Training Manual
On
Human Rights

The Leprosy Mission
Trust India

swedish mission council
Copyright © TLMTI 2015
The Leprosy Mission Trust India (TLMTI)

Human Rights Training Manual

All rights reserved

Citation, reproduction or translation of this Manual, in whole or part, is not permitted.

Manual developed by: The Leprosy Mission Trust India (TLMTI)

Design & Lay out by: TLMTI

Copies and more information available from:

TLMTI Head Office

CNI Bhavan
16, Pandit Pant Marg,
New Delhi-110 001

Tel.: +91-11-43533300
Fax: +91-11-23710803
Email: info@tlmindia.org

This manual was produced as part of the CAPACITY BUILDING PROJECT by TLMTI, and is supported by SIDA and Swedish Mission Council (SMC).
Acknowledgement

The Leprosy Mission Trust India gratefully acknowledges the contribution of Association for Stimulating Know How (ASK) in developing the Manual for training on Human Rights for use by Core Resource Team Members and others.
Table of Contents

Foreword ........................................................................................................................................ 5
About The Leprosy Mission Trust India (TLMTI) ........................................................................ 7
Sessions ......................................................................................................................................... 7
  Session 1 - Introduction and de-freezing ................................................................................... 7
  Session 2 - Expectations from the training and agenda and norm setting .............................. 9
  Session 3 – Concept and Importance of Human rights .............................................................. 11
  Session 4 – History of Human Rights ....................................................................................... 12
  Session 5 – Individual rights versus Community well-being ................................................... 14
  Session 6 – Universal Declaration of Human Rights (UDHR) .................................................. 15
  Session 7 - Sum up and evaluation of the day .......................................................................... 17
  Session 8 - Recap ....................................................................................................................... 18
  Session 9 – Other International covenants .............................................................................. 19
  Session 10 – Fundamental Rights and duties .......................................................................... 21
  Session 11 – Directive Principles .............................................................................................. 23
  Session 12 – How can we enforce Human Rights .................................................................... 25
  Session 13 – Sum up and Evaluation ....................................................................................... 26
Annexure ....................................................................................................................................... 27
  Schedule for the training: ........................................................................................................... 27
  Reading Materials ...................................................................................................................... 28
  WHAT ARE RIGHTS .................................................................................................................. 28
Foreword
As a leading organization in leprosy arena, to prepare the organization to address the evolving challenges faced by the people affected by leprosy in 2010-2011, TLMTI went through a comprehensive process (country context analysis, stakeholder analysis, capacity need assessment) to come up with the country strategy 2011-2015.

The formulation of TLMTI Country Strategy brought in the awareness that there are systemic and staff capacity gaps within TLMTI to address the holistic needs of people affected by Leprosy. Therefore as a starting point, structural and systemic changes were taken up in the beginning of 2011. Thereafter the capacity building project for its staff has been undertaken.

The objective of the Capacity Building Project is to strengthen the capacity and knowledge of all TLMTI staff across all centers. The components selected are:

a) Advocacy  
b) Human Rights  
c) Gender  
d) Partnership  
e) Counseling  
f) Participatory Learning

The present manual on Human Rights has been prepared to Train the Trainers at TLMTI who in turn will train other staff and help in taking Mission’s work forward. The Manual combines information on Human Rights, Fundamental Duties and Directive Principals. The manual is aimed at developing an understanding on Concept of Rights and its importance and Individual Rights. I am confident and hope that the manual will be useful for all TLMTI staff.

Best wishes,

Dr. PLN. Raju

Deputy Director- Organisational Effectiveness, TLMTI
About The Leprosy Mission Trust India (TLMTI)

The Leprosy Mission Trust India (TLMTI) is one of the largest and oldest Christian organizations in India working for and with those affected by Leprosy. The global vision of TLM international is – Leprosy Defeated and Lives Transformed.

The Leprosy Mission Trust India (TLMTI) is working for transforming and empowering the lives of those affected by leprosy in India for the past 140 years. It works in 9 states through hospitals, community – based projects, vocational training centres, partner institutions and also supports the National Leprosy Eradication Programme (NLEP). (For more information please visit our website: www.tlmindia.org)

Sessions

Session 1 - Introduction and de-freezing

Expected results by the end of the session

- Participants will have become familiar with each other and the topic and the purpose of the training

Method

Introduction Game

Steps for the session and time required

- Welcome the participants to the training – 2 minutes
- Announce the topic of the training, its expected results and the total duration of the training – 2 minutes
- Introduce yourself and co trainers if any – 2 minutes
- Share with the participants that their introduction will happen through a game – 1 minute
- Introduce the game and its rules (see details below) – 2 minutes
- Conduct the game – 20 minutes
- Reassemble the participants and complete the process of introduction – 10 minutes
• You may ask how do the participants feel – 6 minutes

**Total time required for the session**

45 minutes

**Tips to the trainer**

• Approach the session with high energy and spirit of informality

• Try to make the participants feel welcome

• Encourage participants even if they make mistakes in the de-freezing game – pass a message that it is ok to falter/ make mistakes and that the training will be done in a joyful atmosphere

• Try to share the feeling that the training will proceed as per the shared decisions with the participants and that the participants and the trainer will jointly control the training

• Write the expected results from the training on a chart and paste it on a wall and draw attention to it whenever required in the later part of the training
Session 2 - Expectations from the training and agenda and norm setting

Expected results by the end of the session

- The training agenda, schedule and norms will have been fixed and agreed upon

Method

- Group discussion followed by plenary

Steps for the session and time required

- Share with the participants that while the training topic and objective have been fixed, what will actually go into achieving the objective will depend upon what the participants would want to learn and know – 1 minute

