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# **HUMAN RIGHTS: THE STEADFAST FOUNDATIONS OF FAIRNESS, RIGHTEOUSNESS, AND LIBERTY**

**-Pragati Singh<sup>1</sup>**

## **INTRODUCTION**

In the intricate tapestry of human existence, certain threads are woven with such fundamental importance that their absence unravels the very fabric of a just and humane society. These threads are the principles of human rights – the inherent entitlements and freedoms that every individual possesses by virtue of their humanity, irrespective of the arbitrary lines drawn by nationality, race, gender, religion, language, or any other form of distinction. Universal, inalienable, and indivisible, these rights stand as the bedrock of human dignity and moral existence, a global standard against which justice, equality, and peace are measured. Rooted in the profound truth that all human beings are born free and equal in dignity and rights, human rights serve as an indispensable shield against injustice, abuse, and discrimination, fostering the very conditions necessary for the flourishing of individuals and the progress of societies.

This exploration delves into the multifaceted realm of human rights, tracing their historical evolution through the annals of civilization, dissecting their core principles that underpin their authority, categorizing their diverse forms, examining the global frameworks and institutions erected to safeguard them, confronting the persistent challenges that impede their universal realization, and charting a course for the future, emphasizing the collective responsibility in fortifying these essential pillars of humanity.

## **THE FABRIC OF TIME: HISTORICAL DEVELOPMENT OF HUMAN RIGHTS**

The notion of inherent human rights is not a modern invention but rather a concept that has germinated and evolved within the moral, legal, and cultural landscapes of diverse civilizations across millennia.

1: Echoes of justice in antiquity: ancient societies, from the babylonian empire to the indian subcontinent, from the philosophical schools of Greece to the legal structures of Rome, harbored

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nascent ideas of rights and justice. The code of Hammurabi, a testament to early legal codification dating back to 1754 BCE, articulated principles of fairness and retribution. In ancient India, the concept of "dharma" underscored duties and righteous conduct, laying the groundwork for notions of justice and social order. Confucianism in China emphasized ethical governance, responsibility, and the importance of social harmony, elements that resonate with the respect for human dignity. While not explicitly framed as "human rights" in the contemporary sense, these ancient systems reveal early attempts to establish frameworks for regulating human interaction and ensuring a degree of fairness.

2: The moral compass of religion: religious traditions worldwide have played a crucial role in shaping the ethical foundations of human rights. The teachings of Christianity, Islam, Hinduism, and Buddhism often emphasize the sanctity of human life, the importance of compassion, and the imperative of treating others with fairness and respect. For example, the Abrahamic religions emphasize the inherent dignity of humanity as beings created in the image of God. Islamic teachings emphasize the importance of fairness, equal treatment under the law, and safeguarding the rights of marginalized individuals. Hindu philosophy encompasses principles of non-violence and the belief in the interconnectedness of all beings. Buddhist principles stress the importance of kindness and the reduction of pain. These religious and ethical principles cultivated moral values that would eventually shape the foundation of human rights principles.

3: The enlightenment spark and revolutionary flames: the 17th and 18th centuries witnessed a transformative period in Europe known as the age of enlightenment, a crucible of intellectual ferment that profoundly shaped the modern understanding of human rights. Thinkers like John Locke articulated the concept of natural rights – rights inherent to individuals that governments cannot infringe upon. Jean-Jacques Rousseau championed the idea of popular sovereignty and the social contract, emphasizing the importance of individual liberty within a just society. Voltaire championed the ideals of freedom of thought, expression, and religious tolerance. These revolutionary ideas provided the philosophical fuel for seismic political shifts, most notably the American Declaration of Independence in 1776, which proclaimed the self-evident truths of equality and unalienable rights to life, liberty, and the pursuit of happiness, and the French Declaration of the Rights of Man and of the Citizen in 1789, which asserted the principles of liberty, equality, and fraternity.

4: The horrors of war and the dawn of a global perspective: the unimaginable atrocities of World War II, culminating in the Holocaust, served as a chilling and distressing reminder of the devastating consequences of unchecked authority and the disregard for basic human rights. This worldwide

catastrophe united the global community in acknowledging the pressing necessity for a comprehensive framework to safeguard human rights. In 1948, the United Nations, formed after the devastation of the war, adopted the Universal Declaration of Human Rights (UDHR). Spearheaded by Eleanor Roosevelt, this significant document outlined, for the first time, a comprehensive list of 30 articles that encompassed civil, political, economic, social, and cultural rights that should be universally protected. Although not legally enforceable, the UDHR has emerged as the foundation of the global human rights system, serving as a source of inspiration for numerous national constitutions and international agreements.

## **THE GUIDING PRINCIPLES: HUMAN RIGHTS**

The effectiveness and credibility of human rights are rooted in a set of fundamental principles that shape their interpretation and application:

5: Universality: a right for all: the principle of universality asserts that human rights are applicable to every individual worldwide, without any exceptions. These rights are not dependent on factors such as nationality, culture, economic status, political affiliation, or any other distinguishing characteristic. They are part of the essence of being human.

