

Human Rights Enterprise: An Introduction

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ABSTRACT

Human rights are rights that are inherent to all human beings, irrespective of race, sex, nationality, ethnicity, language, religion or any other status. Human rights also include the right to life and liberty, freedom from slavery and torture, freedom of opinion and expression, the right to work and education, and many more, of which everyone is entitled to, without any form of discrimination. Furthermore, the International Human Rights Law also stipulates the obligations of Governments to act in certain ways and or to refrain from certain acts, in order to promote and protect human rights and fundamental freedoms of individuals or groups. A notable achievement of the United Nations is the creation of a comprehensive body of human rights law. The United Nations has defined a broad range of internationally accepted rights which include civil, cultural, economic, political and social rights, cum established mechanisms to promote and protect these rights and to assist states in carrying out their responsibilities. The foundations of this body of law are the Charter of the United Nations and the Universal Declaration of Human Rights, adopted by the General Assembly in 1945 and 1948, respectively. The United Nations since then has expanded human rights law to also include specific standards for women, children, persons with disabilities, minorities and other vulnerable groups, who now have rights that protect them from discrimination that has been long common in many societies and countries. The paper looks into human rights enterprise, the journey so far, challenges to human rights abuses, and what are the ways forward for global peace.

How to cite this paper: Paul A. Adekunle | Matthew N. O. Sadiku | Janet O. Sadiku "Human Rights Enterprise: An Introduction" Published in International

Journal of Trend in Scientific Research and Development (ijtsrd), ISSN: 2456-6470, Volume-8 | Issue-5, October 2024, pp.369-377,

URL: www.ijtsrd.com/papers/ijtsrd69373.pdf



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KEYWORDS: Human rights, human rights law, human wrongs, human rights abuses, human rights violations, inalienable/fundamental rights

INTRODUCTION

The Universal Declaration of Human Rights (UDHR) is a milestone document in the history of human rights. This document was drafted by representatives with different legal and cultural backgrounds from all regions of the world, the Declaration was proclaimed by the United Nations General Assembly in Paris on 10 December 1948 by General Assembly resolution 217 A (III) as a common standard of achievements for all peoples and all nations. This sets out, for the first time, fundamental human rights to be universally protected. The UDHR has been translated into more than 500 languages since its adoption in 1948 – the most translated document in the world – which has inspired the constitutions of many newly independent states and many new democracies. The UDHR, as well as the International Covenant on Civil and Political Rights and its two Optional Protocols (on the

complaints procedure and on the death penalty) and the International Covenant on Economic, Social and Cultural Rights and its Optional Protocol, form the so-called International Bill of Human Rights. The International Covenant on Economic, Social and Cultural Rights entered into force in 1976, and while it's Optional Protocol entered into force in 2023. The human rights that the Covenant seeks to promote and protect include:

- The right to work in just and favourable conditions,
- The right to social protection, to an adequate standard of living and to the highest attainable standards of physical and mental well-being,
- The right to education and the enjoyment of benefits of cultural freedom and scientific progress.

Under its Civil and Political Rights, the Covenant deals with the rights to freedom of movement; equality before the law; the right to a fair trial and presumption of innocence; freedom of thought, conscience and religion; freedom of opinion and expression; peaceful assembly; freedom of association; participation in public affairs and elections; and protection of minority rights. It prohibits the arbitrary deprivation of life; torture, cruel or degrading treatment or punishment; slavery and forced labour; arbitrary arrest or detention; arbitrary interference with privacy; war propaganda; discrimination; and advocacy of racial or religious hatred.

The treaties and other instruments adopted by the Human Rights Convention since 1948 has led to the expansion of the international human rights law of which are the Convention on the Prevention and Punishment of the Crime of Genocide (1948), the International Convention on the Elimination of All Forms of Racial Discrimination (1965), the Convention on the Elimination of All Forms of Discrimination against Women (1979), the Convention on the Rights of the Child (1989), the Convention on the Rights of Persons with Disabilities (2006), among others., as shown in Figure 1.

