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Racism and International Human Rights Law

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Abstract

Racism is as old as human history. It gives rise to different shapes such as race, caste, color, creed, nationality and origin. Ancient philosophers, namely, Aristotle, Rousseau, Hobbes and Locke have been against racism and supported humanity. Discrimination against humanity is a dark chapter for human rights. Art 1(3) of UN declaration presents to accomplish global collaboration by promoting and encouraging reverence for all human freedoms and rights devoid of difference as to race, sex, language or religion. Art 2 of UDHR speaks that “every person is entitled for all the rights and liberties mentioned in this declaration, without any sorts of distinction.” 20th Century witnessed the abolition of slavery and trafficking of men in all forms. All the constitutions of the world have provisions of fundamental human rights without any discrimination and distinction, more than that, the Holy Quran and the Sunnah of the Prophet Muhammad (PBUH) as well as his Last Sermon are the sources of fundamental rights, equality of all races with reference to ancient and modern laws of the world.

Keywords: Racism, Discrimination, Creed, Abolition, Reverence and Liberty.

Race, Racism and Racial Discrimination

Race may be defined as “Humans belonging to a single genus and sharing a common foundation. Sons of Adam and Eva have equivalent status irrespective of their dignity and shape a vital part of human race. All human beings have the same abilities for getting the excellent echelon in intellectual, technical, societal, fiscal, artistic and political improvement. The disparities between the achievements of the many people are recognized in various fields such as to geography, history, politics, and economy, social and cultural factors. Such type of discrepancies can serve as an alleged reason for different kind of people’ (Declaration of Race and Racial Prejudice, Art.2).

Racism is a 'belief that ethnic distinctions among the people have major influences on their qualities and talents, and specially that one's own race is the best and this feeling heads to dislike or unfair treatment of the people is found on the faith' (Longman's Dictionary of Contemporary English, 1988).

No definition of racism is found in UN declaration., but it defines 'Racial discrimination'. By: 'The term 'racial discrimination' is defined in UN Convention on the Elimination of All Forms of Racial Discrimination which will meant any difference, segregation, constraint, or inclination found towards racism, creed, cast, color, either nationwide or cultural derivation which have intention for abolishing and harming the respect, satisfaction or work out, based upon an identical foundation of fundamental humans' liberties in political, financial, public and cultural fields (UN Convention on All Forms of Racial Discrimination).

Origin of Racism

Racism started with the coming of first man on this planet earth. It means racism is as old as man, 'Racism begins when one racial faction jointly get dominance, prohibits, or explores to eradicate another on the base of diversities that it deems are genetic and irreversible (George M. Fredrickson).' After hereditary study, it is obvious that all human beings evolved from one origin (Adam and Eve) thousand years ago, and the differences as like in skin, tone or hair color are production of geographical placement' (Tom Head, Types of Oppression and their Origins).

'Racism is the practice of racial discrimination due to many factors of which the main is biological difference between the people. Some races pose themselves superior in abilities, faith, color, profession, trait or calling' (Operario, Don and Susan T. Fisk, 1998).

The Greek Philosopher, wrote in his book, 'Politics' about the classes in the society. According to him, some men are by nature free and other slaves and that for these later, slavery is both expedient and right (Aristotle, 347-384 B.C).

Blacks were dominated in Greek and Roman Civilization, where there were no questions of racism in those areas during 800 B.C to 400 A.D in the Mediterranean. The Black nations i.e. Black Maurites, Canaanites of Spain, the Egyptian, the Nubians, Sabians, Ethiopians and the Colchians of Armenia found on larger parts of the Eastern and Western Mediterranean, Red Sea, Black Sea regions and dominated in those areas' (Paul Barton, 2003). 'in ancient times, a race of Naga black African spread from South Asia to West Africa. The Naga were architecture of civilization and culture in the world. The Naga were the people who were called today Negro/Negroid, African/Africoid and the Black Race. Later, Ahmose were able to curb the effects of Hyksos and their religious dogmas in Egypt (Paul Barton, 2003).

