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International Human Rights - 2022

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ABSTRACT

A new world order came into being out of the ashes of the world war II in 1945, putting respect of the human rights alongside peace, security and development as the primary objectives of the united nations. The universal declaration on human rights, proclaimed in 1948, provided a framework for a series of international human right conventions. The framework that belongs to 1948 was suitable at that time and to tackle with modern advancements it was amended time to time. But the issue which was never rectified in the world in the world is freedom from slavery and torture as still half of the countries of the United Nations had not criminalized the issue of 'slavery'. Secondly the society has taken drastic turns since then and today as what we see around is merely similar to what it was earlier during the framework. The advancement in the technology was the need of the society but it has come up with its positives as well as with negatives. Everyone who is using the Networks such as 3G, 4G, 5G and social media platforms is somewhere prone to the breach of their rights. Violation of human rights such as freedom and privacy of an individual is violated in form of Data mining and their data is uploaded in an "illusion of consent" and the important question here is that are we still connected with the world even when we have disconnected the wire of internet from our devices.

Keywords: *Slavery, Sustainable Development, Technological Advancement.*

I. INTRODUCTION

The Universal Declaration of Human Rights turns 70 years old and continues to be the “**international Magna Carta for all men everywhere**”, as Eleanor Roosevelt, chair of the United Nations Human Rights Commission, once defined it³. ‘Human rights’ is a concept that has developed stronger after World War II. The extermination by Nazi Germany of over six million Jews, Sinti and Romani (gypsies), homosexuals, and persons with disabilities horrified the world. Trials were held in Nuremberg and Tokyo after World War II, and officials from the defeated countries were punished for committing war crimes, "crimes against peace," and "crimes against humanity." With the goal of establishing mechanisms for enforcing the

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³ *A brief history of human rights* (no date) *Sustainability for all*. Available at: https://www.activesustainability.com/sustainable-development/brief-history-human-rights/?_adin=02021864894 (Accessed: February 9, 2023).

Universal Declaration of Human Rights, the UN Commission on Human Rights proceeded to draft two *treaties*: the International Covenant on Civil and Political Rights (ICCPR) and its optional *Protocol* and the International Covenant on Economic, Social and Cultural Rights (ICESCR). Together with the Universal Declaration, they are commonly referred to as the *International Bill of Human Rights*⁴.

According to the Indian law Section 2(d) of the Human Rights Act 1993 defines human rights as individual rights to life, liberty, equality, and dignity guaranteed by the Constitution or recognized in international covenants and enforceable by Indian courts.

Lawless v Ireland (1957–61) was the first international court case decision that involved the interpretation of international human rights law and the first one filed against a country. It was referred to the European Court of Human Rights and the judgement by that court was its first⁵.

Internationally, human rights are divided into two broad categories of rights:

- Derogatory Rights- These are suspend able and are not fundamental.
- Non Derogatory Rights- These are core rights or the fundamental rights.

To further discuss there are major issues regarding slavery, sustainable development and protection from advancing technologies.

II. FREEDOM FROM SLAVERY & TORTURE

Human rights are the inherent rights which a person attains with his arrival in the real world; even the child in womb has certain rights. So, why not give human rights to an individual.

If there is a right, it might get violated and for its protection it is recognized by the United Nations as well as under the Universal Human Rights Declaration of Human Rights where the International human rights law lays down obligations of Government to act in certain ways or to refrain from certain acts.

Human right is a cross-cutting theme in all united nation policies and programmes in the key areas of peace & security, development, humanitarian assistance, economic & social affairs and as a result of it every UN body and specialized agencies are involved to some degree in the protection of human rights.

⁴ <http://hrlibrary.umn.edu/>

⁵ *Lawless v. Ireland* (No. 3), No. 332/57, ECtHR (Chamber), 1 July 1961.

Protection of Human Rights in practice is intrinsic part of many countries but the most important aspect is when a person is enslaved and forced to work as a labour, his various freedoms are suspended.

