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### RESEARCH ARTICLE

#### PROTECTION OF HUMAN RIGHTS AND ENSURING SOCIAL JUSTICE - A UNITED NATIONS PERSPECTIVE

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Another Essential to a Universal and Durable Peace is Social Justice.

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#### Abstract

Social justice is a concept that evolved through industrial revolution and with the advent of socialist views on the organization of the society. The concept has its roots in Anglo Saxon political culture which dominated in 10<sup>th</sup> century. It does not find place in the Bill of Human Rights which comprised the Universal Declaration of Human Rights which was adopted by the General Assembly in 1948 to ensure fundamental human rights for all and the two Covenants adopted in 1966. Whereas Human Rights are inherent rights that one has because one is human. The Preamble of the Universal Declaration of Human Rights states that "recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world". Human rights and social justice are not synonymous and are two different concepts but they are closely linked. The Universal Declaration of Human Rights includes economic, social and cultural rights such as the right to health, security in the event of unemployment, and education. In 1966, these rights were brought into the International Covenant on Economic, Social and Cultural Rights (ICESCR), part of the International Bill of Human Rights. With this The Vienna Declaration and Programme of Action affirm that "Human rights education should include peace, democracy, development and social justice, as set forth in international and regional human rights instruments, in order to achieve common understanding and awareness with a view to strengthening universal commitment to human rights." Thus, social justice is based on the concept of human rights and equality and can be defined as the way in which the human rights are manifested in the lives of people at various levels of society. This paper analyses the concept of social justice & human rights from the UN perspective.

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#### Introduction:-

Social justice is a virtue or societal value that guides human interaction and, in particular, the fair distribution of society's benefits, advantages, and assets, not just by law and in the courts but in all aspects of society. Social justice is about securing rights but also about our responsibilities and their consequences. It focuses our attention on the relative position of different members of our society and on examining the disparities that might exist, the root causes of these disparities, and the opportunities for eliminating them. Understanding disparities requires us to adopt

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a systemic analysis of our social context the institutions like legal, education, media, infrastructures, and belief systems that shape this distribution. Social justice is linked to the concept of equity and the just treatment of individuals in their own social context to meet their needs and reach their potential. It is also linked to the notion of equality as a socially just society is a “society for all” that provides an equal basis of opportunity. The aim of social justice—to achieve a just and equitable society where all share in the prosperity of that just society—is pursued by individuals and groups through collaborative social action.”<sup>1</sup>

### **Background of Social Justice**

Unlike justice in the broad sense, social justice is a relatively recent concept, born of the struggles surrounding the industrial revolution and the advent of socialist and later, in some parts of the world, social democratic and Christian democratic views on the organization of society. It is a concept rooted very tenuously in the Anglo-Saxon political culture. It does not appear in the Charter, or in the Universal Declaration or the two International Covenants on Human Rights. Frequently referred to in the Copenhagen Declaration and Programme of Action adopted by the World Summit for Social Development in 1995, social justice was scarcely mentioned five years later in the United Nations Millennium Declaration.

Some proponents of social justice though significantly fewer since the collapse of State communism dream of total income equality. Most of them hold the view that when people engage in economic activity for survival, personal and professional growth, and the collective welfare of society, inequality is inevitable but should remain within acceptable limits that may vary according to the particular circumstances. In the modern context, those concerned with social justice see the general increase in income inequality as unjust, deplorable and alarming. It is argued that poverty reduction and overall improvements in the standard of living are attainable goals that would bring the world closer to social justice. However, there is little indication of any real ongoing commitment to address existing inequalities.

In today’s world, the enormous gap in the distribution of wealth, income and public benefits is growing ever wider, reflecting a general trend that is morally unfair, politically unwise and economically unsound. Injustices at the international level have produced a parallel increase in inequality between affluent and poor countries.

### **International Dimensions of Social Justice**

The Charter of the United Nations makes no explicit distinction between international justice, or justice among nations, and social justice, or justice among people. The Charter, of which the Statute of the International Court of Justice is an integral part, treats justice as a broad principle that ought to be applied in international relations. In the Preamble and Article 1 of the Charter, justice is associated with respect for international law. In Article 2, justice is linked to the sovereign equality of all Members and to the maintenance of peace and security. The references to peace and the equality of nations imply that each State should refrain from any use of force that may jeopardize or undermine the territorial integrity or political independence of another. Another implication is that the United Nations should not intervene in matters that are “essentially within the domestic jurisdiction of any State”<sup>2</sup>, except to enforce measures adopted by the Security Council in line with the provisions set out in Chapter VII of the Charter. VI The “one country, one vote” rule in the General Assembly is a visible manifestation of the Organization’s recognition of sovereign equality.