The Human Rights Council, established on 15 March 2006 by the General Assembly and reporting directly to it, replaced the 60-year-old UN Commission on Human Rights as the key UN intergovernmental body responsible for human rights. The Council consists of 47 State representatives, tasked to strengthen the promotion and protection of human rights globally by addressing situations of human rights violations and making recommendations on them, and to respond to human rights emergencies. The Council also carries out the Universal Periodic Review (UPR) – which is a mechanism to review human rights records of all 193 UN member states once every four years [1-3], as shown in Figure 2.

WHAT ARE HUMAN RIGHTS VIOLATIONS?

Human rights are the moral principles, or norms [4], for certain standards of human behaviour that are regularly protected as substantive rights in substantive law, municipal and international law [5]. These are known as inalienable [6], fundamental rights “to which a person is inherently entitled to simply because he or she is a human being” [7], and which are “inherent in all human beings” [8], regardless of their age, ethnic origin, location, language, religion, gender, ethnicity, or any other status – which are applicable everywhere and at every time in the sense of being universal, and are egalitarian i.e. being the same for everyone, as shown in Figure 3.

Human rights violations can be caused by a state either directly or indirectly, and such violations can as well be either performed intentionally by the state (this will involve various actors such as the police, judges, prosecutors, government officials, etc) and or come as a result of the state failing to prevent the violation i.e. the failure of the state to protect – which often occurs when there’s a conflict between individuals or groups within a society. For example, in the United States where the state has failed to protect black Americans when lynching frequently occurred around the country and since those responsible are also state actors (like the police), this is an example of where both types of violations occurred at the same time. Furthermore, some examples of how human rights can be violated as mentioned by the United Nations Office of the High Commissioner for Human Rights include:

- Contaminating water, for example, with waste from State-owned facilities (the right to health)
- Evicting people by force from their homes (the right to adequate housing)
- Denying services and information about health (the right to health)
- Discriminating at work based on traits like race, gender, and sexual orientation (the right to work)
- Failing to provide maternity leave (protection of and assistance to the family)
- Not paying a sufficient minimum wage (right at work)
- Segregating students based on disabilities (the right to education) and
- Forbidding the use of minority/indigenous languages (the right to participate in cultural life) [9, 10].

HISTORY OF HUMAN RIGHTS

The concept of human rights has existed for centuries, even though peoples have not thought of universal human rights in the same way humans do today [11 – 13]. One of the oldest evidence of human rights is the Cyrus Cylinder dated from 6th Century BCE, which had rights like no slavery, worship of your own religion, and racial equality [14]. The true forerunner of human rights discourse was the concept of “natural rights” as was part of the medieval natural law tradition, influenced greatly by the writings of St Paul’s early Christian thinkers like St Hilary of Poitiers, St Ambrose, and St Augustine [15]. Among the earliest who examined the legitimacy of the laws of man was Augustine, and also attempted to define the boundaries of what laws and rights occurred naturally based on wisdom and conscience, instead of

being arbitrarily imposed by mortals, and if people are obligated to obey laws that are unjust [16].

During the 16th and 17th centuries, Spanish scholasticism insisted on the subjective vision of law: Luis de Molina, Domingo de Soto and Francisco Vitoria, members of the School of Salamanca, defined law as a moral power over one's own. However, they maintained at the same time, the idea of law as an objective order, they stated that there are certain natural rights, mentioning both rights related to the body (right to life, to property) and to the spirit (right to freedom of thought, dignity). Looking at it from an individualistic philosophy, the jurist Vazquez de Menchaca, was decisive in the dissemination of the term "iura naturalia." This natural law thinking was supported by contact with American civilizations and the debate that took place in Castile about the just titles of the conquest and, in particular, the nature of the indigenous people. During the Castilian colonization of America, it was often stated that measures were applied in which the germs of the idea of Human Rights are present, debated in the well-known Valladolid Debate that took place in 1550 and 1551 [17, 18]. The thought of the School of Salamanca, especially through the Francisco Vitoria, contributed well to the promotion of European natural law [19]. The modern human rights arguments emerged in the latter half of the 20th century. Magna Carta an English charter originally issued in 1215 influenced the development of the "common law" and many other constitutional documents that were related to human rights, such as the 1689 English Bill of Rights, the 1789 United States Constitution, and the 1791 United States Bill of Rights.

