

CONCEPT OF HUMAN RIGHTS



LEARNING OUTCOMES:

By the end of the course, the students will be able to-

Display sound understanding of the fundamental human rights and issues of human rights.

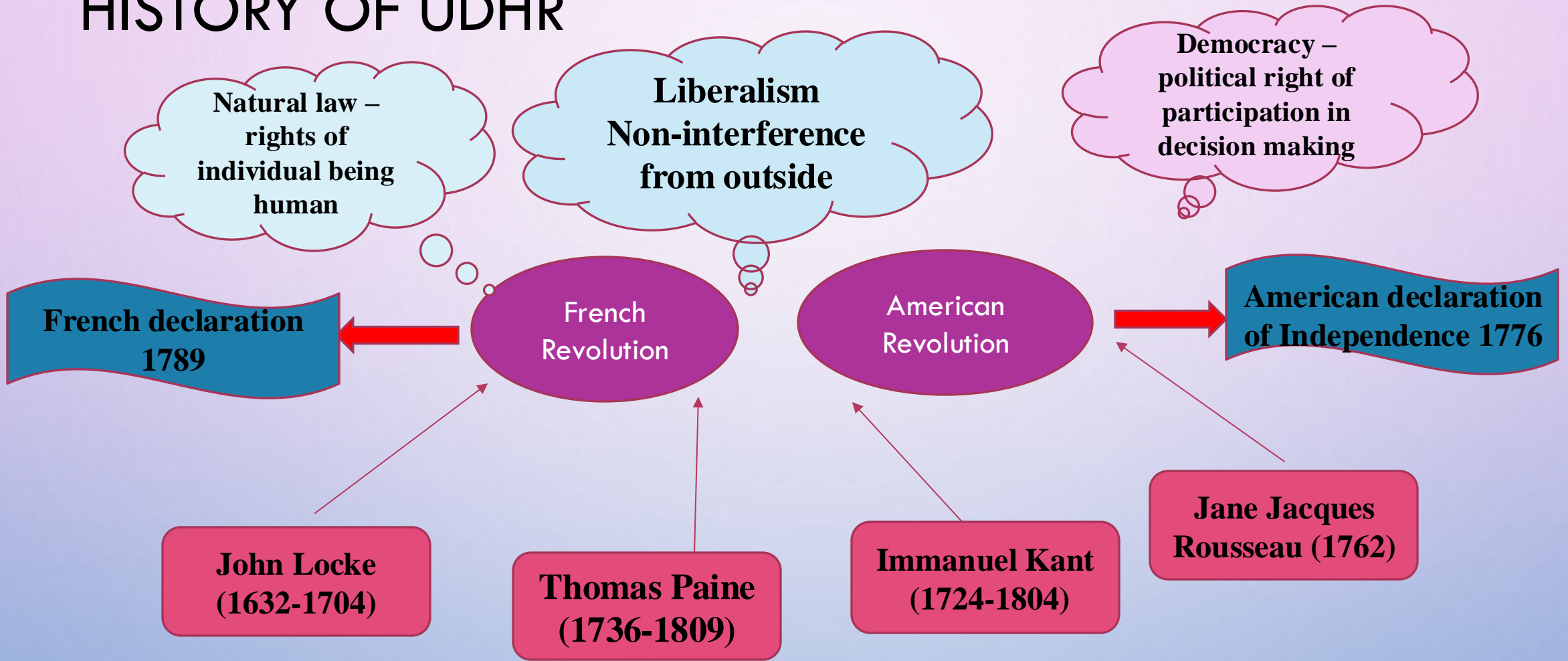
To understand the provisions of International Human Rights Law and

Promote the cognitive critical thinking skills and openness to constructive criticism.

WHAT ARE HUMAN RIGHTS?

The image features a collection of 20 empty speech bubble shapes, each with a white fill and a purple outline. These bubbles are arranged in a grid-like pattern across the page, intended for users to write their answers to the question 'WHAT ARE HUMAN RIGHTS?'. The background is a smooth gradient transitioning from light purple at the top to a medium blue at the bottom.

HISTORY OF UDHR



Prof AV Dicey (1867)

- No man is punishable to suffer in body or goods except for a distinct breach of law
- No man is above the law
- Constitution is predated by the rule of law.

