

HUMAN RIGHTS BULLETIN 1/2020

FACULTY OF LAW, ADMINISTRATION AND ECONOMICS

HUMAN RIGHTS GENERATIONS

Podtytuł artykułu lub podsumowanie

Civil and political rights (first generation rights)

These rights began to emerge as a theory during the seventeenth and eighteenth centuries and were based mostly on political concerns. It had begun to be recognised that there were certain things that the all-powerful rulers should not be able to do and that people should have some influence over the policies that affected

them. The two central ideas were those of personal liberty, and of protecting the individual against violations by the state. Civil and political rights today are set out in detail in the International Covenant on Civil and Political Rights (ICCPR) and in the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), and they include rights such as the right to participate in government and the prohibition of torture.

These rights have traditionally been regarded by many – at least in "the West" – as the most important human rights.

Social, economic and cultural rights (second generation rights)

These rights concern how people live and work together and the basic

necessities of life. They are based on the ideas of equality and guaranteed access to essential social and economic goods, services, and opportunities. They became increasingly a subject of international recognition with the effects of early industrialisation and the rise of a working class. These led to new demands and new ideas about the meaning of a life of dignity. People realised that human dignity required more than the minimal lack of

"All rights are universal, indivisible and interdependent and interrelated."

Vienna Declaration, 1993

Key values

Two of the key values that lie at the core of the idea of human rights are human dignity and equality. Human rights can be understood as defining those basic standards which are necessary for a life of dignity; and their universality is derived from the fact that in this respect, at least, all humans are equal. We should not, and cannot, discriminate between them. These two beliefs, or values, are really all that is required to subscribe to the idea of human rights, and these beliefs are hardly controversial.

interference from the state as proposed by the civil and political rights. Social, economic and cultural rights are outlined in the International Covenant on Economic, Social and Cultural Rights (ICESCR) and also in the European Social Charter of the Council of Europe.

- Social rights are those that are necessary for full participation in the life of society. . They include at least the right to education and the right to found and maintain a family but also many of the rights often regarded as 'civil' rights: for example, the rights to recreation, health care, privacy and freedom from discrimination.
- Economic rights are normally thought to include the right to work, to an adequate standard of living, to housing and the right to a pension if you are old or disabled. The economic rights reflect the fact that a certain minimal level of material security is necessary for human dignity, and also the fact that, for example, a lack of meaningful employment or housing can be psychologically demeaning...
- Cultural Rights refer to a community's cultural "way of life"

and are often given less attention than many of the other types of rights. They include the right to participate freely in the cultural life of the community and, possibly, also the right to education. However, many other rights, not officially classed as "cultural" will be essential for minority communities within a society to preserve their distinctive culture: for example, the right to non-discrimination and equal protection of the law.

- **Solidarity rights (third generation rights)**
- The list of internationally recognised human rights has not remained constant. Although none of the rights listed in the UDHR has been brought into serious question in over 60 years of its existence, new treaties and documents have clarified and further developed some of the basic concepts that were laid down in that original document.

- These additions have been a result of a number of factors: they have partly come about as a response to changing ideas about human dignity, and partly as a result of new threats and opportunities emerging. In the case of the specific new category of rights that have been proposed as third generation rights, these have been the consequence of a deeper understanding of the different types of obstacles that may stand in the way of realising the first and second generation rights.

The idea at the basis of the third generation of rights is that of *solidarity*; and the rights embrace collective rights of society or peoples, such as the right to sustainable development, to peace or to a healthy environment. In much of the world, conditions such as

extreme poverty, war, ecological and natural disasters have meant that there has been only very limited progress in respect of human rights. For that reason, many people have felt that the recognition of a new category of human rights is necessary: these rights would

ensure the appropriate conditions for societies, particularly in the developing world, to be able to provide the first and second generation rights that have already been recognised. The specific rights that are most commonly included

within the category of third generation rights are the rights to development, to peace, to a healthy environment, to share in the exploitation of the common heritage of mankind, to communication and humanitarian assistance.

Characteristics of human rights

We should note that the universality of human rights does not in any way threaten the rich diversity of individuals or of different cultures. Universality is not synonymous with uniformity. Diversity requires a world where everyone is equal, and equally deserving of respect. Human rights serve as minimum standards applying to all human beings; each state and society is free to define and apply higher and more specific standards. For example, in the field of economic, social and cultural rights we find the obligation to undertake steps to achieve progressively the full realisation of these rights, but there is no stipulated position on raising taxes to facilitate this. It is up to each country and society to adopt such policies in the light of their own circumstances.

Human rights are inalienable.

This means that you cannot lose them, because they are linked to the very fact of human existence, they are inherent to all human beings. In particular circumstances some – though not all – may be suspended or restricted.

For example, if someone is found guilty of a crime, his or her liberty can be taken away; or in times of national emergency, a government may declare this publicly and then derogate from some rights, for example in imposing a curfew restricting freedom of movement.

Human rights are indivisible, interdependent and interrelated.

This means that different human rights are intrinsically connected and cannot be viewed in isolation from each other. The enjoyment of one right depends on the enjoyment of many other rights and no one right is more important than the rest.

Human rights are universal.

Which means that they apply equally to all people everywhere in the world, and

with no time limit. Every individual is entitled to enjoy his or her human rights without distinction of "race" or ethnic background, colour,

sex, sexual orientation, disability, language, religion, political or other opinion, national or social origin, birth or other status.

Human rights are moral entitlements that every individual in the world possesses simply in virtue of the fact that he or she is a human being. In claiming our human rights, we are making a moral claim, normally on our own government, that you cannot do that, because it is a violation of my moral sphere and my personal dignity. No-one – no individual, no government – can ever take away our human rights.

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