The Dorian Greeks were first who originated from Central Asia along with Caucasoid people and entered Italy, France, Germany and Western part of Europe. The nations of Afghans, Pashtoons, other Central Europeans and Atlantic Russians are the descendants of various Western European nations. 'Canaan, Ham's black son is said to have been the creator of civilization in Fhenkhu (Syria, Lebanon, Jordan, Israel, the Levant), and a master seafarer and trader. Cush built great civilization from India to the Mendes Sahara and Mizrain developed Egypt while Punt developed Somalia which was the black land of the East of India (Paul Barton, 2003).'

'In the past, racial discrimination was a dynamic power behind conquests. It is an observation that racism is best implicit as 'prejudice plus power' because without the help of political or financial power, discrimination would not be capable to apparent as a pervasive cultural, institutional or social phenomenon.' During the Middle Ages, Spain was recaptured by Christian from the occupation of

Africans, Black Moors and Arabs. From the ancient time of Black Moors, and ‘Saracens’(Arabs) were the developed nations in Europe. At that time, Europeans went in the world in search of education and knowledge of religions, culture and habit of different developed nations. Many thinkers visited different countries which were victim of racism and castism, and coined the theories about races, racism and racial differences, why some races are superior and better than that of others (Paul Barton, 2003).’

Theories of Hobbes and Locke revolutionized the thinking of the English men. Racism flourished in England and the most parts of Europe during the Middle- Ages. The English used the term ‘Black’ for dark skinned people who originated from India, Africa, Afro-West India, the Caribbean, Afro-British, other Black and Negroid people. ‘History is a witness to the fact that the most powerful nations colonized the weaker nations and suppressed their inhabitants which diminished their importance throughout the world (Acuria, Rodolfo F).

18th century was important for revolutionary point of view, French thinker’s thoughts regarding human equality, ‘All men were created equal’ which raised the wave of evolution in thinking of masses and leveled the ground for elderly sisters revolution in United States (1776) and France (1789).The American and French Revolutions were famous due to ideals of liberty and rights of all human beings. The U.S Declaration of Independence aspires that ‘all men are born equal and have ‘unalienable rights (JJ Rousseau’s).

‘Economically strong states have hated the poor and emerging ones as can be seen in the case of the US social exhibiting social segregation of blacks in the nineteenth century and South Africa practicing apartheid in the twentieth century (Reilly, Kevin, Kanfrnan, Stephen, Bodino, Angela 2003). Racism depends upon two essential theories that there is relation between physical and moral features, that mankind is separable in superior and inferior stocks. The early Hebrew rejected to all those Hebrews as gentiles, were indulged in ethnocentrism instead of racism (Bernard Lewis, 1992).

European Union unequivocally proscribed racism and several kinds of ethnic inequity, in the Fundamental Rights’ agreement of the EU. Art 21 of EHRC disallows unfairness starting from caste, color, ethnically or publically having common traits such as lingual, creed, politics or any further view regarding affection of a nationwide minority, belongings, mutilated, age or sexual direction and discrimination based on nationality (Internet Source).

Great politician and leaders of the world, like, Abraham Lincoln, Quaid-e-Azam Muhammad Ali Jinnah, Martin Luther King, JR and Nelson Mandela devoted their lives for promoting the cause of humanity, equality and creating social brotherhood devoid of racial discrimination based on race, color, religion, economic traits and sex.

The incident of 9/11 changed the scenario in the world. The whole Muslim World was discriminated by their religious belief and they were called fundamentalists, extremists and terrorists due to their belief. And, Pakistanis Muslims are being victimized due to the war-stricken area of Afghanistan which was safe abode for Taliban and adjacent to Pakistan. Wherever, the Muslims go, they are discriminated for the not their fault.

United Nations and Universal Declaration of Human Rights

After the World War II, UN emerged as a successor of League of Nations which was disbanded due to non-cooperation of big nations. Its manifesto is to protect the forth coming generation from destruction of wars which have wrapped the world twice in 20th century. In 1943, main aim of Japan and its allies affirmed and worked for the elimination of ethnic inequity in the Greater East Asia

Conference. The intention of Art. 1 of UN Charter states that countries of the world should, 'promote and encourage the respect for all human liberties without any discrimination as to race.

