

HUMAN RIGHTS AND POLITICS: A CRITICAL REVIEW**Bhupendra Kumar Sahu^{1*}, Krishna Kumar Sahu²**

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Abstract This paper critically reviews the intersection of human rights and politics, exploring the historical evolution of human rights concepts, key international documents, and major historical events that have shaped human rights. It examines various political theories, including liberalism, Marxism, and postcolonial theory, and their impact on human rights discourse. The role of international organizations, such as the United Nations and regional bodies, and their influence on human rights through foreign policy and humanitarian interventions are analyzed. Case studies of significant human rights violations and successes illustrate the complexities of international responses. The paper also discusses the integration of human rights into national constitutions, the role of NGOs and civil society in advocacy and legal interventions, and the contrasting human rights practices in democracies and authoritarian regimes. Challenges such as cultural relativism, political manipulation of human rights, and emerging issues like digital rights and climate change are critically assessed. This comprehensive review highlights the multifaceted relationship between human rights and politics, emphasizing the need for continuous scrutiny and adaptation to protect and advance human rights globally.

Keywords Human rights, politics, international organizations, liberalism, Marxism, postcolonial theory, United Nations, NGOs, civil society, democracies, authoritarian regimes, cultural relativism, digital rights, climate change, humanitarian interventions, foreign policy, case studies, historical evolution, international documents, advocacy.

I. Introduction**A. Definition of Human Rights**

Human rights are universally recognized principles that guarantee the fundamental freedoms and protections inherent to all individuals, regardless of nationality, ethnicity, religion, or any other status. These rights are enshrined in various international documents and treaties, such as the Universal Declaration of Human Rights (UDHR), which was adopted by the United Nations General Assembly in 1948 (United Nations, 2015). According to Donnelly (2013), human rights encompass a broad range of civil, political, economic, social, and cultural rights, ensuring that individuals can lead a life of dignity and freedom. This foundational understanding of human rights is critical as it provides the baseline from which political influences can be examined.

B. Overview of Politics and its Influence on Human Rights

Politics plays a crucial role in the realization and enforcement of human rights. Political systems and ideologies can either promote or hinder the protection of these rights. For instance, democratic governments are typically seen as more conducive to the protection of human rights due to their emphasis on individual freedoms and accountability (Davenport & Armstrong, 2004). Conversely, authoritarian regimes often suppress human rights to maintain control and limit dissent (Buono de Mesquita et al., 2005). The interplay between political power and human rights is evident in various case studies. For example, Sikkink (2011) highlights how Latin American countries with strong human rights movements have managed to influence political transitions and institutionalize human rights norms. This relationship underscores the importance of political context in understanding the effectiveness and enforcement of human rights protections.

C. Importance of Studying the Intersection of Human Rights and Politics

Understanding the intersection between human rights and politics is essential for several reasons. First, it allows for a comprehensive analysis of how political structures and processes impact the protection and violation of human rights (Forsythe, 2012). By examining this intersection, scholars and policymakers can identify the political conditions that facilitate or obstruct human rights advancements. For example, Landman (2013) argues that the strength of civil society and the rule of law are critical factors in ensuring human rights protection. Additionally, this study can inform international human rights advocacy by highlighting effective strategies and identifying areas needing intervention. According to Hafner-Burton (2013), targeted sanctions and diplomatic efforts can be tailored to specific political contexts to enhance their efficacy in promoting human rights. Thus, studying this

intersection is vital for developing effective policies and interventions that address human rights abuses.

D. Purpose of the Paper

The purpose of this paper is to critically review the relationship between human rights and politics, exploring how political theories, systems, and practices influence the realization of human rights. By examining historical contexts, theoretical frameworks, and contemporary issues, this paper seeks to contribute to the ongoing discourse on human rights and inform future research and policy-making. Specifically, it will analyze how different political regimes affect human rights, the role of international organizations, and the challenges of enforcing human rights in diverse political landscapes. Through this critical review, the paper intends to highlight the significance of political dynamics in shaping human rights outcomes and propose recommendations for enhancing human rights protection globally.