6: Inalienability: an enduring possession: human rights are inalienable, which means they cannot be taken away, surrendered, or forfeited. They are inherent to each person and accompany them throughout their entire lives. Even in cases of extreme misconduct, certain fundamental rights, such as the right to be free from torture, cannot be legally taken away.

7: Indivisibility and interdependence: a complex network: human rights are not isolated entitlements but rather a complex network of interconnected and interdependent rights. The attainment of one right is often contingent upon the realization of others. For instance, the right to education is crucial for the effective exercise of the right to freedom of expression, as it empowers individuals with the critical thinking skills needed for active engagement in public discussions. Similarly, the right to health is closely connected to the rights to food, water, and proper housing.

8: Equality and non-discrimination: fairness without bias: the principles of equality and non-discrimination serve as the foundation of human rights. All people are equal in worth and should have these rights without any form of discrimination, regardless of their race, gender, caste, religion, language, disability, sexual orientation, or any other characteristic. Prejudice violates human worth and sustains unfairness.

9: Participation and inclusion: a voice for all: human rights encompass the right of every individual to actively engage in public affairs and to have a significant impact on decisions that directly affect their lives and the communities they belong to. This encompasses the right to vote, to run for office, and to contribute to the creation and execution of policies. Inclusion guarantees that the voices of marginalized individuals are acknowledged and that everyone in society has the opportunity to contribute to the overall welfare of the community.

10: For human rights to hold any significance, there must be systems in place to hold those responsible for their violation accountable. States and public officials should be held accountable for their actions, and legal systems should be in place to safeguard and offer remedies for human rights violations. The principle of the rule of law, ensuring that all individuals are subject to and accountable under the law, is crucial in preventing arbitrary actions and safeguarding human rights.

## **A CLASSIFICATION OF HUMAN RIGHTS: A SPECTRUM OF ENTITLEMENTS**

Human rights can be broadly classified into three generations, each representing a different period of their development and the specific rights that fall under each category.

11: First-generation rights encompass civil and political liberties, commonly referred to as "first-generation rights." These rights primarily focus on safeguarding individual freedom and enabling active participation in the political affairs of a community. They safeguard individuals from government interference and guarantee their capacity to participate in the democratic process. Examples include the right to life, liberty, and personal security, freedom of speech, religion, and assembly, the right to a fair trial and due process, and protection from torture and arbitrary arrest. These rights are typically seen as negative rights, which demand that the state abstain from specific actions.

12: Second-generation rights encompass economic, social, and cultural well-being, also referred to as "second-generation rights." These rights aim to guarantee equal access to fundamental social and economic necessities that are crucial for leading a dignified life. They encompass the right to employment and just compensation, the right to education, the right to sufficient food, water, and shelter, and the right to healthcare and social security. These rights are typically seen as positive rights, which necessitate the state to take proactive steps to guarantee their fulfillment.

13: Third-generation rights: collective or solidarity aspirations: also known as "third-generation rights" or "solidarity rights," these encompass rights held by groups or communities and often address global or transnational issues. Examples include the right to progress, the right to a clean

and healthy environment, the right to peace and security, and the rights of indigenous communities and minorities to self-governance and cultural preservation. The nature and extent of these rights are still developing and continue to be a topic of discussion and disagreement.

## **PROTECTORS OF FAIRNESS: WORLDWIDE SYSTEMS AND ORGANIZATIONS**

A vast network of international agreements and institutions collaborates to advocate for and safeguard human rights worldwide.

14: The lasting impact of the universal declaration: the universal declaration of human rights (UDHR), even though it is not legally binding, has had an unparalleled influence on the evolution of international human rights law and practice. It acts as a universal moral compass, offering a shared set of values and aspirations that have influenced the creation of international treaties, national constitutions, and human rights movements across the globe.

15: The binding force of international covenants: the international covenant on civil and political rights and the international covenant on economic, social, and cultural rights (ICESCR), both adopted in 1966, are legally binding treaties that elaborate on the rights enshrined in the UDHR. States that agree to these covenants are legally bound to uphold, safeguard, and fulfill the rights outlined in them.

16: The united nations human rights council: a global forum: the united nations human rights council (UNHRC) is an intergovernmental body within the united nations system that focuses on promoting and safeguarding human rights worldwide. It tackles human rights abuses, conducts periodic assessments of member states' human rights records, and establishes global human rights norms.

17: The international criminal court: holding perpetrators accountable: the international criminal court is a court established through treaties and has the authority to prosecute individuals for the gravest international crimes, such as genocide, crimes against humanity, war crimes, and the crime of aggression. It plays a vital role in fighting against impunity for severe human rights abuses.

18: In addition to the global framework, several regional human rights systems have been established, offering localized protection and enforcement of human rights at a continental level. These include the European Court of Human Rights, the Inter-American Commission on Human Rights (IACHR), and the African Commission on Human and Peoples' Rights (ACHPR), each with its own legal instruments and judicial or quasi-judicial bodies.