In the history of human and civil rights, the Universal Declaration of Human Rights (UDHR) consists of 30 articles which detailed an individual's "basic rights and fundamental freedoms" and affirming their universal character as inherent, inalienable, and applicable to all human beings [20, 21] as shown in Figure 4.

CAUSES OF HUMAN RIGHTS ABUSE/VIOLATIONS

These causes have to do with underdevelopment, economic pressures, various social problems, and international conditions. Furthermore, corruption, brutality, poor training, lack of oversight, and an overburdened judicial system contribute to the impunity. The police often failed to quickly respond to reports of abuses and, in most instances, did not act unless complainants paid for police transportation cum other operating expenses [22].

Considering election-related human rights violence is said to be caused or triggered by the following factors among others [23, 24]:

- Internal (endogenous or process) factors which include 26 election-specific factors divided into seven electoral phases. These are exclusive to the electoral context and are defined in the Electoral Risk Management Tool (International IDEA): International Factors Guide (Alihodzic and Asplund 2018). Under this is the electoral legal and institutional framework, of which is made up of: inadequate electoral law, an unfit electoral system, and inadequate electoral administrative rules.
- Planning of and preparation for the implementation of electoral activities, under which are: poor performance of the electoral management bodies; inadequate operational planning; an inadequate system for the resolution of electoral disputes; inadequate funding, financing and budgeting; and inadequate electoral security arrangements.
- Training and information: This has to do with the lack of training for political parties and media, lack of training of security sector agencies, and a poor voter campaign.
- Registration: Under this are problematic voter registration, problematic registration of political parties and candidates, and problematic accreditation and international observers.
- Electoral campaigning: this has to do with unequal media access and favouritism, provocative use of media by political parties, provocative party rallying, and provocative and violent actions by political parties.
- Voting operations: under which are insufficiency, destruction and loss of sensitive documents and sensitive materials; lack of transparency of special and external voting; problematic election day operations and problematic vote counting and tallying of the results.
- Verification of election results: this has to do with poor management of election results, poor management of the final round of electoral appeals, and rejection of the election results.

The external factors are constituted by:

- Poor socio-economic conditions
- The presence of non-state armed actors
- The presence of organized crime
- Social and political exclusion
- Grievances relating to genocide, crimes against humanity and war crimes

- Conflict relating to changing power dynamics
- Human rights violations and
- Gender-based discrimination and violence.

In Nigeria as a case study, some significant human rights issues included credible reports of unlawful and arbitrary killings; forced disappearances; torture and cases of cruel, inhuman, or degrading treatment or punishment by the government; harsh and life-threatening prison conditions; arbitrary arrest or detention; serious problems with the independence of the judiciary; arbitrary or unlawful interference with privacy; serious abuses in a conflict, including reportedly unlawful or widespread civilian deaths or harm, enforced disappearances or abductions, torture, and physical abuses or punishment; serious restrictions on free expression and media, which includes violence or threats against journalists, and the enforcement of criminal libel and blasphemy laws to limit expression; serious government corruption; lack of investigation and accountability for gender-based violence, including domestic or intimate partner violence, sexual violence, child, early and forced marriage, female genital mutilation/cutting, and other forms of such violence; instances of coerced abortion or forced sterilization; enforcement of laws criminalizing consensual same-sex sexual conduct between adults; and the existence of the worst forms of child labor.

Many steps are being taken by the government in order to investigate, punish, and prosecute alleged human rights abuses and corruption by officials, but impunity for such abuses and corruption has always remained a problem [25, 26], as shown in Figure 5.

Another case of note was that of “Al-Adsani v United Kingdom – State Immunity and Denial of Justice with Respect to Violations of Fundamental Human Rights” in 2003 [27].