1. Concept of Slavery

The Slavery comes with torture and inhuman or degrading treatment where ‘torture means’ it occurs when someone deliberately causes very serious and cruel suffering whether physical or mental to another person. Whereas inhuman treatment includes-:

- serious physical assault
- psychological interrogation
- cruel or barbaric detention conditions or restraints
- serious physical or psychological abuse in a health or care setting, and
- Threatening to torture someone, if the threat is real and immediate.

Degrading treatment means treatment that is extremely humiliating and undignified and when it reaches a level that can be defined as degrading depends on a number of factors. These include the duration of the treatment, its physical or mental effects and the sex, age, vulnerability and health of the victim.

In Chahal v United Kingdom [1996]

An Indian Sikh living in the UK claimed he would be tortured if deported to India because he was a high-profile supporter of Sikh separatism. The UK still sought to deport him on suspicion of being a terrorist. In a very important case, the European Court of Human Rights held that Article 3 prohibited his removal as he faced a real risk of torture or inhuman or degrading treatment. The Court stressed that his suspected involvement in terrorism was irrelevant – the protection afforded by Article 3 is absolute and extends to every human being, regardless of their conduct.

2. In Human Rights Act, UK

Article 4 of the Human Rights Act states the Prohibition slavery and forced labour-

- No one shall be held in slavery or servitude.
- No one shall be required to perform forced or compulsory labor.

Apart from various conventions, more than 40 million people are held in modern slavery, which includes forced labor and forced marriage⁶.

Slavery is not a crime in almost half of countries in the world which lacks in laws which directly criminalize and punish exerting ownership or control over another person⁷.

Among 193 member countries of United Nations half of them nearly 94 do not have criminal laws in place to prosecute, convict and punish people for various forms of exploitation.⁸

According to Jakub Sobik, a spokesman for the charity Anti-Slavery International, simply toughening legislation will not be the answer for slavery.

3. *Goal of UN to tackle with slavery*

United Nation has taken a goal to end modern slavery by 2030 adopted in the year 2015 by its member countries which look a bit difficult in the present times.

The few countries have enacted laws to resolve with this problem but it is very difficult for them also to remove it from every corner of the society. No one becomes slave on his own will, but the situation makes them force to work as a slave of others for the basic requirement to survive the food.

The Author, *Alex Tizon* shares his personal story of the Atlantic Titles as “My Family’s Slave” reads as how his mother in the Philippines was gifted a slave when she was 15, and bring that slave with her to the United States, and how that slave remained a slave for his mother’s entire life, working all day and night without pay, unable to have a social life and enduring endless abuse.

The story is harrowing in its candid exploration of one slave’s experience and its description of how one family managed to normalize slavery through profound denial. But it’s also a disturbing reminder of how slavery still exists all around the world.

Forms-

Slavery takes many forms, but sexual, labour-based, and human trafficking are the primary modes.

Report: Global Slavery Index, 2017

⁶ Estimates by International Labour Organization & Anti-Slavery group of walk free foundation

⁷ Antislavery in Domestic Legislation Database UN Headquarters’ New York, USA

⁸ Report published by Right Lab, Australia

Country	Total Estimated Population	Rate of Slavery (in %)
India	18,354,700	1.4
Pakistan	2,134,900	1.13
China	1,531,300	0.95
Bangladesh	3,388,400	0.25
Uzbekistan	1,236,600	3.97

4. *Position of Women as Slaves*

One in every 130 females globally is living in modern slavery, in fact, women and girls account for nearly three quarters (71 per cent) of all victims of modern slavery. Although modern slavery affects everyone, there is no escaping that females are disproportionately affected.⁹

To coincide with the 2020 International Day of the Girl Child, Global index on slavery released a report, *Stacked Odds*, to examine why women and girls are more vulnerable to modern slavery throughout their lifecycle.

5. *A better future*

Clearly, this situation needs to change. States must work towards a future in which the claim that “slavery is illegal everywhere” becomes a reality.

We should make the design of future legislation easier. There is a need to respond to the demands of different contexts by analyzing how similar states have responded to shared challenges, and adapt these approaches as needed. We can assess the strengths and weaknesses of different choices for betterment of the same.

