Human Rights: Universal Entitlements and Their Role in Modern Society

Dr. Shweta Sharma[1] and Dr. Ajit Singh[2*]
[1]*Assistant Professor, Department of History, S S Jain Subhodh PG Autonomous College, Jaipur, India*
[2]*Associate Professor, Department of Regional Economics, Mahatma Jyotiba Phule Rohilkhand University, Bareilly, India*

[*]***Corresponding Author:*** *Dr. Ajit Singh*

ABSTRACT
Human rights are universal entitlements that every individual holds by virtue of their humanity, regardless of race, gender, nationality, ethnicity or religion. The paper underscores the role of human rights as protective mechanisms, guiding principles and judicial recourse while suggesting reforms to improve their application in global governance and legal systems. The paper adopts a historical analysis to examine the historical development of human rights, identify contemporary challenges, and propose possible solutions.. We used secondary source of data which includes international documents like the Universal Declaration of Human Rights (UDHR), and critiques from postcolonial and cultural relativist perspectives are analyzed. It categorizes human rights into civil, political, economic, social, and cultural rights, assessing their relevance and limitations in the modern era. Solutions such as strengthening judicial mechanisms, fostering global cooperation, and addressing cultural variances are offered to enhance the enforcement of human rights in the face of modern challenges.

Keywords: human rights, civil and political rights, udhr, judicial recourses

I. INTRODUCTION

Human rights are fundamental entitlements that belong to every person, regardless of nationality, ethnicity, religion, or any other status. These rights are considered inherent and inalienable, meaning they are intrinsic to every individual simply by virtue of being human. Rooted in the principles of dignity, equality, and respect, human rights aim to protect individuals from abuses, ensure their ability to participate fully in society, and provide the foundation for freedom and justice.Universal Entitlement Human rights are universal, applying equally to all people without discrimination. This universality was solidified in 1948 with the adoption of the Universal Declaration of Human Rights (UDHR) by the United Nations. The UDHR outlines a broad range of rights, including civil, political, economic, social, and cultural rights, such as the right to life, freedom of speech, education, and fair working conditions.The principle of universality emphasizes that human rights are not dependent on cultural, social, or political contexts. They transcend boundaries and are non-negotiable. This entitlement creates a framework where individuals, regardless of where they live, have the same fundamental protections and freedoms.However, contemporary issues such as the erosion of civil liberties, rising authoritarianism, the refugee crisis, and labor exploitation by multinational corporations continue to challenge the integrity of human rights protections. Postcolonial critiques also question the universality of the human rights framework, arguing that it reflects Western ideals that may not align with diverse cultural contexts.

Additionally, emerging challenges like digital privacy, climate change, and environmental rights further complicate the global human rights landscape, necessitating a re-examination of existing frameworks. This paper explores the historical evolution of human rights, current challenges, and proposes solutions to strengthen legal and international structures designed to protect these rights. By addressing the tension between universality and cultural relativism, this research offers insights into how human rights can adapt to meet the global challenges of the 21st century.In summary, human rights are the foundation of modern civilization, ensuring that every person can lead a life of dignity and respect. They are essential in promoting peace, justice, and sustainable development, making them vital to both individual and societal progress in the contemporary world.

II. CONCEPT OF HUMAN RIGHTS

Human rights are fundamental freedoms that every person has by virtue of being a human being. Civil, political, economic, social, and cultural rights are all included in this. The idea that all people have the same rights and freedoms, irrespective of their individual characteristics or affiliations, is the foundation of the universality of human rights. (World

Health Organization: WHO, 2023) A wide range of these rights are outlined in the UDHR, such as the freedom of speech, life, liberty, and protection from cruel treatment. Article 1 of UHDR states that "All human beings are born free and equal in dignity and rights" (UNFPA, 2005)

Nonetheless, there have been objections to and difficulties with the universality idea. For example, cultural relativism contends that historical and cultural variances should be taken into account when interpreting human rights. The application of global human rights standards is seen by certain regimes as a manifestation of Western hegemony. The International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social, and Cultural Rights (ICESCR) are two international treaties and conventions that have reinforced the universality principle, which continues to be a fundamental component of international human rights law despite these obstacles.