- Share that you are providing time to the participants for thinking and discussing among each other what they would like to learn – 2 minutes

- Divide the participants into groups – 2 minutes

- Make them sit in groups and provide material for writing – charts, pens – 5 minutes

- Allow the groups to have their discussion and keep an eye and ensure that discussion is on track. For example, the participants should be listing their questions and not answering their questions there and then – 20 minutes

- Reassemble the groups and ask them to make their presentations – 10 minutes

- Draw inferences from the group presentations and synthesize – assure the participants on which questions will definitely be answered, seek clarifications if the questions are not clear and clarify if some questions are totally out of the scope of the training – 5 minutes

- Share the schedule of the training (without the time plan) – 5 minutes

- Ask the participants what norms would they like to fix for the training and also the time schedule

Total time required for the session

50 minutes

Tips to the trainer
• Make sure you are genuinely interested in knowing the questions and expectations of the participants

• Make sure the norms for the training are set by the participants and that there is agreement on them

• Make sure the time schedule is set by the participants and not by the trainer – the trainer may only demand that the total time required each day is minimum 6 hours of work

• Write down the norms on a chart and paste it on a wall

• Write down the expectations on the chart and paste on wall

Sample norms

• Active participation – asking questions, sharing experience, answering questions

• Remaining focused and concentrate through the process

• Sticking to time

• Keep mobiles off / not to take calls / not to walk out of the session
Session 3 – Concept and Importance of Human rights

Expected results by the end of the session

- The participants will have developed an understanding about what are rights, Human rights and their importance

Method

- Plenary discussion followed by presentation

Steps for the session and time required

- Seek inputs from participants on what are rights – 05 mins
- Share the meaning of “rights”, emphasizing on the word “moral” or “legal” and “entitlement” – 10 mins
- Differentiate between Moral and Legal, giving examples. Explain how “Moral” rights become justiciable when they become “Legal” – 25 mins
- Seek answer to the question “how will participants differentiate between “Rights” and “Human Rights”?
- Explain the idea of “rights” being broader than Human rights and clarify that we will speak more and more about human right – 05 mins
- Seek answer to the question What is the importance of Human rights and taking cognizance of participants inputs, explain the importance of Human rights, emphasizing on needs and rights, aspect of dignity, claim / demand – 25 mins

Total time required for the session

1 hour and 10 minutes

Tips to the trainer

- Trainer must give adequate examples to highlight the difference between various terms
- Trainer must bring reference to how rights of several groups continue to be denied and the “Rights” framework becomes useful in the fight of these groups to seek justice
- Trainer must speak with passion on matters of justice and injustice
Session 4 – History of Human Rights

Expected results by the end of the session

- The participants will have learnt about the roots from where Human Rights thinking comes, particular from the high thinking of philosophers and social reformers and from the morality of the society

Method

- Plenary discussion followed by presentation

Steps for the session and time required

- Seek inputs from participants on what are rights – 05 mins
- Share the meaning of “rights”, emphasizing on the word “moral” or “legal” and “entitlement” – 10 mins
- Differentiate between Moral and Legal, giving examples. Explain how “Moral” rights become justiciable when they become “Legal” – 20 mins
- Seek answer to the question “how will participants differentiate between “Rights” and “Human Rights”?
- Explain the idea of “rights” being broader than Human rights and clarify that we will speak more and more about human right – 05 mins
- Seek answer to the question What is the importance of Human rights and taking cognizance of participants inputs, explain the importance of Human rights, emphasizing on needs and rights, aspect of dignity, claim / demand – 20 mins

Total time required for the session

1 hour

Tips to the trainer

- Trainer must give adequate examples to highlight the difference between various terms
- Trainer must bring reference to how rights of several groups continue to be denied and the “Rights” framework becomes useful in the fight of these groups to seek justice
- Trainer must speak with passion on matters of justice and injustice
Session 5 – Individual rights versus Community well-being

Expected results by the end of the session

- Participants will understand that the Individual rights sometimes come in conflict with community well-being perspective and that to ensure safeguard of Human rights, one may have to go beyond community norms

Method

- Socio- gram exercise followed by discussion

Steps for the session and time required

- Introduce the exercise to the participants, explaining you will read out / present statements one by one on screen and participants must express their answers in yes or no - 05 mins

- Present the statements one by one and ask the participants to vote yes or no either by moving in different corners of the room, or raising arms or through secret ballot – Note the answers of the participants - 20 mins

- Go back to each statement one by one and if the opinions have been vastly different of the participants, then discuss them in depth and highlight how sometimes in order to safeguard community or family well-being or respecting societal or family norms, an individual’s rights may be denied – 45 mins

- Emphasize on the fact that for Individual rights to be protected, they may have to be provided support and protection – 10 mins

- Also emphasize that a human rights worker should be free from one’s own Caste or religious or gender based prejudices and should be objective to understand individual’s rights and be brave enough to support them – 10 mins

Total time required for the session

1 hour and 30 minutes

Tips to the trainer

- Trainer should patiently deal with each statement and highlight the fact that individual rights need defending and that the trainees should come out of their prejudices and prepare themselves to become Human rights defenders
Session 6 – Universal Declaration of Human Rights (UDHR)

Expected results by the end of the session

- Participants will come to learn that UDHR were an important landmark in the Human Rights movement and will also learn the contents of the UDHR

Method

- Presentation of the slides on UDHR followed by videos on all the 30 articles of UDHR

Steps for the session and time required

- Trainer will initiate the discussion on UDHR, its origin, timing – 10 mins
- Trainer will then share all the articles of UDHR section by section with discussion on each – 20 mins
- Trainer will then show the videos for each article – 30 mins