Owing to untiring efforts of Human Rights Commission, it was succeeded to familiarize Human Rights Charter to the world for the welfare of people which is known as Universal Declaration on Human Rights, 1948. Article.2 of Declaration on Human Rights, reads that all and sundry have all liberties which are appended in this declaration, without any kind of prejudice and discrimination such as caste, creed, color, sex, language and religion etc., and actions and ideology of racism are denounced globally by the UNO (UDHR, 1948). Moreover, no distinctions shall be treated on the grounds of race, religion and politics. It is now resolved that every member state of whatever jurisdiction will be granted protection of Human Rights Law. I also throw light on right to life, prohibition of slavery in all forms, equality before law, marriage and right of getting free education without any discrimination of race, cast, creed, color and sex. Each sort of discrimination which degrades the humanity is a crime. This is also a social evil which has destroyed the very foundation of every society in different shapes like, apartheid, racial discrimination, caste system in ancient times and present, religious dogmas, color conflicts, lingual problems, sex and gender discrimination etc. These social evils have made the lives of masses miserable.

Concept of Racism in Various Religions

Racism and Islam

Islam is a religion of nature. It is a complete code of life. Allah sent the Prophet Muhammad (PBUH) as benefactor and a role model for the whole humanity. He (PBUH) had to face difficult circumstances and made various declarations as like Madina Charter, the Conquest of Makkah and the Last Sermon which are derivatives of human rights charters of the world. On the eve of Conquest of Makkah, He condemned all types of distinctions and discriminations based on caste, creed, color, Arabs and Non-Arabs, and freed the humanity from all sorts of chains and restraints. The Holy Prophet (PBUH) presented following Human Rights in shape of declaration of:

- Peace;
- Freedom;
- Human Equality

The Last Prophet of Allah (P.B.U.H) delivered his Last Sermon which is also known as the climax and derivatives of Human Rights Charters for the whole world. He said that "Piety is the absolute measure for a person's rank in the eyes of Allah", (Last Sermon, Prophet Muhammad) and stressed that every kind of bloodshed is forbidden and all feuds of the time of ignorance done away with it and mentioned that "all men and women are equal and have been grouped into different clans only for the purpose of their identification (Tahirul Qadri, 2004).

Moreover, He (PBUH) emphasized that 'the servants have rights to be cared of and they must be fed and dressed as their masters do' and highlighted that the Holy Quran and Sunnah are sources of guidance for mankind. The Last Sermon of the Prophet (PBUH) abolished all discriminations and customs of the past and laid the foundation of Islamic society based on equality, peace and brotherhood.

Furthermore, a European historian throws light on an important pillar of Hajj in these words, this institution has continued to serve as the main amalgamating persuade in Islam and the most efficient common connection for various believer. This delivered approximately each Muslim should perform once during his life. The social influence of such a massive crowd of the Muslim brotherhood from

one fourth of the earth is very hard to calculate. It is gave endurance for all either they originated from various nation such as Negros, Berbers, Chinese, Persians, Syrians, Turks, Arabs or t they from rich and poor, high and low origin to socialize and congregate mutually on the general grounds of faith of all religions of the world. Islam gives the impression to have achieved the biggest measure of success in bulldozing the hurdles of race, color and nationality (Hitti, K. Philips). This is a specialty of Islam which did not care for racism and accepted the slaves as their rulers in slaves' dynasty. They did not discriminate any person from different origins of his caste, creed and color.

According to the Holy Quran, the division of humanity into tribes and nations is meant only for the recognition and identification of specific trait. Islam is against racial prejudices and differences based on sex, color, caste, and creed. 'O people! Allah produced you from a male and female, and spread you into nations and clans so that you can identify each other. He who has more truthfulness has indeed greater honour with God Surely, Allah is all- knowing and well informed (Holy Quran).

In the Central East and North Africa, many historians and geographers worked to highlight racist views. It has been found that Arabs are external racists, but the Quran expresses no racial prejudice of any kind whatsoever. Arabs disliked non-Arabs mostly blacks. But their ethnic prejudice was not limited to black- skinned people and it was found against every type of non-Arabs of whatever color.

Racism and Hinduism

Hinduism is included in the first four religions of the world. Its history could be traced back from 4th B.C. According to Vedic religion, the working class of society included in four major occupational groups, which were later converted into four castes which are given here.

