



## **Paper-Fifth**

<b>Course</b>	<b>Subject</b>	<b>Subject Code</b>
<b>MSW</b>	<b>Social Work and Human Rights</b>	<b>MSW-205</b>

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## INTRODUCTION

The social work profession shares a close relationship with human rights because it adheres to values such as respect, dignity, and self-determination - values that are strongly embedded in the code of ethics for all practitioners. The client-social worker relationship has long been celebrated. The profession is highly regarded for challenging the inhumane treatment of vulnerable people, its commitment to challenging anti-oppressive practice, and most importantly, ensuring that vulnerable people are given a voice! Human rights are particularly important for social workers when making decisions that concern the future care needs of individuals.

Human rights are "commonly understood as inalienable fundamental rights to which a person is inherently entitled simply because she or he is a human being. Human rights are thus conceived as universal (applicable everywhere) and egalitarian (the same for everyone).

These rights may exist as natural rights or as legal rights, in local, regional, national, and international law. Social Work is the professional activity of helping individuals, groups, or communities enhance or restore their capacity for social functioning and creating societal conditions favorable to this goal. Social work in its various forms addresses the multiple, complex transactions between people and their environments. Its mission is to enable all people to develop their full potential, enrich their lives, and prevent dysfunction. Professional social work is focused on problem-solving and change.

The term "human rights" refers to those rights that are considered universal to humanity, regardless of citizenship, residency status, ethnicity, gender, or other considerations. "The social work profession promotes social change, problem-solving in human relationships and the empowerment and liberation of people to enhance well-being. Utilizing theories of human behavior and social systems, social work intervenes at the points where people interact with their environments. Principles of human rights and social justice are fundamental to social work". (International Federation of Social workers, IFSW: 1982)

Social workers should promote conditions that encourage respect for cultural and social diversity within the globe. Social workers should promote policies and practices that demonstrate respect for difference, support and expansion of cultural knowledge and resources, advocate for programmes and institutions that demonstrate cultural competence and promote policies that safeguard the rights and confirm equity and social justice for all people. (NASW, 1996: Page 27) (These are very similar to Human Rights).

The centrality of human rights in Social Work: They help people undertake a social analysis of where they are now. They are often the catalyst for helping people find and achieve change in their lives. The process of change is through building up trust and the social relationship with the person making that change in their lives.

Social workers adopt a human rights approach by

- a) Meeting and balancing need, risk and human rights in everyday practice,
- b) Undertaking professional social work tasks with individuals, families and groups by helping people achieve change and helping people to undertake a social analysis of where they are now.
- c) Operating as social catalysts to encourage the process of change via building trust and social relationships with those people with whom they work.

The IFSW position, which states that social work is a human rights profession, is accepted but has raised considerable debate (Ife, 2001) Healy (2008) provides a critical appreciation of this from a variety of perspectives that helps us to understand some of the uncertainties that demand professional engagement and judgement from social workers.

Human Rights are inseparable from Social work theory, values and ethics, and practice. Rights are corresponding to human needs. Have to be upheld and fostered and they embody the justification and motivation for social work action. Advocacy of such rights must, therefore, be an integral part of social work, even if in countries living under authoritarian regimes such advocacy can have serious consequences for Social work professionals.

### **Social Work: A Human Rights Profession!**

It is the core of social work to promote and safeguard a just society and to defend the rights and interests of vulnerable citizens. The current international definition of social work confirms this stance and states that: “Principles of social justice, human rights, collective responsibility and respect for diversities are central to social work.”

Social work is neither a value-neutral practice nor a practice devoid of power in addressing issues of injustice and inequality. It comprises essentially a social, political and ethical mission and practice. Social work is a human rights profession! Day after day social workers attempt to combat practices and mechanisms of exclusion of people and contribute to social justice and human dignity.

In recent years, human rights and the accompanying political mission in social work have often been subject to technical and instrumental conceptions of professionalization, aiming at individual support or cultural or social activation. Similar tendencies can be observed in the daily practice of social workers. As a result, the socio-political context of social work became underexposed. Part of the normative dimension of the professionalization of social work is to practice the profession on the basis of fundamental human rights.

Recent international developments in social work, such as the adoption of a new definition of social work in 2014, recognize that social work is both an autonomous profession and an academic discipline. This new focus on social work as an independent discipline alongside other disciplines may also give new impetus to social work degrees to develop their own perspective in which human rights have a central place.

Social work and human rights are intrinsically linked. Social workers are champions for human rights, working to ensure that everyone has the opportunity to live a life of dignity and well-being. The core principles of social work, such as social justice, self-determination, and the inherent worth and dignity of every person, align perfectly with the principles of human rights.