Total time required for the session

60 mins

Tips to the trainer

- Let the videos do the talking for themselves
Session 7 - Sum up and evaluation of the day

Expected results by the end of the session

- Major highlights of the day will have been recaptured and participants’ feedback will have been received

Method

- Discussion in plenary

Steps for the session and time required

- The trainer will ask the participants to share what they think have been the major highlights according to them – 10 minutes
- The trainer will seek the feedback of the participants, preferably in written form on anonymous pieces of paper – 5 minutes

Total time required for the session

- 15 minutes

Tips to the trainer

- Try to end the day on a high
**Session 8 - Recap**

**Expected results by the end of the session**

- The major learning at the level of the participants will have been known and questions will have been answered

**Method**

- Sharing by the participants

**Steps for the session and time required**

- Trainer will welcome the trainees for the next day’s discussion – 2 minutes
- Trainer will share the agenda for the day – 3 minutes
- Trainer will then invite the participants to share the learning and the questions that they may have from previous day. Trainer will appreciate the participants for the learning they may share, reinforcing them or building on them as required – 10 minutes
- Trainer will park the questions on a chart / separate space - simultaneously
- Trainer will then answer all questions one by one – 15 minutes

**Total time required for the session**

- 30 minutes

**Tips to the trainer**

- Create fresh positive energy so that the participants look forward to the day
- Reinforce the learning of the previous day
- Establish a link between the last day and today’s agenda
Session 9 – Other International covenants

Expected results by the end of the session

- Participants will learn about the other International covenants and how each of them have helped to push the Human Rights work in different countries

Method

- Self-study followed by presentation by groups followed by clarifications by trainer

Steps for the session and time required

- Introduce the session and divide the participants into groups – 5 mins
- Assign the text of an International covenant or convention to each group – 5 mins
- Allow time for groups to discuss and provide clarifications if any are required – 40 mins
- Facilitate each group to make its presentation – 40 mins

Total time required for the session

90 mins

Tips to the trainer

- Encourage the participants to learn and relate to practical situations and come up with examples
Session 10 – Fundamental Rights and duties

Expected results by the end of the session

- Participants will understand how the Indian constitution and the fundamental rights contained therein are connected to the International declarations and covenants and that denial of these rights can be challenged directly in the Supreme court of India
- Participants will also understand that Fundamental duties come along with fundamental rights

Method

- Participatory discussion followed by presentation

Steps for the session and time required

- Trainer will ask the participants to articulate their major needs as humans / citizens of India – 15 mins
- Trainer will next link the needs to the rights – 20 mins
- Trainer will then discuss the importance of a right being Fundamental Right and how it can be justiciable – 25 mins
- The needs for which no matching Fundamental Rights are found should be parked for the next session
- Trainer will then also present the fundamental duties and how it is important to balance the rights with duties – 10 mins

Total time required for the session

70 mins

Tips to the trainer

- Trainer will highlight the high ideals with which the Indian Constitution has been written and how it aims to create a fair and equitable society and that it is our duty to ensure all citizens enjoy their rights
**Session 11 – Directive Principles**

**Expected results by the end of the session**

- The participants will be able to link the remaining needs expressed in earlier session to the Directive Principles
- The participants will learn that the Directive Principles are aspirational but were considered as Directive Principles because while they could not be guaranteed but the Government was expected to work towards them
- Finally the participants will understand that the Government has already been working on it and some of the Directive Principles have been converted to laws and they are now justiciable

**Method**

- Participatory discussions followed by presentations

**Steps for the session and time required**

- Trainer will present the Directive Principles – 10 mins
- Trainer will ask the participants to link the remaining “Needs” to the Directive Principles – 10 mins
- Trainer will then generate a discussion on why these were called as Directive Principles and not Fundamental rights and clarify the real reasons – 20 mins
- Trainer will then highlight which Directive Principles have now become laws – 20 mins

**Total time required for the session**

- 60 mins

**Tips to the trainer**

- Trainer will emphasize that India has been one of the foremost countries, definitely in South Asia in having progressive laws but the implementation of these laws is still an issue including for the Persons affected with Leprosy and that this is an issue to be addressed
Session 12 – How can we enforce Human Rights

Expected results by the end of the session

- The participants will understand that Rights Based approach and Advocacy as a tool will be required to enforce Human rights

Method

- Participatory discussion

Steps for the session and time required

Scenario 1 - this training is done after the training on advocacy

- Trainer will refer to the earlier training and ask participants if they see the link between this training and the earlier one – 10 mins
- Trainer will reinforce that the Rights based approach and Advocacy that were discussed in last training will be the tool and that this training should have strengthened the foundational understanding of the participants – 20 mins

Scenario 2 – This training is done before the training on advocacy

- Trainer will seek answer to the question “How can we enforce Human rights” and will channel the responses to the answer that Rights Based approach and advocacy tools will be required to claim rights – 15 mins
- Trainer will link this training to the next one and assure the participants that the next training will discuss how advocacy can be done to claim rights – 15 mins

Total time required for the session

- 30 mins
Session 13 – Sum up and Evaluation

Expected results by the end of the session

- Participants feedback about the training will have been known and also the points of learning will have been known

Method

- Participants will respond to assessment questions on a written questionnaire

Steps for the session and time required

- Trainer will provide the feedback sheet and explain the sheet as necessary – 10 mins
- Trainer will collect the feedback sheet – 10 Mins
- Trainer will later compile the responses after the training and share it with the host agency
- Trainer will thank the participants for the support and cooperation – 10 mins

Total time required for the session

- 30 mins

Tips to the trainer

- Ask the participants to be objective in responding to the assessment sheet
- Encourage the participants to do well after they go back

