

HUMAN RIGHTS

The UN defined Human rights as those rights which are inherent in our state of nature and without which we cannot live as human beings. Human rights are the rights that everyone has equally by virtue of their humanity.

The concept of human rights acknowledges that every single human being is entitled to enjoy his or her human rights without distinction as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. The world is filled with examples of violations of basic rights such as:

Censorship,

Discrimination,

Political imprisonment,

Torture,

Slavery,

Disappearances,

Genocide,

Extrajudicial killing

Arbitrary arrests and killings,

Poverty,

Violation of the rights of women and children etc.

Classification of Human Rights

Human rights may be classified into various generations or dimension:

First generation rights - associated with civil and political rights; i.e. the liberal rights of non-interference and the democratic participation (e.g. the right to freedom from arbitrary arrest, to freedom of assembly or freedom of conscience and expression)

Second generation rights – These rights are based on harmonisation of individual and collective interests in socialist societies. The social, economic and cultural rights include right to work, social security, food, health, education etc.

Third generation rights – Solidarity rights favoured by the South are based on concept of universalism. These include right to self-determination, peace, development, common heritage of mankind, environment, sustainable development

Fourth generation rights – These are linked mostly to issues of Intergenerational Justice or the Rights of Future Generations. They refer to rights that relate to genetic engineering, rights deriving from exploration and exploitation of cosmic space. The right to information is also a facet of the continuously evolving fourth generation of human rights.

Characteristics of Human Rights

Human rights are founded on **respect for the dignity** and worth of each person.

There are five basic tenets underlying human rights are:

Universal in that they belong to all people equally regardless of status. All people are born free and equal in dignity and rights.

Inalienable in that they may not be taken away or transferred. People still have human rights even when their governments violate those rights.

Interconnected, interrelated and interdependent because the fulfillment or violation of one right affects the fulfillment of all other rights. In practice, the violation of one right will often affect the respect of several other rights.

Indivisible as no right can be treated in isolation. No one right is more important than another. All human rights should therefore be seen as having equal importance and of being equally essential to respect for the dignity and worth of every person.

Non-discriminatory in that human rights should be respected without distinction, exclusion, restriction, or preference based on race, color, age, national or ethnic origin, language, religion, sex, or any other status, which has the purpose or effect of impairing the enjoyment of human rights and fundamental freedoms.

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Origin and History of Human Rights

Many trace the historical origins of human rights to ancient Greece and Rome, where it is closely tied to the pre modern natural law doctrines of Greek Stoicism. The **Stoics were a group of philosophers who first began teaching their ideas in the Hellenistic period. Stoicism was founded by a man named Zeno, who lived from 335-263 BC**, which teaches the development of self-control and fortitude as a means of overcoming destructive emotions.

The **Roman jurist Ulpian** (170 – 223 AD) declared that according to the law of nature, all men are equal and born free. The present concept of human rights can also be identified with early Christian philosophy or with the advent of medieval constitutionalism. For instance, **Thomas Aquinas** (1224-1274) in his writing Summa Theologica (Summary of Theology) revived and expounded the classical doctrine **that human dignity sets moral limits to political rule.**

Documents asserting individual rights as precursors of human rights are:

The Magna Carta (1215)

The English Bill of Rights (1689)

The French Declaration on the Rights of Man and Citizen (1789) and

The US Constitution and Bill of Rights (1791)

But the first fully elaborated doctrine of human rights seemed to have appeared in the form of natural rights in the political writings of **Thomas Hobbes** (1588 -1679) called the **Leviathan** which expounded an influential formulation of **social contract theory**. According to Thomas Hobbes, **all men are equal and each is dominated by the desire for self preservation**. Two major influences in the **mid-twentieth century** propelled human rights onto the global arena and the awareness of people around the world. The **first** was struggles of **colonial people** to assert their independence from foreign powers, claiming their human equality and **right to self-determination**. The **second** catalyst was the **Second World War**. The extermination by Nazi Germany of over six million Jews, Roma people, homosexuals and persons with disabilities horrified the world. Calls came from across the globe for human rights standards to bolster international peace and protect citizens from abuses by governments. Until 1945, international

protection of individual human rights was confined to treaties **abolishing slave trade, the laws of war and the minority** rights which were concluded after the Treaty of Versailles (June 28, 1919).

It was in 1945 after Second World War, that the rights of all human individuals have come under the protection of international law. These voices played a critical role in the establishment of the United Nations in 1945 and are echoed in its founding document, the UN Charter. The Charter of the United Nations was signed on 26 June 1945, in San Francisco, at the conclusion of the United Nations Conference on International Organization, and came into force on 24 October 1945. The rules of State behavior and rights pertaining to individuals within states were rewritten in authoritative international documents such as:

The United Nations Charter 1945;

The Universal Declaration of Human Rights 1948;

The Genocide Convention of 1948;

The revision of the Geneva Conventions in 1949;

The European Convention on Human Rights 1950;

Principal United Nations Human Rights Conventions

Convention on the Prevention and Punishment of the Crime of Genocide, 1948

Convention Relating to the Status of Refugees, 1951

Slavery Convention of 1926, Amended by Protocol, 1953

International Covenant on Civil and Political Rights, 1966

The International Covenant on Economic, Social and Cultural rights, 1966

International Convention on the Elimination of all forms of Racial Discrimination, 1966

Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity, 1968

Convention on the Elimination of all Forms of Discrimination against Women, 1979

Convention against Torture and other Cruel, Inhuman, or Degrading Treatment or Punishment, 1984

Convention on the Rights of the Child, 1989

Convention on the Rights of Migrant Workers and the Members of their Families, 1990

Convention on the Rights of Persons with Disabilities, 2006.

Conclusion

Human rights are very much needed for removing the discrimination of people and maintaining harmony in society. It also aids in the smooth functioning of the government. These rights build a trust factor between the people and government by addressing every issue in society.