Social workers play a critical role in promoting and protecting human rights in a variety of ways,

**Direct practice:** Social workers work directly with individuals, families, and communities to address issues such as poverty,

### **Social Work is a Human Rights profession The International Definition of**

**Social Work states:** 'Principles of Human Rights and social justice are fundamental to Social Work' (IFSW/IASSW, 2000). The 2004 ethics document is based on the definition and lists Human Rights treaties 'particularly relevant to Social Work practice and action'. Among the most important are

- The European Convention on Human Rights (ECHR) (1953)
- The International Covenant on Civil and Political Rights (ICCPR) (1966);
- The International Covenant on Economic, Social and Cultural Rights (ICESCR) (1966);
- The International Convention on the Elimination of All Forms of Racial Discrimination (1969);
- The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)(1979);
- The Convention on the Rights of the Child (CRC) (1989); • The Convention on the Rights of Persons with Disabilities (2006);

Social Work Practice Meeting Human Rights The Global Standards in the Social Work profession identify the core purposes of Social Work in the global context. These clearly show how Social Workers promote the realisation of Human Rights by:

- a. Facilitating the inclusion of marginalised, socially excluded, dispossessed, vulnerable and at-risk groups of people;
- b. Addressing and challenging barriers, inequalities and injustices that exist in society;
- c. Forming short and longer-term working relationships with and mobilising individuals, families, groups, organisations and communities to enhance their wellbeing and their problem-solving capacities;
- d. Assisting and educating people to obtain services and resources in their communities;
- e. Formulating and implementing policies and programmes that enhance people's wellbeing, promoting development and Human Rights and collective social harmony and social stability, insofar as such stability does not violate Human Rights;
- f. Encouraging people to engage in advocacy with regard to pertinent local, national, regional and/or international concerns;
- g. Acting with and/or for people to advocate the formulation and targeted implementation of policies that are consistent with the ethical principles of the profession;

- h. Acting with and/or for people to advocate changes in those policies and structural conditions that maintain people in marginalized, dispossessed and vulnerable positions, and those that infringe the collective social harmony and stability of various ethnic groups, insofar as such stability does not violate Human Rights
- i. Working towards the protection of people who are not in a position to do so themselves, for example children and youth in need of care and persons experiencing mental illness or mental retardation, within the parameters of accepted and ethically sound legislation;
- j. Engaging in social and political action to impact social policy and economic development, and to effect change by critiquing and eliminating inequalities;
- k. Enhancing stable, harmonious and mutually respectful societies that do not violate people's Human Rights;
- l. Promoting respect for traditions, cultures, ideologies, beliefs and religions amongst different ethnic groups and societies, insofar as these do not conflict with the fundamental Human Rights of people.
- m. Planning, organizing, administering and manage programs.

### **Mechanism for Protecting Human Rights in India:**

**Introduction** The State maintains the framework of social order by implementation of various laws without which well-ordered social life would not be possible.

Various philosophers of social contract theory are of the view that object of the creation of state is to maintain and protect the rights of individuals. According to Aristotle, State came into existence out of basic necessities of life and continues for the sake of good life.<sup>1</sup> Prof. Laski expressed that State is known by the rights it maintains.<sup>2</sup> Similarly Locke was of the view that end of state is to remove the obstacles that hinder the development of an individual.<sup>3</sup> Thus, the existence of the state is recognized with the protection of rights and liberties of individual which is the main object of state.

Protection of the dignity of an individual is essential for harmony in the society, as its violation can have grave impact on individual in particular and on society in general. Each individual is entitled to some rights which are inherent to human existence. Such rights should not be violated on the grounds of gender, race, caste, ethnicity, religion etc. these are called human rights. Human rights are also known as basic rights, fundamental rights, natural rights or inherent rights. The concept of human right is not a new phenomenon, 'Human Rights' is a twentieth century term but its notion is as old as humanity. It has gone through various stages of development and has taken long time to become the concept of present day. These rights had place in all ancient societies though referred by different names<sup>4</sup>, it includes civil rights, liberties and social cultural and economic rights. These rights are essential for all individual as these are consonant with the freedom and dignity and ultimately contribute to social welfare. Protection of human rights is a necessity for the development and growth of an individual personality, which ultimately contributes in the development of the nation as a whole. It is an internationally recognized issue and various international instruments have been established for the protection of human rights. The concept of human rights is dynamic and adapts to the needs of the nation and its people. The ultimate purpose of the national as well as international law is to safeguard the human rights of the people. At international level various efforts have been made for the protection of human rights. The United Nations through its charter represents a

significant advancement in the direction for the promotion as well as protection of human rights. International bill on human rights has been incorporated in the UN Charter. The UN Charter contains various provisions for the promotion of human rights and fundamental freedoms in the Preamble and in various Articles 1, 13(b), 55, 56, 62 (2), 68 and 76(c).<sup>6</sup> Apart from UN Charter there are four international instruments created under the auspices of the United Nations known as International Bill of Human Rights, which include the Universal Declaration of Human Rights 1948, the International Covenant on Civil and Political Rights 1966, and the International Covenant on Economic, Social, and Cultural Rights 1966, the Optional Protocol to the International Covenant on Civil and Political Rights, 1966.<sup>7</sup> The international human rights regime is continuously growing with the passage of time, it provides certain accepted legal standards which all the nations should accept and implement in their domestic laws. The Governments of all the nations must work to promote the welfare of people by eliminating all forms of discriminations and provide right to equality and justice to all.