The United Nations assumes responsibility for helping newly independent Member States in their efforts to achieve economic and social progress. Gradually the concept of development was substituted for the early emphasis on progress and evolved into a core component of the Organization’s mandate. International cooperation for development was placed next to the maintenance of peace and security as a second pillar upon which the activities of the United Nations were based, the main objective being too narrow and ultimately close the gap between developed and developing countries. Efforts relating to this goal of bridging the distance separating poor and affluent nations are identified here as representing the developmental aspects of international justice.<sup>3</sup>

The application of social justice requires a geographical, sociological, political and cultural framework within which relations between individuals and groups can be understood, assessed, and characterized as just or unjust. In modern

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<sup>1</sup> BCTF, 2014, p. 1

<sup>2</sup> Article 2, para. 7

<sup>3</sup> Dialogues at the Social & Economic Council, UN (2008)

times, this framework has been the nation-State. The country typically represents the context in which various aspects of social justice, such as the distribution of income in a population, are observed and measured; this benchmark is used not only by national Governments but also by international organizations and supranational entities such as the European Union. At the same time, there is clearly a universal dimension to social justice, with humanity as the common factor. Slaves, exploited workers and oppressed women are above all victimized human beings whose location matters less than their circumstances. This universality has taken on added depth and relevance as the physical and cultural distance between the world's peoples has effectively shrunk.

### **Social Justice in Contemporary World**

In the contemporary context, social justice is typically taken to mean distributive justice. The terms are generally understood to be synonymous and interchangeable in both common parlance and the language of international relations. The concept of social/distributive justice is implied in various academic and theoretical works and in many international legal or quasi-legal texts (such as the Charter and Universal Declaration) that may only include broad references to "justice". In certain international instruments, including the Copenhagen Declaration and Programme of Action adopted by the World Summit for Social Development in 1995, references to social justice are more explicit.

Social justice is treated as synonymous with distributive justice, which again is often identified with unqualified references to justice, in the specific context of the activities of the United Nations, the precise reasons for which may only be conjectured. In its work, for reasons that will be examined in chapter 5, the United Nations has essentially from the beginning separated the human rights domain from the economic and social domains, with activities in the latter two having been almost exclusively focused on development. Issues relating to the distributive and redistributive effects of social and economic policies—issues of justice—have therefore been addressed separately from issues of rights, including those inscribed in the International Covenant on Economic, Social and Cultural Rights.

In the Preamble to the Charter, the commitment to justice for people is expressed as a reaffirmation of "faith in fundamental human rights, in the dignity and worth of the human person, and in the equal rights of men and women". It requires the promotion of "social progress and better standards of life in larger freedom" and of "the economic and social advancement of all peoples". It underlies the third stated purpose of the United Nations, after maintaining peace and friendly relations among nations, which is "to achieve international cooperation in solving international problems of an economic, social, cultural or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion"<sup>4</sup>. This purpose is then reiterated in Article 13 as one of the functions of the General Assembly, and in Articles 60 and 62 in reference to the role of the Economic and Social Council in this regard. In short, justice derives from equality of rights for all peoples and the possibility for all human beings, without discrimination, to benefit from the economic and social progress disseminated and secured through international cooperation.

### **Promotion of Human Rights and Social Justice under United Nations**

The Universal Declaration of Human Rights, in its preamble, states that "the highest aspiration of the common people" is "the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want", and associates "recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family" with "freedom, justice and peace in the world". The Declaration, in its 30 articles, essentially provides a catalogue of human rights, and in Article 29 and elsewhere, various duties, the respect and fulfilment of which shall bring justice to the peoples of the world. These rights and duties are addressed to all members of the human family and are inalienable. In the two international human rights covenants that were adopted and became enforceable some two decades later, the principles of the Declaration are reaffirmed, with the same conception of justice for peoples, and a number of its provisions are elaborated. The Charter and the Universal Declaration provided the United Nations and its Secretariat with a solid foundation for contributing to the propagation of justice in the world. Early efforts focusing on decolonization, self-determination, the recognition of human rights for all without discrimination including equal rights for men and women, the creation of equal opportunities for education and work, improvements and greater equality in living conditions, and the provision of adequate social security were all linked, as these were objectives that together constituted a new beginning for humankind.

