



Human Rights: Definition to Declaration

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Abstract

To understanding the Human Rights, the words 'Human' and 'Right' are need to be understood. The word 'Human' means belonging or pertaining to or of the nature of man or mankind. The word 'Right' denotes the freedom and advantages that everyone should be allowed to have. Human rights are those activities, conditions, and freedoms that all human beings are entitled to enjoy, by virtue of their humanity. They include civil, political, economic, social and cultural rights. Human rights are inherent, inalienable, interdependent, and indivisible, meaning they cannot be granted or taken away, the enjoyment of one right affects the enjoyment of others, and they must all be respected. The Universal Declaration of Human Rights (UDHR) is a milestone document in the history of human rights.

Keywords: *Human Rights, Freedom, Human beings, Humanity, Declaration*

Introduction:

Human rights are rights inherent to all human beings, regardless of race, sex, nationality, ethnicity, language, religion, or any other status. Human rights include the right to life and liberty, freedom from slavery and torture, freedom of opinion and expression, the right to work and education, and many more. Everyone is entitled to these rights, without discrimination.

Human rights are standards that recognize and protect the dignity of all human beings. Human rights govern how individual human beings live in society and with each other, as well as their relationship with the State and the obligations that the State have towards them.

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inalienable, interdependent, and indivisible, meaning they cannot be granted or taken away, the enjoyment of one right affects the enjoyment of others, and they must all be respected.

However, only governments are in a position to put in place the laws and policies necessary for protection of human rights and to regulate private and public practices that impact individuals' enjoyment of those rights. Therefore, we think of national governments ("States") as the guarantors, or violators, of human rights. This short paper is focused on the definition of Human Rights and Universal Declaration of Human Rights and other Declarations. Karel Vasak(1979) classification of three generations Human Rights is also discussed in brief . First part of the paper discuss about definition of Human Rights, Second part about characteristics of Human Rights and third part with Declarations and Generations of Human Rights.

Definition of Human Rights:

Now before understanding the Human Rights, the words 'Human' and 'Right' are need to be understood. The word 'Human' means belonging or pertaining to or of the nature of man or mankind.ⁱ The word 'Right' denotes the freedom and advantages that everyone should be allowed to have.ⁱⁱ

The foundational norm governing the concept of Human Rights is that of the respect for human personality and its absolute worth, regardless of colour, race, sex, religion or other considerations. These rights are essential for the adequate development of human personality and for human happiness, without getting involved in definitional controversies. At the very outset it is pertinent to mention that rights are those essential conditions of life without which man cannot be at his best. Precisely rights lead to the development and fulfillment to human beings.ⁱⁱⁱ

In an another definition David Selby says, Human Rights pertain to all persons and are posed by everybody in the world because they are human beings they are not earned, bought or inherited, nor are they created by any contractual undertaking.^{iv}

According to the propounders of natural law theory, man derives rights from nature. These natural rights are inherent and integral to human nature. In fact, every individual by nature is given certain rights, which cannot be taken away by any authority.^v

In the words of Laski, Rights are those conditions of social life without which no man can seek in general to be himself at his best.^{vi}

About 5000 years ago ancient Indian philosophers and thinkers expounded a theory of higher moral law over and above positive law embodying certain values of universal validity such as Dharma (righteousness), Artha (wealth),

Kama (desires) and Moksha (salvation), with a view to establish a harmonious social order, by striking a balance between inner and outer, spiritual and material aspects of life.^{vii}

There are numerous references in Vedas, which throw light on the existence of Human Rights. The most significant declaration on Human Rights comes from the famous Vedic rhymes “Let everyone be happy, let everyone free from all ills.” Under this Vedic framework, the king was expected not only to protect the life of subjects, but to promote their well being and prosperity.^{viii}

Human rights are rights that every human being has by virtue of his or her human dignity

Human rights are rights inherent to all human beings. They define relationships between individuals and power structures, especially the State. Human rights delimit State power and, at the same time, require States to take positive measures ensuring an environment that enables all people to enjoy their human rights. History in the past 250 years has been shaped by the struggle to create such an environment. Starting with the French and American revolutions in the late eighteenth century, the idea of human rights has driven many revolutionary movements for empowerment and for control over the wielders of power, governments in particular.

