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UN HUMAN RIGHTS: WHAT HAS BEEN ACHIEVED SO FAR AND WHAT CHALLENGES LIE AHEAD?

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ABSTRACT

Throughout history, the preservation of human rights has been recognized to varied degrees, but since the Second World War, the United Nations has declared that human rights are universal and part of what it means to be a person. Where advancement in every dimension is growing steadily, it is important to protect the one for whom it is taking place. It is necessary to check the impartial access to every resource and the preservation of basic rights a person should have. This paper analyses the importance of human rights and the organizations placed for protecting these rights, on a regional as well as an international level. This article briefly sheds light on the significance of the United Nations as an international umbrella for human rights. Further, it emphasizes violations of human rights via case studies of the Afghanistan and Xinjiang conflicts. The motive behind presenting such cases is to highlight the serious aspect of violations taking place despite such protection organizations. The UN provides a guiding light for the drafting of human rights and thus does not have very strong binding effects on signatory countries.

KEYWORDS: Human rights, United Nation, Human right violations, Taliban, Xinjiang

INTRODUCTION

As Eleanor Roosevelt observed: 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 map of the world. Yet they are the world of the individual

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. All the advancement, development and technological breakthrough are being done for humans and by the humans as they are the most significant resources out there. Hence protecting their rights and making laws for their security is very important. The consequences of World War II and the damages sustained there from can undoubtedly be said to be the reason behind the creation and formation of the United Nation Organization. The war which lasted for about 7 years, from 1939 to 1945, and as the end drew near, cities throughout Europe and Asia lay in smoldering ruins. Millions of people were dead; millions more were homeless or starving. 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. United Nations has laid down several conventions and treaties to protect the rights of human globally. However, it shows that there is a pressing need to improve the way in which human rights are implemented since laws that are not carefully followed and completely upheld risk losing their real-world relevance and legal importance.

I. FUNCTIONS AND JURISDICTION OF HUMAN RIGHTS BODIES

There are various bodies made for protecting and promoting human rights on regional as well

as at global level. However, the mechanism and functions they perform are almost similar other than the jurisdiction of right to implement that law. This body varies in their jurisdiction. Some of the organizations at national and international level are:

A. Within United Nations

In accordance with international human rights law, UN Human Rights offers support, direction, and expertise to a variety of UN system human rights monitoring mechanisms. Human rights within United Nations are monitored by two mechanisms- one is treaty- based bodies and other is charter based bodies. Treaty based bodies are made up of committees and members to manage the implementation of core human rights. These bodies are:

Human Rights Committee, Committee on Economic, Social and Cultural Rights, Committee on the Elimination of Racial Discrimination , Committee on the Elimination of Discrimination against Women , Committee against Torture , Committee on the Rights of the Child , Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families , Committee on the Rights of Persons with Disabilities, Committee on Enforced Disappearances, Human Rights Instruments.

Others are the charter based bodies , derive their establishment from provisions contained in the Charter of the United Nations and are as follows:

- UN Human Rights Council
- human rights treaty bodies
- independent experts known as “special procedures”

- Universal Periodic Review

B. Within Africa

African Court on Human and Peoples’ Rights

- African Commission on Human and Peoples’ Rights

C. Within America

Inter-American Court of Human Rights
Inter-American Commission on Human Rights

D. Within Europe

- European Court of Human Rights
- European Committee of Social Rights
- Council of Europe Commissioner for Human Rights

E. Within Middle East & North Africa

- Arab Human Rights Committee

F. Within Southeast Asia

- ASEAN Intergovernmental Commission on Human Rights

The jurisdiction of these bodies differs as such regional bodies implement laws and treaties within their territory and can be exercised by there courts only. Whereas United Nations sets an international implementation of human rights .The driving idea behind international human rights law is that – because it is States who are in a position to violate individuals’ freedoms – respect for those freedoms may be hard to come by without international consensus and oversight. That is, a State which does not guarantee basic freedoms to its citizens is unlikely to punish or correct its own behavior, particularly in the absence of international consensus as to the substance of those freedoms and a binding commitment to the international community to respect them. It imposes positive and negative obligations on states The enjoyment of human rights is subject to a duty on the part of states, which encompasses both positive and negative responsibilities. This includes taking aggressive measures to defend people's rights, including against non-State action. Additionally, there is a greater need for protections outside of the conventional civil and political arena.

II. HUMAN RIGHTS IN THE UNITED NATIONS

The UN’s concern for human rights has elevated itself to the top of the international agenda in the wake of the two world wars. The UN Charter represents a significant advancement in respect for and belief in human rights. The Nazis horribly mistreated several ethnicities, including Jews and other available races, around the world.

