



# INTRODUCTION TO HUMAN RIGHTS: AN OVERVIEW

Dr. Mohd Nazish

Assistant Professor

Department of Political Science and Public Administration

Banasthali Vidyapith (University), Banasthali, India

**Abstract:** In recent times, the concept of human rights has become an essential part and important pillar in establishing a blissful world. Human rights require the protection of the very foundation of human beings, which is dignity and freedom. The significant role of human rights necessitates a detailed understanding of the concept of human rights, which can be grasped through its meaning, definitions, nature, and classification. The present paper explains the meaning of human rights and also analyses their nature. The paper also emphasized the clarification of the definitions of human rights. Besides, the paper also comes up with different methods of classification of human rights, such as on the basis of generation, on the basis of the nature of the rights, on the basis of the beneficiary, etc.

**Key-words** Human rights, Classification of human rights, Nature of human rights, Generations of human rights, meaning of human rights

## 1. Introduction

Human civilizations, since their inception, have been striving to be more just and civilized. Although the definitions of a just and civilized society and the ways to achieve them may vary. In recent times, the concept of human rights has become an essential part and important pillar in establishing a blissful world. Human rights require the protection of the very foundation of human beings, which is dignity and freedom. The approach based on human rights strives for the development of all in all walks of life and ensures that no one is left behind in this journey. The protection of human rights is vital to safeguarding an individual's moral, physical, social, and spiritual well-being. They establish conducive circumstances for the advancement of individuals' material and moral quality of life. Human rights have important and significant roles in creating an environment in which humans can live as humans. The significant role of human rights requires a detailed understanding of the concept of human rights, which can be grasped through its meaning, definitions, nature, and classification.

## 2. Meaning of Human Rights

When we see the important role of human rights, the first question arises: What are human rights? And why are they being given to humans? In a very common language, humans possess certain fundamental and inalienable rights that are generally referred to as human rights. Human rights are the non-discriminatory rights to which all human beings are entitled by virtue of their humanity (Hannum, 2016). Human rights are those rights to which a human being is entitled by virtue of his humanity. Despite the fact that a person's civil, political, and socioeconomic rights are contingent on his position as a citizen of a particular state, his human rights are not affected by this circumstance (Sen Amartya, 2012). Human rights require only one eligibility

criteria to be fulfilled, which is being human, in contrast to other rights requiring citizenship, particular status, and fulfilling particular conditions, etc.

The scope of human rights is extensive. An individual who has been deemed a foreigner, refugee, prisoner of war, or convicted felon, although lacking conventional rights, shall continue to have the protection of human rights extended over his head. Human rights serve as the basis upon which all other rights are built. They constitute the framework of ideal rights. They are similar to the concept of justice (Mutua Makau Wa, 2017). Similar to how the notion of justice delineates the foundational principles that ought to guide the development of legislation, the concept of human rights provides the standards that ought to govern all other rights.

Furthermore, ordinary rights join the ever-expanding area of human wellbeing when reinterpreted in the context of human rights. An example of how the right to life may be construed in this context is to encompass the entitlement to inhabit unpolluted territory, inhale purified air, and drink purified water. Since human rights belong to humans because of their own being, they become operational with their birth. Human rights, being born right, are, thus, inherent in all the persons irrespective of their caste, creed, religion, sex, and nationality (Pathak Vikas, 2021).

Human rights are vital for all people because they are compatible with their freedom and dignity and promote their physical, moral, social, and spiritual well-being. Human rights are also known as “**Basic rights**”, “**Fundamental rights**”, “**Inherent rights**”, “**Natural rights**”, and “**Birth rights**” (Clapham Andrew, 2015).

### 3. Definitions

**D.D. Basu** defines “Human Rights as those minimum rights which every individual must have against the state or other public authority by virtue of his being a member of human family, irrespective of any other consideration”.

According to **Scott Davidson**, “The concept of human rights is closely connected with the protection of individuals from the exercise of State, Government or authority in certain area of their lives, it is also directed towards creation of societal condition by the state in which individual are to develop their fullest potential” (Madan Nidhi, 2017).