Expected results by the end of the training

- The Trainees will have developed an understanding of concept of human rights, its importance and its characteristics
- The TLMTI staff will understand the connect between Human Rights and advocacy

Participants – TLMTI staff to be trained by 25 Trained trainers
### Schedule for the training:

<table>
<thead>
<tr>
<th>Time</th>
<th>Session</th>
<th>Method</th>
<th>Expected result</th>
</tr>
</thead>
<tbody>
<tr>
<td>09.30 – 09.45 am</td>
<td>Introduction, defreezing</td>
<td>Introduction game</td>
<td>Participants will have become familiar with each other and the topic and purpose of the training.</td>
</tr>
<tr>
<td>09.45 – 10.30 am</td>
<td>Expectations from the training and agenda and norm setting</td>
<td>Group discussion followed by plenary</td>
<td>The training agenda and schedule will have been fixed and agreed upon.</td>
</tr>
<tr>
<td>10.30 - 10.50 pm</td>
<td>Break</td>
<td>Break</td>
<td></td>
</tr>
<tr>
<td>10.50 – 12.00</td>
<td>Concept and importance of Human rights</td>
<td>Photo language, presentation and discussion</td>
<td>Participants will understand the concept of human rights and its importance for advocacy work for persons with leprosy.</td>
</tr>
<tr>
<td>12.00 – 1.00 pm</td>
<td>History of Human Rights</td>
<td>Presentation and Plenary Discussion</td>
<td>Participants will understand the evolution of the concept of human rights.</td>
</tr>
<tr>
<td>1.00 – 2.00 pm</td>
<td>Lunch</td>
<td>Lunch</td>
<td></td>
</tr>
<tr>
<td>2.00 – 3.30 pm</td>
<td>Individual rights versus Community rights / sense of well-being (seeking perspectives on borderline issues)</td>
<td>Socio-gram exercise followed by discussion</td>
<td>Participants will understand that the Individual rights sometimes come in conflict with community well-being perspective and that to ensure safeguard of Human rights, one may have to go beyond community norms.</td>
</tr>
<tr>
<td>3.30 – 3.50 pm</td>
<td>BREAK</td>
<td>Break</td>
<td></td>
</tr>
<tr>
<td>3.50 – 4.45 pm</td>
<td>Universal Declaration of Human Rights (UDHR)</td>
<td>Presentation and video show</td>
<td>Participants will understand all the articles of the UDHR.</td>
</tr>
<tr>
<td>4.45 – 5.00 pm</td>
<td>Sum up and evaluation of the day</td>
<td>Participatory discussion in plenary</td>
<td>Major highlights of the day will have been recaptured and participants' feedback will have been received.</td>
</tr>
</tbody>
</table>
Day 2

<table>
<thead>
<tr>
<th>Time</th>
<th>Session</th>
<th>Method</th>
<th>Expected result</th>
</tr>
</thead>
<tbody>
<tr>
<td>09.30 – 10.00 am</td>
<td>Recap of day 1</td>
<td>Sharing by participants</td>
<td>The major learnings at the level of the participants will have been known and questions will have been answered</td>
</tr>
<tr>
<td>10.00 – 11.30 am</td>
<td>International covenants</td>
<td>Presentation followed by discussion</td>
<td>Participants will understand and internalize various other International covenants</td>
</tr>
<tr>
<td>11.50 – 11.50 am</td>
<td>Tea break</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11.50 – 1.00 pm</td>
<td>Fundamental rights and Fundamental duties</td>
<td>Small group work followed by discussion</td>
<td>Participants will understand the fundamental rights and duties provided in the Indian constitution</td>
</tr>
<tr>
<td>1.00 – 2.00 pm</td>
<td>Lunch</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.00 – 3.00 pm</td>
<td>Directive principles of Social policy</td>
<td>Presentation followed by discussion</td>
<td>Participants will understand the directive principles of social policy of the Indian Constitution</td>
</tr>
<tr>
<td>3.00 – 3.30 pm</td>
<td>Tea Break</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3.30 – 4.00 pm</td>
<td>How can we enforce our Human Rights: ways to strengthen our advocacy and mass action – link with previous training</td>
<td>Small group work followed by presentations and discussions</td>
<td>Participants will discuss regarding innovative ways to enforce human rights through advocacy and mass action</td>
</tr>
<tr>
<td>4.00 – 4.30 pm</td>
<td>Sum up and evaluation of the training</td>
<td>Participatory discussion in plenary</td>
<td>Major highlights of the training will have been recaptured and participants’ feedback will have been received</td>
</tr>
</tbody>
</table>

**Reading Materials**

**WHAT ARE RIGHTS**

- Rights are legal, social, or ethical **principles** of freedom or entitlement
- Rights are the fundamental **normative** rules about what is allowed of people or owed to people, according to some legal system, social convention, or ethical theory
In the jurisprudence and the law, a right is the legal or moral entitlement to do or refrain from doing something, or to obtain or refrain from obtaining an action, thing or recognition in civil society.

Human Rights

What are human rights?

Human rights are rights inherent to all human beings, whatever our nationality, place of residence, sex, national or ethnic origin, colour, religion, language, or any other status. We are all equally entitled to our human rights without discrimination. These rights are all interrelated, interdependent and indivisible.

According to Protection of Human Rights Act, 1993 enacted by the Parliament in the 44th year of the Republic of India “Human Rights” means the rights related to life, liberty, equality and dignity of the individual guaranteed by the Constitution or embodiment of International Covenants and enforceable by courts in India.