SOCIALISM (19TH CENTURY)

Union of Socialist
Soviet Republic
constitution 1917

Unity of state & society

The reconciliation of
individual and collective
interests

The abolition of right to
private property

The precedence of ESC
rights over civil & political
rights

Worker's rights

Criticized the rights of man for
being the rights of bourgeois man.

Rights to liberty, property & personal
security gave the entrepreneur a free
hand in his capitalist occupations.

The economic well-being of the
masses would remain of little
concern.

Thus, state has to ensure right to
adequate standard of living,
education and cultural rights



Philosophical foundation

4). **Legal Positivism**
(law exists because
human draft and
force people to obey
them)

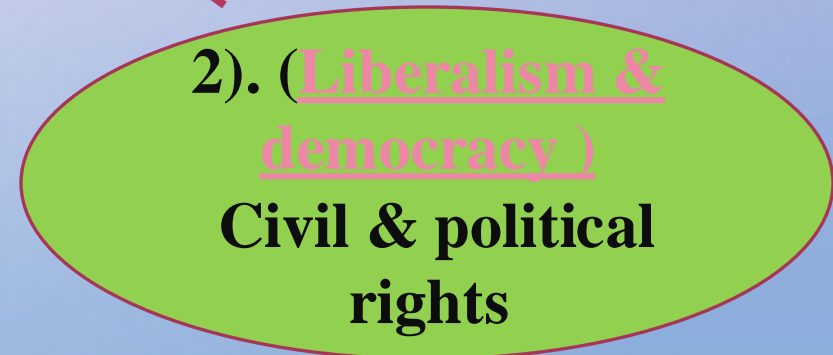
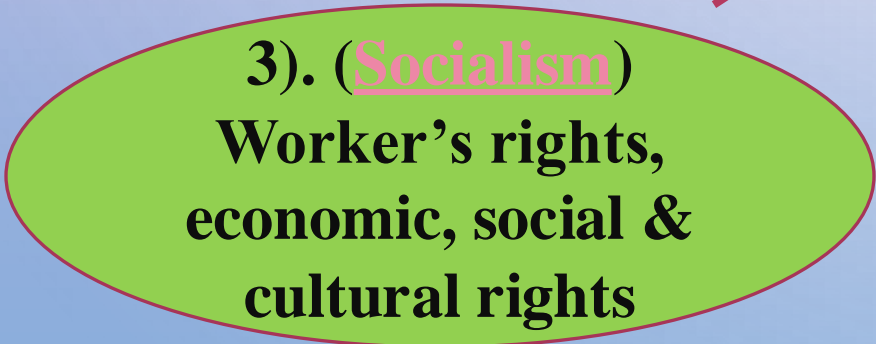
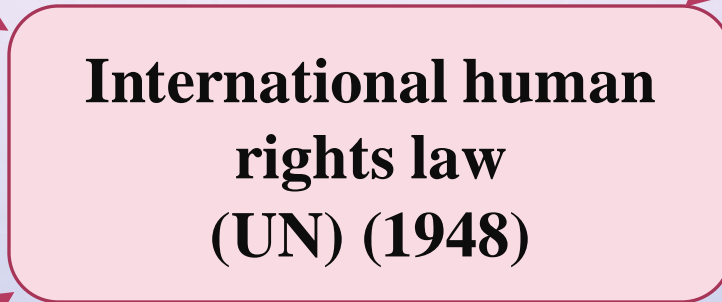
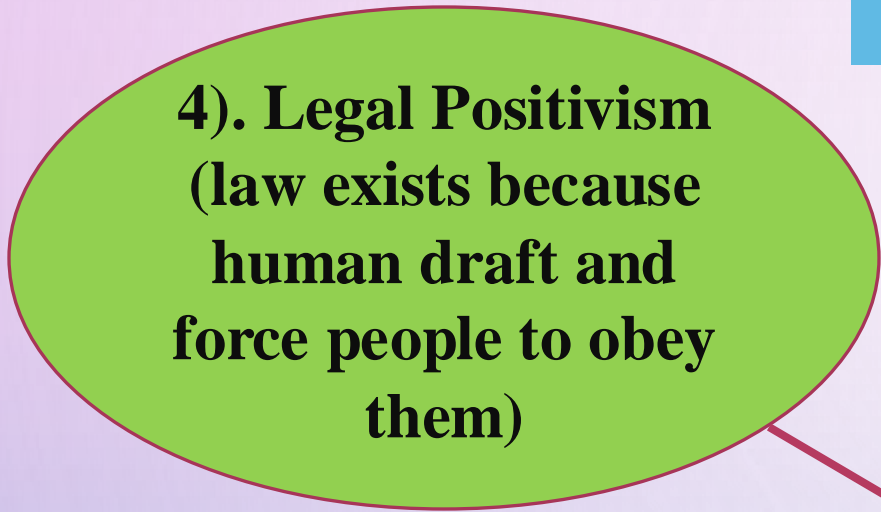
1). **(Natural Law)**
Dignity, equality,
life

