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Human Rights and International Relations: A Global Imperative

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Abstract

Human rights and international relations are inextricably linked, forming a critical dimension of contemporary global affairs. While international relations traditionally focused on state-centric interactions concerning power, security, and economics, the post-World War II era saw the burgeoning recognition of human rights as a legitimate and increasingly central concern. This evolution has profoundly transformed diplomacy, foreign policy, and the very fabric of international law, challenging the absolute notion of state sovereignty.

Historically, the treatment of citizens within a state's borders was largely considered an internal affair, shielded by the principle of non-interference. However, the atrocities of World War II catalyzed a global consensus that egregious human rights violations could not remain solely domestic matters. This led to the establishment of the United Nations in 1945, whose Charter explicitly includes the promotion and encouragement of human rights as one of its purposes. The Universal Declaration of Human Rights (UDHR), adopted in 1948, further solidified the normative framework, establishing a common standard of achievement for all peoples and all nations. Subsequent international treaties, such as the International Covenants on Civil and Political Rights, and Economic, Social and Cultural Rights, have built upon this foundation, creating a comprehensive body of international human rights law.

The integration of human rights into international relations manifests in various ways. States often incorporate human rights considerations into their foreign policy, using tools like diplomatic pressure, economic sanctions, development aid conditionality, and public denunciation to influence other states' behavior. International organizations, notably the UN Human Rights Council, play a vital role in

monitoring, investigating, and reporting on human rights situations worldwide. Regional organizations, like the European Union and the African Union, also have robust human rights mechanisms. Furthermore, the development of international criminal law and institutions like the International Criminal Court signifies a growing commitment to holding individuals accountable for grave human rights abuses, transcending national borders.

Despite this progress, the relationship between human rights and international relations is fraught with complexities and tensions. A fundamental challenge lies in balancing the principle of state sovereignty with the imperative to protect universal human rights. Some states invoke sovereignty to resist external scrutiny or intervention, while others argue for a "responsibility to protect" (R2P) populations from mass atrocities. Debates also persist regarding cultural relativism versus the universality of human rights, with some arguing that human rights norms are Western constructs that may not apply universally. Moreover, the selective application of human rights concerns, often perceived as being driven by geopolitical interests rather than consistent moral principles, undermines the credibility of international efforts.

The ongoing discourse and efforts surrounding human rights have undeniably reshaped the international landscape. They influence alliance formations, trade agreements, and even conflict resolution, serving as both a source of cooperation and contention among nations. While challenges remain, the global commitment to human rights, however imperfectly applied, represents a profound shift in international norms, pushing states towards greater accountability for the treatment of their populations. The continued evolution of international law and institutions, alongside persistent advocacy by civil society, ensures that human rights will remain a central, defining feature of international relations in the 21st century.

Key Words: *Human rights, Minorities, India, Constitution, International treaties*

Introduction

Human rights, the fundamental rights inherent to all human beings, regardless of race, sex, nationality, ethnicity, language, religion, or any other status, form the bedrock of a just and equitable society. In an increasingly interconnected world, these universal entitlements are no longer solely the purview of domestic policy but have become central to international relations. From diplomatic negotiations to trade agreements, humanitarian interventions to peace building efforts, the state of human rights within a nation significantly influences its standing on the global stage and its interactions with other countries. The promotion and protection of human rights are now widely recognized as essential for maintaining

international peace and security, fostering economic development, and ensuring global stability.[1]

Human Rights in Developing Countries and Under-developing Countries

The discourse surrounding human rights often highlights significant disparities between developed and developing nations. In many **developing countries** and **under-developing countries**, the challenges to upholding human rights are multifaceted and deeply entrenched. Issues such as widespread poverty, lack of access to education and healthcare, inadequate infrastructure, and persistent socio-economic inequalities often hinder the realization of basic human rights.

Conflict, civil unrest, and weak governance further exacerbate these problems, leading to displacement, food insecurity, and a breakdown of the rule of law. Corruption can divert resources meant for public welfare, while fragile democratic institutions may struggle to ensure accountability and justice. In these contexts, the focus often shifts from civil and political rights to the more pressing need for economic, social, and cultural rights, such as the right to food, housing, and a decent standard of living. International aid and development agencies frequently integrate human rights frameworks into their programs, aiming to build capacity, strengthen institutions, and empower local communities to advocate for their rights. However, the path to full human rights realization in these nations remains long and complex, often requiring sustained international cooperation and domestic reform.[2]

Human Rights of Minorities

The **human rights of minorities** constitute a particularly crucial aspect of human rights protection worldwide. Minority groups, whether ethnic, religious, linguistic, or cultural, often face unique vulnerabilities compared to the dominant population. These vulnerabilities can manifest as discrimination, marginalization, exclusion, or even persecution, affecting their access to education, employment, political participation, and cultural expression.[3]