Human rights are the sum of individual and collective rights laid down in State constitutions and international law:

Governments and other duty bearers are under an obligation to respect, protect and fulfill human rights, which form the basis for legal entitlements and remedies in case of non-fulfillment. In fact, the possibility to press claims and demand redress differentiates human rights from the precepts of ethical or religious value systems. From a legal standpoint, human rights can be defined as the sum of individual and collective rights recognized by sovereign States and enshrined in national legislation and in international human rights norms. Since the Second World War, the United Nations has played a leading role in defining and advancing human rights, which until then had developed mainly within the nation State. As a result, human rights have been codified in various international and regional treaties and instruments that have been ratified by most countries. Today they represent the only universally recognized value system.

Human rights are manifold:

Human rights pertain to all aspects of life. Their exercise enables all individuals to shape and determine their own lives in liberty, equality and respect for human dignity. Human rights encompass civil, political,

economic, social, and cultural rights, as well as the collective rights of peoples (given below).

Examples of human rights:

In the area of civil and political rights:

- Right to life
- Freedom from torture and cruel, inhuman or degrading treatment or punishment
 - Freedom from slavery, servitude and forced labour
 - Right to liberty and security of person
- Right of detained persons to be treated with humanity
- Freedom of movement
 - Right to a fair trial
- Prohibition of retroactive criminal laws
 - Right to recognition as a person before the law
- Right to privacy
- Freedom of thought, conscience and religion
 - Freedom of opinion and expression
- Prohibition of propaganda for war and of incitement to national, racial or religious hatred
 - Freedom of assembly
 - Freedom of association
 - Right to marry and found a family
 - Right to take part in the conduct of public affairs, vote, be elected and have access to public office

In the area of economic, social and cultural rights

- Right to work
- Right to just and favourable conditions of work
 - Right to form and join trade unions
 - Right to social security
 - Protection of the family
 - Right to an adequate standard of living, including adequate food, clothing and housing
 - Right to health
 - Right to education

In the area of collective rights

- Right of peoples to:
 - Self-determination
 - Development
 - Free use of their wealth and natural resources

- Peace
- A healthy environment

• **Other collective rights:**

- Rights of national, ethnic, religious and linguistic minorities
- Rights of indigenous peoples

(Source-Human Rights: Handbook for Parliamentarians published by Inter-Parliamentary Union & United Nations (Office of the High Commissioner for Human Rights) 2016)

Characteristics of Human Rights

Universality and Inalienability: Human rights are universal and inalienable. All people everywhere in the world are entitled to them. No one can voluntarily give them up. Nor can others take them away from him or her. **Indivisibility:** Human rights are indivisible. Whether civil, political, economic, social or cultural in nature, they are all inherent to the dignity of every human person. Consequently, they all have equal status as rights. There is no such thing as a 'small' right. There is no hierarchy of human rights.

Inter-dependence and Inter-relatedness: The realization of one right often depends, wholly or in part, upon the realization of others. For instance, the realization of the right to health may depend on the realization of the right to education or of the right to information.

Equality and Non-discrimination: All individuals are equal as human beings and by virtue of the inherent dignity of each human person. All human beings are entitled to their human rights without discrimination of any kind, such as race, color, sex, ethnicity, age, language, religion, political or other opinion, national or social origin, disability, property, birth or other status as explained by the human rights treaty bodies.

Participation and Inclusion: Every person and all peoples are entitled to active, free and meaningful participation in, contribution to, and enjoyment of civil, political, economic, social and cultural development, through which human rights and fundamental freedoms can be realized.

Accountability and Rule of law: States and other duty-bearers must comply with the legal norms and standards enshrined in human rights instruments. Where they fail to do so, aggrieved rights-holders are entitled to institute proceedings for appropriate redress before a competent court or other adjudicator, in accordance with the rules and procedures provided by law.

International Framework of Human Rights: International human rights law lays down the obligations of Governments to act in certain ways or to refrain from certain acts, in order to promote and protect human rights and

fundamental freedoms of individuals or groups. One of the great achievements of the United Nations is the creation of a comprehensive body of human rights law—a universal and internationally protected code to which all nations can subscribe and all people aspire. The United Nations has defined a broad range of internationally accepted rights, including civil, cultural, economic, political and social rights. It has also established mechanisms to promote and protect these rights and to assist states in carrying out their responsibilities.

Declaration:

Universal Declaration of Human Rights:

The U.N. Charter called for a commission on human rights, which was chaired by Eleanor Roosevelt. With the help of the U.N.E.S.C.O, the new Commission on Human Rights studied how different cultures, nations and philosophers viewed human rights.

