



# HUMAN RIGHTS AND SOCIAL JUSTICE

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**ABSTRACT :** Human rights are those that are necessary to safeguard and uphold people's dignity and to establish the circumstances that allow each person to fully express their unique identity. Fair treatment and equal position for all people and social groups within a state or community are central to the idea of social justice.

This paper addresses the concept of Human Rights and Social Justice by highlighting the importance of both the terms. Where Social Justice, is a fundamental tenet of prosperous and peaceful cooperation both inside and between nations, human rights are the privileges which comes by virtue of being human. Human Rights has a very wide scope and is not limited to just one nation but is implemented universally. There have been several cases and issues based on these terms, so it is very important to address the need of the human rights and social justice and make people wary about it. Along with the general discussions this paper will also mention the instruments of Human Rights both in international and national sphere. The global pursuit of social justice is rooted in international human rights laws, which ensure fundamental rights and freedom for all individuals, regardless of background. This study explores the symbiotic relationship between these laws and social justice, aiming for a more equitable and inclusive global society.

**Keywords:** Human Rights, Social Justice, Intersectionality, UDHR, Discrimination, Equality, Violations, Racism, United Nations, Gender, Laws, International Covenants

## I. INTRODUCTION

Both domestic and international human rights documents make reference to the connection between social justice and human rights. Many of the articles of the Universal Declaration of Human Rights (UDHR) support egalitarian goals in contemporary democratic cultures, arguing that human rights are the cornerstone of justice everywhere. Numerous international and state human rights treaties, including the Convention on the Rights of Persons with Disabilities, the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social, and Cultural Rights, reflect these goals. Modern liberal political thought, on the other hand, contends that social justice and human rights are two different things, with social justice needing more distributive equity across political and socioeconomic institutions than does human rights. A 'discontinuous' understanding of the normative connection between social justice and human rights is presented by this viewpoint. Social justice is the principle of fair interactions between individuals and society, encompassing the distribution of wealth, opportunities, and privileges within a society. It is a cornerstone of international and intra-national cooperation, removing barriers based on factors such as gender, age, race, ethnicity, religion, culture, or disability. Human rights, on the other hand, are the advantages inherent in being human.

## II. MEANING AND EVOLUTION

Human rights are fundamental and inalienable rights that every individual is entitled to, regardless of their nationality, caste, creed, or religion. They are crucial for the wellbeing of the body, mind, society, and soul, and are often outlined in constitutions to protect against infringement. These rights encompass civil rights, civil liberties, social, economic, and cultural rights. They stem from inherent dignity and value, based on fundamental human necessities like physical and mental well-being and survival. Recognising inherent dignity is the foundation of freedom, justice, and peace. Individuals can only seek human rights in an organised community with a civil social order. Social justice on the other hand is the equitable treatment and position of all individuals and socioeconomic groups within a state or society, encompassing legal frameworks, regulations, and institutions. It is often compared to distributive justice, which addresses the equitable distribution of benefits and drawbacks in social, political, and economic domains. Social justice is a practical ideal and objective for social and political reform movements, with practical goals varying based on historical and cultural contexts and contemporary socio-scientific understandings.

Human rights protection has roots in ancient civilisations, including the Dharma of the Vedic era in India, Hittite laws, Assyrian laws, and Babylonian laws. The intellectual ideas of "natural law" and "natural rights" date back thousands of years and were acknowledged by Greek and Roman thinkers. The concept of human rights originated from the Greco-Roman natural law doctrine of stoicism, which held that human behaviour should be evaluated in line with the rule of nature. The concept of social justice originated in prehistoric communities and was often connected to religious practices. Social justice movements began in the early 19th century, tackling topics such as women's suffrage, labor rights, and slavery. International movements focused on advancing social justice gained traction in the mid-20th century, with the United Nations' 1948 adoption of the Universal Declaration of Human Rights marking the beginning of the human rights movement. Various social justice movements have developed in recent years, aiming to advance fundamental rights, such as the LGBTQ+ rights movement, environmental justice, economic justice, and Black Lives Matter.