**Human Rights in India** India is the biggest democracy in the world. Being a democratic country one of the main objectives is the protection of the basic rights of the people. Government of India has given due consideration to the recognition and protection of human rights. The Constitution of India recognizes these rights of the people and shows deep concern towards them. The Universal Declaration of Human Rights contains civil, political, economic, social and cultural rights. Constitution guarantees most of the human rights contained in Universal Declaration of Human Rights. Part III of the constitution contains civil and political rights, whereas economic, social and cultural rights have been included in Part IV of the Constitution.<sup>8</sup> All the statutes have to be in concurrence of the provisions of the Constitution. The philosophy and objective of the Constitution of India is enshrined in the preamble which include the protection of the dignity of an individual. For the fulfillment of this objective Part III of the constitution guarantees fundamental rights to people which are essential for the development of an individual personality, these rights include right to equality, the right to freedom, the right against exploitation, the right to freedom of religion, cultural and educational rights and the right to constitutional remedies. It is the duty of the central as well as state Governments to provide adequate conditions to each individual to enjoy their human rights. The constitution through Directive Principles of State Policy enshrined in the Part IV of the Constitution, ascertains the duties on the government to work for the welfare of the people and protection of human rights of the people. These are guiding principles for the state to make policies regarding distributive justice, right to work, right to education, social security, just and humane conditions of work, for promotion of interest of weaker section, raise the standard of nutrition and standard of living and to improve public health, protection and improvement of environment and ecology etc. so that each individual can enjoy rights to the fullest.

**Role of the Judiciary** Only provision for the fundamental rights does not fulfill the objective of 'protection of dignity of an individual', but free enjoyment of the rights has to be ensured. Therefore,

Article 32 guarantees right to constitutional remedies, i.e. right to move to Supreme Court to enforce fundamental rights. It is constitutional mandate of judiciary to protect human rights of the citizens. Supreme Court and High Courts are empowered to take action to enforce these rights. Machinery for redress is provided under Articles 32 and 226 of the constitution. An aggrieved person can directly approach the Supreme Court or High Court of the concerned state for the protection of his/her fundamental rights, redress of grievances and enjoyment of fundamental rights. In such cases Court are empowered to issue appropriate order, directions and writs in the nature of Habeas Corpus, Mandamus, Prohibition, Quo-Warranto and Certiorari. Judiciary is ultimate guardian of the human rights of the people. It not only protects the rights enumerated in Constitution but also has recognized certain un enumerated rights by interpreting the fundamental rights and widened their scope. As a result people not only enjoy enumerated rights but also un-enumerated rights as well.

Supreme Court in *Maneka Gandhi v. Union of India*,<sup>9</sup> interpreted the right to life and to widen its scope and deduced un-enumerated right such as “right to live with human dignity”. Supreme Court propounded the theory of “emanation” to make the existence of the fundamental right meaningful and active. Thereafter, in many cases court such as *People's Union for Civil Liberties and another v. State of Maharashtra and others*,<sup>10</sup> *Francis Coralie Mullin v. The Administrator, Union Territory of Delhi*<sup>11</sup> held that right to life includes right to live with human dignity. Therefore, through the judicial interpretations various rights have been recognized though they are not specifically provided in Part III of the Constitution. The rule of locus standi, i.e. right to move to the court, whereby only aggrieved person can approach the court for redress of his grievances has been relaxed by the judiciary. Now court through public interest litigation permits public spirited persons to file a writ petition for the enforcement of rights of any other person or a class, if they are unable to invoke the jurisdiction of the Court due to poverty or any social and economic disability. In *S.P. Gupta v. Union of India and others*,<sup>12</sup> Supreme Court held that any member of the public can approach the court for enforcing the Constitutional or legal rights of those, who cannot go to the court because of poverty or any other disabilities. Person can even write letter to the court for making complaints of violation of rights. Public interest litigation is an opportunity to make basic human rights meaningful to the deprived and vulnerable sections of the community. To assure vulnerable section social, economic and political justice, any public spirited person through public interest litigation can approach the court to protect their rights on behalf of aggrieved persons who cannot approach the court themselves due to their vulnerable conditions. Similar observations have been made by Supreme Court in various judgments such as in *Bandhua Mukti Morcha v. Union of India*,<sup>13</sup> *Ramsharan Autyanuprasi and another v. Union of India and Others*,<sup>14</sup> *Narmada Bachao Andolan v. Union of India*.<sup>15</sup> Therefore, public interest litigation has become the tool for the protection of human rights of the people in India. The oppressed sections of the society are more prone to the violation of human rights.

Most vulnerable sections of society are children, women and socially and educationally weaker sections of society. Judiciary has taken many steps to ensure protection of human rights of these sections.

Children are more prone to exploitation and abuse. The rights of the children are needed to be specially protected because of their vulnerability. For this reason United Nations Convention on the Rights of the Child was adopted in 1989<sup>16</sup>. This convention brings together children's human rights, as children require safety and protection for their development. Judiciary is playing a commendable role in protecting the rights of children from time and again. There are various instances where judiciary intervened and the rights of children. In the case of Labourers working on Salal project v. State of Jammu and Kashmir<sup>17</sup>, Supreme Court held that child below the age of 14 years cannot be employed and allowed to work in construction process. Court has issued various directions related to child labour. Supreme Court in Vishal Jeet v. Union of India<sup>18</sup> asked governments to setup advisory committee to make suggestions for eradication of child prostitution and to evolve schemes to ensure proper care and protection to the victim girls and children. The Supreme Court further in Gaurav Jain v. Union of India<sup>19</sup> showed its concern about rehabilitation of minors involved in prostitution and held that juvenile homes should be used for rehabilitation of them and other neglected children. Mumbai High Court in Public at large v. State of Maharashtra<sup>20</sup> rescued children from flesh trade and passed order for checking sexual slavery of children and for their rehabilitation. Children are not only prone to sexual abuse but they are also sometimes kept as bonded labourers as was in the case of People's Union for Civil Liberties (PUCL) v. Union of India<sup>21</sup> where the Supreme Court released child



labourers and also ordered for grant of compensation to them. Concern of the Supreme Court about the protection of rights of children does not ended here it reiterated the importance of compulsory primary education vis-a-vis eradication of child labour in the case of *Bandhua Mukti Morcha v. Union of India*.