II. Historical Context of Human Rights

A. Evolution of Human Rights Concepts

Table 1: Evolution of Human Rights Concepts

Period	Key Ideas and Philosophers	Contributions to Human Rights
Early Philosophical Ideas	Ancient Greece (e.g., Socrates, Plato, Aristotle)	Concepts of natural law and justice
Medieval Period	St. Thomas Aquinas	Integration of Christian theology with natural law
Enlightenment	John Locke, Jean-Jacques Rousseau, Immanuel Kant	Emphasis on individual rights, social contract, and universal morality
Modern Notions	19th-20th Century Thinkers (e.g., John Stuart Mill, Karl Marx)	Expansion of human rights to include economic and social dimensions

Early Philosophical Ideas

The concept of human rights has ancient roots, with early philosophical ideas laying the groundwork for contemporary understandings. For instance, classical Greek philosophers such as Plato and Aristotle discussed notions of justice and natural law, emphasizing the

inherent dignity of individuals (Griffin, 2012). In contrast, Roman law introduced the idea of "jus gentium" (law of nations), which applied universally to all human beings, a precursor to modern human rights (Nussbaum, 2011).

Enlightenment and Modern Notions

The Enlightenment era significantly advanced human rights concepts, with thinkers like John Locke and Jean-Jacques Rousseau advocating for natural rights, which include life, liberty, and property (Locke, 2015; Rousseau, 2012). These ideas were foundational for subsequent political movements and documents, such as the American Declaration of Independence and the French Declaration of the Rights of Man and of the Citizen, which emphasized the inherent equality and rights of all individuals (Hunt, 2007).

B. Key International Human Rights Documents

Universal Declaration of Human Rights (UDHR)

Adopted in 1948 by the United Nations General Assembly, the UDHR is a landmark document that articulates fundamental human rights to be universally protected. It comprises 30 articles detailing various rights, including civil, political, economic, social, and cultural rights (United Nations, 2015). The UDHR has significantly influenced international human rights law and inspired numerous subsequent human rights treaties and national constitutions (Morsink, 1999).

International Covenants

The International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social, and Cultural Rights (ICESCR), both adopted in 1966, further elaborate on the rights outlined in the UDHR and create binding obligations for state parties. These covenants address various rights, such as the right to life, freedom of speech, the right to work, and the right to education (Alston & Goodman, 2013). They are crucial in providing a legal framework for the protection and promotion of human rights worldwide.

C. Major Historical Events Influencing Human Rights

World Wars

The atrocities of the World Wars, particularly World War II, were instrumental in the global realization of the need for comprehensive human rights protections. The Holocaust and other war crimes highlighted the necessity of safeguarding human dignity, leading to the

establishment of the United Nations and the creation of the UDHR (Power, 2002). These events underscored the importance of preventing such violations in the future and laid the foundation for the modern human rights movement.

Decolonization

The decolonization process of the mid-20th century also significantly impacted the development of human rights. As former colonies gained independence, there was a growing recognition of the need for international standards to protect human rights and promote social justice (Mazower, 2004). This period saw the emergence of numerous new states committed to the principles of self-determination, equality, and human dignity, influencing the international human rights agenda.

III. Political Theories and Human Rights

A. Liberalism and Human Rights

Individual Freedom and Protection

Liberal political theory emphasizes the protection of individual freedoms as a cornerstone of human rights. This perspective argues that individuals possess inherent rights that must be safeguarded against state interference (Rawls, 2001). Liberal democracies prioritize civil and political rights, such as freedom of speech, assembly, and the right to a fair trial, viewing these as essential to personal autonomy and dignity (Dworkin, 2011).

Role of the State

Liberalism also posits that the state plays a crucial role in protecting and promoting human rights. According to this view, the state must create and enforce laws that secure individual freedoms while ensuring equal treatment and non-discrimination (Waldron, 2012). The balance between state power and individual rights is central to liberal theory, aiming to create a just society where human rights are respected and upheld.

B. Marxism and Human Rights

Economic Rights and Social Justice

Marxist theory critiques liberalism's focus on individual rights, emphasizing the importance of economic rights and social justice. Marxists argue that true freedom and equality cannot be achieved without addressing economic exploitation and class inequality (Wood, 2004). This

perspective advocates for the redistribution of wealth and resources to ensure that all individuals can enjoy their human rights fully.

