



INDIAN JOURNAL OF  
LEGAL REVIEW

VOLUME 4 AND ISSUE 3 OF 2024

INSTITUTE OF LEGAL EDUCATION



## INDIAN JOURNAL OF LEGAL REVIEW

APIS – 3920 – 0001 | ISSN – 2583-2344

(Free and Open Access Journal)

Journal's Home Page – <https://ijlr.iledu.in/>

Journal's Editorial Page – <https://ijlr.iledu.in/editorial-board/>

Volume 4 and Issue 3 of 2024 (Access Full Issue on – <https://ijlr.iledu.in/volume-4-and-issue-3-of-2024/>)

### Publisher

Prasanna S,

Chairman of Institute of Legal Education (Established by I.L.E. Educational Trust)

No. 08, Arul Nagar, Seera Thoppu,

Maudhanda Kurichi, Srirangam,

Tiruchirappalli – 620102

Phone : +91 94896 71437 – [info@iledu.in](mailto:info@iledu.in) / [Chairman@iledu.in](mailto:Chairman@iledu.in)



© Institute of Legal Education

**Copyright Disclaimer:** All rights are reserve with Institute of Legal Education. No part of the material published on this website (Articles or Research Papers including those published in this journal) may be reproduced, distributed, or transmitted in any form or by any means, including photocopying, recording, or other electronic or mechanical methods, without the prior written permission of the publisher. For more details refer <https://ijlr.iledu.in/terms-and-condition/>

## A STUDY ON THE ROLE OF THE UNITED NATIONS IN PROTECTION OF HUMAN RIGHTS

**AUTHOR** – M. NIRMALA, ASSISTANT PROFESSOR, GOVERNMENT LAW COLLEGE, TRICHY

**BEST CITATION** – M. NIRMALA, A STUDY ON THE ROLE OF THE UNITED NATIONS IN PROTECTION OF HUMAN RIGHTS, *INDIAN JOURNAL OF LEGAL REVIEW (IJLR)*, 4 (3) OF 2024, PG. 731-735, APIS – 3920 – 0001 & ISSN – 2583-2344.

### ABSTRACT

The United Nations has been inextricably linked with organizational efforts not only to promote human rights but also to play a vital role in the development of human rights protection mechanisms. Human rights concepts and mechanisms have developed historically in conjunction with interventions by civil society and states. The right to self-determination serves as one of the most salient examples. The Universal Declaration of Human Rights has been associated with the rise of pro-democracy and pro-human rights movements around the world, establishing the foundation for the development of international human rights mechanisms over the past five decades. This study aims to identify the role of the United Nations in protecting human rights and the challenges in the protection and promotion of human rights.

**Keywords:** Human rights, United Nation, Universal Declaration of Human Rights, United Nation Charter, Principal Organs.

### INTRODUCTION

Human beings are rational entities. By virtue of their humanity, individuals possess certain fundamental and inalienable rights, commonly referred to as Human rights. As these rights are inherent to human existence, they become operative upon birth. Human rights, being innate, are therefore intrinsic to all individuals irrespective of caste, creed, religion, sex, and nationality.

Human rights have become an established reality since the formation of the United Nations in 1945. The United Nations, as its central concern, has reaffirmed its commitment to fundamental human rights, the dignity and worth of the human person, and the equal rights of men and women, as well as nations large and small. One of the primary objectives of the United Nations is the maintenance of international peace and security, which is not achievable without the promotion of human rights.

### FRAMEWORK OF HUMAN RIGHTS UNDER UN CHARTER.

One of the objectives of the United Nations is to foster international cooperation in addressing global challenges of an economic, social, cultural, or humanitarian nature, and to promote and encourage respect for human rights and fundamental freedoms for all individuals, regardless of race, sex, language, or religion<sup>1049</sup>. The obligation of the United Nations to promote universal respect for and observance of human rights and fundamental freedoms for all individuals, without distinction as to race, sex, language, or religion<sup>1050</sup>. All members of the United Nation pledge themselves to take joint and separate action in cooperation with the organization for the achievement of the purposes set forth in Article 55<sup>1051</sup>.

The Economic and Social Council may make a recommendation for the purpose

<sup>1049</sup> The United Nations Charter, Article 1(3)

<sup>1050</sup> Ibid. Article 55

<sup>1051</sup> Ibid. Article 54

of promoting respect for and observance of human rights and fundamental freedoms for all under Article 62. Pursuant to Article 64 of the United Nations Charter, the Economic and Social Council is empowered to establish arrangements with member states of the United Nations and with specialized agencies to procure reports regarding the measures implemented to effectuate its own recommendations, as well as recommendations pertaining to matters within its purview made by the General Assembly.