### **Protection of Human Rights in India**

27 Supreme Court in *Sakshi v. Union of India*<sup>23</sup> highlighted the need to establish procedure that would help the child victim to testify at ease in the court and held that proceedings should be held in cameras. Delhi High Court in *Sheba Abidi v. State of Delhi*<sup>24</sup> observed that child victims are entitled to get support person during trial and also established that child victims can testify outside the court environment. Women are considered weak in our society which has resulted in the backwardness of women in every sphere. Women remains oppressed ones and are often denied basic human rights.

They are subjected to violence in society whether it is within four walls of the house or at workplace. Despite the provision of right to equality enshrined under Article 14 of the Constitution, they are subjected to discrimination. Gender is considered to be the most important factor as far as Indian labour market is concerned. Discrimination against women laborer in terms of wage payments is a very common phenomenon in India. Wages earned by women are generally lesser than their male counterparts.<sup>25</sup> However, Article 39 of the Constitution guarantees the principle of equal pay for equal work for both men and women. Despite the guarantees of equal rights to women still they are not equally treated with men. Supreme Court has played remarkable role in protection of their rights such as in case of *Associate Banks officers Association v. State Bank of India*,<sup>26</sup> Supreme Court protected the rights of women workers and held that women workers are in no way inferior to their male counterparts and hence there should be no discrimination on the ground of sex against women. In *State of Madhya Pradesh v. Pramod Bhartiya*<sup>27</sup> Supreme Court held that under Article 39 the State shall direct its policy towards securing equal pay for equal work for both men and wome

## UNIT-I

### 1. Concepts: Human Rights, Duties, Human Dignity

#### A. Human Rights

- **Definition:** Human rights are the fundamental rights and freedoms to which every individual is entitled, regardless of nationality, sex, ethnicity, religion, or any other status. They are universal, inalienable, and indivisible.
- **Characteristics:**
  - **Universal:** Applicable to all human beings without discrimination.
  - **Inalienable:** Cannot be taken away or given up.
  - **Indivisible:** All rights are equally important and interdependent.

#### B. Duties

- **Definition:** Duties refer to the moral or legal obligations individuals have towards others and society as a whole. While rights focus on what individuals are entitled to, duties emphasize responsibilities.
- **Types of Duties:**
  - **Moral Duties:** Ethical obligations that individuals have towards others (e.g., respecting others' rights).
  - **Legal Duties:** Obligations enforced by law (e.g., obeying the law, paying taxes).

#### C. Human Dignity

- **Definition:** Human dignity is the intrinsic worth of all individuals, which must be respected and protected. It forms the foundation of human rights and emphasizes the idea that every person deserves respect, regardless of their circumstances.
- **Significance:** The concept of human dignity underlines the importance of treating individuals with respect and fairness and serves as a guiding principle for human rights laws and practices.

### 2. Notion & Classification of Rights: Natural, Moral, Legal Rights

#### A. Natural Rights

- **Definition:** Natural rights are rights that are believed to be inherent to all human beings, derived from nature or a higher moral authority. They exist independently of government and societal laws.
- **Examples:** Right to life, liberty, and property.

#### B. Moral Rights

- **Definition:** Moral rights are based on ethical principles and moral considerations. They may not be codified in law but are recognized as important for ethical behavior.
- **Examples:** Right to privacy, right to free speech, which may vary based on cultural and societal norms.

#### C. Legal Rights

- **Definition:** Legal rights are those granted and enforced by the laws of a specific jurisdiction. They are codified in legal statutes and can be protected through the judicial system.
- **Examples:** Rights enshrined in a constitution, such as the right to a fair trial, freedom of expression, and the right to education.

### 3. Three Generations of Human Rights

#### A. First Generation: Civil and Political Rights

- **Definition:** These rights focus on individual freedoms and protections from government abuse, emphasizing the importance of civil liberties and political participation.
- **Examples:**
  - Right to life and security
  - Freedom of speech and expression
  - Right to a fair trial

- Right to participate in government

## **B. Second Generation: Economic, Social, and Cultural Rights**

- **Definition:** These rights focus on the socio-economic well-being and cultural participation of individuals, emphasizing the importance of social justice and equality.
- **Examples:**
  - Right to work and earn a living wage
  - Right to education
  - Right to health and adequate living standards
  - Right to participate in cultural life

## **C. Third Generation: Collective/Solidarity Rights**

- **Definition:** These rights emphasize the collective interests of communities and peoples, focusing on global issues and the rights of groups rather than just individuals.
- **Examples:**
  - Right to self-determination
  - Right to development
  - Right to a healthy environment
  - Right to peace

## **4. Human Rights Movements: Historical Evolution of Human Rights at International & National Levels**

### **A. Historical Evolution of Human Rights**

#### **1. Pre-20th Century:**

- The concept of human rights can be traced back to ancient civilizations, religious texts, and philosophies that emphasized justice and equality.
- Documents like the Magna Carta (1215) and the English Bill of Rights (1689) laid the groundwork for modern human rights by limiting government power and protecting individual liberties.

#### **2. 20th Century:**

- The aftermath of World War II catalyzed a global movement towards human rights, leading to the formation of international human rights instruments.
- The **Universal Declaration of Human Rights (UDHR)** was adopted by the United Nations General Assembly in 1948, establishing a common standard for human rights protection globally.

