



Understanding Human Rights



02. Generations of Human Rights

Three generations of human rights

- Civil and political rights
- Economic, social and cultural rights
- Collective rights – Developmental rights



Karel Vašák



Liberté, égalité, fraternité

Three generations of human rights

1st Generation of Human Rights	Civil and Political rights	Liberty	Negative	<ul style="list-style-type: none"> -Focus on individuals' rights -E.g. equality before the law, freedom of speech, the right to a fair trial, freedom of religion, and voting rights. -1700 ~ 1800s: through to WWII/UDHR
2nd Generations of Human Rights	Economic, social and cultural rights	Equality	Positive	<ul style="list-style-type: none"> -Focus on equal treatment and opportunity -E.g. the right to education, the right to housing and the right to health care -Post WWII era
3rd Generations of Human Rights	Collective rights	Fraternity	Aspirational	<ul style="list-style-type: none"> -Focus on the environment and sovereignty -E.g. the right to a clean environment, the right to natural resources, the right to self determination -Late 1970s: onwards

1st generation: Civil and political rights

- Based around individuals' rights
 - ❖ Basic individual freedoms
 - ❖ Notions of ownership
 - ❖ Individuals' participation in society
- For example
 - ❖ Equality before the law, freedom of speech, the right to a fair trial, freedom of religion, and voting rights.

2nd generation: Economic, social and cultural rights

- Considered as developing post-WWII
- Included in the UDHR
- Positive rights tell nations the things they must provide or make accessible to their citizens
- Economic, social and cultural rights focus on not just individuals but the broader society
 - ✓ Right to education
 - ✓ Right to housing
 - ✓ Right to health care
 - ✓ Right to work
 - ✓ Right to free time
 - ✓ Right to organize and bargain collectively
 - ✓ Right to unemployment benefits or social security

3rd generation: Collective rights

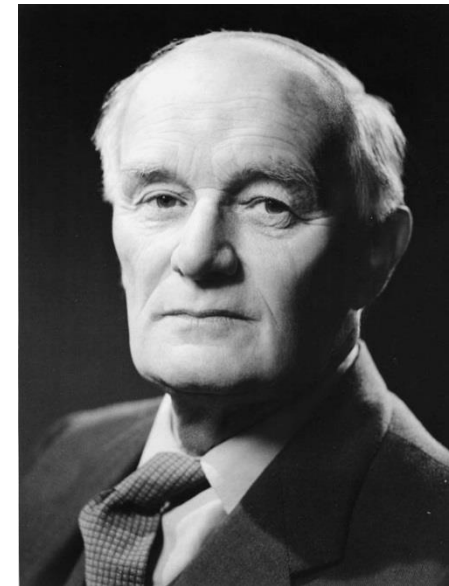
- Referred to as green rights
- 'Developmental Rights'
- Of fraternity, empowerment, representation
- Environmental issues
- Late 1970s onwards to the early 2000s

3rd generation: Collective rights

- Examples include :
 - Group and collective rights
 - ✓ Right to self-determination
 - ✓ Right to economic and social development
 - ✓ Right to a healthy environment
 - ✓ Right to natural resources
 - ✓ Right to communicate and communication rights
 - ✓ Right to participation in cultural heritage
 - ✓ Rights to intergenerational equity and sustainability

Conclusion

- Civil rights development as being closely linked to the 1700s,
- The growth of politic rights with the 1800s,
- And the expansion of social rights as belonging to the 1900s.



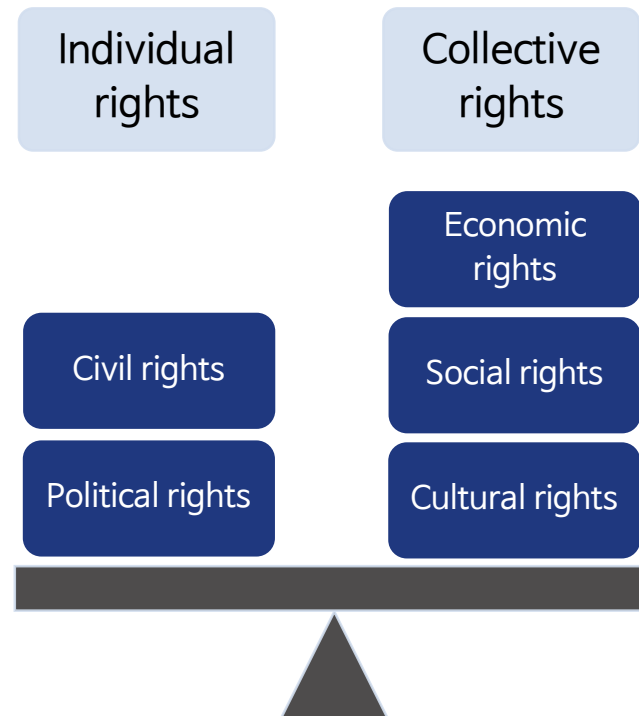
T.H.Marshall

Civil and Political Rights

- Defining civil and political rights
- Index of Civil and Political Rights
- Subcategories of Civil and Political
- Political Rights

1) Defining Civil and Political Rights

- Civil and political human rights give individuals certain freedoms to participate in civil society and have a say in the political running of their society.



