



CENTRE FOR ACADEMIC LEGAL RESEARCH | JOURNAL OF APPLICABLE LAW &  
JURISPRUDENCE

Volume 1 | Issue 1

***“Human Rights: Myth for Some Community”***

By: Shubham Srivastava (LLM, Rashtriya Raksha University)

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## **INTRODUCTION: THE RIGHTS OF HUMAN BEINGS**

Human rights are a broad idea and definition that is much more difficult to explain, except that it is impossible to deny their existence, which is the most striking element of this notion.

A person can be from different parts of the world. He could be from a different caste, creed, or skin tone; his mental level could be different; his lifestyle could be modern or ancient but all these persons are born with inherent rights called human rights.<sup>1</sup>

Human rights cannot be taken away or granted by any authority, and these rights can never be compromised, even if the person is a lawbreaker. The term "rights" connotes "lawful entitlements," while it can also mean "fair entitlements." "Human Right" is correct since everyone has virtues that are highly human. Whether or not such rights are recognised, all human beings are entitled to their Human Rights. These rights are provided and guaranteed to all human beings just for being human, and they are not subject to any qualifications. The state has been tasked with ensuring and protecting these rights in accordance with the laws in place.

Human rights can be seen as a type of power ethics that avoids oppression and suffering. People's interest in their rights was not always the same as what we witness today. The concept of human rights has been evolving through time. Several competing hypotheses and schools developed in different eras and under different circumstances. The origins of 'ideas of rights' have been fiercely disputed. Human rights, on the other hand, are universally acknowledged as essential rights that must be protected by every living person. Human rights allow everyone to live their lives to the fullest and with dignity, regardless of their age, ethnicity, nationality, gender, or other discriminatory factors. The right to life, liberty of thought, faith, and expression, freedom of movement, right to privacy, freedom of religion, right to vote, right to education, right to work, right to equal pay for equal work, right to travel abroad, right to start a family, right to dignity, right against inhumane, degrading treatment, right against arbitrary interference in family life, and right against illegal and arbitrary arrest and detention are just a few of the rights recognised in the UDHR.<sup>2</sup>

Individuals can use these rights to enhance not just their personalities, but their economic, social, cultural, spiritual, and political advancements as well. As evidence, claims and rights movements

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<sup>1</sup> R.C.Jiloha, 'Deprivation, discrimination, human rights violation, and mental health of the deprived', Indian J Psychiatry, (2010), available at <<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2990819/>> accessed on 22 June 2022.

<sup>2</sup> Jim Murdoch, 'Protecting the right to freedom of thought, conscience and religion under the European Convention on Human Rights' (2012), available at <<https://rm.coe.int/16806f14e0>> accessed on 19 June 2022

addressing the right to food, the right to water, the right to rationing, and the right to homosexuality have been created in recent times. Human rights have long played an essential role in emancipatory social and political movements, and it is claimed that the histories of the labour movement, civil rights, and LGBT rights all indicate the power of the language of rights.

Human rights are not exclusively a Western concept. In truth, every civilized civilization has recognized essential human rights such as the right to life, the right to worship, the freedom of movement, and the freedom of speech and expression. It was only the degree and form of recognition accorded to such rights that differed from one society to the next and from one period to the next, because conferring such rights was primarily dependent on the nature of the society, existing socioeconomic and political circumstances, and the will of the ruling governments.<sup>3</sup> A 'right' is commonly interpreted as an 'entitlement' granted to individuals that imposes an obligation on others, including the State and its apparatus, to respect it. Rights might even be thought of as a typical liberal response, requiring people to cherish rights for the freedom they provide to organise their own lives.

Human beings are born with rights to which they are entitled. Human rights are universal in nature, thus they can be enjoyed by anybody who adheres to the principles of equality and non-discrimination based on nationality, religion, caste, gender, or any other criterion. States must not only protect their subjects' civil liberties, but also ensure that all of its citizens have access to fundamental social amenities that allow them to live human lives in dignity.