#### **3. National Level:**

- Many countries have developed their own human rights frameworks, often enshrined in constitutions and national laws.
- National movements, such as the Civil Rights Movement in the United States, the anti-apartheid movement in South Africa, and women's suffrage movements worldwide, have played crucial roles in advocating for human rights.

### **B. Contemporary Human Rights Movements**

- 1. Civil Rights Movement:** Focused on ending racial discrimination and promoting equal rights for African Americans in the United States, especially during the 1950s and 1960s.
- 2. Women's Rights Movement:** Advocates for gender equality and the rights of women, including issues such as voting rights, reproductive rights, and combating gender-based violence.
- 3. LGBTQ+ Rights Movement:** Seeks to protect the rights and freedoms of LGBTQ+ individuals, addressing discrimination and advocating for marriage equality and anti-discrimination laws.
- 4. Environmental Rights Movement:** Highlights the connection between human rights and environmental protection, advocating for the right to a healthy environment and sustainable development.

5. **Refugee and Migrant Rights Movement:** Advocates for the rights of refugees and migrants, emphasizing the need for protection and support for those fleeing conflict, persecution, and poverty.

### **Conclusion**

Understanding the concepts of human rights, duties, and human dignity is crucial for promoting social justice and equality. The classification of rights into natural, moral, and legal rights provides a framework for analyzing different aspects of human rights. The three generations of human rights highlight the evolving nature of rights and the importance of addressing civil, political, economic, social, cultural, and collective rights. Historical and contemporary human rights movements demonstrate the ongoing struggle for justice and the need for vigilance in protecting and advancing human rights at both national and international levels.

## UNIT-II

### 1. Human Rights and Social Justice

#### A. Definition of Human Rights

- **Human Rights:** Fundamental rights and freedoms inherent to all individuals, regardless of nationality, gender, ethnicity, or any other status. They encompass civil, political, economic, social, and cultural rights.

#### B. Definition of Social Justice

- **Social Justice:** The concept of ensuring equitable distribution of resources, opportunities, and privileges within a society. It advocates for fairness, equality, and the protection of human rights for all individuals.

#### C. Relationship Between Human Rights and Social Justice

- **Interconnectedness:** Human rights and social justice are inherently linked. Human rights provide a framework for social justice, ensuring that all individuals are treated with dignity and respect.
- **Advocacy for Vulnerable Groups:** Both concepts emphasize the need to advocate for marginalized and vulnerable populations, addressing issues such as discrimination, poverty, and inequality.
- **Promotion of Equality:** Social justice aims to create a society where everyone has equal access to opportunities and resources, aligning with the principles of human rights.

### 2. Human Rights and Social Work's Basic Linkages

#### A. Core Values of Social Work

- Social work is rooted in values that prioritize human dignity, respect, and social justice, aligning closely with the principles of human rights.
- **Values Include:**
  - **Empowerment:** Helping individuals and communities gain control over their lives and circumstances.
  - **Advocacy:** Actively promoting and defending the rights of individuals and groups, particularly those who are marginalized.
  - **Social Change:** Working towards systemic changes that promote equality and justice for all.

#### B. Ethical Framework

- The ethical principles of social work emphasize the importance of human rights, guiding practitioners to uphold and advocate for these rights in their practice.
- **Social Work Codes of Ethics:** Many national and international social work organizations incorporate human rights principles into their codes of ethics, reinforcing the profession's commitment to social justice and human dignity.

#### C. Policy Development and Advocacy

- Social workers engage in policy analysis and advocacy efforts aimed at promoting human rights and social justice at local, national, and international levels.

- By influencing policies, social workers help create environments that uphold human rights and address systemic inequalities.

### **3. Role of Social Worker in Human Rights Dimensions**

#### **A. Advocate for Human Rights**

- Social workers serve as advocates for individuals and communities, ensuring that their rights are recognized and respected.
- They work to address human rights violations, such as discrimination, violence, and poverty, by raising awareness and mobilizing support.

#### **B. Educator**

- Social workers educate clients and communities about their rights and entitlements, empowering them to advocate for themselves.
- They provide training and resources on human rights issues, helping individuals understand how to navigate systems that may infringe on their rights.

#### **C. Community Organizer**

- Social workers often engage in community organizing efforts, bringing individuals together to collectively address human rights issues.
- They help build coalitions and networks that promote social change and enhance community capacity to advocate for rights.

#### **D. Service Provider**

- Social workers provide direct services that uphold human rights, such as counseling, mental health support, and access to resources.
- By offering services that empower individuals and promote well-being, social workers contribute to the realization of human rights.

#### **E. Policy Advocate and Researcher**

- Social workers participate in research and policy development that informs and shapes human rights initiatives.
- They advocate for laws and policies that protect and promote human rights, working with government agencies and non-governmental organizations (NGOs) to influence systemic change.

#### **F. Global Perspective**

- Many social workers engage in international human rights work, addressing global issues such as refugees, migration, and social inequality.
- They collaborate with international organizations to promote human rights standards and advocate for vulnerable populations across borders.

### **Conclusion**

The relationship between human rights and social work is foundational to the practice of social work. By promoting social justice, advocating for the rights of individuals and communities, and addressing systemic inequalities, social workers play a critical role in advancing human rights. Their commitment to ethical practice, empowerment, and advocacy positions them as essential agents of change in the pursuit of a more just and equitable society.

