

Concept Note
On
Human Rights and Good Governance in India and West Asia

For a National Seminar

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Human rights and good governance have acquired prominent salience and have become important lexicon in the academic discourse in this millennium. These terms are often used and invoked by the emerging civil society, policy makers, journalists and academics. Human rights are not only standards, but also claims of the citizens on the allocation of resources of the society, and this claim can only be materialized, when the society is at the helm of good governance. These two concepts and terms have strong correlation and are indeed mutually reinforcing each other. The Human rights are not only fundamental value but they are also regarded as a vital element in the development of stable, democratic and prosperous societies at peace with each other.

The issues pertaining to human rights and good governance have acquired utmost political significance and are considered as the new buzzwords of polity in the present context. Nowadays the notion of human rights and good governance echoed globally as it has become the yardstick to measure the extent of democratization in any political setup. Thus the comfort of good governance can not be de-linked from the confines of human rights because of the reason that a population empowered to realize fundamental rights, has a bigger capacity to protect the same rights.

Human rights are commonly understood as being those rights which are inherent in the mere fact of being human. Human rights are founded on the inherent dignity of human person. The concept of human rights is based on the belief that every human being is entitled to enjoy her/his rights without discrimination. The term human rights is used to denote a broad spectrum of rights ranging from the right to life to the right to a cultural identity. They involve all elementary preconditions for a dignified human existence. As per international Human rights law all human rights are universal, indivisible and interrelated, though human rights have been classified in a number of different manners.

Although ideas of rights, liberty and dignity of human beings must have existed in some form or the other ever since the dawn of Human civilization. However, the evolution of the notion and concept of human rights is generally ascribed to the emergence of enlightenment in the Europe. In this respect, the French Revolution, was indeed an epoch making event which had elevated the concept of Human beings and their dignity and respect at a very high pedestal, and ever since then the notion of human rights have made significant progress. In this respect, the legal landmark came with the adoption of the framework of Universal Declaration of Human Rights in 1948 which states, "All Human beings are born free and equal in dignity and rights".

It is important to note that human rights laws stress that all human rights are universal, indivisible and inalienable for all human beings irrespective of any other considerations. However, despite various laws, regimes and frameworks aimed at to ensure the human rights, its journey has not always been linear across the globe.

In recent years, the UN's Human rights agenda has led to the development of the concept of human security to achieve "freedom from fear" and "freedom from want". The Commission on Human Security has expanded the idea of human security, and made it more comprehensive which encompasses all human rights, including civil and political rights, which protect people, and economic, social, and cultural rights, which empower people. The new framework centres directly and specifically on people to remedy state's failure of their security obligations. By enhancing human rights, human security seeks to protect people, whether belonging to a group or individually, from a broad range of threats posed by individuals and communities. By strengthening human development, human security seeks to empower them to act on their own behalf.

Human rights and good governance are mutually reinforcing and complementary. Good governance is a system, mechanism and process which ensures the realization of the goals and norms of the human rights. Good governance is widely used expression with no concrete definition. However, in its resolution 2000/64, the commission on Human rights identified the following key attributes of good governance: transparency, responsibility accountability, participation and responsiveness to the needs of the people. Thus in order to realize the norms and goals of human rights it is imperative to have effective, honest, equitable and accountable exercise of power by governments.

Though world has made significant progress in different sphere of human endeavour yet the normative goals of Human rights and good governance are still elusive and the situation is far from satisfactory in almost all corners of the world. However, the situation in this respect is more distressing in the Asian and African continents where India and West Asia are located. Though there is no comparison between India and West Asia as the former has adopted the democratic system of governance while the latter is generally ruled by oligarchies, monarchies and authoritarian system of polity, yet it would not be inappropriate to say that violation of human rights are quite rampant in both the cases.

Though India has undoubtedly made significant progress in various walk of life and yet it is fact that vast majority of our citizens are not able lead a dignified life which they are entitled to as human beings due to hunger, poverty, disease, malnutrition, ignorance and lack of access to proper education, etc. The economy is growing at a great space but at the same time disparity is also widening. The constitution of India though provides for mechanism to ensure fundamental rights to every citizen of the nation, yet implementing machinery because its own biasness and corrupt practices has not been able to ensure every citizen access to resources in fair and equitable manner. This has created enabling environment for violation of human rights and dignity and even in many cases it has endangered their security to life as a human being. Consequently, various conflicts and movements and struggles (anti corruption movements by civil societies), some of them non-violent, have emerged to rectify

the situation. We may highlight diverse spectrum of struggles – ranging from land rights, Dalit Issues, Adivasis, labour reforms, child rights, rights of physically challenged people, gender discrimination, refugee rights and more important minority rights, specially Muslims which needs the urgent attention of the institutions of the governance. In this backdrop, we can say that there is need for paradigm shift in the development agenda of the governance in the country. Thus inclusive growth and development with equity and justice have emerged new mantra of the governance.

In West Asia, the top leadership circumvented the law to satisfy personal ego at the expense of the citizenry, respect to human rights was a “dependable variable”. People’s persistence conjoined by the bargaining power of non-state actors to demand accountability, popular democracy, providing checks and balances had humbled governments to respect the rights of their citizenry including the basic tenets of human rights. The rights of the Palestinian people who are under occupation and facing denial, suppression and the most inhuman treatment day in and day out is the most notable. The recent peoples’ uprising in the West Asian region has added new dimension to the debate on aspirations for more human rights regime and accountability in the region. Various human rights concerns like rights and claims of ethnic groups, minority rights has occupied center stage in the wake of political transition in the region.

In this backdrop, two-day national seminar invites paper from academics, research scholars and civil society highlighting the issues and concerns the two regions are facing in ensuring Human Rights and good governance. The seminar will provide a platform to discuss and explain as to how through education, awareness and engagement on Human rights issues, people can tend to peacefully coexist together, tolerate each other, tighten the justice system to be more effective, and how the governance system can get more democratized, efficient, accountable and keen to articulate the demands of its people. Seminar would mainly focus on following sub themes but these are merely suggestive not exhaustive.

Conceptual and Legal Framework themes

- ❖ An overview of genesis, evolution of human rights, good governance and security
- ❖ Role of the UN
- ❖ Globalisation and Group Rights
- ❖ Sustainable development
- ❖ Refugees’ rights
- ❖ Socio- economic and Cultural rights
- ❖ Human Rights and Gender Issues
- ❖ Rights of Children
- ❖ Human Rights of Minorities- Religious, Linguistic and Ethnic
- ❖ Emergence of civil society
- ❖ Anti corruption movements

Specific Issues Related to India

- ❖ Empowerment of women
- ❖ Labour rights, concern and challenges particularly in informal sectors
- ❖ Problems faced by Muslims their concern and challenges

- ❖ Communal riots
- ❖ “Terrorism and Muslims”
- ❖ Anti-corruption movements by civil societies

Specific Issues Related to the West Asia

- ❖ Impact of the Arab spring
- ❖ The Issues of democratization and good governance
- ❖ Role of Islam in the polity
- ❖ Palestinian rights, concerns and challenges
- ❖ Women empowerment
- ❖ Economic dimension
- ❖ External Powers involvement
- ❖ Issues Related to the basic rights of the Indian expatriates in the GCC countries

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