Brahman: They were the clerics and thinkers, experts in the life of spirit. They were religious people. They were superior in class than that of the next group, because they came out of his mouth of god;

Khastriyas: They were the upper class of feudal India: kings, soldiers, and Vassal s. The main function khastriyas was to guard and maintain the society; they were likely to be brave and magnificent and they came out of arms of god;

Vaishys: The farmers and merchants were part of them, and they were economic specialists. They originated from belly of god.

Shudders: Their aim is to serve all castes and to clean the environment and they came out of his feet of god (Mary Pat Fisher, 1997).

Racism and Christianity

The Christianity is a religion which based on life, teaching and renaissance of Jesus. It is not free from religion sectarianism which is divided into three sects 'Catholic, Orthodox and Protestant.' They are opponent to one another to Ecclesia, and common men are oppressed due to being poor. There is another class which is based on rich and poor.

Racism and Jewism

Jewism is an ancient religion based on the teachings of Musa (A.S) and Daud (A.S). The word, 'Semitic' is a symbol of racial segregation. It is a present linguistic which is used by various inhabitants of different nations as like Jews, Arabs and others of Eastern Mediterranean origin people. Jews, being a minority in the world, are capitalists and almost head of every multinational company based in U.S and different countries of the world. The Muslims and Christians are discriminated by

Jews on account of their religious dogmas. They hate and dislike the Muslims and Arabs only because of this reason that Hazrat Muhammad (P.B.U.H) who was non- Jew and the most venerable Prophet of Allah and the Holy book Quran was revealed on the Him (PBUH) in Arabic language. Exceptionally, the Prophet himself as well as the teachings of the Quran is free from sectarianism, racism and any type of discrimination whatsoever.

Racism and Constitution of United States

Declaration of Independence paved the way for formulation of the Constitution of the US. Its preamble throws light on natural rights like life, liberty and equality which could not be withdrawn without due process of law. First ten amendments of US Constitution are known as “Bill of Rights” in the history of America.

The President enforced anti-racist policies like ‘the Emancipation Proclamation’, ‘limited suffrage for African Americans’ and passed the bill of 13th amendment to the US Constitution which leveled the ground for victory in the Civil War. He entered politics as a reaction of “Kansas Nebraska Act” (which was a repeal of the 1820 “Missouri compromise”). He was hostile of slavery and said that “let there be no compromise on the question of extending slavery” in the Southern parts of U.S (Abraham Lincoln, 1867).

The amendments 13th,14th,15th,18th and 26th of the US Constitution pertain to abolition of slavery, equal rights of every citizen, blacks, women and adult suffrage shall not be abridged on account of caste, color, origin and sex etc. In the case of Bailey VS Crow Wel, the court held that they had already been freed and could not be sold as a slave again. In the case of Plessy VS Ferguson, 1889, the Court stated, ‘the Jim Crow laws on grounds of race based (Jim Crow) laws did not defy the constitution as such period the states offered but equivalent action’, and Justice John Marshall Harlan, from the single dissenting judgment in Plessy VS Ferguson that the constitution is sightless, and neither recognizes nor endures distinction among citizens.

Why, blacks were discriminated and deprived of right of suffrage based on their color which was illegal and unconstitutional (Martin Luther King Jr, 1968). The incident of ‘Rosa Park’ altered the history in U.S. Mr. King was elected unanimously president of Montgomery Improved Association and followed the idea of Civil Disobedience and Protest Peacefully on the teaching of Thoreau and Actions of Gandhi to fight against segregation in America. On 21st December 1956, the Supreme Court presented the ruling that ethnic discrimination on public transport was against the law and reaction of demonstrations followed towards the passage of Civil Rights Act, 1964 and Voting Right Act, 1965 in U.S.

In his view, without granting civil rights to Negroes, peace and tranquility would be dream in U.S. He said in famous speech that now it is the time to get rid of darkness and isolated basin of separation and to follow the bright path of ethnic justice. Now a day it is a moment to raise our people from desert of racial inequality and to lead towards path of brotherhood (Martin Luther King Jr, speech). Racism is a curse of society which has shaken the very foundation of society. In Brown VS Board of Education, I, the court ended ‘separate but equal’ precedent which was set in Plessy VS Ferguson and dole out as a catalyst for extending civil right movements throughout 1950s. The court held and prohibited apartheid in schools and in Brown VS Board of Education II, the court instructed the states to initiate desegregation plans with all suitable speeds.