Other definition of human rights given by other thinker, A.A. is as “human rights are concerned with the dignity of the individual, the level of self-esteem that secures personal identity & promote human community” (Madan Nidhi, 2017).

**Harold J Laski** says that “rights are those condition of social life without which no man can seek, in general, to be his best”.

**Ernest Barker** defines “rights are the external conditions necessary for the greatest possible development of the capacities of the personality”.

On the basis of the definitions, it may be stated that human rights are the essential conditions of life without which an individual cannot exist as a human being. It is founded on the principle of nondiscrimination and protects the dignity of the people. Initially, most of the definitions of human rights concerned only public authorities. Consequently, these definitions emphasized the protection of individual rights only from state actors; however, in recent times, it has been recognized that human rights are also available against entities other than state and public authorities, such as private entities and individuals.

### 4. Nature of Human Rights

Human rights are given to everyone just by virtue of being human. This characteristic of human rights makes them distinct from other rights. Human rights have a different nature and broad scope.

- Universal
- Inalienable
- Inherent
- Interdependent and Indivisible
- Non-Discriminatory
- Dynamic

- Carry Duties
- Limits the states' power

#### **4.1 Universal**

Human rights are inherently universal. They are not exclusive to any privileged group of individuals. The principles such as divinity, dignity, and equality that constitute the foundation of these rights are innate to the human species (Chandra, 2021). Besides, the universal nature of human rights means that they recognize no territorial boundaries. Human rights are available to all people, irrespective of national boundaries and territorial restrictions.

#### **4.2 Inalienable and Irrevocable**

Human rights are, by nature, inalienable. They are granted to a man by virtue of his sheer existence. They should not be revoked by any authority or power except in certain circumstances and via due process (Gianolla, 2013).

#### **4.3 Inherent**

Human rights are inherent in nature and accorded to all people regardless of their caste, creed, religion, sex, or nationality. Human rights belong to humans by virtue of their existence; they take effect upon birth (Eze, 2020).

#### **4.4 Indivisible and Interdependent**

All human rights are interrelated and cannot be separated. It indicates that when one human right is violated, other rights are also violated, and one set of rights cannot be completely enjoyed without the protection of another set of rights (Koch Ida, 2009).

#### **4.5 Non-Discriminatory**

Non-discrimination is the fundamental tenet upon which human rights are built. Everyone is entitled to human rights regardless of caste, nationality, gender, religion, race, ethnicity, or any other basis. Under human rights, everyone is treated equally (Moeckli Daniel, 2015).

#### **4.6 Dynamic**

Human rights are inherently dynamic. They are not static. It indicates that the scope of human rights is expanding in tandem with political and socioeconomic changes. Existing human rights are being reinterpreted, and new ones are being created to expand their scope (Steiner Henry J.; Alston Philip; Goodman Ryan, 2008).

#### **4.7 Limit the States' Power**

Human rights stipulate that every member of human society is entitled to certain freedoms and advantages from his or her society. This freedom and liberty limit the state's ability to rule arbitrarily. Thus, human rights limit the power of the state. These can be negative constraints or positive rights in the form of demands on the state (Hill, 2010).

#### **4.8 Non-Absolute and Carry Duties**

Human rights are not unquestionable. Constraints are always imposed to preserve the equal rights of others in the community. Human rights are always consistent with the general welfare of society. Each right carries its own responsibilities. Every right entails the responsibility to respect the rights of others (Knox, 2008).

### **5. Classification of Human Rights**

The nature of human rights is dynamic, and its scope expands over time. In accordance with their expanding extent, human rights have been classified into various categories. There are numerous methods to classify human rights, including by generation, beneficiary, and nature of the rights.

#### **5.1 On the Basis of Generation**

In 1979, the Czech jurist Karel Vasak proposed the classification of human rights into generations at the International Institute for Human Rights in Strasbourg (Arat Zehra F. Kabasakal, 2006). However,

generational classification does not reflect the relative importance of one generation over another. All human rights are of equal value (Agarwal H O, 2014) .