In September 1948, the commission sent its draft to the U.N. General Assembly. Lengthy debates clarified the draft language and built increasing consensus. Discussion and approval took two full years, including 81 meetings, 168 amendments to the draft text and nearly 1,400 votes. The climax came on Dec. 10, 1948, when the General Assembly adopted the UDHR without a single dissenting vote, although eight states abstained

The UDHR is among the most important documents of the 20th century. It has been translated into 337 different languages. It has become a touchstone for actions by governments, individuals, and nongovernmental groups. It has been ratified by every country in the world. Practically no other international instrument can claim this honor. In short, the UDHR has acquired a moral and political significance matched by few documents.

It provides both a guide to present action and an evolving set of ideas for future implementation at the national level. Increasingly, the UDHR's principles have been embodied in what states do and it serves as the foundation for the International Bill of Rights and several other crucial human rights agreements. And, not least, the UDHR has proven a remarkably flexible foundation for a continued broadening and deepening of the very concept of human rights

The UDHR sets forth a number of objectives — some to be achieved immediately, others as rapidly as feasible. The UDHR also provided the foundation for a series of other international agreements, both global and regional. Finally, the UDHR inspired people around the world to claim their rights, not simply accept the diktat of others.

The UDHR provides “a common standard of achievement for all peoples and all nations.” Every “individual and every organ of society” shall promote “respect for these rights and freedoms ... by progressive measures ...” The goal was “to secure their universal and effective recognition and observance.”

Underlying the entire declaration is a basic value, as stated in Article 1: “All human beings are born free and equal in dignity and rights.” This assertion ran in the face of centuries of practice and widespread beliefs. Perhaps most important, the clarity and directness of its language inspired millions Men and women everywhere recognized that they enjoyed rights that no government should take away.

Drafters of the UDHR consciously drew upon several legal and philosophical traditions. Many of its 30 articles deal with civil and political rights, which protect individuals from government and from state-condoned private abuses. Others discuss freedoms common to each individual, such as the right to free expression. Still others set forth economic, social and cultural rights, such as access to education and the right to work.

The Universal Declaration of Human Rights: The Universal Declaration of Human Rights (UDHR) is a milestone document in the history of human rights. Drafted by representatives with different legal and cultural backgrounds from all regions of the world, the Declaration was proclaimed by the United Nations General Assembly in Paris on 10 December 1948 (General Assembly resolution 217 A) as a common standard of achievements for all peoples and all nations. It sets out, for the first time, fundamental human rights to be universally protected and it has been translated into over 500 languages.

Preamble:

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world, Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people, Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law, Whereas it is essential to promote the development of friendly relations between nations, Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal

rights of men and women and have determined to promote social progress and better standards of life in larger freedom, Whereas Member States have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms, Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge, Now, therefore, The General Assembly Proclaims this Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

Article 1 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.

Article 2 Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Article 3 Everyone has the right to life, liberty and security of person.

Article 4 No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

Article 5 No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 6 Everyone has the right to recognition everywhere as a person before the law.

Article 7 All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this declaration and against any incitement to such discrimination.

Article 8 Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

Article 9 No one shall be subjected to arbitrary arrest, detention or exile.

Article 10 Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

Article 11 (1) Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence. (2) No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

Article 12 no one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, or to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Article 13 (1) Everyone has the right to freedom of movement and residence within the borders of each state. (2) Everyone has the right to leave any country, including his own, and to return to his country.

Article 14 (1) Everyone has the right to seek and to enjoy in other countries asylum from persecution. (2) This right may not be invoked in the case of prosecutions genuinely arising from nonpolitical crimes or from acts contrary to the purposes and principles of the United Nations.

Article 15 (1) Everyone has the right to a nationality. (2) No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

Article 16 (1) Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution. (2) Marriage shall be entered into only with the free and full consent of the intending spouses. (3) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

Article 17 (1) Everyone has the right to own property alone as well as in association with others. (2) No one shall be arbitrarily deprived of his property.

Article 18 Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private,

to manifest his religion or belief in teaching, practice, worship and observance.

Article 19 Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 20 (1) Everyone has the right to freedom of peaceful assembly and association. (2) No one may be compelled to belong to an association.

Article 21 (1) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives. (2) Everyone has the right of equal access to public service in his country. (3) The will of the people shall be the basis of the authority of government; this shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

Article 22 Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

Article 23 (1) Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment. (2) Everyone, without any discrimination, has the right to equal pay for equal work. (3) Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection. (4) Everyone has the right to form and to join trade unions for the protection of his interests.

Article 24 Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

Article 25 (1) Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control. (2) Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

Article 26 (1) Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit. (2) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace. (3) Parents have a prior right to choose the kind of education that shall be given to their children.