## **2.2 THE DEVELOPMENT OF HUMAN RIGHTS THROUGHOUT HISTORY**

Human rights have been a topic of discussion for millennia, but they only gained importance in the nineteenth century. The student involved with Humans Right looked at the history of the ideas and found that they came from ancient Greece and Rome. Before modern times, the idea that Greek stoicism was based on natural laws was almost tied to its historical roots. Schools today teach that universal forces run through everything and everyone, including human behaviour, and that these

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<sup>3</sup> Report of Office of the High Commissioner United Nations Human Rights, Human rights and constitution making, (2018), available at [https://www.ohchr.org/sites/default/files/Documents/Publications/ConstitutionMaking\\_EN.pdf](https://www.ohchr.org/sites/default/files/Documents/Publications/ConstitutionMaking_EN.pdf) accessed on 23 June 2022.

things can be judged and taught based on the laws of nature. The Stoics took up this idea and developed it further by Christian thinkers like St. Augustine in the Middle Ages. David Hume says that the idea of natural rules and rights is abstract and made up. The attacks on natural laws started in the 18th century and worsened by the end of the 19th century and the start of the 20th century. "The unhappiness of yet another war on Earth has made it important to recognise the newest human rights group on the world stage." President Roosevelt's proclamations about fair freedom in 1941 set the standard for the rest of the world. Fair freedom includes freedom of speech and expression, freedom of belief, and freedom from fear and want. The creation of the United Nations in 1945 and the need to protect human rights made these movements bigger. In the second half of the 20th century, everyone agreed on the content of human Rights and accepted it as a set of principles. As a result of World War II, the Universal Declaration of Human Rights (UDHR) was celebrated as "Human Right Day" on December 10, 1948.<sup>4</sup> The English, American, French, Marxist, Russian, and Chinese revolutions gave rise to this statement.

### **2.3 THEORY RELATED TO HUMANS RIGHT**

Theories already out there need to be looked at to get a basic understanding of human rights. These theories will give us the tools and measures we need to figure out what human rights are all about. Most theories about people's rights have correct ideas about the following:

#### **A) The Ideas Behind Natural-Rights**

The theory of natural rights goes back to ancient Greece. It is based on the idea that rights are linked to people by their nature. It was noticed that these rights are absolute, civil, and social and that they are fought over everywhere. Thomaas Paine, Grettius, Tom-Paine, and John Lockke are the main people who support this theory.

Critics say that the right isn't about abstracts, absolutes, or things we don't know much about. One of the arguments is that freedoms are something that requires constant check. In reality, right and duty are like two sides of the same coin. Even though there are two major problems with natural-rights theories, they have led to many injustices, bad treatment of people, and attacks on humanity as a whole.

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<sup>4</sup> United Nations, Human Rights Day, available at <<https://www.un.org/en/observances/human-rights-day>> accessed on 14 June 2022.

## **B) The Legal Theories Of Right**

Theories of legal rights are reactions to the theories of natural rights. Jurist of legal theories, on a prima facie basis, deny the mere existence of a right in an abstracted form, and they per se condemn the theory of natural right. So, that is why duty is cast upon the state rather than the individual to protect and make sure people can enjoy their basic rights. Austin, Hobbes, and Bentham are the main people who pushed for this idea.

They argued that people's rights need to be protected, so there needs to be a set of rules and laws to do so.

## **(C)An Anti – Utilitarians Theories About Right And Wrong**

The utilitarians Dowrkin, Nozic, and John Rowals all agree that the well-being of the majority is not a priority and the state's main goals come first.They thought that the well-being of the majority of people in society could be bad for a certain group of people.

## **(D) A Legal – Realists Theories About Rights**

A Legal – Realists Jurists talked about which laws don't work and which laws are meant to be in a most complex and industrialised society. The general ideas put forward by current theories aren't right. People say things like "human rights are nothing but the outward signs of a process" instead of a theoretical debate. People question the existence of law and its value and the actions that societies have taken in the past, but there is no answer. The general ideas put forward by current theories aren't right.

## **E) Marx's Ideas About Right**

Marxists believe that right is the owner's rights and goods in bourgeois capitalist societies. Its main purpose is to maintain and strengthen the ruling classes' position of power. It thinks of the government as the force that keeps things the way they are. In terms of social organisations and laws, it sees the government as the force that keeps things the way they are and protects the interests of the dominant groups in society.<sup>5</sup>

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<sup>5</sup> Report of United Nations, Department of Economic and Social Affairs, Social Justice in an Open World : The Role of the United Nation, (2006), available at <<https://www.un.org/esa/socdev/documents/ifsd/SocialJustice.pdf>>accessed on 21 June 2022.

This theory does not include the component of Human Rights, such as religion, customs, traditions, and morals.