The Second World War sparked a strong push to safeguard fundamental human rights around the world. Few representatives from specific States joined forces at the San Francisco Conference to support accepting stronger facilities with regard to human rights. Additionally, a failed attempt to incorporate an international bill on human fighting into the United Nations charter was made. The foundations of this body of law are the Charter of the United Nations and the Universal Declaration of Human Rights, adopted by the General Assembly in 1945 and 1948, respectively. Since then, the United Nations has gradually expanded human rights law to encompass specific standards for women, children, persons with disabilities, minorities and other vulnerable groups, who now possess rights that protect them from discrimination that had long been common in many societies.

A. Universal Declaration of Human Rights

The first legal declaration to outline the essential human rights that should be universally protected was the Universal Declaration of Human Rights (UDHR), which was adopted by the UN General Assembly in 1948. All international human rights law is still built on the Universal Declaration of Human Rights (UDHR), which reached 70 in 2018. Its 30 articles serve as the foundation for all upcoming and existing human rights conventions, treaties, and other legal documents.

The International Bill of Rights is made up of the UDHR as well as the two agreements, the International Covenant for Civil and Political Rights and the International Covenant for Economic, Social, and Cultural Rights. The 30 rights and freedoms set out in the UDHR include the right to be free from torture, the right to freedom of expression, the right to education and the right to seek asylum. It includes civil and political rights, such as the rights to life, liberty and privacy. It also includes economic, social and cultural rights, such as the rights to social security, health and adequate housing.

B. International covenant on Economic, social and cultural rights

In 1976, the International Covenant on Economic, Social, and Cultural Rights became law. The following are some of the human rights that the Covenant aims to advance and defend. The right to social safety, an acceptable quality of living, and the highest levels of bodily and mental well-being that are humanly possible; the right to education and the enjoyment of the benefits of cultural freedom and scientific advancement.

C. Civil and political rights

The International Covenant on Civil and Political Rights and its First Optional Protocol entered into force in 1976. The Second Optional Protocol was adopted in 1989. The Covenant deals with such rights as freedom of movement; equality before the law; the right to a fair trial and presumption of innocence; freedom of thought, conscience and religion; freedom of opinion and expression; peaceful assembly; freedom of association; participation in public affairs and elections; and protection of minority rights. It prohibits arbitrary deprivation of life; torture, cruel or degrading treatment or punishment; slavery and forced labour; arbitrary arrest or detention; arbitrary interference with privacy; war propaganda; discrimination; and advocacy of racial or religious hatred.

III. UNDERSTANDING THE IMPLEMENTATION OF HUMAN RIGHTS THROUGH CASE STUDIES

CASE STUDIES:

A. Afghanistan: Taliban Human Rights Abuses

A new report from the UN Mission in Afghanistan (UNAMA), confirms the erosion of basic human rights across the country since the Taliban takeover in August last year, pointing out they bear responsibility for extrajudicial killings, torture, arbitrary arrests and detentions, and violations of fundamental freedoms. Populations in Afghanistan faced systematic human rights violations perpetrated by the Taliban de facto authorities. Other armed

extremist groups also continue to pose a threat to civilians.

1. Background

The Taliban were a Sunni Islamist nationalist and pro-Pashtun organization that ruled Afghanistan from 1996 to 2001. They were created in the early 1990s by peasant farmers and men studying Islam in madrasas. They established a presence and increased their power in Southern Afghanistan. By 1994, the Taliban had moved their way through the south, capturing several provinces from various armed factions who had been fighting a civil war. September 1996, the Taliban had captured Kabul, killed the country's president, and established the Islamic Emirate of Afghanistan. The Taliban confirmed in July 2015 that their commander, Mullah Mohammed Omar, had passed away. Omar was sought by the US Government under the Rewards for Justice initiative. In August 2015, Mullah Akhtar Mohammed Mansur was chosen to lead the Taliban, the organization's only ever had two leaders

Taliban militants retook Afghanistan's capital, Kabul, almost two decades after they were driven out by US troops. Afghan security forces were well funded and equipped, but faced little resistance. President Ashraf Ghani fled the country, abandoning the presidential palace to Taliban fighters.

2. Highlights of Human Rights Violation in Afghanistan

1. Freedom of expression & assembly

Human rights advocates and members of the civil society have been the target of the Taliban's assault on free speech. Many of them have been harassed, threatened, imprisoned, or even assassinated as a direct result of their efforts on behalf of human rights. Additionally threatened is press freedom. A vague order prohibiting journalists from publishing articles that are "contrary to Islam" or "insulting to national figures" was issued by the Government

Media and Information Centre (GMIC) on September 19, 2021.

2. Arbitrary arrests, torture and ill-treatment

Hundreds of civilians have been unlawfully detained. Many are beaten with rifle butts or whipped during arrest. Sahiba* (not her real name), a female protestor, told Amnesty International her body was covered in bruises after the Taliban security forces finished with her.

3. Extrajudicial killings and enforced disappearances

Numerous extrajudicial killings have occurred, and bodies with gunshot wounds or other evidence of torture have been discovered. Due to their employment for the former administration or because they are believed to be active in resistance against the Taliban, dozens of people have vanished, and it is still unknown where they are.