### **ROLE OF THE PRINCIPAL ORGANS OF THE UNITED NATIONS IN THE PROMOTION AND PROTECTION OF HUMAN RIGHTS.**

The six principal organs of the United Nations, namely the General Assembly, Economic and Social Council, Security Council, Trusteeship Council, International Court of Justice, and Secretariat, contribute significantly to the promotion and protection of human rights and fundamental freedoms worldwide. The pertinent functions and powers of these organs are as follows.

#### 1. GENERAL ASSEMBLY.

The General Assembly is empowered under Article 10 of the Charter to discuss any questions or matters within the scope of the present Charter or relating to the powers and functions of any organs provided for in the Charter. Except as provided in Article 12, it may make recommendations to the members of the United Nations or to the Security Council, or to both, on any such questions or matters. Article 13(1)(b) of the Charter stipulates a specific obligation with respect to the promotion and realization of human rights and fundamental freedoms. Under Article 22 of the Charter, the General Assembly is empowered to establish such subsidiary organs as it deems necessary for the performance of its functions.

#### 2 SECURITY COUNCIL.

The Security Council is primarily concerned with the maintenance of international peace and security, but it also addresses human rights issues. Under Article 34 of the UN Charter, the Security Council may investigate any dispute or situation that might lead to international friction. Any member of the United Nations, as per Article 35(1), may bring any dispute or situation of the nature described in Article 34 to the attention of the Security Council or the General Assembly. A state that is not a member of the United Nations may, under Article 35(2), bring to the attention of the Security Council or General Assembly any dispute.

#### 3 ECONOMIC AND SOCIAL COUNCIL.

The Economic and Social Council operates under the authority of the General Assembly. Its primary function is to promote economic and social progress, enhance standards of human welfare, and ensure the observance of human rights and fundamental freedoms. Under Article 62, the Economic and Social Council is empowered to make recommendations for the purpose of promoting respect for and observance of human rights and fundamental freedoms for all. It prepares draft conventions for submission to the General Assembly with respect to matters falling within its purview.

#### 4 TRUSTEESHIP COUNCIL.

The Trusteeship Council, operating under the authority of the General Assembly, has been assigned the task of supervising and implementing the objectives delineated in Article 76 of the Charter. These objectives are as follows:

- Maintaining international peace and security.
- Promoting the political, economic, social, and educational advancement of the inhabitants of the trust territories and their progressive development towards self-government.

- Encouraging respect for human rights and fundamental freedoms for all individuals, without distinction as to race, sex, language, or religion.
- Ensuring equal treatment in social, economic, and commercial matters for all members of the United Nations.

#### 5 INTERNATIONAL COURT OF JUSTICE.

The International Court of Justice is one of the principal organs of the United Nations. It functions in accordance with the Statute, which is annexed to and forms part of the Charter of the United Nations. The International Court of Justice has been instrumental in adjudicating cases involving questions of human rights<sup>1052</sup>. The General Assembly and Security Council have, on various occasions, requested advisory opinions from the International Court of Justice. Numerous international instruments concerning the implementation of human rights provide for the submission of disputes relating to the interpretation of the instrument or its implementation to the International Court of Justice.

#### 6 THE SECRETARIAT.

The Secretariat is also a principal organ of the United Nations. It comprises the Secretary-General and such other staff as may be required. The Secretary-General submits an annual report to the General Assembly on the work of the Organization<sup>1053</sup>. The Secretariat addresses human rights issues through its divisions for the Advancement of Women within the Centre for Social Development and Humanitarian Affairs and the Office of Legal Affairs.

#### **UNITED NATION CHARTER BASED INSTITUTIONS IN PROTECTING THE HUMAN RIGHTS.**

All organs of the United Nations system and bodies address human rights issues; however, certain bodies and institutions are primarily concerned with human rights. These include the Human Rights Council, the Commission on the

Status of Women, the Office of the United Nations High Commissioner for Refugees, Treaty Monitoring bodies, and the Centre for Human Rights.