2) Index of Civil and Political Rights

- International Covenant on Civil and Political Rights (1966)
 - ✓ The right to life
 - ✓ The prohibition of torture and cruel, inhuman or degrading treatment
 - ✓ The prohibition of slavery
 - ✓ The right to liberty and security of the person
 - ✓ The right to equality before the law and the prohibition of discrimination
 - ✓ The right to vote and to run for public office
 - ✓ The freedom of thought, religion and expression

3) Subcategories of Civil and Political Rights

- Defend or protect certain values
- Civil and political rights are centered around the relationship between an individual and his/her state, country or government

3) Subcategories of Civil and Political Rights

I) Inviolabilities

- Individual security
- Individual's personal security, privacy, and identity
- Examples
 - ✓ The right of correspondence
 - ✓ The right to personal integrity
 - ✓ The right to personal liberty and security
 - ✓ The right to a name
 - ✓ The right to sexual self-determination
 - ✓ The right to privacy and family life
 - ✓ The freedom of conscience
 - ✓ The freedom of religion

3) Subcategories of Civil and Political Rights

II) Civil freedoms

- The freedom of assembly
- The freedom of movement
- The freedom of expression

3) Subcategories of Civil and Political Rights

III) Political rights

- Political rights recognize an individual as a citizen, a member of society or a member of a political group or community
 - ✓ The right to petition
 - ✓ The right to protest
 - ✓ The right to run for public office
 - ✓ The right to vote
- Governments/States have a responsibility to avoid obstructing them
- States also have a responsibility to actively promote and facilitate these rights

3) Subcategories of Civil and Political Rights

IV) Equality

V) Legal protection & status

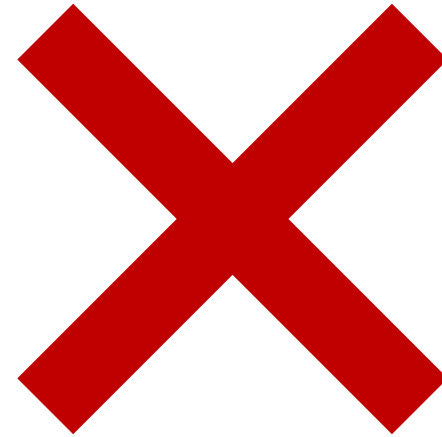
- Constitutions → 1st generation rights
- Democracy → 2nd generation rights



- "Citizens"
- "Nationals"

Guaranteed political rights

- "Non-citizens"
- "Foreign nationals",
- "Illegal immigrants"
- "Refugees"



4) The Origin of Civil and Political Rights

- Civil and political rights are the first generation of rights.
- They emerged from the West, particularly in the late 18th and early 19th Century.
- These rights are focused on individuals – such as individual rights and freedoms to participate in his/her society, including the political sphere.
- These rights are mostly thought of as 'negative rights' as they set out values that states must not deny their citizens.

Definition of Economic, Social and Cultural Rights

- the 2nd generation of human rights, otherwise known as economic, social and cultural rights
 - 1st generations rights focused on *individuals*
 - 2nd generation rights focused on *groups of people* or the wider society
- *Positive rights*
- 1) Defining Economic, Social and Cultural Rights
- 2) The development of these 2nd generation rights

Definition of Economic, Social and Cultural Rights

- Economic, social and cultural rights focus on groups of people or societies as a whole
 - Women, children, workers and disabled people
- 1st generation rights focused on liberty
- 2nd generation rights focus on equality

- 2nd generation rights
 - Democracy
 - Welfare state

Economic rights

- The right to work
- The right to fair wages (and the right to the minimum wage)
- The right to safe and healthy working conditions
- The right to form and/or join trade unions
- The right to social security and welfare
- The right to rest and leave from work (e.g. maternity leave, sick leave etc)