Universal human rights are often expressed and guaranteed by law, in the forms of treaties, customary international law, general principles and other sources of international law. International human rights lay down obligations of Governments to act in certain ways or to refrain from certain acts, in order to promote and protect human rights and fundamental freedoms or individuals or groups.

Why are Human rights important?

- Human Rights allow every human to reach their full potential
- Recognise that every person is entitled to be treated with respect
- Allow different countries and people to live together peacefully
- Improve human well-being, and
- Protect people from the power of the state (and sometimes from the power of other institutions or organisations).
- Human rights hold up the inspiring vision of a free, just, and peaceful world and set minimum standards for how both individuals and institutions should treat people. In a practical sense, they empower people to take action to demand and defend their rights and the rights of others. The human rights framework is an expanding one, incorporating the emerging claims of oppressed groups over time.
The commitment to principles of justice, basic rights and responsibilities in cultures across the globe long precedes the enshrining of these principles in international human rights documents. However, an effort to recognize rights across borders—rights that belong to all people and that are essential for realizing human dignity—culminated in the unanimous adoption of the Universal Declaration of Human Rights (UDHR) by the United Nations on December 10, 1948.

International human rights law addresses the rights and dignity of all human beings at all times and without discrimination. It provides that states must respect and protect human rights and ensure that those within their jurisdiction enjoy their human rights in practice.

Traditionally it has been seen as applying solely to the relationship of the state with individuals. However, more recently it has been recognized that the state also has a responsibility to intervene when private individuals act in ways that affect the rights of others.

The sources of human rights law are treaties, such as the International Covenant on Economic, Social, and Cultural Rights (ICESCR), authoritative interpretations of treaty law, and general international law.

Some countries lack the political will to translate international human rights treaties they have ratified into effective domestic laws that protect all their citizens. Some fail to allocate adequate resources to implement laws even where these exist. Often, government agencies that should enforce human rights treaties are not coordinated or take opposite approaches, such as in cases when ministries of justice, interior, and health have opposing priorities.

History of Human Rights

Historically, one of the important instruments referred to in any study of human rights is the Magna Carta, 1215 A.D., accepted by King John at Runnymede in Britain. Though it was exactly by 1215 AD his feudal barons in their own self-interest, the following extract in particular (Clause 39) became the symbol of liberty and rule of law: “no free man shall be taken or imprisoned or dispossessed or outlawed or exiled, or in any way destroyed, nor will we go upon him, nor will we send against him except by the lawful judgment of his peers or by the law of the land.” And again: “To no man will we sell, or deny, or delay right or justice.”

Magna Carta was followed by the Petition of Rights in 1628, the Habeas Corpus Act, 1640 and 1679, and then by the Bill of Rights in 1969 which declared the rights and liberties of the subjects. Some of these have come to have universal significance, such as
the prohibition of illegal and cruel punishments which is found in many international instruments including the Universal Declaration of Human Rights.

Nearly a century later, the American Declaration of Independence (1776) solemnly declared: “We hold those truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain inalienable rights....”

Then came the French Declaration (1789) which is considered the classic formulation of the inviolable rights of individual. Article 1 says, “Men are born free and equal in respect of rights. Social distinctions shall be based solely upon public utility.” Article 4: “liberty consists in the power of doing whatever does not injure other. Accordingly the exercise of the natural rights of every man has no other limits than those which are necessary to secure to every other man the free exercise of the same rights; and these limits are determined only by law.”

It was at the end of World War I (1919), that the League of nations was established to guarantee international peace. However it could not prevent World War II (1939-1945) which resulted in the killing of millions of people in Europe, as also in the Eastern Sector after Japan joined the war.

Finally, when the Allies including the Soviet Union, turned the tide and won the World for freedom’s cause, they established the United Nations, the Charter of which was signed in San Francisco on 26th June, 1945 by 50 nations. One of its main purposes is the promotion and encouragement of “respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion” {Article 1(3)}. The Charter thus made human rights an international concern, rather than a strictly domestic one. That is how the Universal Declaration of Human Rights came to be adopted by the UN General Assembly on 10th December, 1948. This is the first comprehensive human rights instrument, agreed amongst all nations setting out the specific rights and freedom of all human beings.

**Where do Human Rights come from?**

The Human Rights come from the world’s religions: For example, ideas of equality are found in Christianity and in Hinduism. Bible says “There is no such thing as Jew and Greek, slave and free man, male and female: for you are all one person in Christ Jesus” (Galatians 3: 28). Hinduism says “Vasudeva Kutumvakami”- the whole world is seen as one family.

The Human Rights also originate from the Humanitarian philosophy (essays and writing on the relationships between individuals and society): For example, the philosophers living in the 17th and 18th centuries argued that everyone was born equal and that they should have certain basic rights like the rights to life, liberty and property.
Another point of origin for the Human Rights is the struggle for political freedom: For example, early advocacy (actions aimed at change) for the abolition of slavery were based on the idea that all people were equal and entitled to dignity and respect.

As the society evolved, the concept of all humans being equal gained coinage. And even though there was no law to this effect, the morality of the society demanded that everyone be treated equally. This highlights the fact that the rights emerge first from the morality of the society. Whatever the society considers as good or acceptable gets the status of rights. Gradually, such acceptable or good standards receive the guarantee from the governments of the world and the country and become the legal rights, which unlike the moral rights can be justifiable.

The human rights were only really protected in law after World War II, with the Universal Declaration of Human Rights (UDHR) and later several other covenants and conventions followed by countries declaring their constitutions or framing laws in keeping with the International covenants etc.