4. Restrictions on women and girls

In the face of growing limitations that have taken away their freedoms, dozens of women have been detained and tortured for holding nonviolent demonstrations seeking their rights. Millions of Afghan girls' futures have been ruined by the Taliban's strict restrictions on the right to an education. The Taliban claimed that their prohibition on girls in grades six and higher attending secondary schools when they reopened on September 17, 2021, was only temporary while they hired more female teachers and made sure "appropriate" conditions were in place for gender segregated education. None of these proposals have been carried out to this far.

3. UN stand on this issue

UN has done a lot in Afghanistan to soften the grounds for enduring peace, e.g. peace keeping operation, passing resolutions, signing of Enduring Partnership agreement, advisory role to high peace council, support for survival of Afghan National Army, and efforts in countering terrorism. Afghanistan is still in need of a UN role to be played in terms of dealing with not only direct but also structural violence so that Peace

can be gained and maintained in Afghanistan. Though UN treaty and conventions have no legal binding effect over the state it's own rule it somewhere leave the gap between international implementation of laws.

B. The Chinese Communist Party's Human Rights Abuses in Xinjiang

A long-awaited report by the Office of the UN High Commissioner for Human Rights (OHCHR) into what China refers to as the Xinjiang Uyghur Autonomous Region (XUAR) has concluded that "serious human rights violations" against the Uyghur and "other predominantly Muslim communities" have been committed.

4. Background

In Xinjiang, China, the Chinese Communist Party has launched a deliberate offensive against Uyghur women, men, and children, as well as members of other Turkic Muslim minority groups. Coercive population control techniques, forced labor, arbitrary incarceration in internment camps, torture, physical and sexual assault, mass surveillance, family dissolution, and suppression of cultural and religious expression are only a few examples of human rights violations that have been documented.

5. Issue

These heinous wrongdoings have become more prevalent recently as a result of government initiatives used to combat the "three evils" of "ethnic separatism, religious extremism, and violent terrorism." Numerous sources, including the U.S. Department of State, academics, human rights organizations, journalists, think tanks, and camp survivors themselves, have supplied evidence to support these violations, including:

- Forced sterilization, forced abortion, and forcible birth control implants; coercive population control;
- The imprisonment in internment camps of more than a million Uyghurs, Kazakhs, Kyrgyz, and members of other Muslim minority groups;
- Forced labor in establishments close to or connected to the detention camps;

- Mosques and other religious sites are being demolished and shut down;
- Young people are being forbidden from participation in religious activities; and political indoctrination or "re-education" is being pushed.

1) Violations of Religious Freedom

The CCP, one of the greatest violators of religious freedom in the world, continues to act with tremendous hatred against adherents of all religions, including Protestants, Catholics, Tibetan Buddhists, Uyghur Muslims, and Falun Gong. In Xinjiang, the CCP's campaign of repression against Uyghur Muslims and other members of marginalised communities is only becoming worse. Since April 2017, more than a million ethnic Kazakhs, Uyghurs, and members of other minority Muslim groups have been unjustly jailed in internment camps. In reality, the CCP targets secular elements of non-Chinese culture like the Uyghur language and Uyghur music as well as everyday manifestations of Islamic belief like owning a Quran, praying, abstaining from alcohol and cigarettes, and fasting throughout Ramadan.

6. UN stand on this issue

According to UN, only certain acts can be construed as genocide:

- Killing members of a certain ethnicity;
- Causing serious bodily or mental harm, to members of a particular group;
- Imposing measures to prevent births, all cantering around one ethnicity;
- Forcibly transferring children from one group to another;
- Systematically destroying the group.

Many times sessions of United Nations has been placed to decide the truth and check the situation of this issue. China being at more power usually found at safe side.

CONCLUSIONS

To keep the article brief, only two issue have been discussed but it is evident from above incident the violations of human rights and conditions of humans are in grave conditions. As we have earlier discussed that regional organization for human rights differ in its

jurisdiction from each other, and when in case of conflict usually preference is given to state's own rules and regulations. The world community looks to the Universal Declaration of Human Rights (UDHR) as a guide for the standards that should be established for the defense and advancement of human rights. A new age of optimism for the recognition of the inherent equality and dignity of all persons was ushered in by the Universal Declaration of Human Rights. It cleared the way for the creation of various human rights organization as well as the formulation of international human rights treaties. The issue of human rights gained more legitimacy as a result, becoming a top priority for both national governments and the international community. Despite these outstanding accomplishments, the past 73 years have also demonstrated that comprehensive respect for human rights remains a promise on paper in the absence of political will and resources. The war against crime and terrorism has even recently put a burden on fundamental liberties. To establish the Universal Declaration of Human Rights seventy-three years ago, the United Nations needed to demonstrate the same level of vision, courage, and dedication that nations must exhibit today. To balance the non binding effect of non binding effect UN conventions it is important to establish the stronger laws at national level.

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