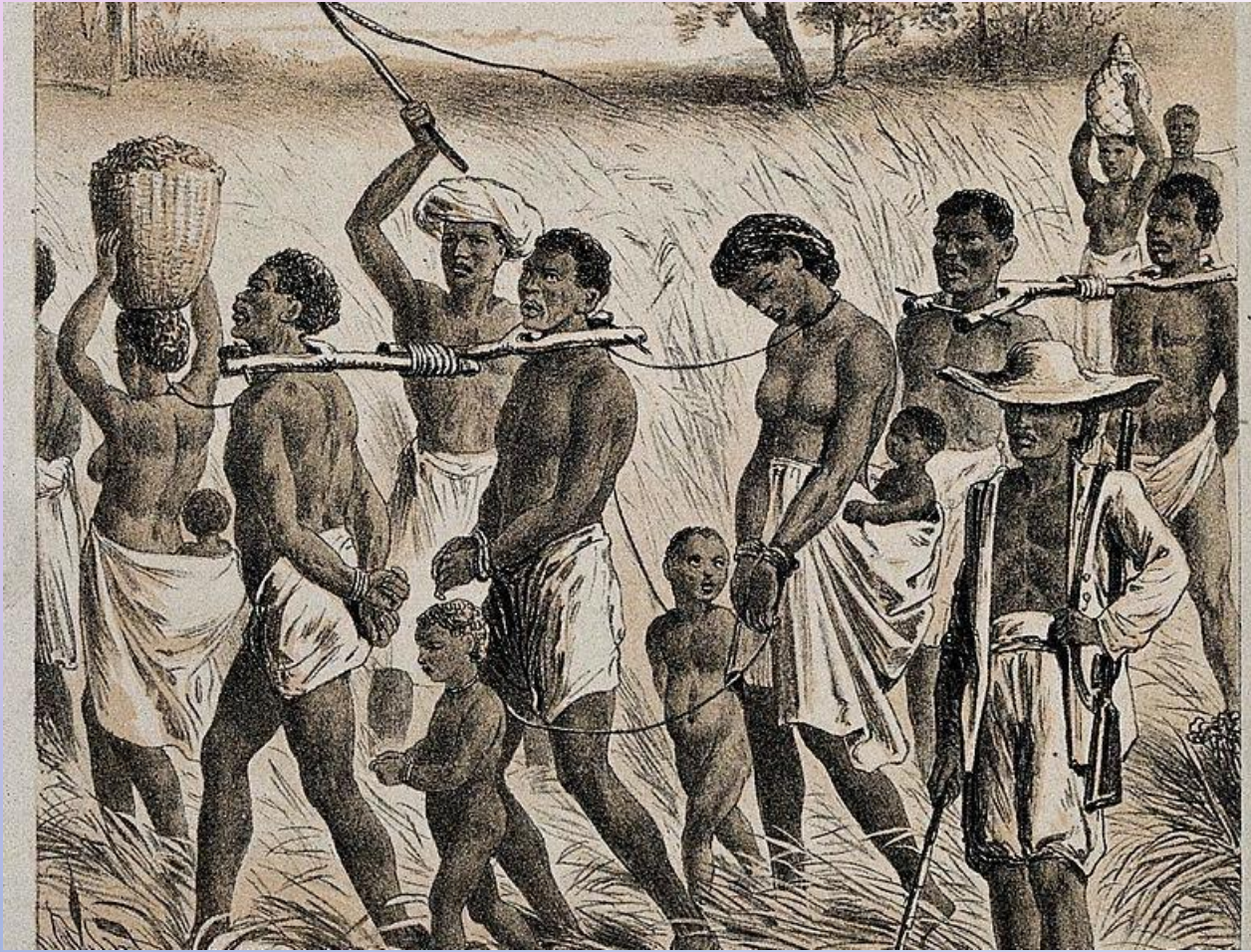
Collective rights

**International human
rights law
(UN) (1948)**

3). **(Socialism)**
Worker's rights,
economic, social &
cultural rights

2). **(Liberalism &
democracy)**
Civil & political
rights





NO SLAVERY



ALEXANDER VORONCOV/WIKIMEDIA COMMONS

One-quarter of Nazi Holocaust murders may have happened in just 3 months

By [Frankie Schembri](#) | Jan. 2, 2019 , 4:35 PM

A new study of historical German railroad records suggests the Nazi regime murdered more than 1.5 million people—the majority of whom were Polish Jews—during **a single 3-month**





WORLD WAR II (1939-45)

- THE WESTERN ALLIES, ENTERED THE WAR NOT ONLY TO STOP HITLER'S AGGRESSION, BUT ALSO TO INTERVENE ON HUMANITARIAN GROUNDS.
- WORLD-WAR II WAS LASTED FROM 1939 TO 1945 WHICH CAUSES 50-80 MILLIONS FATALITIES.



Charter *of the* United Nations

and Statute
of the
International
Court of Justice



United Nations

THE CHARTER OF THE UNITED NATIONS

- ACCORDING TO THE PREAMBLE OF THE UN CHARTER,
- TO SAVE SUCCEEDING GENERATIONS FROM THE SCOURGE OF WAR
- TO REAFFIRM FAITH IN FUNDAMENTAL HUMAN RIGHTS, IN THE DIGNITY AND WORTH OF THE HUMAN PERSON, IN THE EQUAL RIGHTS OF MEN AND WOMEN AND OF NATIONS LARGE AND SMALL
- TO ESTABLISH CONDITIONS UNDER WHICH JUSTICE AND RESPECT FOR THE OBLIGATIONS ARISING FROM TREATIES AND OTHER SOURCES OF INTERNATIONAL LAW CAN BE MAINTAINED.
- TO PROMOTE SOCIAL PROGRESS AND BETTER STANDARDS OF LIFE IN LARGER FREEDOM.

THE UNIVERSAL DECLARATION OF HUMAN RIGHTS

1 Equality

Everyone is born free and equal in dignity and with rights.



2 Freedom from Discrimination

You should never be discriminated against for any reason.



3 Life, Liberty and Security

Everyone has the right to life, liberty and personal security.



4 Freedom from Slavery

No one shall be held in slavery or servitude.



5 Freedom from Torture