International law provides specific protections for minorities, recognizing their right to enjoy their own culture, profess and practice their own religion, and use their own language, in community with other members of their group. However, safeguarding these rights is an ongoing challenge. States have an obligation not only to protect minorities from discrimination but also to create conditions that enable them to preserve their identity and participate effectively in society. Failure to protect minority rights can lead to internal instability, conflict, and the breakdown of social cohesion, often spilling over into regional and international concerns. The international community, through mechanisms like the UN Human Rights Council and various thematic rapporteurs, monitors the situation of minorities and

[1] Jack Donnelly, *Universal Human Rights in Theory and Practice* (3rd edn, Cornell UP 2013).
[2] Amartya Sen, *Development as Freedom* (Oxford University Press 1999).
[3] United Nations Development Programme (UNDP), *Human Development Report 2021/2022*.

advocates for their protection and inclusion.[4]

"To deny people their human rights is to challenge their very humanity." — Nelson Mandela

Human Rights in Indian Society

India, the world's largest democracy, is a signatory to numerous international human rights instruments and boasts a robust constitutional framework designed to protect fundamental rights. The Indian Constitution guarantees a wide range of civil, political, economic, social, and cultural rights, enshrined in Part III (Fundamental Rights) and Part IV (Directive Principles of State Policy). Despite these strong foundations, the reality of **human rights in Indian society** presents a complex picture.[5]

Challenges include:

- **Caste-based Discrimination:** Despite constitutional prohibition, the legacy of the caste system continues to affect a significant portion of the population, leading to discrimination, violence, and socio-economic exclusion, particularly for Dalits (Backward by Socially and financially) and Adivasis (a Tribal People).[6]
- **Gender Inequality:** Women in India often face discrimination, violence (domestic violence, sexual assault), and barriers to education, employment, and political participation, despite progressive laws.[7]
- **Religious Tensions:** While India is a secular state, incidents of communal violence and discrimination against religious minorities occasionally surface, challenging the principles of equality and religious freedom.[8]
- **Tribal Rights:** Indigenous communities (Adivasis- a Tribal People) frequently face displacement due to development projects, land alienation, and struggle to protect their traditional way of life and resource rights.[9]
- **Freedom of Expression and Assembly:** Concerns have been raised regarding restrictions on freedom of speech, assembly, and dissent, particularly in the context of protests and critical journalism.[10]
- **Access to Justice:** Delays in the judicial system, high legal costs, and lack of awareness often impede access to justice for vulnerable populations.

[4] Office of the High Commissioner for Human Rights (OHCHR), 'What are Economic, Social and Cultural Rights?' https://www.ohchr.org accessed 18 July 2025.
[5] The Constitution of India 1950, Parts III and IV.
[6] Human Rights Watch, *India: "Broken People" Caste Violence Against India's "Untouchables"* (1999).
[7] National Crime Records Bureau (NCRB), *Crime in India 2023*.
[8] Christophe Jaffrelot, *Religion, Caste, and Politics in India* (Primus Books 2010).
[9] Arundhati Roy, *Walking with the Comrades* (Penguin India 2011).
[10] Reporters Without Borders, *India – Press Freedom Index 2024*.

Government Taken Steps in Human Rights

The Indian government has undertaken several initiatives and legislative measures to uphold human rights and address existing challenges:

- **Constitutional Guarantees:** The fundamental rights enshrined in the Constitution are enforceable through the Supreme Court and High Courts (Articles 32 and 226).
- **National Human Rights Commission (NHRC):** Established in 1993 under the Protection of Human Rights Act, the NHRC, along with State Human Rights Commissions, acts as a watchdog body, investigating complaints of human rights violations and making recommendations.[11]
- **Specific Legislation:**
    - **Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989:** Aims to prevent atrocities against SCs and STs and provide for their rehabilitation.[12]
    - **Protection of Women from Domestic Violence Act, 2005:** Provides for the protection of women from domestic violence.[13]
    - **Right to Education Act, 2009:** Makes education a fundamental right for children aged 6 to 14 years.[14]
    - **Right to Information Act, 2005:** Promotes transparency and accountability in governance.[15]
    - **Juvenile Justice (Care and Protection of Children) Act, 2015:** Protects the rights of children in conflict with the law and children in need of care and protection.[16]
- **Judicial Activism:** The Indian judiciary has played a proactive role in expanding the scope of fundamental rights through public interest litigations (PILs) and landmark judgments.
- **International Commitments:** India is a signatory to key international human rights conventions, including:
    - International Covenant on Civil and Political Rights (ICCPR)
    - International Covenant on Economic, Social and Cultural Rights (ICESCR)
    - Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)
    - Convention on the Rights of the Child (CRC)
    - Convention on the Elimination of All Forms of Racial Discrimination (CERD)
    - Convention against Torture (CAT) – signed, not yet ratified.