## **DEVELOPMENTS OF HUMANS RIGHT IN THE WORLD**

The most important steps taken toward recognition of human rights are:

The Magna Carta, 1215. The Magna Carta, also called the Best Charter, was signed in 1215. It is one of the most important constitutional documents in human history. Instead of having kings act as arbitrators, the main idea behind these was to protect people. The king signed the Charter even though the sixty barons refused to pay higher taxes.<sup>6</sup>

The English Bill of Rights was written in 1689. The following sources and events about three parts of the Constitution make sure that citizens have basic civic and legal rights and keep barons from being taxed unfairly. English churches were also freed from the constant influence of English royals. On June 15, 1215, King John of England gave the Magna Carta to the English barons. The English Bill of Rights, which the British Parliament passed on December 16, 1689, was based on the same ideas as the Charter, so the king had to sign it. The British Parliament states categorically that they are more important than the Crowns. The English Bill of Rights says that the king has no powers that are stronger than other laws, and the king's power will no longer have an overriding effect. The Bill of Rights writes down the customary law and clarifies the rights and freedoms citizens have. That made it clear that the laws are the most important thing and that each country has its rights. This is the basis for the English constitutions.

Declarations of Independence from the United States, 1776. The Thirteen colonies in America was the first colony to rebel against England. On July 4, 1776, these states declared that they were no longer part of their mother country. The Declarations of Independence said that the king had done seven acts in which he arbitrarily used his power and reaffirmed that the American colonies were free. The Declarations of Independence are important in the history of the world because these declaration's gave people the right to rebel against a government that didn't protect people's natural and unalienable rights.

The U.S. Bill of Rights was written in 1791. On September 17, 1787, the U.S. Constitutions were put into place. The parts of the Bill of Rights that were left out that dealt with personal rights and

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<sup>6</sup> Stenton, Doris Mary. "Magna Carta". Encyclopedia Britannica, 31 Aug. 2021, available at <<https://www.britannica.com/topic/Magna-Carta>> accessed 26 June 2022.

freedoms were the most obvious problems with the different constitutions. The main idea behind the Bill of Rights is that government officials shouldn't be able to abuse their power over the people.

The French Declarations of the Rights of Man and the Citizens, from 1789. The fall of the Bastilles and the end of feudalism, serfdom, and class privilege by the National Assembly ushered France into a new era. On August 4, 1789, the National Assembly proclaimed the rights of both men and citizens. Seventeen Articles were adopted then the Rights were made.<sup>7</sup> The Declarations of the Right of Men and the Citizens are essential not only in the history of France but also in the history of Europe and all people. In addition to the Declarations, several Constitutions have been written for different countries, and the people who wrote them have given Human Rights a higher priority. Declarations concerning the International Right of Men, 1929. In the years following World War I, concerns regarding human rights and fundamental freedoms began to become more prevalent. In 1929, the Institute of International Law accepted a document called the Declarations of International Human Rights. The Declarations said that citizens had basic rights recognised and guaranteed by several national constitutions, especially those of France and the United States. A constitution, in reality, means not just what it says about citizens and the state but also what it says about every human in the whole world.

The UN Charter, from 1945. The United Nations Charter was written, supported, and agreed to by every delegate from the 51 countries attending the United Nations Conferences in San Francisco. The UN Charter has rules about the promotion and protection of eight Human Rights. The importance of the Charter lies in the fact that it is one of the first official documents in which the term "human rights" is used and can be traced back to the beginning of time. It also recognizes the respect for basic freedoms..

The Universal Declaration of Human Rights, which was made in 1948. On December 10, 1948, the Universal Declaration of Human Rights was approved by the General Assembly of the United Nations.<sup>8</sup> The Declarations are made up of about 30 Articles and cover the civil, political,

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<sup>7</sup> Britannica, The Editors of Encyclopaedia. "Declaration of the Rights of Man and of the Citizen". Encyclopedia Britannica, 8 May. 2020, available at <<https://www.britannica.com/topic/Declaration-of-the-Rights-of-Man-and-of-the-Citizen>> accessed 6 June 2022.

<sup>8</sup> United Nations, 'Universal Declaration of Human Rights' (United Nations) <<https://www.un.org/en/about-us/universal-declaration-of-human-rights>> accessed 2 June 2022.

economic, social, and cultural rights of every man, woman, third gender and children as well. The declarations are also not legal documents that have to be followed.

The International Covenant on Human Rights and the Universal Declaration on Human Rights 1948, are not legally binding. That didn't have any force. Current problems were tried to be fixed by the U.N. General Assembly by accepting the combined covenant in December 19

1. International agreements about both civil and political rights
2. International agreements about economics, socials, and culture.