## UNIT-III

### 1. International Concern for Human Rights

#### A. Historical Context

- **Post-World War II:** The atrocities of World War II, particularly the Holocaust and widespread human rights abuses, galvanized international concern for human rights.
- **Formation of the United Nations (UN):** Established in 1945, the UN aimed to promote peace, security, and cooperation among nations, with human rights becoming a central focus.

#### B. Global Awareness

- **Human Rights Violations:** Reports of human rights violations, such as genocide, torture, and oppression, in various countries raised global awareness and prompted calls for action.
- **Role of Non-Governmental Organizations (NGOs):** Organizations such as Amnesty International and Human Rights Watch have played vital roles in documenting abuses and advocating for human rights globally.

#### C. International Frameworks

- **Development of Treaties and Declarations:** The international community recognized the need for formal frameworks to protect and promote human rights, leading to the establishment of various treaties and declarations.
- **UN Human Rights Mechanisms:** The UN established several bodies, such as the Human Rights Council and various treaty committees, to monitor and promote human rights standards worldwide.

### 2. Universal Declaration of Human Rights (UDHR)

#### A. Adoption

- **Date:** The UDHR was adopted by the UN General Assembly on December 10, 1948.
- **Significance:** It was the first comprehensive document to outline fundamental human rights and freedoms to which all individuals are entitled.

#### B. Structure and Content

- **Preamble:** The preamble emphasizes the importance of human rights for the dignity and worth of the human person and affirms the commitment to promote respect for these rights.
- **Articles:** The UDHR consists of 30 articles that encompass a wide range of civil, political, economic, social, and cultural rights, including:
  - **Right to Life:** Article 3 asserts that everyone has the right to life, liberty, and security of person.
  - **Freedom from Torture:** Article 5 prohibits torture and cruel, inhuman, or degrading treatment or punishment.
  - **Right to Privacy:** Article 12 protects individuals from arbitrary interference with their privacy, family, and home.



- **Freedom of Expression:** Article 19 guarantees the right to freedom of opinion and expression.
- **Right to Work and Education:** Articles 23 and 26 emphasize the right to work and the right to education.

### C. Impact and Influence

- **Foundation for International Law:** The UDHR serves as a foundation for subsequent international human rights treaties and conventions.
- **Global Advocacy:** It has inspired countless human rights movements and organizations worldwide, guiding advocacy efforts and serving as a benchmark for assessing human rights conditions.

## 3. International Covenant on Economic, Social, and Cultural Rights (ICESCR)

### A. Adoption and Ratification

- **Date:** The ICESCR was adopted by the UN General Assembly on December 16, 1966, and entered into force on January 3, 1976.
- **Significance:** It represents a binding international treaty that outlines economic, social, and cultural rights, complementing the civil and political rights enshrined in the International Covenant on Civil and Political Rights (ICCPR).

### B. Key Provisions

- **Right to Work:** Article 6 recognizes the right to work and promotes conditions of fair and favorable work.
- **Right to Social Security:** Article 9 emphasizes the right to social security, including social insurance.
- **Right to Adequate Standard of Living:** Article 11 asserts the right to an adequate standard of living, including access to food, clothing, and housing.
- **Right to Health:** Article 12 recognizes the right to the highest attainable standard of physical and mental health.
- **Right to Education:** Article 13 emphasizes the right to education, ensuring access to free primary education and making secondary and higher education accessible to all.

### C. Implementation and Monitoring

- **State Obligations:** States parties to the ICESCR are obligated to respect, protect, and fulfill the rights enshrined in the covenant, ensuring their progressive realization through appropriate measures.
- **Committee on Economic, Social, and Cultural Rights:** This committee monitors the implementation of the ICESCR, reviewing periodic reports submitted by state parties and providing recommendations for improvement.

## Conclusion

The international perspective on human rights reflects a collective commitment to promoting and protecting fundamental rights and freedoms for all individuals. The Universal Declaration of Human Rights serves as a foundational document, articulating a comprehensive set of rights and principles that guide global efforts. The International Covenant on Economic, Social, and Cultural Rights complements this framework by establishing binding obligations for states to ensure the realization of economic, social, and cultural rights. Together, these instruments underscore the importance of human rights as a universal value and a cornerstone for peace, justice, and dignity in the global community.

## UNIT-IV

### 1. National and State Human Rights Commissions

#### A. National Human Rights Commission (NHRC)

- **Establishment:** The NHRC was established in 1993 under the Protection of Human Rights Act, 1993.
- **Purpose:** It aims to promote and protect human rights as enshrined in the Constitution of India and international human rights norms.
- **Functions:**
  - Inquire into violations of human rights or negligence in the prevention of such violations by public servants.
  - Recommend measures for the effective implementation of human rights laws.
  - Review existing laws and suggest amendments to ensure the protection of human rights.
  - Promote human rights awareness through educational programs and workshops.

#### B. State Human Rights Commissions (SHRCs)

- **Establishment:** Each state in India can establish its own human rights commission under the Protection of Human Rights Act.
- **Functions:** Similar to the NHRC, SHRCs investigate human rights violations at the state level, recommend measures for protection, and promote awareness of human rights issues within their respective states.