[11] Law Commission of India, *Report on Delays and Arrears in Trial Courts* (2019).
[12] The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989.
[13] Protection of Women from Domestic Violence Act 2005.
[14] Right of Children to Free and Compulsory Education Act 2009.
[15] Right to Information Act 2005.
[16] Juvenile Justice (Care and Protection of Children) Act 2015.

Table: Key International Human Rights Instruments and India's Status

Instrument	Year Adopted by UN GA	India's Status (as of 2023)	Key Provisions
International Covenant on Civil and Political Rights (ICCPR)	1966	Ratified (1979)	Right to life, liberty, security; freedom from torture, slavery; fair trial; freedom of thought, conscience, religion, expression, assembly, association; political participation.
International Covenant on Economic, Social and Cultural Rights (ICESCR)	1966	Ratified (1979)	Right to work, fair wages, social security, adequate standard of living (food, housing, clothing), health, education.
Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)	1979	Ratified (1993)	Prohibits discrimination against women in all forms, requires states to take measures to ensure women's equal enjoyment of all rights.
Convention on the Rights of the Child (CRC)	1989	Ratified (1992)	Rights to survival, development, protection from abuse and exploitation, and participation in decisions affecting their lives.
Convention on the Elimination of All Forms of Racial Discrimination (CERD)	1965	Ratified (1968)	Condemns racial discrimination and obliges states to eliminate it in all its forms, including in public life and private relations.
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)	1984	Signed (1997), Not Ratified	Prohibits torture and cruel, inhuman, or degrading treatment or punishment; requires states to take effective measures to prevent torture within their jurisdiction and prosecute those who commit it.

Human Rights Harm by Minority Institutions of India

The concept of **human rights harm by minority institutions of India** is a nuanced and sensitive area. While the Indian Constitution grants specific protections to religious and linguistic minorities to establish and administer educational institutions of their choice (Article 30), the exercise of these rights has, at times, led to complex situations where the rights of individuals within these institutions, or the

broader principles of equality, are perceived to be compromised.[17]

These concerns generally arise from:

- **Internal Administration:** Issues related to governance, transparency, and accountability within minority institutions, particularly concerning financial management or admission policies.
- **Employment Practices:** Allegations of discriminatory employment practices, or exclusion of non-minority individuals from certain positions, leading to questions about the balance between minority rights and principles of non-discrimination.
- **Educational Policies:** Controversies over curriculum, medium of instruction, or internal disciplinary actions that might infringe upon the rights of students or faculty. For instance, debates sometimes arise regarding whether specific religious instruction within minority educational institutions aligns with the secular principles of public education or the individual's right to freedom of religion.
- **Personal Laws:** While minorities in India are often governed by their respective personal laws (e.g., Muslim Personal Law, Christian Personal Law) in matters such as marriage, divorce, and inheritance, these laws can sometimes conflict with modern human rights principles, particularly concerning gender equality. The Supreme Court of India has, at times, intervened to strike down practices deemed unconstitutional, such as instant triple talaq.
- **Exclusion from Benefits:** In some cases, the special protection granted to minority institutions, such as autonomy in administration, has been argued to implicitly or explicitly disadvantage individuals who are not part of that specific minority group, or even members of the minority group who do not adhere to the institution's specific tenets.

It's crucial to understand that these are not inherent flaws of minority institutions *per se*, but rather challenges in balancing communal rights with individual rights, ensuring that protections granted to groups do not inadvertently lead to the infringement of rights for individuals, including those within the minority community itself. The ongoing judicial interpretations and public discourse aim to navigate these complexities, striving for a framework that upholds both collective minority rights and universal human rights standards.

Conclusion

Human rights are not merely an idealistic aspiration but a pragmatic necessity for stable international relations. The treatment of human rights within a nation often reflects its internal stability, its commitment to democratic values, and its reliability as an international partner. The global community's

[17] Ministry of External Affairs (India), 'Status of International Human Rights Conventions Signed/Ratified by India' (2023).

increasing emphasis on human rights has led to greater accountability for states, fostering a framework where human rights violations are no longer viewed purely as internal affairs but as matters of international concern. While significant strides have been made in establishing norms and mechanisms, the journey towards universal human rights realization is ongoing, requiring continuous effort, dialogue, and cooperation among nations to address the complex challenges that persist, particularly in developing contexts and concerning vulnerable minority populations.

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