Critique of Capitalist Structures

Marxism critiques capitalist structures as inherently oppressive and exploitative, contending that they perpetuate human rights abuses by prioritizing profit over people (Harvey, 2014). Marxists call for a revolutionary transformation of society to dismantle these structures and create a system that promotes collective well-being and human dignity. This approach highlights the interconnectedness of economic and social rights with civil and political rights.

C. Postcolonial Theory

Human Rights in the Context of Colonialism

Postcolonial theory examines the legacy of colonialism on contemporary human rights issues, arguing that colonial histories continue to shape power dynamics and human rights practices (Mamdani, 2012). This perspective emphasizes the need to address historical injustices and recognize the specific human rights challenges faced by formerly colonized populations.

Cultural Relativism vs. Universalism

A key debate within postcolonial theory is the tension between cultural relativism and universalism. Cultural relativists argue that human rights should be interpreted within the context of specific cultural and historical experiences, while universalists maintain that human rights are applicable to all individuals, regardless of cultural differences (Mutua, 2002). This debate underscores the complexities of implementing human rights standards in diverse cultural contexts and highlights the need for a nuanced approach to human rights advocacy.

IV. Human Rights in International Politics

A. Role of International Organizations

United Nations

The United Nations (UN) plays a pivotal role in the promotion and protection of human rights globally. The UN's Human Rights Council and various treaties, such as the International Covenant on Civil and Political Rights, are instrumental in setting international human rights standards and monitoring compliance (Kälin&Künzli, 2019). The UN's

Universal Periodic Review process enables regular assessment of the human rights records of all member states, fostering accountability and dialogue (Smith, 2018).

Regional Bodies (e.g., European Union, African Union)

Regional organizations like the European Union (EU) and the African Union (AU) also contribute significantly to human rights protection. The EU's Charter of Fundamental Rights and the European Court of Human Rights ensure that member states adhere to high human rights standards (Williams, 2013). Similarly, the African Charter on Human and Peoples' Rights, overseen by the African Commission on Human and Peoples' Rights, addresses the unique human rights challenges in the African context (Viljoen, 2012).

B. Human Rights and Foreign Policy

Humanitarian Interventions

Humanitarian interventions are a contentious aspect of foreign policy, often justified by the need to prevent gross human rights violations. Examples include NATO's intervention in Kosovo in 1999 and the international community's response to the Libyan crisis in 2011. These interventions are debated for their effectiveness and adherence to international law (Hehir, 2013).

Sanctions and Diplomacy

Sanctions and diplomatic efforts are tools used by states to influence human rights practices in other countries. Economic sanctions, such as those imposed on Iran and North Korea, aim to pressure governments into complying with international human rights standards. However, the effectiveness and humanitarian impact of sanctions remain subjects of debate (Peksen, 2019).

C. Case Studies

Human Rights Violations and International Response

The international community's response to human rights violations varies significantly. The Rwandan Genocide (1994) highlighted the failure of timely intervention, while the Syrian civil war showcases the complexities and limitations of international responses to ongoing human rights abuses (Power, 2002; Hinnebusch, 2019).

Success Stories

Post-apartheid South Africa is often cited as a success story in human rights restoration and reconciliation. The transition from apartheid to a democratic regime, led by figures like Nelson Mandela, demonstrates the potential for significant human rights advancements through political change and international support (Gibson, 2012).

V. Human Rights in National Politics

A. Integration of Human Rights in National Constitutions

Case Studies of Different Countries

Many countries have integrated human rights provisions into their constitutions, reflecting international standards. For example, South Africa's post-apartheid constitution is lauded for its comprehensive human rights protections, including socio-economic rights (Liebenberg, 2010). Similarly, the German Basic Law includes robust human rights safeguards, influenced by the atrocities of World War II (Kommers & Miller, 2012).

B. Role of NGOs and Civil Society

Advocacy and Awareness

Non-governmental organizations (NGOs) and civil society play crucial roles in human rights advocacy and raising awareness. Organizations like Amnesty International and Human Rights Watch monitor human rights abuses, advocate for victims, and pressure governments to uphold human rights standards (Clark, 2010).