## III. INSTRUMENTS OF HUMAN RIGHTS

The treaties and other legal documents that form the foundation of human rights legislation and the overall defense of human rights are known as human rights instruments. Although there are many different kinds, the majority fall into two general categories: conventions, which are multi-party treaties intended to become legally binding and typically involve prescriptive and highly specific language as well as a drawn-out process that frequently requires ratification by each state's legislature, and declarations, which are adopted by bodies like the United Nations General Assembly and are by nature declaratory and therefore not legally-binding even though they may be politically authoritative and highly respected soft law and frequently express guiding principles. The term "International Bill of Human Rights" is sometimes used to refer to the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social, and Cultural Rights, and other international human rights instruments. The Universal Declaration of Human Rights, approved by the General Assembly in 1948, outlines the principles of respect for human rights and fundamental freedoms for all without distinction based on race, sex, language, or religion. The Declaration includes thirty articles, including civil and political rights, economic and social rights, and the right to life, liberty, security, and freedom from slavery or servitude. The International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social, and Cultural Rights (ICESCR) were approved by the General Assembly in 1966. The ICCPR and ICESCR are legally enforceable and focus on various freedoms and rights, including self-determination and individual rights. The Human Rights Council, established in 2006, is the principal intergovernmental entity within the United Nations responsible for overseeing human rights. It serves as an international platform for discussing national circumstances and abuses of human

rights, adopting resolutions and convening crisis meetings to address pressing issues. Members commit to upholding human rights and are expected to cooperate fully with the Council.

India also aimed to establish a national organisation to uphold and advance human rights in the 1990s, following foreign countries' condemnation of political upheaval in Punjab, Jammu & Kashmir, North-East, and Andhra Pradesh. However, the proposal was made abruptly without adequate consideration by the administration. In 1992, the Human Rights Commission Bill was tabled in the Lok Sabha, and in 1993, the National Human Rights Commission was founded. In 1994, the Protection of Human Rights Bill was approved, establishing Human Rights Courts, State Human Rights Commissions, and a National Human Rights Commission. The National Human Rights Commission (NHRC) is an independent statutory body established in 1993 to monitor and protect human rights in India. It is responsible for ensuring the protection of life, dignity, liberty, and equality of individuals, as defined in Section 2(1) of the PHR Act. These rights are guaranteed by the Indian Constitution, international covenants, and are enforceable by Indian courts. The NHRC was established in compliance with the Paris Principles of Human Rights, 1991, adopted by the United Nations at its General Assembly of 1993. The State Human Rights Commission, established through an Act of Parliament, is state-specific and focuses on protecting human rights in specific states. It is also responsible for investigating human rights violations, but can only deal with subjects listed in List II of the State List and List III of the Concurrent List.

### III. ISSUES CONCERNING SOCIAL JUSTICE

The foundations of social justice include access, equity, participation, and human rights. Everyone is appreciated, helped, and safeguarded in a just society. It is difficult to achieve social justice since there are several issues that must be resolved.

The gender pay gap is a significant issue affecting women's wages and opportunities in the workforce. Factors contributing to this disparity include underrepresentation in leadership roles, long work hours, time away from the workforce, education, gendered occupations, and unexplained aspects of the gender wage gap. Women are less common in leadership roles, with a greater concentration of women working in administrative and human resource support roles. Working hours are often a product of the disparities in the ways that men and women engage in the workforce, and women often work part-time more than men. Climate change is another significant issue affecting women's wages and opportunities. Climate change is caused by various factors, such as fracking, agriculture, and offshore drilling, and fossil fuel emissions are not decreasing. Fighting climate change is essential for poverty, food security, and gender equality. Human trafficking and slavery are serious social justice problems that impact millions worldwide, involving infringement of fundamental human rights, exploitation, and denial of individual freedom. Initiatives for social justice must address these issues, support women's emancipation, and allocate funds for child safety. Governments, non-governmental organisations, and the commercial sector must engage in global collaboration and lobbying to hold offenders accountable. Transgender people face numerous societal problems and risks, including discrimination, stigma, violence, lack of legal protections, restricted access to healthcare, bullying, mental health issues, economic inequality, rejection from family, media representation, and diminished social acceptance. Racism is a pervasive societal problem that affects people, groups, and cultures worldwide.

