



HUMAN RIGHTS AND SOCIAL JUSTICE ACTIVISM

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Abstract: Social justice is a cross cutting principle in international human rights law. The Principle in international human rights law. The Principle is present in all the major human rights treaties and provides the central theme of some of International human rights.

Keywords: Human rights, Social justice, Federal government, Human rights language

Introduction:

Although most human rights scholars and activists may not express their views as eloquently as professor Henkin, the vast majority would agree with his assessment. Indeed, in commentary and scholarly articles, the words “ U.S. human rights Policy” invariably seem to be followed by the word “ exceptionality” This exceptionalism is reflected in the history of Americal ratification of human rights treaties and the treatment of ratified treaties under domestic law. The United States has ratified only three of the eight core human rights treaties. Only the United States and Somalia have failed to ratify the convention on the rights of the child and Somalia has not had a functioning central government since 1991. The united states has attached reservations, understandings and declarations to the three human rights treaties it has ratified whittling down the substantive obligations it will accept in an attempt to make its inter4national obligations roughly equivalent to what existing domestic law already requires And – for good measure- the united states has declared the treaties non-self- executing as a matter of domestic law.

Social justice movement:

While the narrative of U.S. exceptionalism is both accurate and compelling, it only tells part of the story. A narrow focus on the Policies of the federal government and its record on human rights treaty ratification necessarily fails to capture the role that social justice movements play in building acceptance for new normative rights arguments that over time are reflected in changes in law, either through evolving interpretation of existing law or new legislation and Policies. Scholars including

Carol; “Anderson, Bert Lockwood re-examination of historic human rights claims made by domestic rights.

Columbia human rights:

This Special issue of the Columbia Human Rights Law Review provides a unique opportunity to look at the history of human rights advocacy in the United States. It traces the roots of united states exceptionalism, discusses the political and institutional factors that have led to a renewed interest in human rights domestically and provides insight into the advocacy benefits that human rights strategies can offer in particular cases.

Understanding the role that domestic activists played in Pushing for international recognition of human rights also helps to explain the development of U.S. exceptionalism. Concerned about the use of international forums to expose continuing racial discrimination and segregation as well as the potential use of human rights treaties to push for domestic reform. The federal governmental and mainstream social justice activists opted out of participating in the international human rights system. The United States did not ratify the Genocide convention until 1988 and failed to ratify any of the other core human rights treaties until the 1990.

Human rights language:

Despite the continued use of human rights language by activists such as Martin Luther King, Jr. and Malcolm X, by 1960 there was little human rights consciousness in the United States. The 1970 brought the rise of international non-governmental organizations (INGOS) that helped create the modern field of international human rights at advocacy. Unlike domestic activists whose human rights agenda was largely

satisfied by the cold war. INGOs have been described as a cold war phenomenon. Whose goal was to affect behavior in hard to reach places that lacked domestic institutions capable of protecting basic rights? Their main tactic was “Naming and shaming” and their preferred Methodology was researching, reporting and Campaigning. Notably, INGO advocacy was focused outside of the United States.

Domestic lawyers started human rights:

Domestic lawyers also started doing human rights work by tackling abuses abroad. Refugee and asylum law is one area in which American lawyers historically have engaged with international human rights law and standards. In these cases, which typically call for courts to interpret and apply international human rights law, American lawyers have exposed human rights violations abroad. In 1980, the Alien Tort statute emerged as a new avenue for courts to engage with international human rights law. The second circuit, in *Filarial V. Pena- Irala*, established that non- United States citizens can sue for violations of international human rights law in U.S. federal courts under the ATS. Because ATS claims require that the plaintiff be an “alien”, early cases brought under the statute focused on human rights abuses in other countries.

It is worth noting the articles broader historical context. The advocacy work discussed could not have occurred absent two significant structural changes. First, the growth and development of international human rights advocacy created new human rights strategies, new human rights activists, and new forums where victims could bring their claims. Second, the success of the international human about fundamental rights built familiarity with and receptiveness to, international human rights claims among U.S. Judges, lawyers, activists and the public. In addition to the work of U. S. Human rights activists, Risa Kaufman proposes an additional means of human rights domestication, the creation of institutions to oversee U.S. implementation of its treaty obligations. These might include, for example a national human rights commission on the state and local

level. In addition to educating government officials about treaty obligations, a formal implementation structure might include systemic monitoring of the united states compliance, Providing oversight of and support to federal, state and local authorities, as well as a process for reviewing current and new legislative Policies, such structures would create an opportunity to actively engage government officials in implementation of U.S. human rights obligations. They would also create another site for dialogue with human rights lawyers and activists.

Conclusion:

Today although it is certainly true that advocacy in international forums plays a key role in the U.S. human rights movement. It is also true that the success of human rights strategies cannot be measured exclusively by looking at the domestic human rights obligations that the United States undertakes on the international stage.

As eloquently set out in the articles in this issue, there is a long and rich human rights history in the United States. By bringing together the diverse. Perspectives of a range of academics and Practitioners this issue of the Columbia Human Rights Law Review advances our Understanding of the full range of human rights advocacy in the United States and makes a unique and timely contribution to the field of human rights scholarship.

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