Together, the two International Covenants, the Universal Declaration, and the Alternate Protocol make up an International Bill of Human Rights. The International Bill of Human Rights is a turning point in the history of Human Rights. That is a new Magna Carta.

### **HUMAN RIGHTS VIZ A VIZ INDIAN CONSTITUTION**

Indian society is one of the oldest in the world, and it has always been understood that people have certain basic rights. But India's current human rights laws have changed over time, starting with the liberation movement and continuing today.

A country's Constitution sets up the basic rules for the government that will rule its people. It sets up the state legislature, executive branch, and judicial branch, spells out their powers and responsibilities, and tells them how to work with each other and with the public. On the other hand, every Constitution reflects the vision and values of the country's founders and is based on the political and economic ethos and the faith and hopes of the people. It is important to note that the people wrote the Constitution of a sovereign democratic nation so that a constituent assembly could be thought about and chosen. As the Constitution was being written, a lot of thought was put into people's rights.

The Universal Declaration of Human Rights (UDHR) of 1948 affected the Indian Constitution. As a result, it protects civil and political rights and economic, social, and cultural rights through Fundamental Rights and State Policy Directive Principles. On the other hand, the rights guaranteed by the Constitution are not absolute and are limited in a few ways:

- I. The Constitution allows for reasonable limits on Fundamental Rights;
- II. Fundamental Rights can be put on hold if an emergency is declared; and
- III. The Indian Constitution doesn't recognise all international human rights standards.



The Indian Constitution protects human rights; because of this, they are seen as a set of minimum standards that all states and institutions must meet. The Indian government passed the "Protection of Human Rights Act" in 1993 so that human rights would be better protected. This law sets up the National Human Rights Commission and the State Human Rights Commission, which make sure people's rights are respected. Also, Section 30 of the Act says that Human Rights Courts will be set up to decide cases that involve human rights issues, but since the District Courts have been named Human Rights Courts and the Act doesn't recognise any human rights that aren't in the Constitution, the law hasn't been put into effect very well.

As was said in the introduction, some classes of citizens no longer have human rights because of a lack of legislative and executive action and because a few powerful people take advantage of the masses. LGBTI+ people and prisoners don't have human rights because these groups don't exist in the eyes of the law; because of this, society can't accept or include these groups.

### **HUMAN RIGHTS AND PRISONERS**

A prisoner does not automatically lose all of their rights upon being placed behind bars. They only give up a small portion of their rights, which are the unavoidable repercussions of being confined, while the remainder of their rights is maintained fully. A person who is prevented from exercising their freedom of choice is considered to be a prisoner. The term "prisoner" can refer to someone who is confined, held captive, or restrained by force. This definition applies in particular to people who are currently awaiting trial or who are already serving time in prison. Prisoners, whether they are civilians or members of the armed forces, have their rights protected by national as well as international law. The International Covenant on Civil and Political Rights, the United Nations Minimum Rules for the Treatment of Prisoners, the European Committee for the Prevention of Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment Convention, and the Convention on the Rights of Persons with Disabilities are all examples of international conventions.<sup>9</sup> The rights granted by the International Conventions and the Constitution of India, enacted by the legislatures like The Prisons Act, 1894 and The Convicts Act, 1900, provide protection for the prisoners. These laws include The Prisoners Act, 1900. Even if a person is incarcerated, all of their protections and rights continue to be guaranteed, and the Judiciary is

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<sup>9</sup> 'Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment' (OHCHR) <<https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-against-torture-and-other-cruel-inhuman-or-degrading>> accessed 17 June 2022.

responsible for interpreting and protecting those rights. For example, an inmate's status as a human being does not change, and they cannot be treated as enslaved people or forced to perform forced labour.