## **THE UNFINISHED TASK: OVERCOMING OBSTACLES IN THE REALIZATION OF HUMAN RIGHTS**

Despite the substantial advancements in establishing global human rights norms and institutions, the complete realization of these rights on a universal scale continues to pose a significant challenge.

19: The shadow of authoritarianism: in numerous regions across the globe, oppressive regimes persistently stifle dissent, curtail fundamental freedoms like freedom of the press and assembly, and deny their citizens the right to engage in political activities. This suppression frequently results in extensive human rights violations.

20: The persistence of discrimination: discrimination based on race, gender, caste, religion, sexual orientation, disability, and other grounds continues to be a widespread problem in societies worldwide. This pervasive discrimination denies individuals equal opportunities and access to their fundamental rights.

21: The problem of poverty and inequality: extreme poverty and increasing economic disparities deprive millions of people of essential resources like food, shelter, healthcare, and education, denying them their economic and social rights. Economic exploitation worsens these vulnerabilities.

22: The aftermath of armed conflict: wars and internal conflicts create fertile ground for grave human rights violations, such as ethnic cleansing, mass killings, sexual violence, and forced displacement. These conflicts have devastating consequences, destroying lives and eroding the fundamental principles of human dignity.

23: The double-edged sword of technology: while technology has the potential to bring about positive change, it also poses new challenges to the protection of human rights. Surveillance technologies, data breaches, cyberbullying, and the potential for discrimination through artificial intelligence are major concerns that can impact privacy, freedom of expression, and equality.

24: The existential threat of climate change: climate change and environmental degradation disproportionately affect vulnerable communities, infringing upon their rights to health, food, water, housing, and even life. Environmental justice is gaining recognition as a crucial component of human rights.

## **THE PROTECTORS OF LIBERTIES: THE FUNCTION OF ACTORS**

The responsibility for upholding and promoting human rights is shared by a diverse range of actors:

25: Governments: the primary duty bearers: states have the primary responsibility to protect, respect, and fulfill the human rights of all individuals within their territory. This encompasses enacting laws and policies that align with international human rights standards, ensuring their proper execution, and offering redress for any violations.

26: The judiciary: interpreters and protectors: an independent and impartial judiciary plays a critical role in interpreting human rights laws, offering redress to victims of violations, and safeguarding constitutional rights and the rule of law.

27: Civil society organizations, such as non-governmental organizations (NGOs) and advocacy groups, play a vital role in advocating for change by raising awareness about human rights issues, documenting abuses, offering support to victims, and pushing for legal and policy reforms.

28: Independent and responsible media outlets: shining a light on injustice: these media organizations play a crucial role in exposing human rights violations, ensuring accountability, and educating the public about human rights principles and issues.

29: Educational institutions: cultivating a culture of respect: schools and universities have a duty to integrate human rights education into their curricula, nurturing a culture of respect, tolerance, and understanding among future generations.

30: Individuals: the catalysts of change: every individual has a part to play in advancing human rights through their everyday interactions, by confronting prejudice and discrimination, supporting those who have experienced mistreatment, and actively participating in civic life.

## **BUILDING A BETTER WORLD: ADVANCING EQUALITY AND JUSTICE**

Enhancing the global human rights framework necessitates a comprehensive and diverse approach:

31: Promoting human rights education: imparting knowledge and fostering understanding of human rights through formal and informal learning is essential for cultivating a worldwide society that upholds dignity, equality, and fairness.

32: Establishing robust legal frameworks and enforcement mechanisms: countries must ratify and diligently implement international human rights treaties, while also ensuring the presence of independent and adequately funded institutions to monitor and enforce these rights domestically.

33: Fostering inclusive and equitable development: economic growth should be inclusive and equitable, with a special emphasis on marginalized communities, guaranteeing that everyone has access to fundamental economic and social rights.

34: Promoting global collaboration: tackling cross-border human rights issues like climate change, human trafficking, terrorism, and global inequality necessitates enhanced international cooperation and joint efforts.

35: Utilizing technology for human rights: digital tools can be effectively utilized to empower communities, promote transparency, increase participation, and monitor human rights violations, while simultaneously protecting against technological abuses.

## **SUMMARY: A RESOLUTE DEDICATION**

Human rights are not just theoretical legal ideas, they are the core principles that underpin a fair and compassionate society, the essential entitlements that empower individuals to live with dignity, freedom, and equality. The adoption of the UDHR was a significant milestone in the history of human rights, but the path to their complete realization remains a work in progress. Unresolved violations persist, posing a moral dilemma for humanity, emphasizing the ongoing necessity for vigilance and proactive measures. It is the shared duty of governments, international organizations, civil society groups, and every person to safeguard, protect, and advocate for these essential rights. By defending the rights of others, we ensure the preservation of the essence of humanity and create a more fair, balanced, and harmonious world for everyone.