### IV. CASE STUDIES ON VIOLATION OF HUMAN RIGHTS AND SOCIAL JUSTICE

There are numerous case studies documenting violations of human rights across the globe as with the changing world every year a person's human rights are violated when their legal right to freedom of speech and movement is denied. Human rights breaches are either directly or indirectly committed by a state. Violations can occur when the state fails to prevent the violation or when the state commits the violation on purpose. The human rights of both citizens and soldiers in Ukraine have been severely

harmed by the Russian Federation's armed campaign against that nation in 2022. The UN Human Rights Monitoring Mission in Ukraine (HRMMU) has reported severe human rights violations in Ukraine, including wilful murders, arbitrary imprisonment, enforced disappearances, torture, ill-treatment, and sexual assault. The report highlights that 10% of civilian casualties occurred in areas governed by Russian military forces and allied armed groups, while 90% were reported in areas under government administration. The majority of civilian deaths were caused by explosive deployment in densely populated areas. The report also details instances of torture and cruel treatment of detained civilians by Russian military forces. The rights of vulnerable populations, including disabled and elderly people, have been negatively impacted by the hostilities. The Russian Federation continues to suppress freedom of speech by punishing criticism of the Russian Federation or its military services, using stringent, ambiguous, and poorly defined laws. Michelle Bachelet, the UN High Commissioner for Human Rights, released a report on human rights abuses in China's northwest region of Xinjiang on 2022. The report highlights the serious human rights breaches committed by the Chinese government, led by President Xi Jinping, under the guise of counterterrorism and counter-extremism tactics. The study calls for China to free all Muslims wrongfully imprisoned, including those in prisons and vocational training centers. China has used diplomatic offensives and pressure tactics to postpone the release of the UN Office of the High Commissioner on Human Rights' (OHCHR) assessment of China's human rights violations in the Xinjiang region. The report calls for China to free all Muslims wrongfully imprisoned, including those in prisons and detention institutions. The report also highlights the brutal Sinicization of the Uyghur population, which led to a decline in the population and the resumption of violent terrorism. Human Rights violations does not only take place in the other nations but people of India have suffered from such violations too. Like in the case of Vishaka v. State Of Rajasthan, AIR 1997, Bhanwari Devi, a SAATHIN, was the victim of an attempted rape in 1987. In 1992, the government campaign against child marriage led to her job loss and community blame for police visits. Bhanwari's husband was attacked and gang-raped, but no allegations were made. Vishaka sought a writ of mandamus from the Supreme Court, claiming workplace sexual harassment breaches fundamental rights. The Supreme Court ruled that harassment violates women's basic rights under Articles 14, 15, and 16. The court recommended a unique code to address harassment and discrimination, stating that a unique code should be created to prevent future instances of such issues.

Social justice concerns can be related to almost any area of society where unfair policies or prejudices have the potential to create inequity. Here are two of the most talked about cases studied under Social Justice. The Walt Disney Company has been accused of underpaying women in California since 2015, according to a lawsuit filed in state court in Los Angeles. The lawsuit claims that Disney violated California's Equal Pay Act by paying women 2% less on average than males for equal work. The study is based on pay for non-union staff below the vice president level, including Disney Studios, Disney+, parks and resorts, ABC, Lucasfilm, and Searchlight Pictures. Disney has previously issued a pay gap report, stating that women are paid almost exactly the same as males. Racism is a pervasive societal problem that affects people, groups, and cultures all over the world. It can take many different forms, such as institutional racism, which unfairly affects some racial or ethnic groups in settings like work, healthcare, and education. The George Floyd case in Minneapolis in 2020 resulted in the death of African American citizen George Floyd due to police brutality. The incident led to riots and protests inspired by Black Lives Matter, similar to movements in other European countries. The events surrounding the George Floyd case have become more extreme due to the higher probability of fatalities in US law enforcement actions compared to other democracies. The investigation aims to pinpoint key social, political, economic, and law enforcement-related variables that likely influenced the incidents.

## V. LITERATURE REVIEW

Regarding the conversation around Human Rights and Social Justice, a wealth of literature exists that provides in-depth analyses. Dr. Ashu Vyas Maharshi in his paper 'Human Rights and Social Justice' gives a detailed explanation about the concept of the Human Rights and Social Justice in India. He also gives an interrelation analysis between both the terms. He defines social justice as the idea of right and fair interactions between the person and society. This is determined by the stated and unstated rules governing the allocation of income, chances for individual pursuits, and social rights. On the other hand, human rights are just the privileges that come with being a person. Dr. Baloy Bhattacharjee's "An analytical research on human rights viz a viz fundamental rights in India" centers on the human rights landscape in India. He outlines the several advancements pertaining to human rights as well as how they evolved in India. Additionally, he draws a connection between the Indian Constitution's inclusion of Fundamental Rights and Human Rights. "Social Discrimination and Social Justice," by Dinesh Bhugra discusses the connection between racism and racial prejudice and the increased mental disease prevalence among Black minority communities. He is in favour of social justice, which is a society that ensures that resources are allocated equitably, appreciates diversity, and provides equal opportunity. Social discrimination is defined as ongoing unfairness based on traits like illness, disability, sexual orientation, or religion. He makes reference to John Rawls' notion of justice. Harold R Kerbe in "Social Problems" highlights the difficulties and key concerns in this paper's brief history of the study of social problems in the US. He also discusses social movements and their influence on societal issues.