### **HUMAN RIGHTS AND LGBTI+ COMMUNITY**

As discussed above that human rights are available to every human being as these are inherent rights of a person which are vested to him from the time when the person came in this world, so these rights exist by sole reason that human being exist. Every human being even though have their individual identity and individual autonomy but these human being are generally integrated together and the persons can be grouped together based on different characteristics they have and on basis of many things like sex, race, class, ethnicity, language, religion, and others these are very broad categories there may be thousands of such classification created by the us and now we are making laws rules and regulation in order to do away such classification. Out of those thousand classifications one such classification that is created by human being is classification based on sexual orientation, this classification is based upon persons sexual preference or we can say that person's identity in relation to the gender or genders to which they are sexually attracted.<sup>10</sup> The people belonging to such classification are in the minorities so these people can also be termed as sexual minorities. Human rights of these sexual minorities have been a long-standing issue, these people have been fighting for basic human rights from years. All over the world, people with different sexual orientations and gender identities, mainly sexual minorities, are subjected to violence, harassment, and abuse (Stotzer, 2014). Some grossly violent acts committed on sexual minorities include teasing, sexual harassment, extortion, torture, rape, and even murder. It happens everywhere, like in health care, education, housing, law enforcement, etc. (Organisation for Refugee, Asylum & Migration [ORAM], 2013). Even at this very moment, it is unfortunate to point out that the death sentence is still in effect in at least five nations, including Iran, Mauritania, Saudi Arabia, Sudan, and Yemen, for people indulging in homosexual acts. Homosexual acts are legal in 113 countries, whereas they are still considered criminal in 78 countries. Some laws make it illegal to be gay in 36 countries in Africa, Russia, Bolivia, Ukraine, and Northern Cyprus (International Lesbian Gay Bisexual Trans and Intersex Association [IGLA], 2013). Even though laws and policies are changing all over the world, sexual minorities are still being denied their

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<sup>10</sup> William Little, *Introduction to Sociology* Hewlett Foundation, (first published 2012) 245.

human rights. A study in Mexico found that they were the victims of 1,656 hate crimes in 11 of 32 states between 1995 and 2009. During the same time, 640 murders shook the society of these states (ORAM, 2013).

About 9 million LGBT adults in the US say they have different sexual orientations and they belong to the LGBTI+ community. This comprises 3.8% of the US population (Bogart, Revenson, Whitfield, & France, 2014). Rothman, Exner, and Baughman (2011) looked at the results of many studies done in this area with 139,635 LGBT people between 1989 and 2009. They found that 15.6–85 per cent of lesbian and bisexual women and 11.8–54 per cent of gay and bisexual men had been sexually assaulted at some point in their lives. There are more than 4% of LGBT people working in the United States. A study was carried out on LGBT people the sample size of the study was 1000, and it was found in the study that 30% of people in the study had been maltreated because of their sexual orientation and gender identity (Mallory, Hasenbush, & Davis, 2014). Their schools harassed 8 out of every 10 LGBT school students for the same reasons, and 35% of them didn't feel safe at school (The Gay, Lesbian & Straight Education Network [GLSEN], 2011).

People from the transgender community in the member states of the Council of Europe have reported that they are facing prejudice and other obstacles when trying to access trans-specific health clinics. There has been much evidence which points out such discrimination like the state did not pay for hormone treatment for 80% of them and did not pay for genital surgery for 86% of them. As a result, more than half of transgender people had to pay for their own procedures as the state has failed to fulfil its obligation (Amnesty International [AI], 2013a).

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There have been many incidences of human rights violations against people belonging to the LGBTI+ community. These incidences can witness all around the globe: Some of these events have been discussed. Like in Brazil, Veronica Bolina, a transgender woman, was arrested for allegedly attacking her neighbours. As a result, she was brutally attacked, and her face was scarred (Robinson, 2015). In countries like Uganda and Zimbabwe, police often raided LGBT organisations and took away their private documents, which were then released to the media and public. These events not only have a short term impact on the life of a person; rather, these events have a catastrophic effect on a person's life and expose these to more abuse and harassment now, they are more likely to be abused by their families, the public, the health care system, and other

social institutions (Clark, 2014). David Kato, a gay rights activist in Uganda, was beaten to death on a busy road in broad daylight in the capital, Kampala, in 2011. (Harris, 2013). In 2011, Noxolo Nogwaza was killed on her way home from a night out with friends. She was a lesbian. Her attackers raped, beat, and stabbed her over and over again before throwing her body in a drainage ditch. In the five years since 2013, at least ten lesbian women in South African townships have been raped and then killed, according to Amnesty International (AI).

The Trans Murder Monitoring project, which worked with local NGOs in all areas, kept track of 680 murders in 50 countries from 2008 to 2011. According to the National Coalition of Anti-Violence Programs, in 2010, 27 LGBT people were killed because of their sexual orientation or gender identity. Office for Democratic Institutions and Human Rights in Warsaw reported 44 murders of LGBT people because of their sexual orientation or gender identity in 2009. In 2008, a survey by the UK-based group Stonewall found that one in three lesbians and gays face discrimination in society. Fifty-three per cent of lesbian and gay people who took part in a Slovenian study said they had been violently attacked because of their sexual orientation (United Nations Human Rights Council [UNHRC], 2011).

