



The Space of Civil Society and the United Nations Human Rights System – A Critical Analysis

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Abstract: The present paper is making an effort to find the various issues related to the work of civil society actors (CSA's). It begins with a working definition of the terms 'civil society' and 'civil society space'. It then provides an overview of the conditions for Civil Society environment needed for a free and independent civil society, including relevant international human rights standards for freedoms of expression, association and peaceful assembly, and the right to participate in public affairs. This paper includes some examples of how Governments and CSA's have worked together to develop space for civil society to carry out its work to advance enjoyment of all human rights (civil, cultural, economic, political and social) for all. Obstacles and limitations to civil society work are identified, including harassment, intimidation and reprisals against CSA's.

Key words: Civil Society, human rights, women, children, Dalits

"A free and independent civil society is the foundation for healthy, responsive governance at the local, national and global levels." - General Secretary, Ban Ki-moon, video message to the twenty fifth session of the Human Rights Council, March 2014.

Introduction

Human rights are the rights a person has simply because he or she is a human being. Human rights are held by all persons equally, universally, and forever. All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood. Kant said that human beings have an intrinsic value absent in inanimate objects. To violate a human right would therefore be a failure to recognize the worth of human life. Human right is a concept that has been constantly evolving throughout human history. They have been intricately tied to the laws, customs and religions throughout the ages. Most societies have had traditions similar to the "golden rule" of "Do unto others as you would have

them do unto you." The Hindu Vedas, the Babylonian Code of Hammurabi, the Bible, the Quran (Koran), and the Analects of Confucius are five of the oldest written sources which address questions of people's duties, rights, and responsibilities.

A dynamic, diverse and independent civil society is able to operate in a freely, knowledgeable and skilled manner with regard to human rights and this is a key element in securing sustainable human rights protection in all regions of the world. Civil society is the "third sector" of society, along with government and business. It comprises civil society organizations and non-governmental organizations. The UN recognizes the importance of partnering with civil society because



it advances the Organization's ideals and helps support its work.

Analysis:

Non-governmental organizations (NGOs) can participate in the work of the UN in one of two ways: either through consultative status with the Economic and Social Council (ECOSOC), or association with the UN Department of Public Information (DPI). Every day in every part of the world' civil society contributes to the promotion, protection and advancement of human rights. Whatever they call themselves- human rights defenders, human rights NGOs, bar associations, student clubs, trade unions, university institutions, bloggers or charities working with discriminated groups- civil society actors work for a better future and share the common goals of justice, equality and human dignity.

The findings and recommendations of UN human rights mechanisms and bodies are numerous. Civil society follows up on those that are relevant to their objectives and scope of action. These can be:

- Recommendations adopted by treaty bodies in their concluding observations after examining the implementation of a human rights treaty by a State party;
- Recommendations issued by special procedures of the Human Rights Council as contained in reports on country visits, thematic reports and communications on individual cases;
- Recommendations stemming from the Universal Periodic Review (UPR) of the Human Rights Council;
- Resolutions and decisions of the Human Rights Council and the General Assembly; The work of the subsidiary bodies of the Human Rights Council, such as the Advisory Committee, the complaint procedure, the Expert Mechanism on the Rights of indigenous peoples, the Forum on minority issues, the Social forum, and the Forum on business and human rights;
- The recommendations of commissions of inquiry, fact-finding missions and other ad hoc human rights investigative mechanisms established by the Human Rights Council, the High Commissioner for Human Rights or the UN Secretary-General;
- The recommendations contained in reports and studies of the UN High Commissioner for Human Rights (e.g. reports on the activities of field presences; reports and studies on country and thematic situations mandated by the Human Rights Council);
- Appeals to States or the international community by the High Commissioner for Human Rights or by human rights independent experts in public statements.

This is a non-exhaustive list of recommendations for State and civil society follow-up. In addition to UN mechanisms, regional and national human rights mechanisms also issue reports and recommendations aiming to improve the realization of human rights. CSAs can use different sets of criteria to prioritize recommendations, such as:



- Recommendations expressed by a human rights mechanism or body which reinforce those of CSAs;
- Recommendations in line with CSAs' objectives and activities whose follow-up can be realistically integrated in their work plans;
- Recommendations and findings marking a new advancement in the interpretation and application of human rights law;
- Recommendations whose implementation may be favored by a number of factors (e.g. prioritized by the State for implementation; pressure and/or assistance of the international community; availability of resources);
- Recommendations that civil society can follow up on by working with others in coalitions;
- Recommendations whose implementation can be measured by CSAs; Recommendations that would otherwise be ignored without CSA action; and
- Recommendations specifically addressed to civil society (e.g. recommendations of the Special Rapporteur on the situation of human rights defenders addressed to the defenders' community).

The efforts and role of the society in vital for the protection of Human rights and combating other problems. Non-Governmental Organizations (NGOs) are doing a commendable job for ensuring the justice to individuals. In this modern time, it is necessary that society should itself be encouraged to tackle the

challenging problems in prevailing in world like terrorism and communal disharmony. It has been observed that administrative machinery, so far, has not proven so effective in dealing with such problems because of lack of public awareness, with which no human values can be secured. Therefore, social participation, in the form of NGOs and international NGOs are a welcome step for dealing with various aspects of human rights.

Over the years the human rights agenda has grown from a marginal segment into a broad and comprehensive component in the pursuit of international justice. Together with peace, security and development, human rights are now affirmed as constituting one of the main pillars upon which the United Nations is built. As the result of an incremental process reflecting a widely shared sense of human dignity, an extensive network of human rights standards and human rights mechanisms came into being in the quest for political freedom and social justice. This network holds universal dimensions, encompassing all peoples and nations, with an operational focus in Geneva where the Office of the United Nations High Commissioner for Human Rights is established.

Though India took many proactive steps and followed a welfare state model, the police and the bureaucracy have remained largely colonial in their approach and sought to exert control and power over citizens. The feudal and communal characteristics of the Indian polity, coupled with a colonial bureaucracy, dampened the spirit of freedom, rights and affirmative action enshrined in the Constitution. The country has a booming civil society, free media, and an independent judiciary.



However, ongoing violent practices that harm vulnerable groups, corruption, and lack of accountability for their perpetrators, lead to human rights violations.

Many women, children, Dalits, tribal communities, religious minorities, people with disabilities, and sexual and gender minorities stay marginalised and continue to suffer discrimination because of the government's failure to train public officials in stopping discriminatory behaviour. Issues pertaining to police brutality, extrajudicial killings, torture, arbitrary arrests and detention, bonded labour, inhuman and degrading treatment of prisoners, custodial deaths, corruption, labour and migrant rights, sexual violence, refugees, internally displaced people, terrorism, poverty, human trafficking and so on, remain. Continuous attempts are being made by the National Human Rights Commission to address such human rights issues. Some of these issues are being monitored as programmes on the directions of the Supreme Court.

Conclusion

Many organizations around the world dedicate their efforts to protecting human rights and ending human rights abuses. Major human rights organizations maintain extensive websites documenting violations and calling for remedial action, both at a governmental and grass-roots level. Public support and condemnation of abuses is important to their success, as human rights organizations are most effective when their calls for reform are backed by strong public advocacy. Human Rights Watch is dedicated to protecting the human rights of people around the world. They investigate and

expose human rights violations, hold abusers accountable, and challenge governments and those who hold power to end abusive practices and respect international human rights law.

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