter of the new United Nations organization went into effect on October 24, 1945, a date that is celebrated each year as United Nations Day.

The Universal Declaration of Human Rights (1948)

By 1948, the United Nations' new Human Rights Commission had captured the world's attention. Under the dynamic chairmanship of Eleanor Roosevelt—President Franklin Roosevelt's widow, a human rights champion in her own right, and the United States delegate to the UN—the Commission set out to draft the document that became the Universal Declaration of Human Rights. The Declaration was adopted by the United Nations on December 10, 1948. (https://en.wikipedia.org/wiki/Universal_Declaration_of_Human_Rights)

In its preamble and Article 1, the Declaration unequivocally proclaims the inherent rights of all human beings: "Disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy the freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people...All human beings are born free and equal in dignity and rights."

The Member States of the United Nations pledged to work together to promote the thirty Articles of human rights that, for the first time in history, had been assembled and codified into a single document. In consequence, many of these rights, in various forms, are today part of the constitutional laws of democratic nations.

On October 24, 1945, in the aftermath of World War II, the United Nations came into being as an intergovernmental organization, to save future generations from the devastation of international conflict. (Rights".)

The Charter of the United Nations established six principal bodies, including the General Assembly, the Security Council, the International Court of Justice, and human rights, and Economic and Social Council (ECOSOC).

The UN Charter empowered ECOSOC to establish "commissions in economic and social fields and for the promotion of human rights...." One of these was the United Nations Human Rights Commission, which, under the chairmanship of Eleanor Roosevelt, saw to the creation of the Universal Declaration of Human Rights.

The Declaration was drafted by representatives of all regions of the world and encompassed all legal traditions. Formally adopted by the United Nations on December 10, 1948, it is the most universal human rights document in existence, delineating the thirty fundamental rights that form the basis for a democratic society.

Following this historic act, the Assembly called upon all Member Countries to publicize the text of the Declaration and "to cause it to be disseminated, displayed, read and expounded principally in schools and other educational institutions, without distinction based on the political status of countries or territories."

Today, the Declaration is a living document that has been accepted as a contract between a government and its people throughout the world. According to the Guinness Book of World Records, it is the most translated document in the world.

Universal Declaration of Human Rights was a legendary document in the history of human rights that came into existence on 10th December 1948. Under the active guidance of the then-first lady of the United States of America, there were 50 member states of the UNO assembled to ensure human rights protection of all the humans of the world. (<https://www.humanrights.com/what-are-human-rights/universal-declaration-of-human-rights/>)

On 10 December 1948, the General Assembly of the United Nations announced the Universal Declaration of Human Rights (UDHR) where 30 rights and freedoms emerged to be recognized to belong to all of us. After the UDHR came into force more than 73 years have passed and it has been serving as an important legend document for the protection and promotion of human rights to date.

Eleanor Roosevelt was very actively involved in establishing civil rights and social activism and she was involved as an appointed chair of the UN Commission on Human Rights which drafted the UDHR. On the tenth anniversary of the UDHR, Eleanor gave a speech at the United Nations called '*Where Do Human Rights Begin?*' Part of her speech has become famous for capturing the reason why human rights are for every one of us, in all parts of our daily lives.

'Where, after all, do universal human rights begin? In small places, close to home - so close and so small that they cannot be seen on any maps of the world. Yet they are the world of the person; the neighborhood he lives in; the school or college he attends; the factory, farm, or office where he works. Such are the places where every man, woman, and child seeks equal justice, equal opportunity, equal dignity without discrimination. Unless these rights have meaning there, they have little meaning anywhere. Without concerted citizen action to uphold them close to home, we shall look in vain for progress in the larger world.'
(<https://www.humanrights.com/what-are-human-rights/brief-history/the-united-nations.html>)

Human Rights in India:

India, being, the largest democratic country in the world one of its main objectives is the protection and promotion of basic rights for the fullest development of the people. The government of India has been following the principles of the constitution regarding the recognition and protection of human rights. The Constitution of India recognizes some basic human rights to be beneficial for their existence as per the instructions found in the Universal Declaration of Human Rights that contains civil, political, economic, social, and cultural rights. The Constitution of India guarantees most of the human rights contained in the Universal Declaration of Human Rights. Part III of the constitution contains civil and political rights, whereas economic, social, and cultural rights have been included in Part IV of the Constitution.⁸ All the statutes have to be in concurrence of the provisions of the Constitution of the philosophy and objective of the Constitution of India which is enshrined in the preamble that includes the protection of the dignity of an individual. For the fulfillment of this objective Part III of the constitution guarantees fundamental rights to people which are essential for the development of an individual personality, these rights include the right to equality, the right to freedom, the right against exploitation, the right to freedom of religion, cultural and educational rights and the right to constitutional remedies. It is the duty of the central as well as state Governments to provide adequate conditions for each individual to enjoy their human rights. The constitution through Directive Principles of State Policy enshrined in Part IV of the Constitution, ascertains the duties of the government to work for the welfare of the people and protection of human rights of the people. These are guiding principles for the state to make policies regarding distributive justice, right to work, right to education, social security, just and humane conditions of work, for promotion of the interest of weaker section, raise the standard of nutrition and standard

of living and to improve public health, protection, and improvement of environment and ecology, etc. so that each individual can enjoy rights to the fullest.

Conclusion: From the above statutes and provisions that emerged from time to time for the protection and promotion of human rights it is found that although there were several provisions for the protection of human rights still in every state the cases of violation are rampant. Human rights are the basic rights that were at stake until codification of human rights. In every stage of human civilization, the status of human rights was found to be developed and after the UDHR all the UNO member countries were instructed to frame the important provisions for the protection and as a result, the condition of human rights are improved considerably in almost all countries. From the historical perspective, we come to know that the journey of human rights started from the Vedic period but there is a lot to do in this respect for the proper implementation of the provisions of UDHR. Despite many provisions and acts prevailing for promotion and protection of human rights the political leaders, social workers, thinkers, economists, scientists, and philanthropists must do something meaningful to ensure human rights around the globe and in case of failure in this regard, the world will never be a happy abode for human beings.

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