**Individual rights versus community well being**

**Socio – gram statements**

1. It is acceptable if boys in a family study more than Girls as the Girls mostly have to take care of Household responsibilities

2. It is impossible for teachers to discipline the children if they do not beat them sometimes

3. It will spoil the children and reduce the authority of teachers if the children are allowed to provide feedback about the teachers, their teaching styles and about the school

4. It is the Girls themselves who should decide and not their parents or elders when they want to get married

5. A Husband must have a final say in how many children he and his wife want to have and when because as a bread earner, he has to shoulder the responsibility

6. It is alright if the husband once in a while uses physical force to control the wife

7. It is only an inconvenience to bring the persons with disability into social functions like marriage, festivals and therefore it is alright if they are not brought along

8. All said and done, women are little inferior to men

9. A woman has as much right to work and earn her living as men
10. An organization may need to deny the employment to a person living with HIV AIDS in order to safeguard other staff
**UDHR**

What is the Universal Declaration of Human Rights (UDHR)?

During World War II, the genocide (extermination) policy of Nazi Germany led to the deaths of 6 million Jews. The world was horrified by these human rights abuses, and was determined that they should not happen again. In 1948, this led to 14 countries of the world getting together to draft a document protecting the human rights of all people – the UDHR. Countries hoped that by doing this, they could stop massive human rights abuses ever happening again.

The UDHR was adopted by the United Nations General Assembly on 10th December, 1948. It includes 30 articles protecting: *(For details of the articles, see annexure-II)*

- Civil and political rights
- Economic, social and cultural rights, and
- Fundamental freedoms.

It is not legally binding but it aims to be a “common standard of achievement for all peoples and all nations”. So, it aims to encourage countries to achieve these rights for all people. Many people also argue that the UDHR is now part of international customary law and so it is enforceable.

The Universal Declaration of Human Rights (UDHR) list the following as rights for all, regardless of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Some of the rights are mentioned below:

- Right to life, liberty and security of person - no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment
- Right to recognition everywhere as a person before the law
- Right to equality - all are entitled to equal protection against any discrimination
- Right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law
- No one shall be subjected to arbitrary arrest, detention or exile
- No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.
- Everyone has the right to freedom of movement and residence within the borders of each state.
- Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family.
- They are entitled to equal rights as to marriage, during marriage and at its dissolution.
• Marriage shall be entered into only with the free and full consent of the intending spouses.
• Everyone has the right to own property alone as well as in association with others.
• No one shall be arbitrarily deprived of his property.
• Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.
• Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.
• Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.
• Everyone has the right of equal access to public service in his country.
• The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.
• Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.
• Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.
• Everyone, without any discrimination, has the right to equal pay for equal work.
• Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.
• Everyone has the right to form and to join trade unions for the protection of his interests.
• Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.
• Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.
• Motherhood and childhood are entitled to special care and assistance. All children,
• Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally
available and higher education shall be equally accessible to all on the basis of merit.

- Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.

**Why is the UDHR important?**

The UDHR is important because:

- It is the first international agreement that said that all people “are born free and equal in dignity and rights”
- It is the first international document that describes the basic human rights of all human beings
- It has been widely accepted, has been translated into 300 languages and is widely available throughout the world
- It sets a gold standard for human rights, and can be used by the United Nations to measure the conduct of countries
- It has led to the development of other important international treaties, like the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR)
- It has led to the development of important regional treaties, like the African Charter on Human and People’s Rights
- It has served as a model for many national bills of rights.

**What has changed since the adoption of the UDHR?**

There have been a number of shifts and changes in the way we think about human rights since the adoption of the UDHR. Most importantly:

- There is a move away from a narrow focus on civil and political rights to a broader focus on civil, political and socio-economic rights.
- There is an increased focus on ensuring that human rights become enforceable legal rights – that is, that they are adopted into every country’s legal system so that they can be enforced in every country.
- In the past, human rights focused on the relationship between individuals and the state. For example, they protected the state from interfering with individual freedom by prohibiting detention (jailing) without trial. Nowadays there is more of a focus on using human rights to protect the rights of individuals against institutions and corporations (businesses).
- Finally, there is an increasing focus on the duty of states to not only protect, but also promote human rights. This means that states have both a duty to:
  - **Protect human rights**: This is sometimes seen as a negative duty because the state must make sure that they and other citizens do not abuse rights. For example, there is a duty to make sure that people are not unfairly discriminated against.
- **Promote human rights**: This is sometimes seen as a positive duty because the state must take steps to realise the rights (make them effective). For example, there is a duty to put measures in place to promote the right to equality and non-discrimination, like by running mass media campaigns.

**Other International Covenants**

**International covenant on Civil and political rights**

**The rights included in the International Covenant on Civil and Political Rights are:**

- Inherent right to life
- Rights to liberty and security of the person
- Freedom of movement
- Freedom of religion
- Freedom of thought
- Freedom of assembly
- Right of marriage
- Right to family life
- Right to work, under "just and favourable conditions"
- Right to social security and social insurance
- Right to adequate standard of living, food, clothing, housing
- Right to health
- Right to education, including free universal primary education, generally available secondary education and equally accessible higher education

**International Covenant on Economic, Social and Cultural Rights (1966)**

The Covenant follows the structure of the UDHR and ICCPR, with a preamble and thirty-one articles, divided into five parts.[7]

**Part 1** (Article 1) recognises the right of all peoples to **self-determination**, including the right to "freely determine their political status",[8] pursue their economic, social and cultural goals, and manage and dispose of their own resources. It recognises a **negative right** of a people not to be deprived of its means of subsistence,[9] and imposes an obligation on those parties still responsible for non-self governing and trust territories (colonies) to encourage and respect their self-determination.[10]
Part 2 (Articles 2 – 5) establishes the principle of "progressive realisation" – see below. It also requires the rights be recognised "without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status".[11] The rights can only be limited by law, in a manner compatible with the nature of the rights, and only for the purpose of "promoting the general welfare in a democratic society".[12]