Article 27 (1) Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits. (2) Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

Article 28 Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

Article 29 (1) Everyone has duties to the community in which alone the free and full development of his personality is possible. (2) In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society. (3) These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

Article 30 Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein. Conclusion: In conclusion, citing the General Assembly Resolution 60/251 explicitly acknowledges that “non-governmental organizations play an important role at the national, regional and international levels, in the promotion and protection of human rights” and further determines that the Council should work “in close cooperation in the field of human rights with Governments, regional organizations, national human rights institutions and civil society.”

Several major treaties, ratified by more than 100 countries, trace their origins to the UDHR. They include, in chronological order:

- The International Convention on the Elimination of Racial Discrimination (1965).

- The International Covenant on Economic, Social and Cultural Rights (1966).
- The International Covenant on Civil and Political Rights (1966).
- The Convention on the Elimination of All Forms of Discrimination Against Women (1979).
- The Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984).
- The Convention on the Rights of the Child (1989).

Generations of Human Rights:

When human rights are being discussed, they are often divided up into three categories called generations. A reflection of the three generations of human rights can be seen in the popular phrase of the French Revolution: *liberté, égalité, fraternité*. These generations of human rights were first formally established by Karel Vasak, a Czech jurist, in 1979. This division of the types of human rights helps improve conversations about rights, especially those involving legislation and the role that governments play in human rights.

The First Generation: Liberté

The first generation of human rights encompasses an individual's civil and political rights. First generation rights can be divided into two sub-categories. The first sub-category relates to norms of "physical and civil security." This includes not committing acts of torture, slavery, or treating people inhumanely. The second sub-category relates to norms of "civil-political liberties or empowerments." This includes rights such as freedom of religion and the right to political participation.

First generation rights are based around the rights of the individual person and are often the focus of conversations about human rights in western countries. They became a priority for western nations during the Cold War. Some documents that focus on first generation rights are the United States Bill of Rights and Articles 3 through 21 of the Universal Declaration of Human Rights (UDHR).

The Second Generation: Égalité

The second generation of human rights encompasses socio-economic rights. Second generation rights can also be divided into two sub-categories. The first sub-category relates to norms of the fulfillment of basic needs, such as nutrition and healthcare. The second sub-category relates to norms of the fulfillment of "economic needs." This includes fair wages and sufficient standards of living.

Second generation rights are based on establishing equal conditions. They were often resisted by western nations during the Cold

War, as they were perceived as “socialist notions.” The International Covenant on Economic, Social, and Cultural Rights and Articles 22 through 27 of the UDHR focus on these rights.

First generation human rights were looked at as being a “negative obligation,” which means that they place a responsibility on governments to ensure that the fulfillment of those rights is not being impeded. Second generation human rights were viewed as being a “positive obligation,” which means that they place a responsibility on governments to actively ensure that those rights are in fact fulfilled. After the Berlin Wall fell, perspectives shifted to see governments as having the responsibility to “respect, protect, promote and fulfill” these rights.

The Third Generation: Fraternité

The third generation of human rights encompasses broad class rights. Third generation rights can be divided into sub-categories as well. The first sub-category relates to “the self-determination of peoples” and includes different aspects of community development and political status. The second sub-category is related to the rights of ethnic and religious minorities.

Third generation rights are often found in agreements that are classified as “soft law,” which means they are not legally binding. Some examples of these agreements include the UDHR and the 1992 Rio Declaration on Environment and Development. This generation of rights is challenged more often than the first and second generations, but it is being increasingly acknowledged on an international level. These rights started gaining acknowledgement as a result of “growing globalization and a heightened awareness of overlapping global concerns” such as extreme poverty. (<http://unchronicle.un.org>)

Conclusion:

The more simple and clear idea of Human Rights is now known to even grass root level. No more Human Rights is discussed, debated and researched not only in colleges, universities, research centers and courts but also among common people, press, police, parties and social media. Now, Human Rights Education should be included in primary/elementary school curriculum. To aware and educate more people about Human Rights is to minimize the violation of Human Rights. Looking back to 1948, however, progress has been remarkable. A visionary document has become a living reality. The UDHR should be celebrated for its firm foundation and flexible structure.

Endnotes-

- ⁱ Chamber's Twentieth Century Dictionary, p.468.
- ⁱⁱ Longman, Dictionary of Contemporary English, p.1221.
- ⁱⁱⁱ Suresh Kumar Soni, Human Rights: Concept, Issues, Emerging Problems, p.14.
- ^{iv} Tapan Biswal, Human Rights, Gender and Environment, p.44.
- ^v Suresh Kumar Soni, op.cit., p.139.
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- ^{viii} Ibid.

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