### 5.1.1 First Generation Rights

First-generation rights include civil and political rights, such as “freedom of opinion and expression”, “freedom of movement”, “freedom of association”, “religious freedom”, and the “right not to be tortured”, among others. They focus primarily on negative rights (Jain M. P., 2019). These rights only require the government to restrain its own executive branch. These generational rights are represented by the color blue (Ife Jim, 2012).

### 5.1.2 Second Generation Rights

Concurrently with the establishment of first-generation rights, a debate ensued, and it was eventually acknowledged that negative rights were insufficient to care for all segments of society. Consequently, several new rights were added to the list, requiring the state to have a constructive role in supporting the needy (Maurya D.K., 2014). These rights are called positive rights and are signified by the red color (Ife Jim, 2012). The second generation of rights includes the rights to education, employment, medical care, and housing, among others. This could only be accomplished by social welfare programs and social laws.

### 5.1.3 Third Generation Rights

The third generation of rights relates to group or collective rights. These rights expand the scope of human rights beyond the framework of individual rights to include collective notions, such as community and people (Newman, 2004). Briefly, this generation’s rights pertain to the cultural rights of minorities to maintain their cultural institutions and practices. They are mostly environmental rights and generally still in the form of loosely binding. This generation's rights, which include the “right to self-determination”, “right to a healthy and clean environment”, and “right to language or mother tongue”, are represented by the color green (Ife Jim, 2012).

## 5.2 On the Basis of Nature of Rights

Identifying the nature of a human right is a further classification approach and technique. If a right offers protection in the realm of politics, it is referred to as a political right. On the other hand, it enhances protection in the economic area, it will be referred to as economic rights. Nevertheless, there is overlap in the categorization based on nature (Agarwal H O, 2014).

### 5.2.1 Civil and Political Rights

Civil and political human rights are referred to as "Liberty Oriented Human Rights" since they guarantee, safeguard, and ensure individual liberty against the state and its authorities. They provide the right to engage without prejudice in the civic and political life of society and the state (Anyabolu M.N., 2021).

Along with individual rights like privacy and freedoms of speech, press, assembly, and movement, civil rights also include protection against discrimination based on gender, religion, sexual orientation, race, nationality, color, age, political affiliation, ethnicity, and disability (Beruashvili, 2022).

Natural justice (procedural fairness) in law and participation rights in civil society and politics, including freedom of association, assembly, petitioning, self-defense, and voting, are examples of political rights.

### 5.2.2 Economic, Social and Cultural Rights

Since they all provide and ensure a person's fundamental security, the rights to economic, social, and cultural freedoms, as well as minority rights, are commonly referred to as "Security-Oriented Human Rights" (Anyabolu M.N., 2021). Through the advancement of socially and economically marginalized groups in society, these rights seek to advance economic and social security. These rights are essential for maintaining individuality's dignity as well as allowing the human personality to fully and freely develop in all possible ways. These rights guarantee the population's basic material needs and a minimum level of economic welfare.

After the information technology revolution, there is a debate about the rights of the fourth generation in addition to the well-defined three generations (Jain M. P., 2019). It is at a very elementary level.

### 5.3 On the Basis of Beneficiary

In addition to generational and nature-based classifications, human rights can be subdivided according to the recipients of each right. It can include rights for minorities, children, women, and refugees, among others.

#### 5.3.1 Minority's Rights

Minority rights are those human rights granted to members of a minority group so that they may enjoy the same rights as members of the dominant group. In other words, minority rights are the protections accorded to members of a minority group so that they can have equal standing in society and maintain their identity. Minority rights necessitate a minority-centric interpretation of existing human rights (Alfredsson, 2015). When human rights are granted to a minority group member or as collective rights known as minority rights, they may exist on the basis of religion, nationality, language, and sexual orientation, among other factors.