The Constitution of the Republic of South Africa

National Party enforced racial classification, Apartheid, unjust and discriminating laws in 1948, which created doldrums in stagnant atmosphere of Africa for blacks in achieving their basic human

rights. At that time, ANC ratified freedom charter and adopted the way of boycott, strikes, civil disobedience and other non-violence acts to get full citizenship and basic human rights for the people of South Africa (Nelson Mandela, 2013). Aftermath of Massacre of protestors, the Apartheid Government banned the ANC in 1960. Mandela was arrested for his activities against apartheid and anti-racism laws. He faced inhumanly 'Rivonia Trail' and remained 27 years in jail. His struggle against apartheid bore fruit and resolved the issues of caste, colour, creed and racism on gross roots level in Africa. Africans got independence from the clutches of segregation due to his untiring efforts in 1994.

As a result, South Africa got independence from British rule under the leadership of Nelson Mandela. It was that society in which everyone by law was stamped from birth to death based on their skin color, and on that criterion will be known as 1st, 2nd, 3rd and 4th class citizen including white, colored, Asian, and Black. There was inequality in every field of life. Newly born children and their mothers were treated separately during maternity due to their class of citizenship. Many laws and enactments were imposed to encourage the segregation which was a crime against humanity. These laws are mentioned below:

- The Mine and Works, Act 1911;
- The Land Act, 1913;
- The Nation Affairs Act, 1920;
- The Urban Area Act, 1922;
- The Prohibition of Mixed Marriage Act, 1949;
- The Immorality Act, 1949;
- The Population Registration Act, 1950;
- The Group Area Act, 1950;
- The Black Education Act, 1953.

The Constitution of India

India has lengthy written constitution in the world. The people of multilingual, creeds, castes, colors are living in India. Whereas, the Constitution of India provides guarantees to every citizen. The Constitution high lights on the 'right to equality, 'prohibition of discrimination', 'equal opportunity in public service', 'eradication of untouchability and titles', and 'right against exploitation 'on religious belief, race, caste, color and birthplace. Indian constitution is a paradise for lawyers in the context of interpretation on account of Judiciary has given different verdicts on same the issue. As a result, State of Madras VS Champakam Doraijan, Supreme Court gave the verdict and setting aside reservation of seats in educational institutional based on caste and community.

Supreme Court held that the grant of remission to convicted prisoners belonging to the scheduled caste and scheduled tribe can hardly be said to be a measure for the advancement of the scheduled caste and scheduled tribe (State of M.P. VS Mohan Singh, 1996). It is an age relaxation case of Sandeep Kumar Sharm VS state of Punjab, Supreme Court held that appellant cannot be blamed for being the only candidate available at present seeking relaxation of physical standard. The same benefits should also have ensured to anyone else situated in the same position as the appellant had their being any.

It is the cardinal principle that the state is responsible to provide compulsory and free education to the broods' up to age of 6 to 16 without any distinctions. This right is ensured in Art (21A) of India constitution, the Supreme Court of India recognized the right of education that, 'Every national of India has a right to acquire free education until he attains 14 years of age. Whereas, his right of

education is subjected to the restrictions of financial capability and growth of the state' (Unnikrishanan VS State of AP)

Art 23 (1, 2) speaks about Prohibition of illegal trafficking of human beings and forced labor, Supreme Court held that 'In that instant case exaction of labor and services against payment of less than the Union wages held as forced labour and violation of Art 23 (Peoples Union for Democratic Right VS Union of India). In Labor, working on Salal Hydro Project VS State of Jammu and Kashmir, Supreme Court held that 'Art 24 bound, this embargo against jobs of child labor only to factories, mines or other harmful services. Obviously, building work is a dangerous employment and no child under 14 years of age can, therefore, be permitted to be employed in manufacture work which is prohibited under Art 24'. The court ordered the violator of act to pay compensation. In M.C. Mehta VS state of T.N, the Supreme Court held that, 'the employer who violated the Act must compensate every under age child Rs- 20,000/- No one shall be left without admission into any educational institution which is run by state and accepting support from state funds on the basis of religion, race, caste and language etc. If anyone tries to deprive of these rights and part III of constitution of India, then constitutional remedies are available for aggrieved person who may file writ petition in the High Court and Supreme Court for protection of his fundamental rights under Articles 226 and 32 respectively.