#### 1. HUMAN RIGHTS COUNCIL

The Human Rights Council has been established by the General Assembly of the United Nations to replace the Commission on Human Rights<sup>1054</sup>. The Human Rights Council comprises 47 member states, which are elected directly and individually by secret ballot by the majority of the members of the General Assembly. The following are the functions and powers of the Human Rights Council;

- Promote human rights education and learning, as well as advisory services, technical assistance, and capacity building, to be provided in consultation with and with the consent of the member states concerned.
- Formulate recommendations to the General Assembly for the advancement of international law in the domain of human rights
- Advocate for the comprehensive implementation of human rights obligations undertaken by states and ensure follow-up to the goals and commitments pertaining to the promotion and protection of human rights
- Make recommendations with a regard to the promotion and protection of human rights
- Submit an annual report to the general assembly<sup>1055</sup>

#### 2. THE COMMISSION ON STATUS OF WOMEN

The Commission on the Status of Women is selected by the Economic and Social Council on the basis of equitable geographical distribution. It performs four major functions: programming, coordination, monitoring, and policy development. The Commission serves as a preparatory body for international conferences on the advancement of women. It establishes close coordination among international

<sup>1052</sup> United Nations Action , Supra ,N.4 P.19

<sup>1053</sup> The united Nations Charter ,Article 98

<sup>1054</sup> General Assembly's Resolution No.GA/10449 ,15 March ,2006

<sup>1055</sup> General Assembly's Resolution 60/251 , 1 March.2006 , Article 5

organizations and regional and national bodies concerned with the advancement of women<sup>1056</sup>.

### 3.OFFICES OF THE UNITED NATION HIGH COMMISSIONER FOR REFUGEES

The Office of the International High Commissioner for Refugees was established in 1949. It is a significant organ of the United Nations established to address the issues of refugees, displaced persons, stateless persons, and returnees in accordance with the provisions of the Charter and Article 14 of the Universal Declaration of Human Rights. The High Commissioner, as per the mandate, is required to provide protection for refugees falling within the purview of the office.<sup>1057</sup>

### 4.CENTRE FOR HUMAN RIGHTS

The Division of Human Rights was initially established as a unit within the Department of Social Affairs of the Secretariat. Subsequently, it was relocated to the Office of the Under-Secretary-General for Special Political Affairs and later to the Office of the Under-Secretary-General for Political and General Assembly Affairs. The primary functions<sup>1058</sup> of the Centre for Human Rights are

- The center provides assistance to the various bodies of the international community which are engaged in the promotion and protection of human rights and fundamental freedoms.
- The center conducts research and studies on human rights, prepares proposals on the implementation of human rights, and administers the program of advisory services and technical assistance in the field of human rights.
- Finally, the center undertakes to prepare and disseminate information and publications relating to human rights.

### 5. TREATY MONITORING BODIES

The General Assembly, the Economic and Social Council, and the subsidiary bodies are associated with the formulation and implementation of human rights standards. Several specialized monitoring bodies have been established to oversee the implementation of international conventions and declarations by the States Parties that have accepted or ratified them. The monitoring bodies are Committee on the Elimination of Racial discrimination, Human Rights committee, Committee on the Elimination of discrimination against women, Committee against Torture, Committee on Economic Social and Cultural rights and Committee on the Rights of the Child.

### UNIVERSAL DECLARATION OF HUMAN RIGHTS

The first major achievement of the United Nations in the field of Human Rights is the Universal Declaration of Human Rights, which is considered the Magna Carta of rights. The declaration establishes for the international community a common standard of achievement. It recognizes the inherent dignity and the inalienable rights of all individuals in all nations. The Human Rights, in the form of norms mentioned in the declaration, are fundamental in a moral sense and are universal and indivisible. It is the duty of states, regardless of their social, political, and economic systems, to promote and protect human rights<sup>1059</sup>.

### CHALLENGES IN THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

- 1.The core challenges of implementing international human rights norms
- 2.The comprehensive integration of economic and social rights into the international human rights mechanism and all countries' approaches to human rights
- 3.The full incorporation of women's human rights into the human rights mechanism

<sup>1056</sup> United Nations Action, Supra N 4. P.15

<sup>1057</sup> Ibid, pp. 16 - 17

<sup>1058</sup> Ibid, pp. 26 - 27

<sup>1059</sup> Dr.U.Chandra, Human Rights, Allahabad Law Agency Publications, 8<sup>th</sup> edition, 2014

4. The integration of human rights into the peace and security domains of the United Nations, as well as at regional and national levels
5. Lastly, the continued mobilization of civil society is imperative<sup>1060</sup>

#### CONCLUSION

Human rights movements worldwide have contributed to the development of international human rights mechanisms that now operate independently, and this trend should persist throughout civil society. Without robust constituencies, even strong institutions may fall into disarray and decline. Human rights education, in its broadest sense, must systematically permeate each society, whether in schools, communities, professional settings, or other contexts. The establishment of a human rights culture that transcends divisive ideologies serves as the ultimate safeguard for human rights.



<sup>1060</sup> Elsa stamatopoulou , The development of united nations mechanisms for the protection and promotion of human rights , Vol -55 ,Wash & Lee L. Rev .687 (1998)