

THREE GENERATION OF HUMAN RIGHTS

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Rights

- ❖ Rights are **justified claim** which are accepted by the society as well as state and they are required for the development of the personality of an individual.
- ❖ In another word right is **to get one's due**, i.e. to get what is due to someone as a human, citizen, individual or as a member of a group.
- ❖ Rights are dynamic in nature .

Kinds of Rights

- A. Natural rights**- Right to life, liberty and property.
- B. Civil rights**- Civil rights are related to the protection of individual freedom so that the individual can lead a good and dignified life and to develop personality. For example- right to life, property, right to privacy, right to education, right to religion, right to form family, right against inhuman condition, freedom from slavery etc.
- C. Political rights**- Political rights help the individual to participate in the decision making process of the government . For example- right to vote, right to form the government, right to criticize the government, right to form political party, right to contest in the election etc.

Kinds of Rights

- D. Economic rights**- Economic rights help the individual to fulfill the basic needs such as food, cloth and shelter. Civil and political rights are meaningless without the economic rights. For example- right to work, right to minimum proper wage for work, right to rest, equal pay for equal work, right to social security, right to a safe environment etc.
- E. Social rights**- Equal respect and opportunity to all irrespective of race, caste, gender, religion etc is called social rights. For example- right to use public property, right to enter temple etc.
- F. Legal rights**- the rights which are legally recognized and implemented by the state are called as legal rights.

Human Rights

- Human rights are those which are enjoyed by the people by virtue of being a human.
- **All human beings are born free and equal in dignity and rights.** They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood and therefore possess equal rights.
- Human rights are enjoyed by the people irrespective of their caste, class, place of birth, religion, gender, race etc.
- Human rights are **international moral and legal norms** that aspire to protect all people everywhere from severe political, legal and social abuses.
- Examples of human rights are the right to freedom of religion, the right to a fair trial when charged with a crime, the right not to be tortured and the right to engage in political activity.
- Human rights are **universal, inalienable, indivisible and interrelated, inherent, enforceable.**
- **Only moral based duty system can accommodate human rights**

UDHR

- The Universal Declaration of Human Rights (UDHR) sets out a list of over two dozen specific human rights that countries should respect and protect. We may group these specific rights into six or more families:
- (i) **security rights** that protect people against crimes such as murder, massacre, torture and rape;
- (ii) **liberty rights** that protect freedom in areas such as belief, expression, association, assembly and movement;
- (iii) **political rights** that protect the liberty to participate in politics through actions such as communicating, assembling, protesting, voting and serving in public office;
- (iv) **due process rights** that protect against abuses of the legal system such as imprisonment without trial, secret trials and excessive punishments;
- (v) **equality rights** that guarantee equal citizenship, equality before the law and non-discrimination; and
- (vi) **welfare rights** (or ‘economic and social rights’) that require the provision of education to all children and protections against severe poverty and starvation.
- Another rights is **group rights**. The UDHR does not include group rights, but subsequent treaties do this. Group rights include the protection of ethnic groups against genocide and the ownership by countries of their national territories and resources.

Three Generations of Human Rights

- In 1970s Karel Vasak offered the concept of the three generations of rights.
- He classified human rights into three generations on the basis of the idea of French revolution i.e. liberty, equality and fraternity.
 1. First generation- civil and political rights.(liberty)
 2. Second generation- economic and social rights.(equality)
 3. Third generation- cultural and environmental rights.(fraternity)

First generation of Rights

- Emerged in 17th and 18th centuries by the influence of French revolution and American revolution.
- Associated with liberal movement under new middle class.
- Main objective was to protect the **individual liberty** from the powerful state and emphasis on **liberty**.
- Known as **civil and political rights**.
- Civil rights- Civil rights are related to the protection of individual freedom so that the individual can lead a good and dignified life and to develop personality. For example- right to life, property, right to privacy, right to education, right to religion, right to form family, right against inhuman condition, freedom from slavery etc.
- Political rights- Political rights help the individual to participate in the decision making process of the government . For example- right to vote, right to form the government, right to criticize the government, right to form political party, right to contest in the election etc.
- Basically **negative** rights against society and state.
- The state can not interfere on individual rights and liberties.
- These rights are included in **UDHR of 1948 and ICCPR of 1966**.

Second Generation of Rights

- Emerged in 18th and 19th centuries influenced by the socialist.
- Industrial revolution brought capitalism and due to capitalism economic inequality arise.
- Associated with socialist movement influenced by Marxist ideologies.
- Emanating from the value of **Equality**.
- Known as **socio-economic rights**.
- Socio-economic rights- Economic rights help the individual to fulfill the basic needs such as food, cloth and shelter. Civil and political rights are meaningless without the economic rights. For example- right to work, right to minimum proper wage for work, right to rest, equal pay for equal work, right to social security, right to equal status and dignity, right against exploitation, right to education, right to old age care etc.
- Give emphasis on **society**.
- These rights are **positive rights**.
- The state can interfere on individual liberty for their welfare.
- These rights are included in **UDHR of 1948 and ICESCR of 1966**.

Third Generation of Rights

- Emerged in 20th century and continue to 21st century.
- Emerged with the increasing interdependence among states in the age of globalization.
- Associated with **environmental movements** and rising awareness of **multiculturalism and pluralism**.
- Linked to the value of **fraternity** or brotherhood.
- It is also called **solidarity rights**.
- Give emphasis on **collective rights or group rights** rather than individual rights.
- Environmental rights- right to clean air, earth and water, right to development, right to share common heritage of earth, concept of sustainable development etc.
- Cultural rights- right to protect culture, language etc.