Conclusion

To sum up, it can be said that Christians believe that man was pure and pious in Heaven, but he turned mischievous due to his fall on earth. Since being mischievous, the man has shown his mental propensity of a racist.

It is not too long in the past, when the rights of man were recognized and preserved in the constitutions of the civilized world. Modern age saw a marvelous improvement of mental outlook and behavior of man. He learnt a wonderful and decent trait of tolerance for others. This led to the recognition of human rights. Now-a-days, Constitutions not only work as store houses for human being rights, however they are also accountable for illumination of man and his dealing with others. UN founded in the year 1945 has contributed heavily in making the man civilized. Though man is said to be by nature a beastly and furious animal, yet he is now much improved and could be compared with the past times.

Islam has also contributed in the well-being of man. His behavior is set right by the message of Islam. In fact, the teaching of Hazrat Muhammad (PBUH), the greatest Messenger of Allah, has made the whole set up of Muslims polite and humble. In the field of politeness and good behavior, comparatively, the Muslims are much better than others. The Quranic teachings make them patient, tolerant and peaceful. But there are areas where many Muslims and other fall weak. They are short of money, food and necessities of life. In that case, it becomes the liability of the developed nations to come forward and help the developing nations. It is more than necessary that those who can afford must dole out to those who cannot. The rich must cooperate and help the poor. Because rich and poor are from the same origin, in fact, rich and poor are brothers and sisters. United Nations must chalk out a plan of reducing poverty at the universal level. Believed that this is not an easy job to accomplish, still the United Nations can do it; the UN, therefore, must do it.

References

A.I.R. 1951 S.C. 226

A.I.R. 1984 S.C.177 at P.183

A.I.R. 1997 S.C. 1194 at P.1196

A.I.R.1996 S.C. 2106 at PP. 2106-2107

Acuria, Rodolfo F, *Occupied America: A History of Chicanos*, 7th edition

Al Hujurat, Ayat: 13

Antonio Cassese, *Human Rights in Changing World*

Barrister A.G. Chaudhry, *Lecturers on Constitutional Law*

Bernard Lewis (1992), *Race and Slavery in the Middle East: An Historical Enquiry*

Black's Law Dictionary, 5th Edition

Discriminations Act.1975. Section1, 2, 3 and 4

Dr. Martin Luther King Jr., "I Have A Dream"Speech

Dr. Tahir-ul-Qadri, *Human Rights in Islam*. Edition 2004

E. R.Hardy Ivarny, *Mozley and Whiteley's Law Dictionary*, 10th Ed, 1998.

George M. Fredrickson, *the Historical Origin and Development of Racism*.

Hitti. K. Philips, *History of the Arabs*

[http: www.ibr.nl/international/charter%20uk.html](http://www.ibr.nl/international/charter%20uk.html)

JJ Rousseau, *The social Contract Theory*

Longman's Dictionary of Contemporary English

M. Mehmood, *The Constitution of Islamic Republic of Pakistan*

Malik Ishfaq, 'Arastoo', *Life, Philosophy and Theory*

Mary Pat Fisher, 'Living Religion' *An Encyclopedia of the world's Faith*, edition.1997

MP Singh, *Constitution of India*, 3rd Edition

Operario, Don and Susan T. Fisk (1998) *Racism Equals Power Plus Prejudice, A Social Psychological Equation for Racial Oppression*

Paul Barton, a Response, PBS 'Race'; *A History of Racism*, 2003

PLD 1990 S.C 295

PLD 1990 S.C 513

Reilly, Kevin, Kanfrnan, Stephen, Bodino, Angela (2003) *Racism: A Global Reader*

S.M. Burke, "Jinnah" *Speeches and Statements (1947-1948)*, edition 2000

The Last Sermon of Prophet Muhammad (PBUH)

Tom Head, 12 Types of Oppression, Common types of Oppression and Their Origins.

1999 MLD 1250

2006 CLC 1555

2007 CLD 868

347 U.S. 483 1954

540 U.S. 581(2004) 124 S.ct 1236