#### 5.3.2 Child's Rights

A subcategory of human rights, children's rights highlight the rights to extra protection and care for young people. Child rights are nothing more than adaptations of the current human rights framework to address the tender status of minors. The most significant agreement pertaining to children's rights is the "Convention on the Rights of the Child (CRC)", which was adopted in 1989. The human identity, the right to associate with both parents, the fundamental needs for food, shelter, and education, as well as the right to universal state funding for health care and education, the right to age and developmentally appropriate criminal laws, equal protection of the child's civil rights, and freedom from discrimination are all included in these rights (Archard David, 2011).

#### 5.3.3 Women's Rights

As a result of the fact that women require unique protection to enjoy equal human rights due to their biological distinctions and to make up for the bad treatment they have endured, they are entitled to special protection (Jameel & Ahmed, 2022). Women's rights are those human rights that are entitled to the advancement and defense of their equality with men in terms of position and rights (Ahmed waseem & Jameel Anas, 2018). These rights encompass, among other human rights, the freedom from enslavement, violence, and discrimination; the right to an education; the right to possess property; the right to vote; and the right to a fair and equal remuneration. The CEDAW is the primary document protecting women's rights ("The United Nations and the Advancement of Women, 1945-1996. - United Nations Digital Library System," 1996) .

#### 5.3.4 Rights of the Differently Abled Person

People with disabilities have the same civil and political rights as normal humans. Disabled individuals are entitled to measures aimed at helping them achieve maximum independence. The rights that ensure differently abled people have equal opportunities and rights in society are known as the rights of the differently abled person. The main source for the rights of individuals with disabilities is the 2007 "Convention on the Rights of Persons with Disabilities". It covers rights like the following: "the right to equal treatment under the law"; "the right to the same civil and political rights as other people"; "the right to measures that promote self-reliance"; "the right to receive necessary medical, psychological, and functional treatment"; "the right to economic and social security"; including "the right to employment"; and so on (Hendriks, 2007).

## 6 Conclusion

Human rights are those rights given to humans by virtue of being human. It is based on the principles of non-discrimination and equality. They are basic conditions without which one cannot fully develop his talent and capacity. These rights are inherent to our being as human beings and are not bestowed upon us by any state or authority. Human rights include guaranteeing that people can live with dignity and respect, as well as providing them with legal protections. They care about each person's dignity, the degree of self-worth that preserves identity, and the advancement of the human community. Human rights are fundamental to democratic societies and are necessary for the health and development of both individuals and communities. Human rights are a vital part of our existence as human beings. Human rights are universal, interdependent and indivisible, inherent, and dynamic in nature. They are not absolute and carry duties. These rights are inherently dynamic and interrelated, making classification difficult. The classification of human rights can be useful for comprehending its concept and principles; however, classification does not imply that some rights are more important than others. There is overlap in the classification of human rights; a given right may fall under multiple categories.

