

16. Human Rights Protection and NGOs

Praveen Khanderao Ghodeswar

Associate Professor, Student Services Division, Yashwantrao Chavan Maharashtra Open University, Gowardhan, Nashik.

The establishment of the United Nations in 1945 and the subsequent adoption of UN Human Rights instruments marked an area of concerns for promoting universal respect for observance of human rights for all. There were unprecedented developments in formation of civil & political rights and rights of marginalized groups like women, SC/STs, children, minorities, refugees, migrant labours, third gender etc. The concept of human rights has not developed overnights; it is the result of contributions of several civilizations and states. It has its own course of development at the national, regional and international level. It is the outcome of the contributions, aspirations and experience of generations.

We are aware that Indian constitution has conferred certain fundamental rights on the citizens of the nation. The purpose behind conferring these rights is to assure the citizens about equality and equal protection of law. In the developed as well as developing countries, people enjoy fundamental rights, which help them to live their lives with dignity. It means certain rights are necessary to live with dignity. It's a very basic principle. However, millions of people around the world do not have this fundamental right, which is the basis of all human rights. Human rights include the rights to live, food, shelter, freedom of expression and freedom from violence, religious freedom etc. they are the part of our daily life. They are about how we live individually and in the community. All these human rights are explained in the Universal Declaration of Rights.

The United Nations adopted Universal Declaration of Human Rights in 1948 and covenants on different issues of humanity. Only after the formation of the United Nations, Human rights are recognized formally and universally. The term human rights denote all those rights, which are inherent in our nature and without which we cannot live as human beings. In other words human rights being eternal part of the nature of human beings are essential for individuals to develop their personality, their human qualities, their human intelligence, talent and conscience and to enable them to satisfy their spiritual and other higher needs. Every human

being has right to live and live with dignity. The person has to protect his property and personality. Human beings differ from each other, but the concept of human rights implies that all human beings are equal and have to be treated alike irrespective of their religion, caste, creed, colour, gender, race, place of birth and so on.

Non Governmental Organizations (NGOs) have been major force in the human rights movement throughout the world over the last half century. They are plying a valuable role in the promotion, protection and implementation of human rights all over the world. The NGOs have been given consultative status with the Economic and Social Council (ECOSOC) of the United Nations by the article 71 of the UN charter. There are more than 2500 NGOs who have consultative status with ECOSOC. NGOs have been active in promotion of human rights at the international level since the establishment of UN in 1945. They have played a crucial role in achieving the inclusion of human rights standards in the UN Charter. Since 1960s the influence and reach of NGOs has increased substantially.

Apart from promoting knowledge of and respect for human rights among the masses, fighting against individual violations of human rights, offering direct assistance to those whose rights have been violated, providing platform for the general public to raise human rights standards and providing effective legal aid services at the national level, the NGOs are also engaged in contributing towards the promotion of human rights at international level. According to Minnesota Advocates for human rights, the contribution of NGOs in the field of human rights can be categorized as Setting standards, Documenting violations and Lobbying for an effective enforcement.

The NGOs have been instrumental in setting international human rights standards. NGOs were instrumental in achieving the passage of the Universal Declaration of Human Rights. The NGOs have significantly contributed in the drafting process of UDHR also. NGOs have also played a noteworthy role in the development and evolution of international human rights law through various treaties, conventions and declarations. Several UN human rights conventions pressed by the NGOs have also come into force. These include the Convention on the Elimination of All forms of Discrimination against Women (1981), the Convention against Torture (1987), and the Convention on the Rights of the child (1990). NGOs also pressurized their national governments to sign and ratify the treaties that embody human rights norms and have worked to increase the use of the complaint mechanisms of these treaties. They had a

significant impact at the 1993 World Conference on Human Rights in Vienna. The conference was attended by over 800 NGOs. The NGOs work to document violations of human rights standards. Investigation and documentation by NGOs has been vitally important in bringing human rights abuses to the attention of the United Nations, the international community and the public at large.