HUMAN RIGHTS VERSUS HUMAN WRONGS

“Human rights” since the second half of the twentieth century has been a popular coinage. It is used by politicians and citizens alike, and freely circulated in some societies, both in true and false metal; in others it remains a secret dream, longed for, promised but never delivered by man or God. However, whether true or false, in possession or in hope, human rights as a moral or legal entitlement of all human beings to dignified living have marked the path of progress in moral sensitivities and produced improvements in social institutions. The misunderstandings over what is at stake in human rights have led to the proliferation of what could be termed “human wrongs,” which was an illustration of this conceptual confusion by Milan Kundera in his book “Immortality.” He further reiterated that the

confusion over the nature of human rights has led to an inappropriate use of “rights” terminology. Such confusion, combined with the growing popularity of rights talk, will continue to cause a proliferation of rights claims; an ad hoc expansion of human rights agenda that will ultimately devalue the very thing which we set out to protect – human dignity [28, 29]. Jerome Shestack opined the establishment of a common ground, to agree upon a translation formula which will allow people to speak to each other across the gulfs of creed and dogma. He also posited that “like the common law process of doing justice, the process of trial and error by which we recognize mistakes and check them, realize potentials and act on them, and continually strive toward the best we can do, is all we can do.” [30].

Some of these “wrongs” among others are [31, 32]:

1. The misuse of rights talk, under which are : -
 - The misunderstanding of the moral content of rights, and
 - Rights talk as a means of avoiding responsibility – this allows governments and societies to sidestep their shared responsibility to human rights and to sideline difficult moral choices by hiding behind the slogan “rights talk.” The avoidance of responsibility, either intentional or otherwise, is one of the most serious obstacles to overcoming human wrongs, as it encourages us to overlook the suite of options for human rights realization.
2. The legalistic approach to rights, an approach borne of blurring the distinction between moral, legal and human rights. The most misunderstood and controversial aspect of human rights theory and perception is the distinction between human rights as a species of moral rights and human rights as a basis of legal rights. Legal rights are laws of a state while moral rights are claims of people. By definition, legal rights are enforceable, and while moral rights may not be. However, some moral rights can be enforced, thereby becoming legal rights, while others are not.

RIGHTING WRONGS

Righting wrongs has to do with identifying the human wrongs and remedying them. In order to readjust habits of thought, and to invigorate a holistic commitment to human rights generally, we must return to the foundations of our belief: our hope for a humanity grounded in dignity, autonomy and the full realization of human potential. To this end, there must be greater commitment to rights afresh. There is the urgent need to transform mere commitment – that is, conformity – into critical, and therefore independent, assent. Meaning to say that, we would cease to be

slaves of our ideology or culture of rights and become freed people who truly own our rights, and thus truly own our selves, because we truly know who and what we are as human beings [33].

HUMAN RIGHTS AND BUSINESS

Human rights is a wide and broad theme in all UN policies and programmes in the key areas of peace and security (“to save succeeding generations from the scourge of war”) [34], development, humanitarian assistance, and economic and social affairs, as shown in Figures 6 and 7. Virtually all UN body and specialized agencies are involved to some extent in human rights protection. Few examples are the right to development – this is at the core of the Sustainable Development Goals; the right to food, championed by the UN Food and Agriculture Organization; labour rights, defined and protected by the International Labour Organization; and gender equality, which is promulgated by UN Women, the rights of children, indigenous peoples, and disabled persons. The Human Rights Day is observed every year on 10 December. The 75th Anniversary of the Universal Declaration of Human Rights was celebrated on the 10th of December 2023, which witnessed global pledges and ideas by 150 member states for a vision for the future of human rights.

In the area of business, it is the rights of people to work in safe and secure environments where they earn their living for the adequate care of their families in providing quality education for their children, as well as food, and shelter [35].

CONCLUSION

Human rights must not be infringed upon by any person(s) or institutions of the state for whatsoever reason in order to ensure human dignity. A person’s right must not be violated by way of genocide, war crimes, crimes against humanity, aggression, sexual abuse including rape, and torture. Human rights are thought of as rights that protect especially urgent moral concerns of humans that are: (a) universal, i. e., applying to every human and (b) apply equally, meaning everyone has the human rights – to life and liberty. However, some human rights can be forfeited by certain actions, especially by committing crimes, and while some human rights can be overridden under certain rare circumstances. All efforts must be geared towards achieving and enhancing international or global peace via constructive conflict initiative to resolve destructive conflicts.

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Figure 1. Women's rights are human rights

Source:https://upload.wikimedia.org/wikipedia/commons/f/fa/Women%27s_rights_are_human_rights_%2832298468922%29.jpg



Figure 2. The universal declaration of human rights 10 December 1948.