No one shall be subjected to torture or to cruel or degrading treatment.



6 Recognition as Person Before Law

You have the right to be treated as a person in the eyes of the law.



7 Equality Before the Law

You have the right to be treated by the law in the same way as everyone else



8 Remedy by Tribunal

You have the right to remedy by competent tribunal.



9 Freedom from arbitrary arrest

No one shall be subject to arbitrary arrest, detention or exile.



10 Fair Public Hearing

You have the right to a fair public hearing.



11 Innocent until Proven Guilty

You have the right to be considered innocent until proven guilty.



12 Privacy

No-one has the right to interfere with your privacy, family, or home.



13 Freedom of Movement

You have the right to freedom of movement in and out of the country.



14 Asylum

You have the right to seek asylum in other countries from persecution.



15 Nationality

You have the right to a nationality.



16 Marriage and Family

You have the right to marriage and to raise a family.



17 Property

You have the right to own property.



18 Freedom of Belief

You have the right to freedom of belief and religion.



19 Freedom of Opinion

You have the right to freedom of opinion and expression.



20 Freedom of Assembly

You have the right to freedom of peaceful assembly and association.



21 Take Part in Government

You have the right to take part in the government of your country.



22 Social Security

You have the right to social security.



23 Work

You have the right to desirable work and to join trade unions.



24 Rest and Leisure

You have the right to rest and leisure.



25 Adequate Living Standard

You have the right to a decent life, including food, clothing, housing, and medical care.



26 Education

You have the right to education



27 Participate in Cultural Life

You have the right to Participate in the Cultural Life of Community.