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<sup>4</sup> Article 1

“Social justice” first appeared in United Nations texts during the second half of the 1960s. At the initiative of the Soviet Union, and with the support of developing countries, the term was used in the Declaration on Social Progress and Development, adopted in 1969.<sup>23</sup> Five years later, it appeared in the Charter of the Economic Rights and Duties of States. Chapter 1 of this Charter includes a list of 15 principles that should govern relations between States, and a few of these are particularly relevant in the present context; the thirteenth principle is the “promotion of international social justice”, the first is “sovereignty, territorial integrity and political independence of States”, and the eleventh is “respect for human rights and fundamental freedoms”. By the time the latter text came out, social justice was a familiar concept in those parts of the Secretariat involved in social affairs. The Social Commission, one of the first subsidiary bodies of the Economic and Social Council, had become the Commission for Social Development. Social justice, equality and equity were sometimes defined as distinct concepts but were more often used loosely and interchangeably. The separation in the United Nations between human rights activities and the work being carried out to promote economic and social advancement was completed in the 1960s. Linked in the United Nations Charter, as they are in human experience, these two domains became identified with different disciplines and also with different political philosophies and with different clients and constituencies. The law for human rights and economics for what the Charter refers to as “social progress and better standards of life”, came to be called as “development”. The promotion of economic and social advancement became a global cause, strengthened by the provision of substantial resources and the creation of a number of funds and programmes.

The World Summit for Social Development, held in Copenhagen<sup>5</sup>, represented an attempt to create a coherent vision of the world and its future through the integration and reconciliation of all the aspirations, interests and ideological currents that were crisscrossing through the United Nations at the end of the twentieth century. It represented “a new social contract at the global level” reflecting “a sense of solidarity within nations and between nations.

The Copenhagen Declaration is replete with references to social justice and justice unqualified in the latter case but generally reflecting the concept of just societies, to equity and equality, and to inequities and inequalities that must be redressed. In the Copenhagen Declaration, the pursuit of social justice and development is not separated from the recognition and promotion of human rights. Since the East West divide had disappeared by the time the Summit was held, Western countries were in a position to convince developing countries that, although they still retained “primary responsibility” for their development, they had to conform to international norms, first and foremost the International Bill of Human Rights. At the beginning of the Copenhagen Declaration, it is stated that “social development and social justice cannot be attained in the absence of peace and security or in the absence of respect for all human rights and fundamental freedoms”<sup>6</sup>. The principles and goals that precede the commitments in the Declaration emphasize the need to respect all human rights and to ensure “the equitable distribution of income and greater access to resources through equity and equality of opportunity for all”<sup>7</sup>. Other principles and goals focus on achieving “equity among generations and protecting “the integrity and sustainable use of our environment”, and recognizing “the interdependence of public and private spheres of activity” and “the importance of transparent and accountable governance and administration in all public and private national and international institutions”

For developing countries, and for a number of developed countries particularly those with a socialist or social democratic tradition, human rights are all-inclusive and indivisible and encompass social and economic rights as well as civil and political rights. The references to human rights in the Copenhagen Declaration and in other documents of that nature represent a commitment by the international community to act positively to fulfil the most fundamental requirements for survival and well-being, including the right to adequate nutrition, the right to education, and the right to social security.

The commitments made at the World Summit were rapidly forgotten by the most powerful Governments and international organizations, including the United Nations. The Forum was not in a position to provide a detailed analysis of the disappointing outcome of a conference that by all accounts had been a great success. Among the explanations that would need to be sorted out and weighed would be the difficulty of the subject, its comprehensiveness, and its lack of appeal for the media; the typical short life expectancy of international pronouncements; the failure to achieve, in the important follow-up stage, the conjunction of personalities that made

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<sup>5</sup>March 1995

<sup>6</sup>para. 5

<sup>7</sup>para. 26 (g)

the Summit possible in spite of formidable obstacles; changes in the leadership of various Governments and institutions; and perhaps above all, the evolution of the ideological and political context.

**Conclusion:-**

Thus, Social Justice and Human Rights are the basic principles for peaceful coexistence of nations within the United Nations. Today, it is taking a different phase where it is required for the member states to bring coordination between social justice and protection of human rights. The commitments made at the World Summit were forgotten by the powerful countries and even the international organizations including the United Nations. The main issue faced by the countries was its lack of appeal for the media, the comprehensiveness of the subject, the short life of its pronouncements at international level, the failure to achieve the follow up stage, changes in the government of various countries and its ideologies and political context. What is required today is to eradicate the inequalities among nations and bring about consonance and a balanced approach on the aspects of social justice and human rights.

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