### 2. Statutory Mechanisms for Human Rights: Legislative, Executive & Judiciary

#### A. Legislative Mechanisms

- **Constitution of India:** The Constitution guarantees fundamental rights (Articles 12-35) that protect citizens from human rights violations by the state and individuals. Key rights include:
  - Right to equality (Article 14)
  - Right to freedom (Articles 19-22)
  - Right against exploitation (Articles 23-24)
  - Right to freedom of religion (Article 25-28)
  - Cultural and educational rights (Articles 29-30)
  - Right to constitutional remedies (Article 32)
- **Legislation:** Various laws enacted to protect specific rights, including:
  - The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989
  - The Protection of Women from Domestic Violence Act, 2005
  - The Right to Information Act, 2005
  - The Protection of Children from Sexual Offences Act, 2012

#### B. Executive Mechanisms

- **Government Departments:** Various government departments are responsible for the implementation and enforcement of human rights laws, such as the Ministry of Home Affairs, Ministry of Women and Child Development, and Ministry of Social Justice and Empowerment.

- **Police and Law Enforcement Agencies:** Law enforcement agencies are tasked with preventing human rights violations, conducting investigations, and ensuring accountability for violations.

### C. Judiciary Mechanisms

- **Judicial Activism:** The Indian judiciary, particularly the Supreme Court and High Courts, has played a crucial role in the protection of human rights through Public Interest Litigation (PIL) and landmark judgments.
- **Interpretation of Fundamental Rights:** The judiciary has expanded the scope of fundamental rights to include the right to privacy, the right to a clean environment, and the right to education, thus reinforcing human rights protections.

## 3. Human Rights Commissions for Specific Groups

### A. National Commissions

- **National Commission for Women (NCW):** Established in 1992, the NCW focuses on the rights and welfare of women, addressing issues like gender discrimination, violence against women, and promoting women's empowerment.
- **National Commission for Protection of Child Rights (NCPCR):** Established in 2007, the NCPCR safeguards the rights of children and ensures their well-being, education, and protection from exploitation and abuse.
- **National Commission for Scheduled Castes (NCSC):** Established to protect the rights and interests of Scheduled Castes, addressing issues of discrimination and social justice.
- **National Commission for Scheduled Tribes (NCST):** Focuses on the rights of Scheduled Tribes, addressing issues related to their socio-economic development and protection from exploitation.
- **National Commission for Minorities (NCM):** Established to protect the rights and interests of religious minorities, addressing issues of discrimination and social justice.
- **National Institute for Empowerment of Persons with Multiple Disabilities (NIEPMD):** Focuses on the rights and empowerment of differently-abled individuals, promoting their inclusion and participation in society.

## 4. Socio, Economic, Political, and Administrative Constraints in Enforcement

### A. Socioeconomic Constraints

- **Poverty:** Widespread poverty hampers individuals' access to justice and human rights protections, limiting their ability to seek redress for violations.
- **Illiteracy:** High levels of illiteracy prevent individuals from understanding their rights and the mechanisms available for protection.
- **Caste and Gender Discrimination:** Social hierarchies and gender biases contribute to systemic inequalities, making it difficult for marginalized groups to assert their rights.

### B. Political Constraints

- **Lack of Political Will:** Insufficient commitment from political leaders to prioritize human rights issues can hinder enforcement and implementation of protective measures.
- **Corruption:** Corruption within law enforcement and administrative bodies can undermine the effectiveness of human rights protections and accountability mechanisms.

### C. Administrative Constraints

- **Inefficient Bureaucracy:** Delays and inefficiencies in the administrative system can impede timely action on human rights complaints and investigations.
- **Insufficient Resources:** Limited funding and resources for human rights commissions and enforcement agencies can restrict their ability to operate effectively.

### D. Legal Constraints

- **Complex Legal Processes:** Lengthy and complicated legal procedures can deter individuals from pursuing justice for human rights violations.
- **Lack of Awareness:** Many individuals are unaware of their rights and the mechanisms available for redress, resulting in underreporting of violations.

### Conclusion

The mechanisms for protecting human rights in India encompass a comprehensive framework involving national and state human rights commissions, statutory mechanisms through legislative, executive, and judiciary channels, and specialized commissions for vulnerable groups. Despite these mechanisms, various socio-economic, political, and administrative constraints hinder the effective enforcement of human rights. Addressing these challenges requires a concerted effort from the government, civil society, and the judiciary to promote awareness, ensure accountability, and create an enabling environment for the protection and promotion of human rights for all individuals in India.

## UNIT-V

### 1. Violations of Human Rights in the Family

#### A. Domestic Violence

- **Definition:** Domestic violence refers to physical, emotional, or psychological abuse within a domestic setting.
- **Impact:** Victims, predominantly women and children, may suffer long-term physical and mental health consequences.

#### B. Child Abuse

- **Types:** Includes physical abuse, emotional abuse, neglect, and sexual exploitation.
- **Consequences:** Child abuse leads to severe psychological trauma and impairs the development and well-being of children.

#### C. Forced Marriage

- **Definition:** Forcing individuals, often minors, into marriage without their consent.
- **Impact:** Violates the fundamental right to choose a partner, often resulting in a lack of autonomy and personal freedom.

### 2. Violations Against Disadvantaged Groups

#### A. Women

- **Gender-based Violence:** Includes domestic violence, sexual assault, trafficking, and harmful practices like dowry-related violence and female genital mutilation.
- **Discrimination:** Women often face systemic discrimination in various sectors, including employment, education, and healthcare.

#### B. Children

- **Child Labor:** Many children are forced into labor, often in hazardous conditions, violating their right to education and a safe childhood.
- **Exploitation:** Children are vulnerable to trafficking and exploitation in various forms, including sexual exploitation and forced labor.