28 Social Order

You have the Right to a Social Order that Articulates this Document.



29 Mutual Responsibility

We all have a responsibility to the people around us and should protect their rights and freedoms.



30 Freedom from State or Personal Interference

There is nothing in this declaration that justifies any person or country taking away the rights to which we are all entitled.





PRE-ASSESSMENT

- [HTTPS://FORMS.GLE/HYTYZR8UZAUOYJQ4A](https://forms.gle/hytyzr8uzauoyjq4a)

(1) FUNDAMENTAL RIGHTS

They are considered the most important rights to enjoy other rights

States can never give any reason for the violation of fundamental rights.



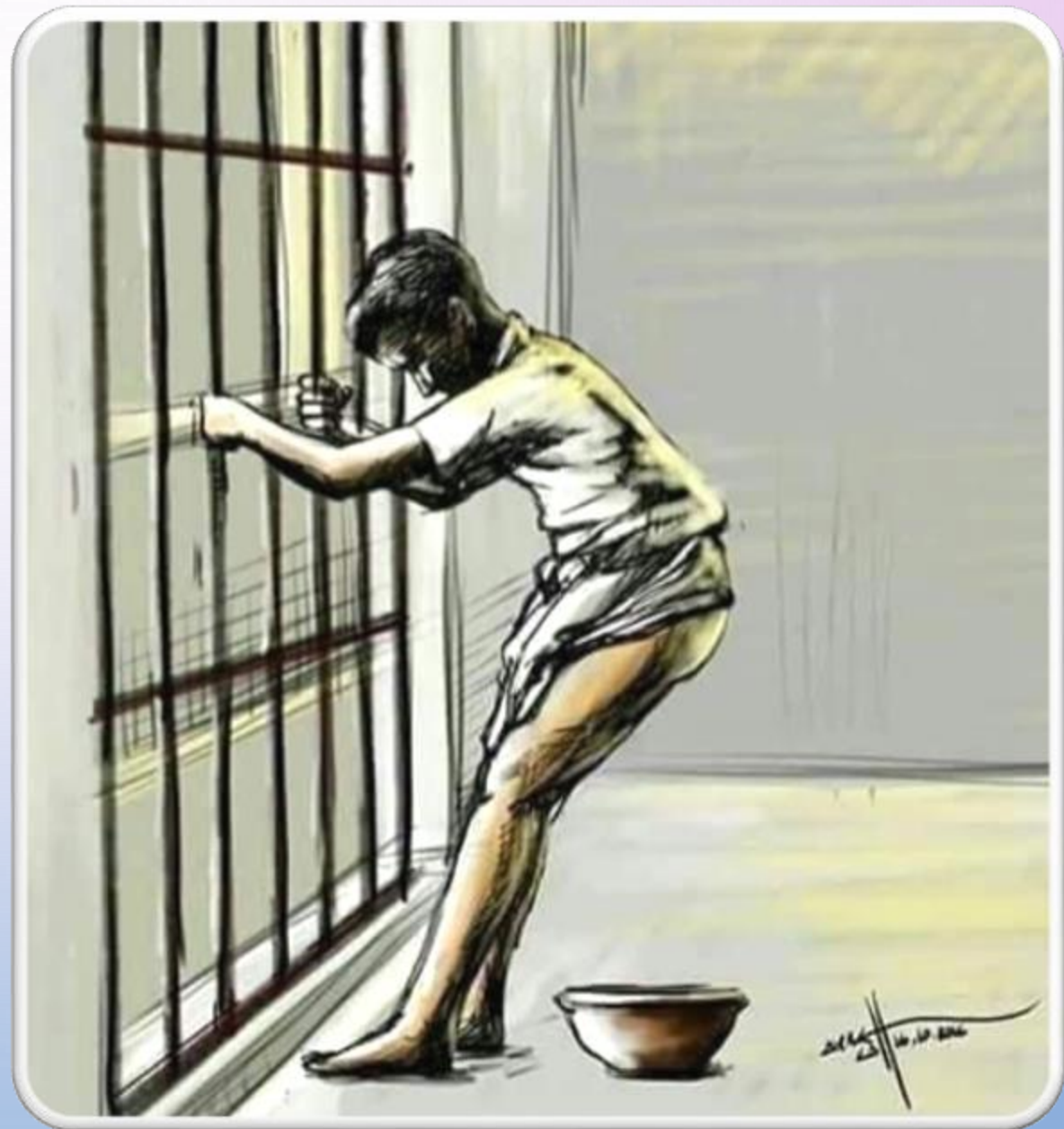
Freedom from torture



Freedom from slave



Right to life



(2) LEGAL RIGHTS

- TO ENSURE INDIVIDUALS ENJOY AN EQUAL LEGAL IDENTITY. IN ADDITION, THE LEGAL SYSTEM MUST BE BASED ON THE IDEA OF TRUE JUSTICE, AN IDEA WHICH COVERS ACCESS TO A COURT AND THE COURT BEING FAIR, COMPETENT.
 - **RIGHT TO RECOGNITION AS A PERSON BEFORE THE LAW**
 - **RIGHT TO EQUAL BEFORE THE LAW**
 - **RIGHT TO REMEDY BY COMPETENT TRIBUNAL**
 - **FREEDOM FROM ARBITRARY ARREST, DETENTION AND EXILE**
 - **RIGHT TO A FAIR PUBLIC HEARING**
 - **RIGHT TO BE CONSIDERED INNOCENT UNTIL PROVEN GUILTY**

(3) CIVIL RIGHTS

Rights in society- focus on an individual's ability to participate in society and live dignity on a daily basis. Focus on **limiting the power of States to interfere with individual freedoms in a society**

Protect an individual's personal liberty and ensure liberties such as

- **Freedom from interference with privacy, or reputation**
- **Right to asylum**
- **Right to free movement**
- **Right to a nationality and the freedom to change it**
- **Right to marriage and family**
- **Right to own property**
- **Freedom of belief and religion**