## References

- Agarwal H O. (2014). Human Rights. Central Law Publications.
- Ahmed waseem, & Jameel Anas. (2018). Constitutional Rights, Various Laws and Schemes for Women Empowerment in India. *International Journal of Society and Humanities*, 12(1), 178–184.
- Alfredsson, G. (2015). Minority Rights and the United Nations. In *The United Nations Declaration on Minorities* (pp. 19–45). Brill | Nijhoff. [https://doi.org/10.1163/9789004251564\\_003](https://doi.org/10.1163/9789004251564_003)
- Anyabolu M.N. (2021). The Nature of Human Rights. *Journal Of International Human Rights And Contemporary Legal Issues*, 1.
- Arat Zehra F. Kabasakal. (2006). *Human Rights Worldwide: A Reference Handbook*. Bloomsbury Publishing USA.
- Archard David. (2011). Children's rights. In Cushman Thomas (Ed.), *Handbook of Human Rights* (I). Routledge.
- Beruashvili, N. (2022). The International Importance of Civil and Political Rights (pp. 279–300). <https://doi.org/10.4018/978-1-6684-4543-3.ch014>
- Chandra, D. (2021). A review of human right evaluation. *Asian Journal of Multidimensional Research*, 10(12), 173–179. <https://doi.org/10.5958/2278-4853.2021.01197.6>
- Clapham Andrew. (2015). *Human rights: A very short introduction* (II). Oxford University press.
- Eze, C. A. (2020). The United Nations (UN) and human rights: Challenges and prospects. *African Journal of Political Science and International Relations*, 14(3), 91–102. <https://doi.org/10.5897/AJPSIR2019.1184>
- Gianolla, C. (2013). Human rights and nature: intercultural perspectives and international aspirations. *Journal of Human Rights and the Environment*, 4(1), 58–78. <https://doi.org/10.4337/jhre.2013.01.03>
- Hannum, H. (2016). Reinvigorating Human Rights for the Twenty-First Century. *Human Rights Law Review*, 16(3), 409–451. <https://doi.org/10.1093/hrlr/ngw015>
- Hendriks, A. (2007). UN Convention on the Rights of Persons with Disabilities. *European Journal of Health Law*, 14(3), 273–298. <https://www.jstor.org/stable/48711822>
- Hill, D. W. (2010). Estimating the Effects of Human Rights Treaties on State Behavior. *The Journal of Politics*, 72(4), 1161–1174. <https://doi.org/10.1017/S0022381610000599>
- Ife Jim. (2012). *Human Rights and Social Work* (3rd ed.). Cambridge University Press.
- Jain M. P. (2019). *Introduction to Political Theory*. Book Age Publications.
- Jameel, A., & Ahmed, W. (2022). Sustainable Development Goals and India's Commitment to Gender Justice. *Society & Sustainability*, 3(2), 68–86. <https://doi.org/10.38157/societysustainability.v3i2.347>
- Knox, J. H. (2008). Horizontal Human Rights Law. *American Journal of International Law*, 102(1), 1–47. <https://doi.org/10.1017/S0002930000039828>
- Koch Ida. (2009). *Human rights as indivisible rights: the protection of socio-economic demands under the European Convention on Human Rights*. Brill.
- Madan Nidhi. (2017). History & Development of Human Rights in Indian. *IOSR Journal Of Humanities And Social Science*, 22(6), 1–6.
- Maurya D.K. (2014). Politics of human rights at the United Nations, A special reference to human rights non-governmental organizations. *ACADEMICIA: An International Multidisciplinary Research Journal*, 4(6), 25–33.
- Moeckli Daniel. (2015). Equality and Non-Discrimination. In Farrior Stephanie (Ed.), *Equality and Non-Discrimination under International Law*. Routledge.
- Mutua Makau Wa. (2017). The Ideology of Human Rights. In MichaelK. Addo (Ed.), *International Law of Human Rights*. Routledge. <https://doi.org/10.4324/9781315092492>

- Newman, D. G. (2004). Collective Interests and Collective Rights. *The American Journal of Jurisprudence*, 49(1), 127–163. <https://doi.org/10.1093/ajj/49.1.127>
- Pathak Vikas. (2021). A Step Towards Prosperity- Knowing Human Rights. *International Research Journal of Modernization in Engineering Technology and Science*, 3(5).
- Sen Amartya. (2012). Elements of a Theory of Human Rights. In Brooks Thom (Ed.), *Justice and the Capabilities Approach (I)*. Routledge.
- Steiner Henry J.; Alston Philip; Goodman Ryan. (2008). Steiner, H. J., Alston, P., *International human rights in context: law, politics, morals: text and materials*. Oxford University Press.
- The United Nations and the advancement of women, 1945-1996. - United Nations Digital Library System. (1996). In 1996. [https://digitallibrary.un.org/record/214867/files/DPI\\_1804\\_%5BST\\_%5DDPI\\_1804-EN.pdf](https://digitallibrary.un.org/record/214867/files/DPI_1804_%5BST_%5DDPI_1804-EN.pdf)