In 2011, a Russian LGBT Network report showed that an employer who hired a transsexual man who had changed all of his documents for obvious reasons found out about the man's personal history and started calling him by his old (female) name.<sup>11</sup> This was done without the employee's permission. He also told other people on his staff about this. In another case in 2010, a transgender woman was fired from her job because she had surgery to change her gender (Inter-Regional Social Movement Russian LGBT Network, 2011). In 2009, there were two violations of human rights in San Salvador. One was when a doctor attacked a young gay man who worked as a nurse in a public hospital because he was gay. In another case, coworkers at a hospital where a young lesbian worked as a nutritionist were verbally mean to her (Asociación Salvadorea de Derechos Humanos Entre Amigos, 2010). On May 20, 2008, two transgender people were dancing at the Capital Pub in Kampala, Uganda. Club bouncers stopped them, made them feel uncomfortable, and beat them up because they were gay. Six men were found guilty of "practising homosexuality" on December 10, 2007, in the Moroccan city of Ksar El Kebir. Makwan Moloudzadeh was sentenced to death by hanging at Kermanshah Central Prison on December 4, 2007, for having anal sex against their will with three boys in 1999. On July 30, 2007, Ayu, a male-to-female transsexual, was severely

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<sup>11</sup> J. Michael Bailey & Paul L. Vasey, '*Sexual Orientation, Controversy and Science*' (first published 2016) Sage Journals, Pp 27.

beaten by state religious officials who arrested her while she was talking with her friends at the Old Melaka bus station in Kota Melaka, southwest Malaysia (Amnesty International, 2008). All kinds of violence are more likely to happen to LGBT people and among them the resident of Asia are more prone to such violence. The laws against violence against LGBT people are either directly or indirectly biased and even infringe their basic rights

They have not only failed to stop violence against LBT women and transgender people, but they have also approved of it by condoning the act of perpetrators, so that they have courage to commit such heinous crime again. (International Gay and Lesbian Human Rights Commission [IGLHRC], 2014).

Even though homosexual acts between consenting adults are legal in 113 countries, it is important to note that governments in many of those countries have often ignored violence and discrimination based on sexual orientation and gender identity and have never even given a thought that such sexual minority exist. It is also very important to highlight that even when victims against whom such heinous acts are done told police about crimes right away, the process of registering the crimes often took longer than it should have. So, the victims are afraid to go to the police because they fear more violence from the perpetrators and their families and neighbors.

It is clear that sexuality minorities' human rights are often violated in all areas, including health care, education, and work. There are no clear laws that protect them from being broken. It is suggested that every country in the world should promote respect for human rights and basic freedoms for everyone, without any kind of discrimination and in a fair and equal way<sup>12</sup>. This must also include sexuality minorities. The police should look into all reported killings and acts of violence against these people because of their sexual orientation or gender identity right away<sup>13</sup>. They should also make sure that sexual minorities are protected by the same civil laws in every country.

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<sup>13</sup> 'Sexual Orientation and Gender Identity' (OHCHR) <<https://www.ohchr.org/en/taxonomy/term/823>> accessed 2 May 2022.

## **CONCLUSION**

As discussed above in this paper, every human being has some basic rights known as human rights; these rights are indispensable and cannot be violated under any circumstance; these rights are inherent. No law nor any ordinance, rule, or regulation can violate these basic rights; these laws have to abide by the norms of these basic rights. Further, in this paper, human rights with respect to prisoners have been discussed. It has been pointed out that even though a prisoner's liberty has been curtailed during the time he has been imprisoned, it does not mean that he does not have the basic human right as well; there have been various international covenants with respect to prisoners' rights and elaborate discussion concerning prisoners have been done. We have also made a discussion with respect to sexual minorities and how they have been deprived of their basic human rights. It is an important point that we have discussed two groups of people and their human rights; it was observed that both the communities had been harassed, and the state has failed to fulfil its obligation with respect to people from these communities; we can only imagine the situation of the prisoners belonging to LGBTI+ community, these prisoners have no recognition by the state and the executive authorities do not even believe that such type of prisoners exists in the prison cell, these prisoners have been tortured in the prison cell because of their sexual orientation.