III.   KEY PRINCIPLES OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS

1. Universality and Inalienability

Universality: Human rights apply to all people, regardless of nationality, ethnicity, gender, or any other status. Article 1 state, "All human beings are born free and equal in dignity and rights"(Wikipedia contributors, 2024)
Inalienability: These rights cannot be surrendered or transferred. They are inherent to every individual and cannot be taken away. (*Human Rights Principles*)

2. Indivisibility

Human rights are indivisible; no right is more important than another. The violation of one right can adversely affect the enjoyment of others. For example, the right to health is interconnected with the right to education and adequate living standards.

3. Interdependence

The fulfillment of one human right often depends on the fulfillment of others. For instance, access to healthcare may rely on adequate living conditions or education. This principle underscores the need for a holistic approach in addressing human rights issues.

4. Equality and Non-discrimination

All individuals are entitled to their rights without discrimination of any kind, including race, color, sex, language, religion, political opinion, or social origin. This principle is fundamental in ensuring that everyone has equal access to their rights.

5. Participation and Inclusion

Individuals have the right to participate in decisions that affect their lives and well-being. This principle emphasizes the importance of involving communities and marginalized groups in governance processes.

6. Accountability and Rule of Law

States and other duty-bearers are accountable for upholding human rights. There must be legal mechanisms in place for individuals to seek redress when their rights are violated. This principle ensures that governments are held responsible for their actions regarding human rights.

IV.   ROLE IN MODERN SOCIETY

In today's interconnected world, human rights play a crucial role in shaping societies and governance. They serve as a guiding framework for national and international laws, policies, and institutions. The protection and promotion of human rights have become central to issues such as social justice, equality, and development.

1. **Protection of Dignity and Freedom:** Human rights safeguard individuals against oppression, abuse, and injustice. They ensure that people can live free from fear and discrimination, whether based on race, gender, religion, or other factors.
2. **Foundation of Democracy:** Human rights underpin democratic systems by ensuring that governments respect the will and freedoms of the people. Rights like freedom of expression, assembly, and the right to vote are essential for a functioning democracy.
3. **Promoting Social and Economic Justice:** Human rights frameworks also address inequalities by advocating for social and economic rights, such as access to healthcare, education, and fair labor practices. These rights are essential for ensuring that all individuals have an opportunity to achieve their full potential.
4. **Global Peace and Security:** The recognition of human rights is crucial in addressing global challenges such as conflict, migration, and environmental crises. Protecting human rights helps prevent the conditions that lead to instability, including oppression and inequality.

V.   OBJECTIVES

The primary objectives of this research are to:
1. To find the historical evolution of human rights from ancient legal codes to modern international frameworks.
2. To evaluate the achievement and limitations of UHDR in protecting individual freedoms and collective well-being.

VI.   METHODOLOGY

This study employs a historical methodology, focusing on the philosophical and legal texts that have shaped the development of human rights. Central documents such as the Magna Carta, the UDHR, and various United Nations covenants are analyzed alongside contemporary scholarly critiques. Secondary literature from both classical and modern scholars is reviewed to provide a comprehensive understanding of human rights' evolution. The study critically engages with postcolonial and cultural relativist perspectives, offering a balanced view of the universal and culturally specific interpretations of human rights.

Although this methodology facilitates a comprehensive understanding of human rights' historical trajectory, the limitations of historical sources reflecting their time's biases are acknowledged. These limitations are addressed by incorporating sources from diverse cultural and historical contexts to present a balanced perspective.

VII.   HISTORICAL BACKGROUND AND EVOLUTION OF HUMAN RIGHTS

The origins of human rights can be traced to legal codes and philosophical traditions that sought to establish justice and protect individuals. Early legal systems, like the Code of Hammurabi (circa 1754 BCE), introduced justice principles, although these were often confined to certain social hierarchies. In ancient India, the Edicts of Ashoka (3rd century BCE) emphasized welfare and justice for marginalized groups, providing an early codification of human dignity (Thapar, 1997).

The Magna Carta of 1215 marked a turning point in human rights history, limiting monarchical power and affirming that even rulers were subject to the law (Vincent, 2012). However, the Enlightenment era laid the philosophical foundation for modern human rights. Thinkers such as John Locke and Jean-Jacques Rousseau advanced the concept of natural rights, inherent to all individuals, that governments should protect (Hunt, 2007).

The 20th century saw a significant leap with the adoption of the UDHR in 1948, which set a comprehensive framework of civil, political, economic, social, and cultural rights (Glendon, 2001). However, inconsistent application, particularly in non-Western contexts, has led to critiques of the UDHR's universality.