The NGOs also contribute towards the protection of human rights by conducting research on various aspects of human rights protection and prevention of human rights abuses. Amnesty International, which was formed in London in 1961, is most popular for its research department. It has accumulated huge amount of data with regard to human rights violations. For its valuable contribution the organization is awarded Nobel Peace Prize in 1977. Similarly, the annual reports on the progress of nations published by Amnesty International, Human Rights Watch etc. throw ample light on the current status of human rights in the countries of the world. NGOs work to create and support enforcement mechanisms. As international human rights standards gained prominence, NGOs started to plead for the creation of special UN mechanisms to enforce the standards. Some of the UN mechanisms that have been created in part because of NGO lobbying include the thematic and country mandates under the office of the High Commissioner of Human Rights. They also keep a watchful eye on the implementation of various human rights legislations and government schemes at the national level. UN general Assembly specifically adopted a 'Declaration on the Rights Responsibility of Individuals, Groups and Organs of Society to promote and Protect Universally Recognized Human Rights and Fundamental Freedoms' in March 1999. This declaration highlights the important role of NGOs along with the states in promotion and protection of human rights.

Indian Civil Liberties Union (ICLU) formed in 1936, one of the first well known human rights organization in India. The importance of ICLU lies in the fact that it contributed to an understanding of what human rights meant, the right to oppose the government. This understanding served its purpose well in the colonial period and continuous to influence the nature of the rights up to today. The agenda of NGOs in India is complex. However, with their active involvement and agitation human rights violations are being taken seriously by the government.

With the establishment of the National Human Rights Commission (1993) Government has shown eagerness in involving NGOs in various human rights empowering activities. In fact,

under section 12(1) of The Protection of Human Rights Act, 1993, the NHRC is expected to work in coalition with NGOs to promote human rights related activities. With a view to achieve these objectives the NHRC has constituted a core group and also appointed a special rapporteur. The core group has been assigned with duties mentioned below:

1. To identify NGOs engaged in the field of Human Rights with good record of accomplishment, for the purpose of consultation and interaction on a regular basis on issues concerning human rights and to build up a database of NGOs.
2. To identify the broad areas of cooperation between the NHRC and the selected NGOs from different regions.
3. To identify important human rights issues, which could be jointly taken up with the NGOs after considering the suggestions, feedback and proposals received from them.
4. To consider any other issues relevant to the consultation with the NGOs.

There are many accomplished NGOs are working in the area of human rights protection.

We can look into the brief profiles of some of them:

1. Campaign Against Child Labour (CACL): it is a joint initiative of Youth for Voluntary Action (YUVA), Pune and Tere des Homes (Germany) India Programme. The Campaign is currently supported by International Labour Organization (ILO) and is actively working for progressive eradication of child labour through provision of education, organization of awareness programmes, promotion of legislative changes and rescuing children in bondage or victims of abuse.
2. Child Relief and You: it is a voluntary organization committed to the upliftment of millions of children who have been deprived of their childhood due to different reasons.
3. Butterflies: it is an NGO with a programme for street and working children. It was established in 1988 and its activities include non-formal education, saving schemes for children, vocational training, holding Bal Sabhas and creating awareness for children's rights.
4. Sulabh Movement: it is a major social movement in the country for the betterment and welfare of Dalits, in a generic sense and in mainstreaming of scavengers.

5. Organizations like Saheli, Sakhi and Chetana are actively involved in the protection of Women's Rights. They provide free legal aid to women to fight for their rights against gender bias and discrimination.

To conclude, NGOs constitute one of the most important elements of civil society and they help individuals to take up human rights violations with the State and even with the UNO. However, one must be aware about distinction between credible and non-credible NGOs. The NGOs that have affiliations with the political parties cannot be believed to be human rights organizations, because they do not have independent voice.

References

1. Protection of Human Rights Act, 1993
2. The Constitution of India/ Jain M.P./ Wadhwa Publication
3. Role of Civil Society Organizations and Human Rights Defenders in Protection and Promotion of Human Rights 2003 / Tiwari Arvind / TISS Project Report
4. What Are Human Rights ?/ Cranston M./ Bodley Head, London