Part 3 (Articles 6 – 15) lists the rights themselves. These include rights to

- work, under "just and favourable conditions",[13] with the right to form and join trade unions (Articles 6, 7, and 8);
- social security, including social insurance (Article 9);
- family life, including paid parental leave and the protection of children (Article 10);
- an adequate standard of living, including adequate food, clothing and housing, and the "continuous improvement of living conditions" (Article 11);
- health, specifically "the highest attainable standard of physical and mental health" (Article 12);
- Education, including free universal primary education, generally available secondary education and equally accessible higher education. This should be directed to "the full development of the human personality and the sense of its dignity",[14] and enable all persons to participate effectively in society (Articles 13 and 14);
- participation in cultural life (Article 15).

Many of these rights include specific actions which must be undertaken to realise them.

Part 4 (Articles 16 – 25) governs reporting and monitoring of the Covenant and the steps taken by the parties to implement it. It also allows the monitoring body – originally the United Nations Economic and Social Council – now the Committee on Economic, Social and Cultural Rights – see below – to make general recommendations to the UN General Assembly on appropriate measures to realise the rights (Article 21)

Part 5 (Articles 26 – 31) governs ratification, entry into force, and amendment of the Covenant.

Convention on the Elimination of All Forms of Discrimination Against Women (1979)

The CEDAW Treaty contains 30 articles that provide a practical blueprint to promote basic human rights, achieve progress and overcome barriers of discrimination against women and girls, while recognizing that it is up to each county to determine how best to bring their policies and laws in line with ending discrimination against women. A summary of the key articles follow:

Article 1: Definition of Discrimination. Defines discrimination against women to cover all facets of human rights and fundamental freedoms.

Article 2: Country duties. Countries must eliminate discriminatory laws, policies, and practices in the national legal framework.
**Article 3:** Equality. Women are fundamentally equal with men in all spheres of life. Countries must take measures to uphold women’s equality in the political, social, economic, and cultural fields.

**Article 4:** Temporary special measures. Countries may implement temporary special measures to accelerate women’s equality.

**Article 5:** Prejudice. Countries agree to modify or eliminate practices based on assumptions about the inferiority or superiority of either sex.

**Article 6:** Trafficking. Countries agree to take steps to suppress the exploitation of prostitution and trafficking in women.

**Article 7:** Political and public life. Women have an equal right to vote, hold public office, and participate in civil society.

**Article 8:** International work. Women have the right to work at the international level without discrimination.

**Article 9:** Nationality. Women have equal rights with men to acquire, change, or retain their nationality and that of their children.

**Article 10:** Education. Women have equal rights with men in education, including equal access to schools, vocational training, and scholarship opportunities.

**Article 11:** Employment. Women have equal rights in employment, including without discrimination on the basis of marital status or maternity.

**Article 12:** Health. Women have equal rights to affordable health care services.

**Article 13:** Economic and social life. Women have equal rights to family benefits, financial credit, and participation in recreational activities.

**Article 14:** Rural women. Rural women have the right to adequate living conditions, participation in development planning, and access to health care and education.

**Article 15:** Equality before the law. Women and men are equal before the law. Women have the legal right to enter contracts, own property, and choose their place of residence.

**Article 16:** Marriage and family. Women have equal rights with men in matters related to marriage and family relations.

**Articles 17-24:** The Committee on CEDAW and reporting procedures.

**Articles 25-30:** Administration of the Convention.
**Fundamental rights and Duties**

Fundamental Rights as per Indian constitution

(Part-III, Article 12-35 of the Constitution)

Right to equality (Article 14 to 18)

**Article 14:** Ensures equality before law or equal protection of laws

**Article 15:** Prohibits Discrimination by the State against any citizen on the grounds of religion, race, caste, sex, place of birth or any of them

**Article 16:** Ensures equality of opportunity for all citizens in matter of public employment or appointment to any office irrespective of religion, race, caste, sex, place of birth, etc.

**Article 17:** Abolition of Untouchability- it abolishes untouchability in any form and provides punishment in accordance with law for any person practicing untouchability.

**Article 18:** Abolition of Titles- it prohibits the state from conferring any title except those related to military and educational sphere.

Right to Freedom (Article 19 to 22)

**Article 19:** guarantees six freedoms to the citizens:

a. Freedom of speech and expression
b. Freedom to assemble peacefully without arms
c. Freedom to form associations
d. Freedom to move freely throughout the territory of India
e. Freedom to practice any profession, occupation, trade or business.

**Article 20:** no conviction of a person can be made except in case of violation of law by him operating at that time. It negates double punishment for the same offence. A person cannot be forced be a witness against himself.

**Article 21:** there shall be no deprivation of life and liberty of a person except for the procedure established by law.

**Article 21A:** Right to education (86th Amendment Act)

**Article 22:** it provides protection against arbitrary arrest and detention in certain cases.

Right against Exploitation (Article 23 to 24)
Article 23: it declares traffic in human beings, beggary and other similar type of forced labour as an offence and punishable by law.

Article 24: it prohibits employment of children below 14 years of age in factories, mines and other hazardous jobs.

Right to Freedom of Religion (Article 25 to 28)

Article 25: it assures to every person freedom of conscience, and the right to profess, practice and propagate any religion.

Article 26: it gives freedom to all religion to establish and maintain their own institutions for religions and charitable purposes.

Article 27: it prohibits taxation on religious ground.

Article 28: it prohibits any religious instruction in institutions maintained wholly or partially by state fund.