VIII.   CONTEMPORARY CHALLENGES AND SOLUTIONS

Today, several challenges underscore the limitations of current human rights frameworks. The rise of authoritarian regimes has led to restrictions on civil liberties and democratic participation. Additionally, multinational corporations, especially in the digital and labor sectors, face accusations of exploiting human rights through exploitative labor practices and insufficient protections.

1. Strengthening Judicial Mechanisms: Enhancing both national and international judicial mechanisms is key to addressing these issues. Courts like the International Criminal Court (ICC) and the European Court of Human Rights (ECHR) need more authority and resources to hold governments and corporations accountable for human rights violations. National judicial systems also need reform to provide marginalized communities better access to legal recourse.

2. Global Cooperation and Accountability: Issues such as human trafficking, environmental degradation, and refugee rights require heightened international cooperation. Strengthening international treaties and mechanisms that hold corporations accountable to human rights standards is critical for addressing the transnational nature of many violations.

3. Balancing Universality and Cultural Relativism: Postcolonial critiques call for more flexibility in applying human rights. Integrating local traditions and cultural values into the global human rights framework may ease tensions between universal standards and local contexts. This adaptive approach could lead to greater acceptance and enforcement of human rights in non-Western societies.

IX.   CONCLUSION

The evolution of human rights represents humanity's ongoing commitment to preserving dignity and justice. While human rights serve as protective mechanisms, guiding principles, and judicial recourse, modern challenges require reform and innovation. Strengthening judicial systems, fostering global cooperation, and addressing cultural relativism are critical steps to

ensuring human rights' continued relevance and efficacy in protecting individuals and communities worldwide. While the journey toward the full realization of universal human rights is fraught with challenges, the commitment to these rights continues to shape the trajectory of modern societies. The universality of human rights provides a moral and legal compass for nations to strive toward more just, equitable, and peaceful societies. Moving forward, the human rights discourse must address emerging global issues such as technological advancements, climate change, and economic inequality to ensure that rights remain relevant and accessible to all. As global dynamics shift, the protection and promotion of human rights will depend not only on legal frameworks and international treaties but also on the collective action of individuals, communities, and institutions committed to justice and human dignity for all.

REFERENCES

1. An-Na'im, & Abdullahi Ahmed. (1990). *Human rights in cross-cultural perspectives: A quest for consensus*. Philadelphia: University of Pennsylvania Press.
2. Ashcroft, Richard, et al. (2010). Human rights, bioethics, and public health: Balancing interests in the modern world. *Public Health Ethics, 3*(2), 1-10.
3. Clapham, Andrew. (2007). *Human rights: A very short introduction*. Oxford: Oxford University Press.
4. Evans, Malcolm D. (2001). *International law*. Oxford: Oxford University Press.
5. Freeman, Michael. (2011). *Human rights: An interdisciplinary approach*. Cambridge: Polity Press.
6. Glendon, & Mary Ann. (2001). *A world made new: Eleanor roosevelt and the universal declaration of human rights*. New York: Random House.
7. Hunt, Lynn. (2007). *Inventing human rights: A history*. New York: W.W. Norton.
8. Ishay, Micheline. (2004). *The history of human rights: From ancient times to the globalization era*. Berkeley: University of California Press.
9. Schabas, William A. (2007). *An introduction to the international criminal court*. Cambridge: Cambridge University Press.
10. Sen, Amartya. (2009). *The idea of justice*. Cambridge, MA: Belknap Press.
11. Thapar, Romila. (1997). *Ashoka and the dDecline of the Mauryas*. Oxford: Oxford University Press.
12. United Nations. (1966). *International covenant on economic, social and cultural rights*.
13. United Nations. (1979). *Convention on the elimination of all forms of discrimination against women*.
14. Vincent, R.J. (2012). *Human rights and international relations*. Cambridge: Cambridge University Press.
15. Zyl, Danie G. Van. (2005). *International law and human rights*. Oxford: Oxford University Press.
16. *Human rights principles*. (n.d.). United Nations Population Fund.https://www.unfpa.org/resources/human-rights-principles.
17. World Health Organization: WHO. (2023, December 1). *Human rights*. https://www.who.int/news-room/fact-sheets/detail/human-rights-and-health.
18. Wikipedia contributors. (2024, September 18). *Universal declaration of human rights*. Wikipedia. https://en.wikipedia.org/wiki/Universal_Declaration_of_Human_Rights.
19. *Human rights principles*. (n.d.). https://www.humanrightscommission.ky/human-rights-principles.