Legal Interventions

NGOs often engage in legal interventions to protect human rights. This includes providing legal aid to victims of human rights violations, filing cases in national and international courts, and advocating for legal reforms to strengthen human rights protections (Neier, 2012).

C. Political Regimes and Human Rights

Democracies vs. Authoritarian Regimes

Human rights practices vary significantly between democracies and authoritarian regimes. Democracies generally provide better protections for civil and political rights, although they are not immune to human rights abuses (Davenport, 2007). In contrast, authoritarian regimes, such as China, often prioritize state control over individual freedoms, leading to systematic human rights violations (Nathan, 2015).

Case Studies

China: China's human rights record is marked by strict state control, censorship, and suppression of dissent. Despite economic advancements, issues such as the treatment of Uyghur Muslims and restrictions on freedom of speech remain critical concerns (Human Rights Watch, 2020).

United States: The US, while a proponent of human rights globally, faces criticism for domestic issues such as racial inequality, police brutality, and immigration policies (Cole, 2018).

VI. Challenges and Criticisms

A. Cultural Relativism

Debate on Universal Human Rights

The debate between cultural relativism and universalism in human rights revolves around whether human rights should be applied universally or interpreted within cultural contexts. Critics of universalism argue that it imposes Western values on diverse cultures, while proponents maintain that human rights are inherent to all individuals regardless of cultural differences (Donnelly, 2013).

Examples from Various Cultures

Examples of cultural relativism in practice include the justification of practices like female genital mutilation and child marriage in certain cultures. These practices highlight the tension between respecting cultural traditions and protecting individual rights (An-Na'im, 1992).