III. HUMAN RIGHTS AND SUSTAINABLE DEVELOPMENT

Sustainable development is defined as a process of development that meets the needs of the present generation without compromising the ability of future generations to meet their requirements.

Sustainable development has increasingly recognised the importance of human rights. It is crucial to protect human life in any social, environmental or economic programme; the right to

⁹ Report : walk free

life cannot be envisaged without the basic right to clean water, air and land. Thus sustainable development goals go hand in hand with human rights.

I. Sustainable Development Goals (SDGs)

Most of the targets of the SDGs are in accordance to human rights obligations. As Member States make progress on the SDGs, they take a step forward towards accomplishment of their human rights obligations – they are two sides of the same coin. One important indicator of progress in the SDGs is the existence of independent national human rights institutions (NHRIs) which comply with international standards (known as the Paris Principles). NHRIs help address inequality and discrimination by receiving and addressing complaints and advising governments on rights-based legal frameworks. NHRIs also serve as bridges between civil society and the state. They help build the capacity of human rights defenders, prevent human rights violations from taking place, and build strategies for the inclusion of marginalized people in all aspects of society¹⁰.

The most important agendas that must be addressed within each nation as an objective for completion of their sustainable development goals include:

- Poverty
- Hunger
- Health
- Employment

Along with the achievement of these goals, human rights are being taken care of side by side. The conditions in which the world's poorest are forced to live lead to human rights abuse, and so the elimination of extreme poverty under the SDGs must be a human rights mission. "When a person isn't able to feed themselves or house their family, if they can't access clean water or a decent job, or when kids have no choice but to drop out of school or get married because they're living in poverty, these are all examples of human rights abuses," Komala Ramachandra, senior researcher for Human Rights Watch, argued in a 2020 interview. "But when you challenge structural inequities and improve access to essential goods and services, people can live with dignity, which is fundamental to upholding human rights." Providing people with a pathway out of poverty and toward sustainable income and employment is the key to help them to escape trafficking, forced labour and inhumane working conditions. "When you ask survivors

¹⁰ SARAH RATTRAY, Policy Specialist for Human Rights, Crisis Bureau, UNDP

what they want, they won't say a shelter or counselling — they'll tell you they want a job so they can support themselves and their families,” as Floyd said.

Hence poverty elimination and creation of employment opportunities are the main development goals that directly contribute to human rights protection in the global sphere.

Furthermore, income generation and health are so closely related that if one is improved the other is obtained automatically. The root cause of maximum diseases spread worldwide is lack of proper nutrition and hunger. Around 45 percent of deaths among children under the age of five are linked to under nutrition, with most occurring in low- and middle-income countries. As a result of rising poverty, the prevalence of under nourishment (what global agencies refer to as PoU) rose from 8.4 % to 9.9 % in 2020 after staying flat over the previous five years, according to the U.N. Food and Agriculture Organization. By July of this year, advocates warned that 345 million people globally were facing acute food insecurity¹¹.

Therefore achievement of sustainable development goals is highly correlated with protection of human rights globally. Thus international agencies such as UN-HABITAT, UN-Environment Program, World Food Program, UNDP, WHO are consistently coordinating with each other to fulfil the discussed objectives.

IV. FUTURE OF HUMAN RIGHTS

1. Technological Advancements

Human Rights have been an integral part of the society since the United Nations have highlighted the origin of these rights in the year 539 BC. However the society has taken drastic turns since then but today what we see around us is merely similar to as it was ages ago! The dynamic environment has made it immensely important to ponder upon the existing rights and make new laws in order to protect them. With the introduction of new technologies such as computer, smart phones or the internet there is an intense need to formulate policies that ‘protect’ us from these ever advancing technologies. It would be an irony to say that these gadgets were invented for human help. The biggest danger to humans today is from these ever advancing technologies. The introduction of 5G internet which is the fifth-generation (5G) of wireless technology represents a complete transformation of telecommunication networks, introducing a vast array of new connections, capabilities, and services. These advancements will provide the connection for billions of devices and will pave the way for applications that will enable new innovation, new markets, and economic growth around the world. However,

¹¹ <https://www.streetbusinessschool.org/>

these developments also introduce significant risks that threaten national security, economic security, and impact other national and global interests. Given these threats, 5G networks will be an attractive target for criminals and foreign adversaries to exploit for valuable information and intelligence.