Source:https://www.google.com/search?q=images+on+human+rights+from+wikipedia&oq=&aqs=chrome.1.35i39i362l8.3538058j0j15&sourceid=chrome&ie=UTF-8#vhid=dit9N5I3p-A_yM&vssid=1

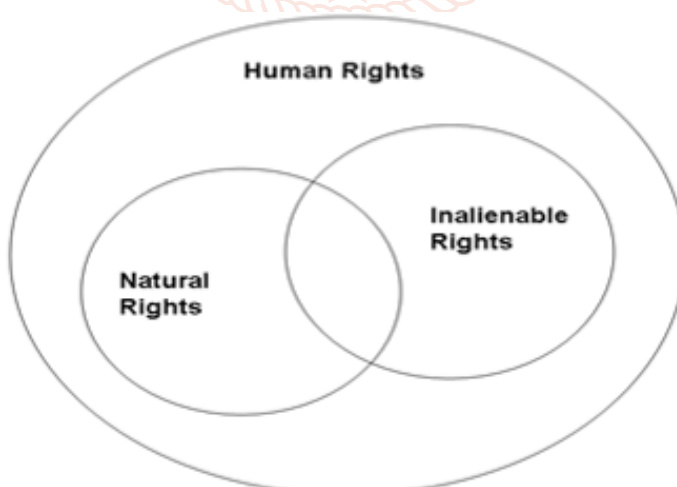


Figure 3. Diagram of Human Rights

Source:https://www.google.com/search?sca_esv=1408e98ab1991b60&sxsrf=ADLYWIjW0Dn3lgM4v7PxelH04vaZRG4EA:1715247395215&q=images+on+human+rights+from+wikipedia&tbm=isch&source=lnms&prmd=ivnsbmz&sa=ved=2ahUKEwj0X&_8W9ooCGAxVzWkEAHaQLCGgQ0pQJegQIDRAB&cshid=1715247396840729&biw=1034&bih=584&dpr=



Figure 4. Wikipedia Wiki for Human Rights 2021

Source: https://www.google.com/search?sca_esv=1408e98ab1991b60&sxsrf=ADLYWILhhByQM-EgFdHgueThz93sCE1iA:1715246728645&q=images+on+human+rights+from+wikipedia&tbm=isch&source=lnms&prmd=ivnsbmz&sa=X&ved=2ahUKEwjw5dn_n4CGAxXRvUEAHQmOBMAQ0pQJegQIDRAB&biw=1034&bih=584&dpr=1#imgsrc=svRebmJffVPylM



Figure 5. Civil rights movement

Source: https://www.google.com/search?sca_esv=c039891655a7704c&sxsrf=ADLYWILREq4ao313v0IRE-Uq_0bBhIFZfg:1715244102539&q=images+on+human+rights+from+wikipedia&tbm=isch&source=lnms&prmd=ivnsbmz&sa=X&ved=2ahUKEwjL_LybloCGAxUGQUEAHScEDlgQ0pQJegQIDBAB&biw=1366&bih=580&dpr=1#imgsrc=8bRiOyorCYaxIM