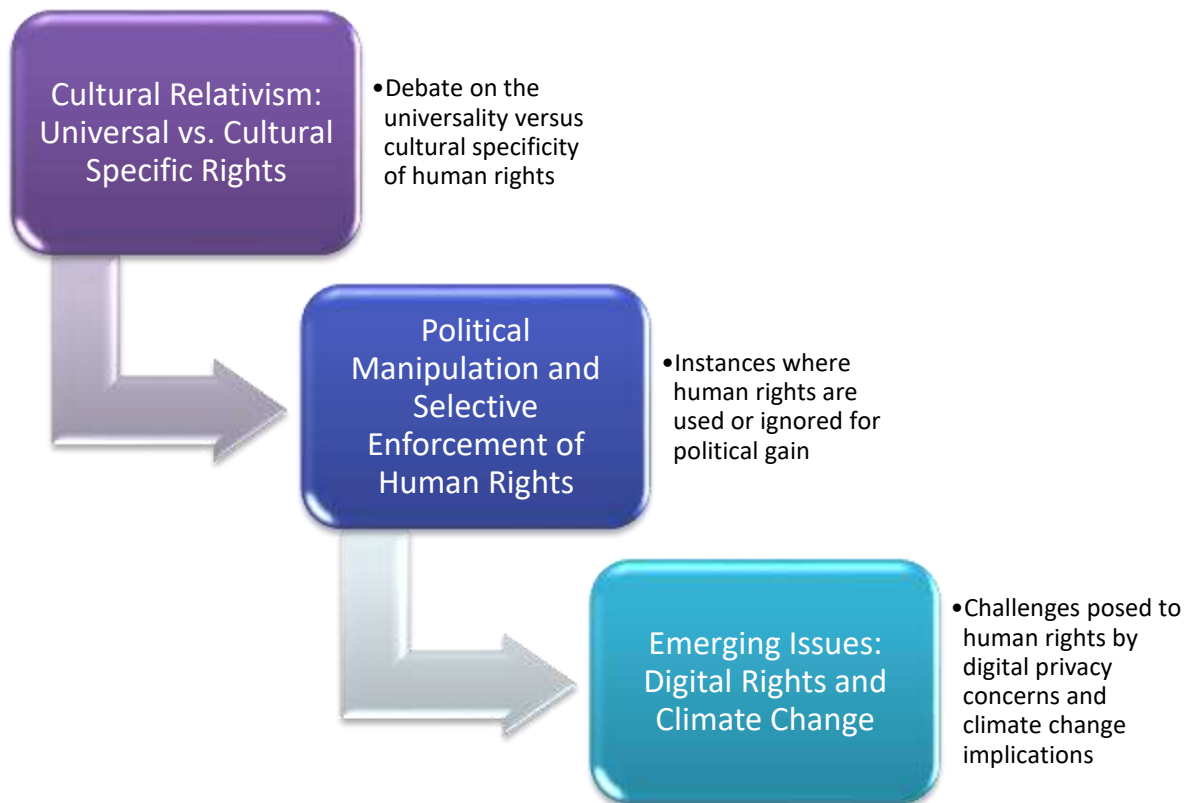


Figure1: Challenges and Criticisms of Human Rights

B. Political Manipulation of Human Rights

Selective Enforcement

Selective enforcement of human rights refers to the inconsistency with which states apply human rights standards, often influenced by political interests. This can undermine the credibility of human rights advocacy and create perceptions of bias (Forsythe, 2012).

Use as a Political Tool

Human rights are sometimes used as political tools to justify interventions or criticize adversaries while ignoring similar issues in allied states. This selective application can erode the legitimacy of human rights initiatives and foster cynicism (Chandler, 2002).

C. Emerging Issues

Digital Rights and Privacy

The rise of digital technologies has introduced new human rights challenges, such as data privacy, surveillance, and digital freedom. Ensuring that human rights protections keep pace with technological advancements is a growing concern (Bennett & Lyon, 2013).

Climate Change and Human Rights

Climate change poses significant threats to human rights, impacting access to resources, livelihoods, and even survival. Addressing the human rights implications of climate change requires comprehensive policies that integrate environmental and human rights considerations (Knox, 2019).

VII. Conclusion

In conclusion, the intersection of human rights and politics is complex and multifaceted, encompassing historical, theoretical, and practical dimensions. International and national political structures profoundly influence human rights practices, while challenges such as cultural relativism, political manipulation, and emerging issues require continuous scrutiny and adaptation. Understanding and addressing these dynamics is crucial for the advancement and protection of human rights globally.

References

1. Alston, P. (2005). *International Human Rights*. Oxford University Press.
2. An-Na'im, A. A. (1992). *Human Rights in Cross-Cultural Perspectives: A Quest for Consensus*. University of Pennsylvania Press.
3. Beitz, C. R. (2009). *The Idea of Human Rights*. Oxford University Press.
4. Donnelly, J. (2013). *Universal Human Rights in Theory and Practice*. Cornell University Press.
5. Forsythe, D. P. (2014). *Human Rights in International Relations*. Cambridge University Press.
6. Forsythe, D. P. (2019). *Human Rights: Historical and Contemporary Perspectives*. Routledge.
7. Goodhart, M. (2013). *Human Rights: Politics and Practice*. Oxford University Press.
8. Hathaway, O. A. (2015). *The International Human Rights System*. Cambridge University Press.
9. Ignatieff, M. (2001). *Human Rights as Politics and Idolatry*. Princeton University Press.
10. International Covenant on Civil and Political Rights. (1966). Retrieved from

11. International Covenant on Economic, Social and Cultural Rights. (1966). Retrieved from
12. Keck, M. E., & Sikkink, K. (1998). *Activists Beyond Borders: Advocacy Networks in International Politics*. Cornell University Press.
13. Morsink, J. (2009). *The Universal Declaration of Human Rights: Origins, Drafting, and Intent*. University of Pennsylvania Press.
14. Neuman, L. W., & Birnbaum, M. L. (2017). *Basic Concepts of Human Rights*. Taylor & Francis.
15. Nowak, M. (2012). *Human Rights or Global Capitalism: The Limits of Privatization*. University of Pennsylvania Press.
16. Risse, T., Ropp, S. C., & Sikkink, K. (1999). *The Power of Human Rights: International Norms and Domestic Change*. Cambridge University Press.
17. Sen, A. (1999). *Development as Freedom*. Oxford University Press.
18. Shue, H. (1996). *Basic Rights: Subsistence, Affluence, and U.S. Foreign Policy*. Princeton University Press.
19. United Nations. (1948). *Universal Declaration of Human Rights*. Retrieved from
20. Zedner, L., & Roberts, J. V. (Eds.). (2008). *Principles and Values in Criminal Law and Criminal Justice: Essays in Honour of Andrew Ashworth*. Oxford University Press.