

1. In the World Justice Project's Rule of Law Index 2017-18 report, which measures the extent to which 113 countries have adhered to the rule of law in that period, the survey found that 71 out of the 113 countries have dropped in score. Does this indicate failure of international bodies, laws and conventions in protecting human rights across the world? Examine. (250 Words)

Answer:

Background:-

- World Justice Project along with others such as the Amnesty International Annual Report 2017-18, indicates the serious erosion of international human rights law in recent times.

International institutions and human rights:-

- The ideals of justice, equality, and human rights for all, enshrined in the Universal declaration of human rights and other international treaties, are the building blocks of international human rights law.
- There are concerted efforts to advocate the inclusion of international human rights provisions in the local laws of countries and more effective implementation and monitoring.
- Treaty bodies assess states obligations to incorporate these norms into national laws, review compliance, and provide recommendations.
- Regional and supranational courts such as the Inter-American, African and European courts of human rights oversee the fulfilment of obligations of regional treaties.
- International and mixed judicial tribunals have been established to provide justice in mass atrocities, culminating in the establishment of the International Criminal Court.

However international institutions have failed to protect human rights :-

- Protecting human rights focuses on the short-term rather than long term. States are far less willing to engage with protection activities because they impact upon the immediate situation within a country.
- Weakness of UN human rights bodies :-**
 - While they are set up for dialogue and engagement, they lack the teeth to effectively protect rights where a state is not willing to cooperate.
 - Unlike the Security Council, human rights bodies do not have enforcement powers.
 - Unlike international financial institutions, the UN human rights machinery does not have any leverage over states that fail to comply with their obligations.
 - The multiple institutions lack a common hierarchical superior unlike national courts and thus provide conflicting interpretations of human rights, and cannot compel nations to pay attention to them.
 - Failure of UN:-**
 - The United Nations has often failed to live up to its responsibility to promote human rights, with past incidents of killing and displacement of civilians in Darfur and latest crisis in Syria
 - There is little evidence that human rights treaties, on the whole, have improved the wellbeing of people
- Politicisation is the other main failing within the international human rights system
- Failure of conventions and laws:-**
 - The universal declaration was not a treaty in the formal sense: no one at the time believed that it created legally binding obligations.

- The rights were described in vague, aspirational terms, which could be interpreted in multiple ways, and national governments even the liberal democracies were wary of binding legal obligations.
- The US did not commit itself to eliminating racial segregation, and Britain and France did not commit themselves to liberating the subject populations in their colonies.
- The failure of the international human rights legal regime is rooted in the difficulty of reducing the ideal of “good governance” to a set of clearly defined rules that can be interpreted and applied by trusted institutions.
- Multilateral protections such as the U.N. Refugee Convention and the U.N. Convention Against Torture, and specialized mechanisms such as those protecting people in peril at sea, did not succeed in preventing or containing humanitarian crises, nor in protecting civilians against gross human rights violations, much less in fostering accountability for atrocities.
- **Failure of countries to uphold international conventions :-**
 - Each of the six major human rights treaties has been ratified by more than 150 countries, yet many of them remain hostile to human rights. This raises the question of how much human rights law has actually influenced the behaviour of governments.
 - Child labour exists in countries that have ratified the Convention on the Rights of the Child: Uzbekistan, Tanzania
 - Saudi Arabia ratified the treaty banning discrimination against women in 2007, and yet by law subordinates women to men in all areas of life.
 - Philippines, for instance, imposed conditions on the UN Special Rapporteur who was to investigate the alleged extrajudicial killings of suspected drug dealers since President Duterte took office.
 - In Myanmar, the UN Special Rapporteur who was to investigate the claims of persecution against the Rohingya was denied all access to the country.
- **National governments failure:-**
 - In much of the Islamic world, women lack equality, religious dissenters are persecuted and political freedoms are curtailed.
 - The Chinese model of development, which combines political repression and assault on civil liberties and economic liberalism, has attracted numerous admirers in the developing world.
 - Political authoritarianism has gained ground in Russia, Turkey, Hungary and Venezuela.
 - Backlashes against LGBT rights have taken place in countries as diverse as Russia and Nigeria.
 - The traditional champions of human rights Europe and the United States have floundered.
 - Europe has turned inward as it has struggled with a sovereign debt crisis, xenophobia towards its Muslim communities and disillusionment with Brussels.
 - The United States, which used torture in the years after 9/11 and continues to kill civilians with drone strikes, has lost much of its moral authority. Even age-old scourges such as slavery continue to exist.
 - There is increasing hostility towards civil society organisations and hardening of attitudes towards minorities in Poland and Hungary.
 - The rise of majoritarian attitudes, hate speech and hate crimes is a growing concern, including in India.
 - Mass atrocities (genocide, war crimes, and crimes against humanity) are or have been committed in Iraq, Myanmar, Central African Republic, and Burundi. It is not just the erosion of human rights but the normalisation of it that is of concern.
 - Amnesty reported that in 2015 more than 98 states tortured or ill-treated people, and at least 30 countries “illegally forced refugees to return to countries where they would be in danger.”

Governments or armed groups in at least 18 countries committed war crimes or other violations of war.

Conclusion:-

- Effective engagement with international human rights law is necessary in an era where rights are increasingly being stifled in many countries.

PRACTICE QUESTIONS

Answer the following Questions

1. Discuss the "LAQSHYA" programme of government and bring out lacunas in it.
2. Discuss pros and cons in recently launched national strategic plan to control TB.