### 3. Minorities

- **Discrimination:** Religious, ethnic, and linguistic minorities often face systemic discrimination, including restricted access to education, employment, and healthcare.
- **Violence and Intimidation:** Minority communities may be targets of violence, hate crimes, and social exclusion.

### 4. Scheduled Castes and Scheduled Tribes

- **Caste-based Discrimination:** Scheduled Castes (SCs) and Scheduled Tribes (STs) often face social and economic exclusion, violence, and discrimination in various spheres of life.
- **Atrocities:** SCs and STs may experience violence and atrocities, often with inadequate legal protection and enforcement.

## 5. Other Backward Classes (OBCs)

- **Social Marginalization:** OBCs face discrimination and socio-economic disadvantages, impacting their access to education and employment opportunities.
- **Reservation Issues:** While affirmative action exists, the implementation can be flawed, leading to exclusion and marginalization of certain sub-groups within OBCs.

## 6. Displaced Persons

- **Forced Displacement:** Displacement due to conflict, natural disasters, or development projects can lead to human rights violations, including loss of housing, livelihood, and access to basic services.
- **Refugees and Internally Displaced Persons (IDPs):** These groups often face precarious living conditions, lack of legal protection, and limited access to resources.

## 7. Custodial Violence

- **Definition:** Custodial violence refers to human rights violations that occur within police custody or detention facilities, including torture, extrajudicial killings, and abuse.
- **Impact:** Victims of custodial violence often suffer physical and psychological harm, and such practices undermine the rule of law and trust in law enforcement.

## Conclusion

Violations of human rights against various groups, including women, children, minorities, Scheduled Castes, Scheduled Tribes, Other Backward Classes, displaced persons, and victims of custodial violence, reflect deep-rooted systemic issues. Addressing these violations requires comprehensive legal frameworks, effective enforcement mechanisms, awareness-raising initiatives, and a commitment to social justice and equality. Society must work collectively to ensure that the rights of all individuals, especially those from disadvantaged groups, are recognized and protected.

## Role of Regional Non-Governmental Organizations

### A. Advocacy and Awareness

- **Local Engagement:** Regional NGOs work closely with communities to raise awareness about human rights issues and educate individuals about their rights.
- **Advocacy Campaigns:** They conduct campaigns to highlight specific human rights violations and mobilize public support for reform.

### B. Monitoring and Reporting

- **Documentation of Violations:** Regional NGOs often document human rights abuses, providing evidence for local, national, and international advocacy.
- **Reporting Mechanisms:** They may submit reports to local authorities, media, and international bodies to hold perpetrators accountable.

## C. Community Empowerment

- **Capacity Building:** Regional NGOs provide training and resources to empower communities, helping them understand their rights and how to advocate for themselves.
- **Support Services:** They may offer legal aid, counseling, and support services to victims of human rights violations, helping them navigate the justice system.

## 2. Role of National Non-Governmental Organizations

### A. Legal Advocacy and Reform

- **Policy Advocacy:** National NGOs engage in advocacy for legal reforms to strengthen human rights protections at the national level.
- **Litigation:** They may provide legal assistance to individuals and communities facing human rights abuses, often taking cases to court to seek justice.

### B. Research and Documentation

- **Human Rights Research:** National NGOs conduct research on human rights issues, producing reports that inform policymakers, the public, and the media.
- **Public Awareness Campaigns:** They run campaigns to raise awareness about specific human rights issues, often focusing on marginalized groups.

### C. Collaboration with Government and Institutions

- **Partnerships:** National NGOs often collaborate with government agencies, international organizations, and other stakeholders to promote human rights initiatives.
- **Advisory Role:** They may serve as advisors to government bodies on human rights policies, helping to shape legislation and practices.

## 3. Role of International Non-Governmental Organizations

### A. Global Advocacy and Campaigning

- **International Campaigns:** International NGOs engage in global campaigns to raise awareness of human rights violations and mobilize support for victims.
- **Lobbying International Bodies:** They lobby international organizations, such as the United Nations, to address human rights issues and hold violators accountable.

### B. Research and Reporting

- **Global Research:** International NGOs conduct extensive research on human rights conditions worldwide, producing reports that highlight abuses and recommend actions.

- **Universal Periodic Review:** They contribute to the UN's Universal Periodic Review process by submitting reports and advocating for states to be held accountable for their human rights obligations.

### **C. Funding and Support**

- **Financial Assistance:** International NGOs often provide funding and resources to support local and national NGOs working on human rights issues.
- **Capacity Building:** They offer training and capacity-building programs for local organizations, helping them enhance their advocacy skills and effectiveness.

### **D. Emergency Response**

- **Humanitarian Aid:** In situations of crisis, international NGOs may provide humanitarian aid, including medical assistance, shelter, and support for displaced individuals.
- **Advocacy for Refugees:** They advocate for the rights of refugees and displaced persons, working to ensure their protection and access to basic services.

### **Conclusion**

Regional, national, and international non-governmental organizations play crucial roles in promoting human rights through advocacy, awareness, monitoring, legal support, and collaboration with various stakeholders. Their efforts are vital in holding governments accountable, supporting victims of human rights violations, and fostering a culture of respect for human rights globally. By working at different levels, these organizations contribute to a comprehensive approach to human rights promotion and protection, ensuring that the voices of marginalized and vulnerable groups are heard and respected.