Social Rights

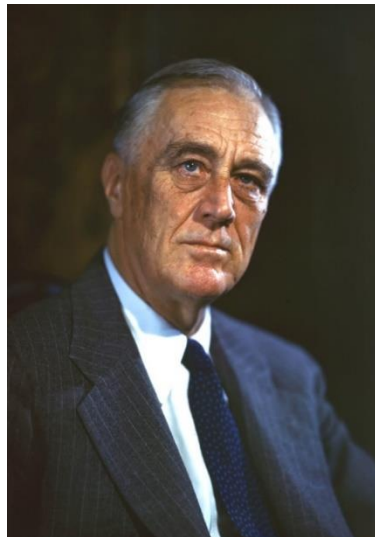
- The right to food & water
- The right to housing
- The right to education
- The right to healthcare
- The right to family life
- The right to privacy

Cultural rights

- The right to take part in cultural life
- The right to self-determination (political, economic, social)
- The protection of family and vulnerable groups – e.g. protection of women and children
- The right to enjoy the benefits of scientific progress
- The freedom to scientific research and creative activity
- The responsibility to protect and improve the environment
- The responsibility to provide clean water and improve sanitation
- The prevention, treatment and control of epidemic and other diseases.

Development of the 2nd Generation of Rights

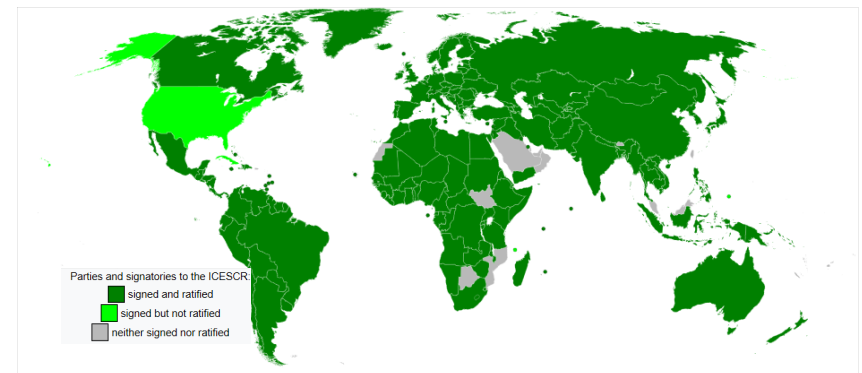
- The European Social Charter (1961)
- The African Charter on Human and Peoples' Rights (1979)
- The Protocol of San Salvador (1988)



Franklin D. Roosevelt



The American Law Institute



International Covenant on Economic, Social and Cultural Rights

Solidarity rights

- 1) Defining 3rd generation rights
- 2) The nature of 3rd generation rights
- 3) Challenging aspects of third generation rights

Definition of 3rd Generation Rights

- Collective rights
- Developmental rights
- Solidarity rights
- Green rights
- Aspirational rights

Definition of 3rd Generation Rights

- The right of people to self-determination
- The right to peace
- The right to development (economic and social)
- The right to humanitarian assistance
- Environmental law – such as the right to a healthy environment
- The right of sexual minorities, ethnic, religious, linguistic, etc.
- The right to natural resources
- The right to communicate and communication rights
- The right to participation in cultural heritage

The Nature of 3rd Generation Rights

- Not to individuals, but rather groups or communities

Generations	Subject or Bearer
1st Generation Rights	Individuals
2nd Generation Rights	Societies or groups of people
3rd Generation Rights	-Vulnerable or traditionally underrepresented people, like women -Sexual minorities -Ethnic minorities

The Nature of 3rd Generation Rights

- Future
- The rights of future generation
- Providing collective freedoms



Environment



Development



Peace

Sheffield Tree Action Group



Protest the felling of the trees

Challenging Aspects of 3rd Generation Rights

- Soft Law
 - Declarations
 - Resolutions
 - *Not* legally-binding
- the 1972 Stockholm Declaration of the United Nations Conference on the Human Environment
- the 1992 Rio Declaration on Environment and Development
- Hard Law examples
 - The African Charter on Human and Peoples' Rights
 - Hungary's Parliamentary Commissioner for Future Generations
 - Finland's Committee for the Future
 - Israel's Commission for Future Generations
 - The European High Commissioner on National Minorities of the Organization for Security and Co-operation.
 - The Directorate-General for the Environment of the European Commission
 - New York's "forever wild" environmental protection law
 - Romania: the right to environment and the rights of ethnic and sexual minorities

Challenging Aspects of 3rd Generation Rights

- No agent that enforces these rights
- No bearer of rights

4th generation of rights

- Protections for our online activities
- Privacy



Online banking

Defining 3rd Generation Rights

- Article 19 - Universal Declaration of Human Rights
- 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.