(4) POLITICAL RIGHTS

- ALLOW PEOPLE TO PARTICIPATE IN POLITICS, AND THEY ALSO ENSURE A FAIR POLITICAL SYSTEM



Right to vote



Right of peaceful assembly and association



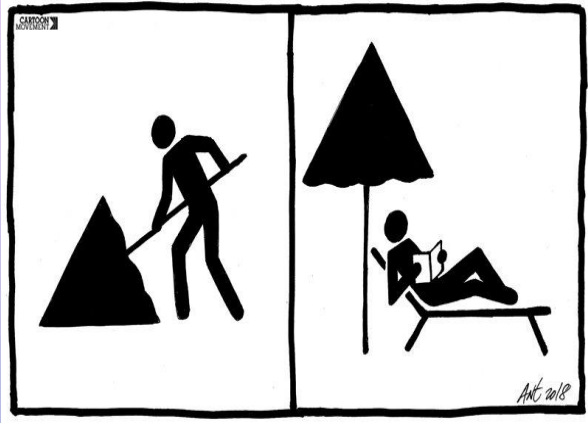
Right to form association



Freedom of expression

(5) ECONOMIC RIGHTS

- ENSURE INDIVIDUALS HAVE ENOUGH MONEY OR RESOURCES TO LIVE WITH DIGNITY IN THEIR COMMUNITY



Right to rest and leisure

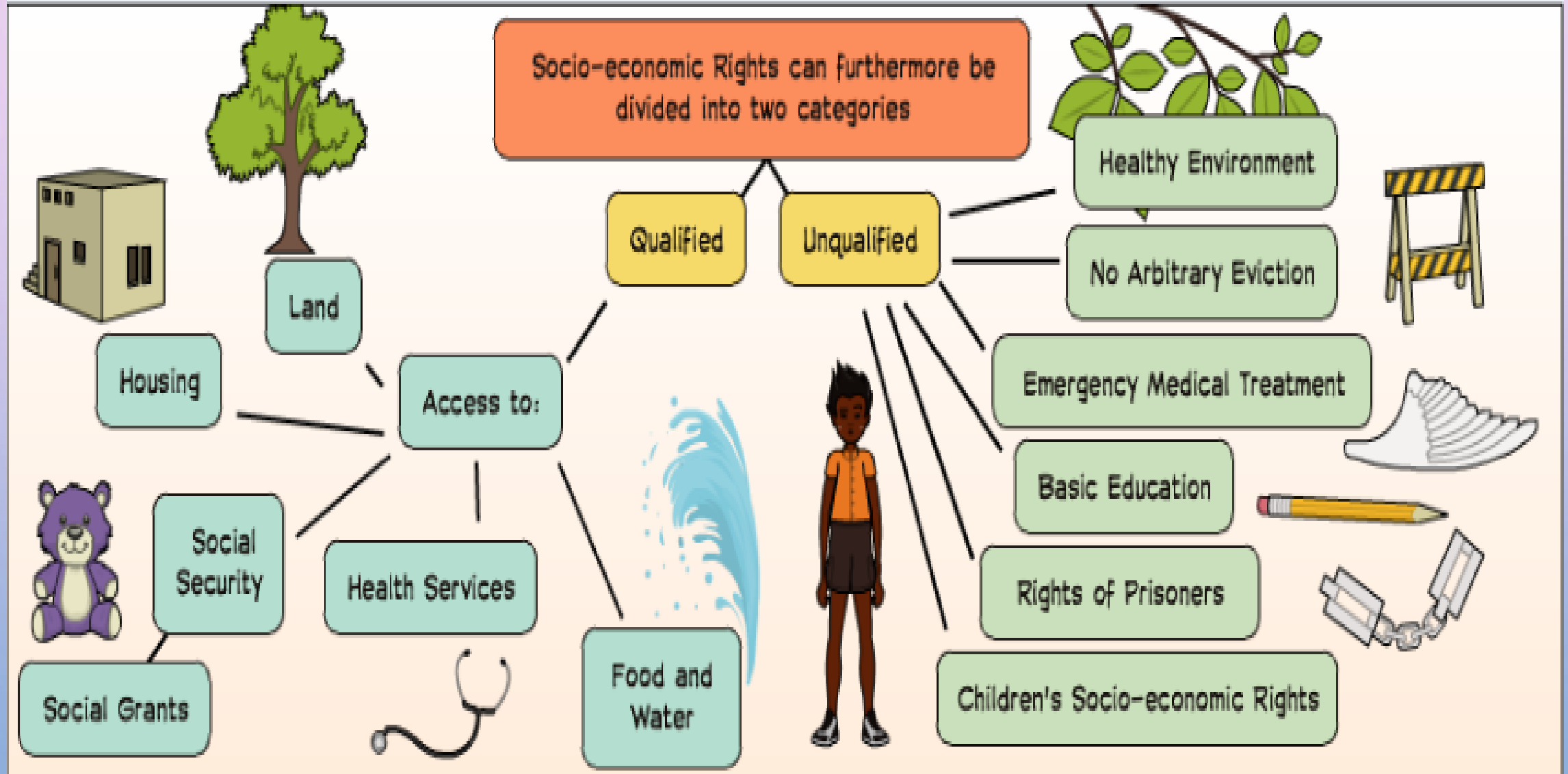


Right to work



Right to social security

ECONOMIC RIGHTS



(6) SOCIAL RIGHTS

- THE RIGHTS TO GOVERNMENT SERVICES SUCH AS HEALTH AND EDUCATION.
- RIGHTS TO BASIC NECESSITIES SUCH AS FOOD, WATER, HOUSING & CLOTHING
- CAN BE ARGUED THAT THESE RIGHTS ARE STEM FROM THE IDEA OF SOCIAL CONTRACT: A CONTRACT BETWEEN INDIVIDUALS AND THEIR GOVERNMENT
 - **RIGHT TO ADEQUATE LIVING STANDARDS, INCLUDING HEALTHCARE, FOOD, HOUSING**
 - **RIGHT TO EDUCATION**

