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HUMAN RIGHTS

Classification of human rights

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2020



MONAD UNIVERSITY HAPUR

Programme- B.A.LL.B.

Course - Human Right Law and Practice

Course Code- BAL-593

Sem- 9th sem.

Year- 2020-21

Unit- 1

Topic- Human Rights

Sub-Topic- kinds of Human rights. Human rights classification.

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Classification of Human Rights

Human rights are indivisible and interdependent, and therefore precisely there cannot be different kinds of human rights. All human rights are equal in importance and are inherent in all human beings. The Universal Declaration of Human Rights therefore did not categorize the different kinds of human rights. It simply enumerated them in different articles. However, the subsequent developments made in the human rights field under the United Nations system make it clear that human rights are of two kinds, *viz.*; (1) Civil and Political Rights, and (2) Economic, Social and Cultural Rights.

Civil and Political Rights

Civil rights or liberties are referred to those rights which are related to the protection of the right to life and personal liberty. They are essential for a person so that he may live a dignified life. Such rights include right to life[^] liberty and security of persons, right to privacy, home and correspondence, right to own property, freedom from torture, inhuman and

degrading treatment, freedom of thought, conscience and religion and freedom of movement.

Political rights may be referred to those rights which allow a person to participate in the Government of a State. Thus, right to vote, right to be elected at genuine periodic elections, right to take part in the conduct of public affairs, directly or through chosen representatives are instances of political rights.

The nature of civil and political rights may be different but they are inter-related and interwoven, and therefore, it does not appear logical to differentiate them. This reason alone led to the formulation of one covenant covering both —civil and political rights into one Covenant, *i.e.*, International Covenant on Civil and Political Rights.

These rights are the rights of the first generation which derive primarily from the seventeenth and eighteenth century reformist theories which are associated with the English, American and French revolutions. Civil and political rights (also

sometimes called freedom from) are the rights which may be termed as negative rights in the sense that a government is required to abstain from doing those activities that would violate them. Specifically, these rights protect citizens from acts of murder, torture, cruel and unusual punishment, *ex post facto* legislation, the denial of *habeas corpus* and imprisonment without due legal process. Notable point in these rights is that they are capable of immediate and full realization without significant costs being incurred.

Economic, Social and Cultural Rights

Economic, social and cultural rights (also called 'freedom to') are related to the guarantee of minimum necessities of the life to human beings. In the absence of these rights the existence of human beings is likely to be endangered. Right to adequate food, clothing, housing and adequate standard of living and freedom from hunger, right to work, right to social security, right to physical and mental health and right to education are included in this category of rights. These

rights are included in the International Covenant on Economic, Social and Cultural Rights.

These rights sometimes called positive rights require active intervention, not abstentions on the part of States. These rights are therefore counterpoint to the first generation of civil and political rights, with human rights conceived more in positive (right to) than negative (freedom from) terms. The enjoyment of these rights requires a major commitment of resources and therefore their realization cannot be immediate as in the case of civil and political rights.

Economic, social and cultural rights are based fundamentally on the concept of social equality. Realization of these rights, which is generally called the rights of second generation has been somewhat slow in coming. They are clear only as general principles and not as specific rules. However they have begun to come of age.

In addition to the above rights there is another kind of rights which may be enjoyed by individuals collectively such as right to self-determination or the physical protection of the group as such through the prohibition of genocide. Such rights are referred to collective rights. Although it is difficult to maintain

difference between individual's rights and collective rights, it may be stated that while individual's rights are available to individuals of a group, collective rights are not available to individuals alone. They may be enjoyed by a group of individuals collectively.

Although the United Nations has recognised the above two sets of rights in two separate Covenants, there is a close relationship between them. It has been rightly realised especially by the developing countries that civil and political rights can have no meaning unless they are accompanied by social, economic and cultural rights. Thus, both the categories of rights are equally important and where civil and political rights do not exist, there cannot be full realisation of economic, social and cultural rights and *vice versa*. The relationship of the two categories of rights was recognised by the International Human Rights Conference held in 1968 which declared in the final proclamation that

Since human rights and fundamental freedoms are indivisible, the full realization of civil and political rights without the enjoyment of economic, social and cultural rights is impossible.

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