In conclusion this literature review on human rights and social justice would typically involves examining a wide range of academic and scholarly works that explore the theoretical foundations, historical contexts, contemporary challenges, and practical applications of human rights and social justice principles.

## VI. RESEARCH GAPS

While the extensive literature available on Human Rights and Social Justice offers a comprehensive understanding of both the terms there are some noticeable gaps which needs to be further researched. The recognition of intersectionality in the debate around human rights and social justice is growing; nonetheless, further investigation is necessary to comprehend the ways in which prejudice intersects and intensifies, particularly among vulnerable communities. Examining the lives of those subjected to various forms of discrimination on the basis of their color, gender, sexual orientation, class, disability, and other intersecting identities is part of this. Research ought to evaluate the efficacy of measures aimed at advancing and safeguarding human rights, such as legislative changes, policy proposals, public awareness campaigns, and community-based involvement. The focus should be on grassroots actors and local communities, and human rights education and awareness-raising techniques should be assessed. Understudied is the relationship between environmental concerns, human rights, and social justice. More study is required to determine how resource exploitation, degradation, and climate change disproportionately affect underprivileged groups.

## VII. RESEARCH OBJECTIVES

The research objective of this study is to deepen the understanding about the importance and need of the basic rights of every individual which are often violated and disregarded. The objective also includes analysing the effectiveness of legal frameworks and institutions in safeguarding human rights. It also aims on highlighting the effectiveness of international human rights treaties and conventions and analyse the role of regional human rights mechanisms. This study also aims to address various societal issues and the injustices happening in the by assessing the role of social movements and civil society in advancing human rights and social justice.

## VIII. FINDINGS

1. **Intersectionality:** The interconnectedness of many social identities and oppressive practices is known as intersectionality, and this research's key finding lies on how crucial it is to take this into account when comprehending and resolving challenges related to social justice and human rights. The ways in which people experience overlapping kinds of privilege and discrimination are highlighted by intersectional approaches, which calls for more inclusive and nuanced methods to lobbying and policy-making.
2. **Human Rights Instruments:** Strong legal and policy frameworks are essential for defending human rights and advancing social justice, as this research shows. International human rights accords offer significant benchmarks and guidelines, but their efficacy is contingent upon local execution, legal safeguards, and political will. In addition, it looks at how national and regional legal systems function and how policies affect marginalisation and socioeconomic inequality.
3. **Issues pertaining to violations of Rights:** While we study the importance, meaning, evolution principles of the Human Rights it is also crucial to be updated about the cases related to the violations taking place so that it becomes important for people to educate themselves more about the consequences and the effectiveness of the basic rights.

## IX. RECOMMENDATIONS

1. **Advancement of Knowledge :** When conducting research on human rights and social justice, it's crucial to approach the topic with sensitivity, rigour, and a commitment to advancing knowledge and promoting positive change.
2. **Collaboration:** When conducting a research it can be more helpful to collaborate with others who share similar interests in the same topic.
3. **Apply mixed-methods:** Combine qualitative and quantitative research methods to provide a comprehensive understanding of human rights violations, social injustices, and their underlying causes.
4. **Proper and correct collection of data:** While studying about Human Rights and Social Justice it is very important to find the data and informations from correct and authentic websites. Books and journals are highly recommended.

## X. CONCLUSION

In conclusion, achieving human dignity, equality for everyone, is a joint aim of social justice and human rights. Human rights are universally applicable and directly conflict with the problems that make social justice hard to attain, such as poverty, exclusion, and discrimination. Human rights not only advance equality in general but also provide protection from discrimination, both direct and indirect, based on specific attributes. No one may be prevented from enjoying their rights by discrimination on the basis of their sex, race, religion, political opinion, sexual orientation, or nationality, according to Article 14. A key component of social justice is equitable wealth distribution, which is strengthened by fair job opportunities. Human rights give rise to a legal framework that enables citizens to hold their government responsible and mandates that the state establish the prerequisites for achieving social justice. In order to push human rights commissioners to their limits and to overcome the inevitable resistance from other government agencies, the international community must also support and push them. This is a process that can only be accomplished with sustained national and international attention over a period of time.

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