Defining 3rd Generation Rights

- Is access to the internet a human right?
- Should the internet be completely open with no restriction to access?
- “Information is the oxygen of democracy”

Defining 3rd Generation Rights

- Privacy
- Autonomy

- Apple vs. FBI case
- Right to be forgotten
- Proposed anti-terror law in South Korea

- Not passing on this information on to third parties

Net neutrality

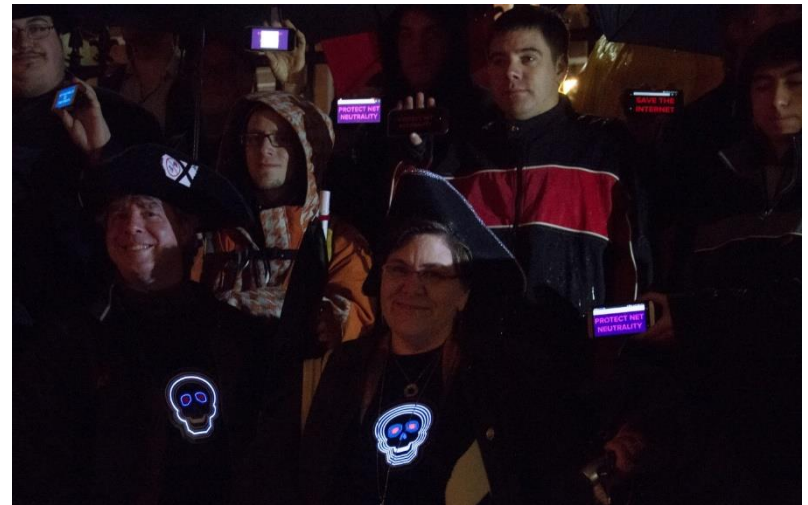
- Most relevant and/or recent links to our search,
- Without any bias or preference

Net neutrality

- April 29, 2017
- Federal Communications Commission (FCC)
- scrapped rules which protected net neutrality



Federal Communications Commission



Net Neutrality protest

Net neutrality

- Anti-discrimination rights
- Freedom of speech and expression

Problematic or challenging issues

- 1) Challenges to 1st Generation Rights – Civil & Political Rights
- 2) Challenges to 2nd Generation Rights – Economic, Social and Cultural Rights
- 3) Challenges to 3rd Generation Rights – Solidarity Rights

1) Challenges to 1st Generation Rights – Civil & Political Rights

- **Western Roots of Civil and Political Rights**
- **Cultural Relativity**
 - Cultural Relativity
 - Western social values vs. Islamic countries
 - Cold War
 - East-West
 - Capitalism vs. Communism

1) Challenges to 1st Generation Rights – Civil & Political Rights

- **Fallacy of Virtue**

- Fallacy of Virtue
- Genetic Fallacy
- “War on Terror”



Iraq War



Freedom Fries

1) Challenges to 1st Generation Rights – Civil & Political Rights

- **Universal Rights vs. National Sovereignty**

- Sovereignty
- a) hard to come up with a universal consensus for rights and their application
- b) there will always be some logical gap between the way things should be, and the way they are in reality.

2) Challenges to 2nd Generation Rights – Economic, Social and Cultural Rights

- Are expensive to achieve
- Temporarily put aside as other issues, deemed of a higher significance or priority are focused on



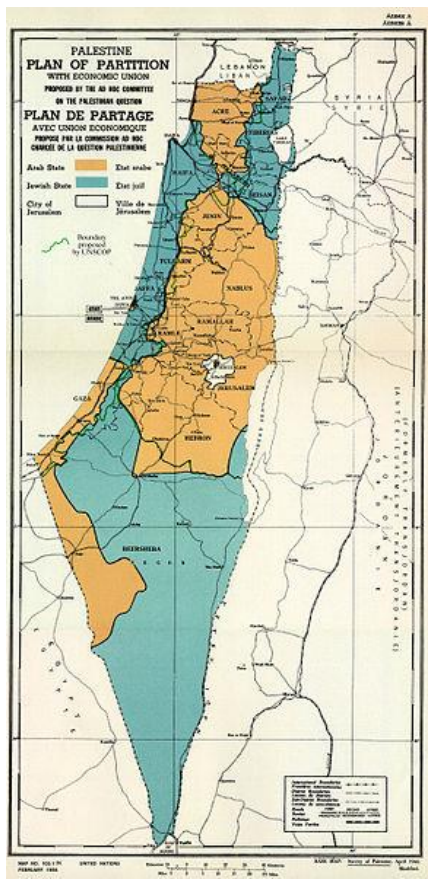
Park Chung-Hee

3) Challenges to 3rd Generation Rights – Solidarity Rights

- Circumstantial



Catalonia



UN's Palestine/Israel partition plan

Conclusion

- All of equal importance
- Interrelated, interdependent and indivisible