SOCIAL RIGHTS

Social Institutions and Gender Index 2012

Discriminatory Family Code

- Legal Age of Marriage
- Early marriage
- Parental authority
- Inheritance

Restricted Physical Integrity

- Violence against women
- FGM
- Reproductive integrity

Son Bias

- Missing women
- Fertility preferences

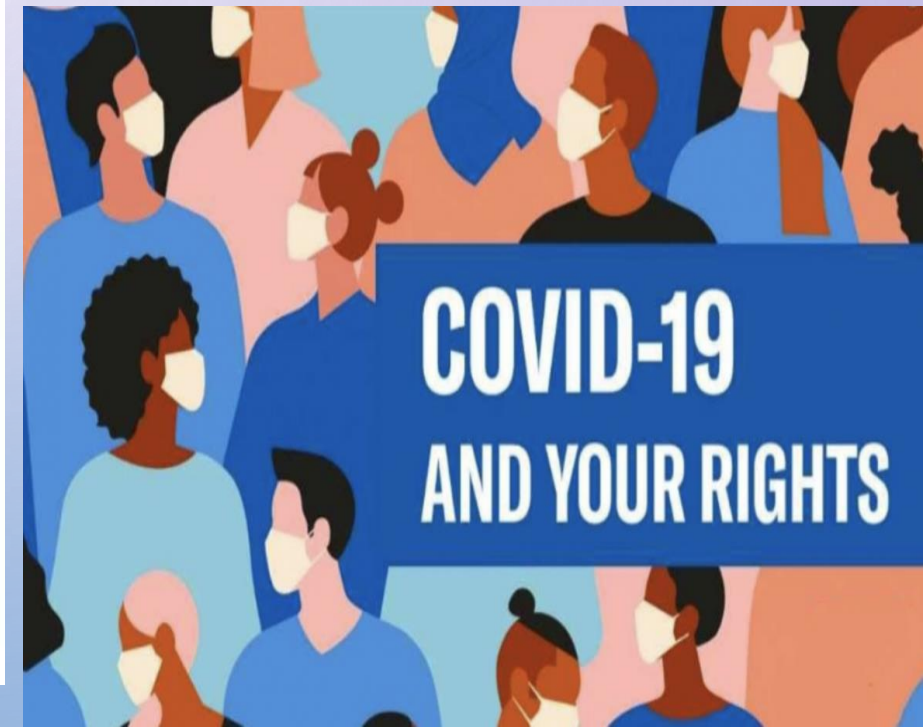
Restricted Resources and Entitlements

- Access to land
- Access to bank loans and other forms of credit
- Access to property other than land

Restricted Civil Liberties

- Access to public space
- Political voice

Right to health in Pandemic



SOCIAL RIGHTS: EDUCATION RIGHTS

Principal international human rights standards re: right to education

- International Covenant on Economic, Social and Cultural Rights (ICESCR), arts. 13 and 14
- Convention on the Rights of the Child, art. 28
- General Comments 11 and 13 of the UN Committee on Economic, Social and Cultural Rights (CESCR)

(7) CULTURAL RIGHTS

- **RIGHTS FOR A PERSON TO PARTICIPATE IN THEIR CULTURE. THOSE CAN BE BROKEN DOWN INTO THREE ELEMENTS:**
 - **RIGHTS TO LANGUAGE**
 - **RIGHTS TO CULTURAL ACTIVITIES**
 - **RIGHTS TO RELIGION ACTIVITIES**
 - **RIGHT TO ENJOY THE BENEFITS OF SCIENTIFIC PROGRESS & ITS APPLICATION**

CULTURAL RIGHTS



COLLECTIVE RIGHTS (1960S)

- SOUTHERN HEMISPHERE PARTICULARLY AFRICA
- MOST OF FORMER COLONIES FOUGHT FOR POLITICAL INDEPENDENCE FROM EUROPEAN COLONIAL POWERS
- INDIGENOUS MOVEMENT

Self-determination

**Free-disposition of their
natural resources**

**Healthy-
environment**

Development

Cultural rights

THE CONTENT OF HUMAN RIGHTS: THREE "GENERATIONS" OF RIGHTS

Generation of rights	Origins	Human rights
1 st Generation	Enlightenment (1700s-1800s)	Civil & political rights
2 nd Generation	Industrial Revolution (1800s-1900s)	Economic & social rights
3 rd Generation	Post-Colonialism/decolonization (1960s-1970s)	Cultural rights

The first generation: civil and political rights derives primarily from the 17th- and 18th-century - English, American, and French revolutions (Articles 2-21 of the UDHR)

The second generation: economic, social, and cultural rights in early 19th-century (Articles 22-27 of the UDHR)

The third generation: solidarity rights in the last half of the 20th century (Articles 28 of the UDHR)

GROUP WORK (3 GROUPS)

Think about (what are these?, how to enjoy?, why don't entitle to?)

- Political Rights

- Economic Rights

- Social Rights & Cultural Rights

• **THANK YOU**