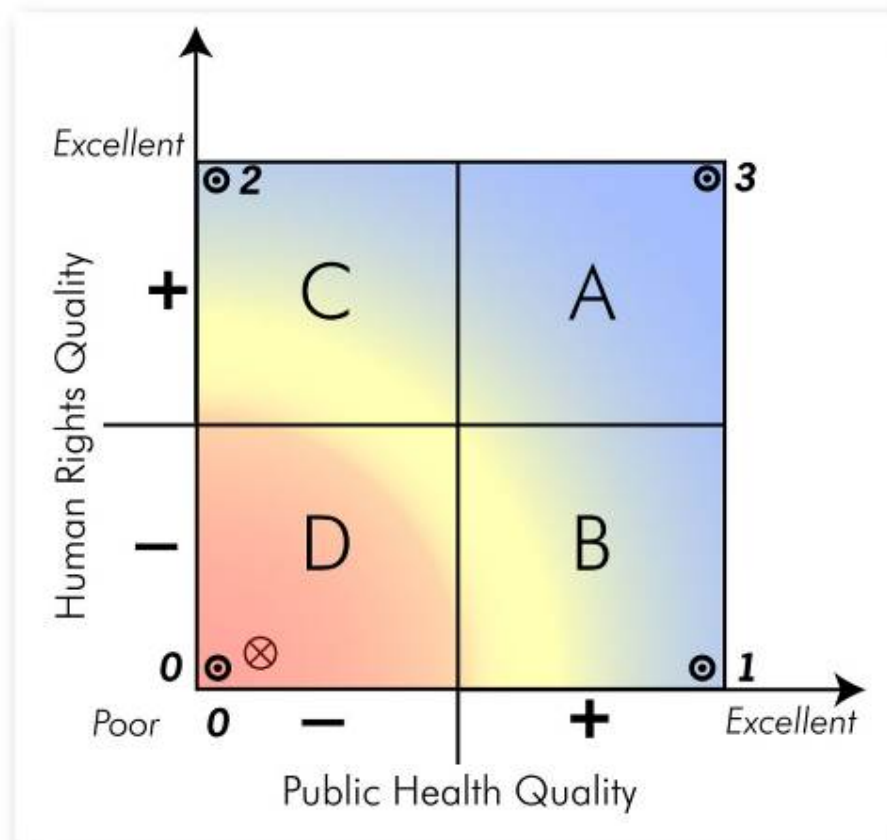


Figure 6. Four-step impact assessment 2x2 grid of health and human rights.

Source: https://www.google.com/search?sca_esv=c039891655a7704c&sxsrf=ADLYWILREq4ao3l3v0lRE-Uq_0bBhIFZfg:1715244102539&q=images+on+human+rights+from+wikipedia&tbm=isch&source=lnms&prmd=ivnsbmz&sa=X&ved=2ahUKEwjL_LybloCGAxUGQUEAHScEDlgQ0pQJegQIDBAB&biw=1366&bih=580&dpr=1#imgsrc=VNTr5Io2AhQ2

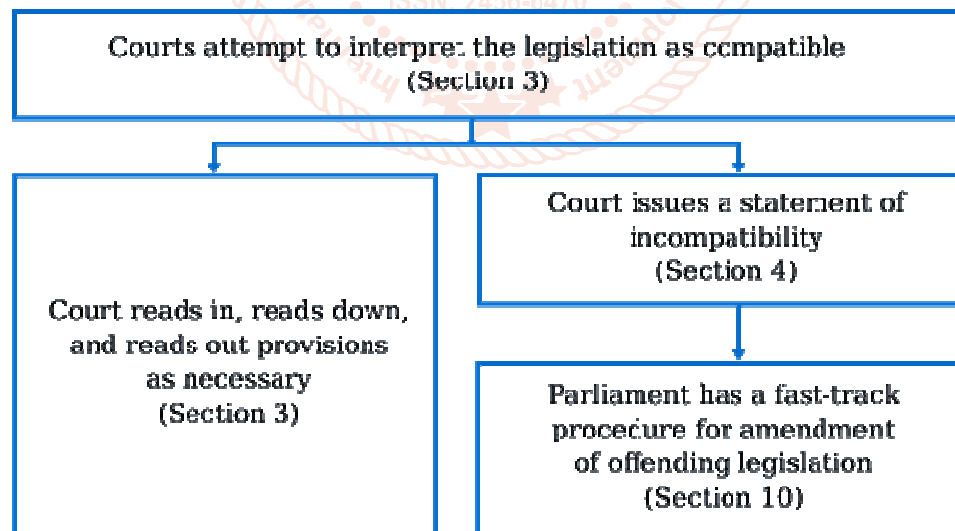


Figure 7. Human Rights Act 1998 flow diagram

Source: https://www.google.com/search?sca_esv=b2746cf197726f04&sxsrf=ADLYWIIJo9k9g1NlrkagukpN8fucFerjew:1715368962720&q=images+on+human+rights+from+wikipedia&tbm=isch&source=lnms&prmd=ivnsbmz&sa=X&ved=2ahUKEwjqzbmt54OGAxUHSaQEHdxABCAQ0pQJegQIDRAB&biw=1034&bih=539&dpr=1#imgsrc=P6AfUqM-noAcTM