Cultural and Educational Rights (Article 29 to 30)

Article 29: it secures to every minority the right to have a distinct language, script or culture of its own and to conserve the same.

Article 30: it guarantees to all minorities, whether educational or linguistic the right to establish and administer educational institution of their choice and says that the state shall not discriminate in giving grants to them.

Right to Constitutional Remedies (Article 32)

Article 32: it guarantees a person the right to move the Supreme Court directly for the enforcement of his fundamental rights. The Supreme Court can issue directions or order or various kinds of writs for the enforcement of any of the rights conferred.
Fundamental Duties-

It shall be the duty of every citizen of India-

(a) To abide by the Constitution and respect its ideals and institutions, the National Flag and the National Anthem;

(b) To cherish and follow the noble ideals which inspired our national struggle for freedom;

(c) To uphold and protect the sovereignty, unity and integrity of India;

(d) To defend the country and render national service when called upon to do so;

(e) To promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities; to renounce practices derogatory to the dignity of women;

(f) To value and preserve the rich heritage of our composite culture;

(g) To protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures;

(h) To develop the scientific temper, humanism and the spirit of inquiry and reform;

(i) To safeguard public property and to abjure violence;

(j) To strive towards excellence in all spheres of individual and collective activity so that the nation constantly rises to higher levels of endeavour and achievement.]

Directive Principles

Not enforceable by any court, but the principles therein laid down are nevertheless fundamental in the governance of the country and it shall be the duty of the State to apply these principles in making laws.

State to secure a social order for the promotion of welfare of the people.—

1. The State shall strive to promote the welfare of the people by securing and protecting as effectively as it may a social order in which justice, social, economic and political, shall inform all the institutions of the national life.
2. The State shall, in particular, strive to minimise the inequalities in income, and endeavour to eliminate inequalities in status, facilities and opportunities, not only amongst individuals but also amongst groups of people residing in different areas or engaged in different vocations.

39. Certain principles of policy to be followed by the State.—The State shall, in particular, direct its policy towards securing—

(a) That the citizens, men and women equally, have the right to an adequate means of livelihood;

(b) That the ownership and control of the material resources of the community are so distributed as best to subserve the common good;

(c) That the operation of the economic system does not result in the concentration of wealth and means of production to the common detriment;

(d) That there is equal pay for equal work for both men and women;

(e) That the health and strength of workers, men and women, and the tender age of children are not abused and that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength;

([f] That children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment.]

[39A. Equal justice and free legal aid.—The State shall secure that the operation of the legal system promotes justice, on a basis of equal opportunity, and shall, in particular, provide free legal aid, by suitable legislation or schemes or in any other way, to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities.]

40. Organisation of village panchayats.—The State shall take steps to organise village panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of self-government.

41. Right to work, to education and to public assistance in certain cases.—The State shall, within the limits of its economic capacity and development, make effective provision for securing the right to work, to education and to public assistance in cases of unemployment, old age, sickness and disablement, and in other cases of undeserved want.
42. Provision for just and humane conditions of work and maternity relief.—The State shall make provision for securing just and humane conditions of work and for maternity relief.

43. Living wage, etc., for workers.—The State shall endeavour to secure, by suitable legislation or economic organisation or in any other way, to all workers, agricultural, industrial or otherwise, work, a living wage, conditions of work ensuring a decent standard of life and full enjoyment of leisure and social and cultural opportunities and, in particular, the State shall endeavour to promote cottage industries on an individual or co-operative basis in rural area.

43A. Participation of workers in management of industries.—The State shall take steps, by suitable legislation or in any other way, to secure the participation of workers in the management of undertakings, establishments or other organisations engaged in any industry.

44. Uniform civil code for the citizens.—The State shall endeavour to secure for the citizens a uniform civil code throughout the territory of India.

45. Provision for free and compulsory education for children.—The State shall endeavour to provide, within a period of ten years from the commencement of this Constitution, for free and compulsory education for all children until they complete the age of fourteen years.

46. Promotion of educational and economic interests of Scheduled Castes, Scheduled Tribes and other weaker sections.—The State shall promote with special care the educational and economic interests of the weaker sections of the people, and, in particular, of the Scheduled Castes and the Scheduled Tribes, and shall protect them from social injustice and all forms of exploitation.

47. Duty of the State to raise the level of nutrition and the standard of living and to improve public health.—The State shall regard the raising of the level of nutrition and the standard of living of its people and the improvement of public health as among its primary duties and, in particular, the State shall endeavour to bring about prohibition of the consumption except for medicinal purposes of intoxicating drinks and of drugs which are injurious to health.

48. Organisation of agriculture and animal husbandry.—The State shall endeavour to organise agriculture and animal husbandry on modern and scientific lines and shall, in particular, take steps for preserving and improving the breeds, and prohibiting the slaughter, of cows and calves and other milch and draught cattle.

48A. Protection and improvement of environment and safeguarding of forests and wild life.—The State shall endeavour to protect and improve the environment and to safeguard the forests and wild life of the country.
49. Protection of monuments and places and objects of national importance.—It shall be the obligation of the State to protect every monument or place or object of artistic or historic interest, [declared by or under law made by Parliament] to be of national importance, from spoliation, disfigurement, destruction, removal, disposal or export, as the case may be.

50. Separation of judiciary from executive.—The State shall take steps to separate the judiciary from the executive in the public services of the State.

51. Promotion of international peace and security.—The State shall endeavour to—

(a) Promote international peace and security;

(b) Maintain just and honorable relations between nations;

(c) Foster respect for international law and treaty obligations in the dealings of organized peoples with one another; and

(d) Encourage settlement of international disputes by arbitration.