The dark side of the upcoming 5th generation network not only limits itself towards digital scams but also extends to a variety of health hazards to the people. In 5G technology, mobile networks are tethered together by several small towers that are in close vicinity compared to isolated large towers in a standard mobile network. Henceforth the people living in close proximity to these towers that emit 5G radiations will be at a higher risk of skin infection, nausea, hair loss, depression, and even confusion. Since 5G makes use of higher frequency EMF radio waves to emit its cellular signals, scientists fear that it could be dangerous as its effect on human health has not been significantly studied.

Thus, 5G network that is to be launched for public interest and better global connectivity brings in a large number of risk factors along with its benefits. Hence in order to avoid the risk factors and to protect humans globally from the crimes associated, some international standards or related protection policies are required to conserve human rights. Data encryption anonymity and digital security tools could be used to defend the safety of humans online which will reinforce numerous human rights. Moreover, such policies must be formulated that check the safety standards of any new technology that is to be introduced for the ‘welfare of people’.

2. Data Mining and Privacy concerns

Data mining is a technique that involves gathering of data from various servers, data preparation, mining the data and data analysis and interpretation. This data is the personal data of millions of people that they have uploaded over the internet in an ‘illusion of consent’. Today we all are connected to each other via a large network that is the ‘internet’. Every device that is connected to internet is being read by a third party continuously which means whatever we do on our personal device is being watched upon by a third person without our consent. Also whatever we upload over the internet, our data is being collected and saved by various online platforms for their use and also to gain monetary benefits out of it. The information that is being uploaded by millions of individuals’ worldwide is being constantly saved and analysed by numerous platforms. For instance, as we all use social media and upload our photos on it. Once we remove these photos from the wall page, it is assumed that they have been deleted forever. However, the truth is such content is being saved by the respective social media intermediary and can be accessed by them. We all are victims and are being spied upon by the internet

continuously. Our personal data is used by various companies even without our consent. There emerges an immediate need of a 'Right To Eraser' as a human right as our privacy is being breached every second as we use internet. All the data that is no longer required but contains personal information of people must be removed side by side so that it cannot be accessed or used by different companies without our knowledge.

The upcoming future is of a technical world and internet era and so we need to understand that any facility without restriction is a facility without protection. Thus reasonable restriction must be imposed on various companies over the web so that they do not breach the privacy of an individual and data mining must be limited. Recent examples that show a breach of privacy due to the popular device "Alexa" are enumerated as follows:

Last year, an Amazon customer in Germany was mistakenly sent about 1,700 audio files from someone else's Echo, providing enough information to name and locate the unfortunate user¹².

In Portland, Oregon, a woman discovered that her Echo had taken it upon itself to send recordings of private conversations to one of her husband's employees¹³.

Now the question arises that from where these audio files occurred once the conversation was over? Thus whatever is connected to internet acts like a spyware and is allegedly breaching the privacy of individuals. Hence 'privacy' may be recognised as a human right and must be protected.

V. CONCLUSION

The preceding discussion gives an impression that Human rights had to pass a long run to obtain legal & international recognition as scope & periphery differ because of different socio economic & political structure of various countries. In a well-developed social systems of Europe or America, right to freedom from slavery or breach of privacy can be resolved but the under developed countries like Bangladesh which recognized components of human rights but the widespread poverty, illiteracy, want of social security and abuse of rights are confined still in the holy pages of the constitution. Human rights can never be separated as they are interdependent, interrelated and indispensable as they just not protect the human rights in boundaries of a nation but also to protect them beyond the territory. So, their enforcement in every corner of the world is necessary for the welfare of an individual and states.

¹² <https://www.theguardian.com/>

¹³ <https://www.theguardian.com/>