

# History evolution and generations of human rights



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16. Ur- Nammu, king of Ur in ca. 2050 BC created the Code of Ur-Nammu, the oldest legal codex that survives today. Several other sets of laws were created in Mesopotamia including the Code of Hammurabi, (ca. 1780 BC) which is one of the best preserved examples of this type of document. It shows rules and punishments if those rules are broken on a variety of matters including women's rights, children's rights and slave rights. Elsewhere, societies have located the beginnings of human rights in religious documents. The Vedas, the Bible, the Qur'an and the Analects of Confucius are some of the oldest written sources which address questions of people's duties, rights, and responsibilities.[i]

17. The Persian Empire. The Achaemenid Persian Empire of ancient Iran established unprecedented principles of human rights in the 6th century BC under Cyrus the Great. After his conquest of Babylon in 539 BC, the king issued the Cyrus cylinder, discovered in 1879 and recognized by many today as the first human rights document. The cylinder declared that citizens of the empire would be allowed to practice their religious beliefs freely. It also abolished slavery, so all the palaces of the kings of Persia were built by paid workers in an era where slaves typically did such work. These two reforms were reflected in the biblical books of Chronicles and Ezra, which state that Cyrus released the followers of Judaism from slavery and allowed them to migrate back to their land. The cylinder now lies in the British Museum, and a replica is kept at the United Nations headquarters. In the Persian Empire, citizens of all religions and ethnic groups were also given the same rights, while women had the same rights as men. The Cyrus cylinder also

documents the protection of the rights to liberty and security, freedom of movement, the right of property, and economic and social rights[ii].

18. The Maurayan Empire. The Maurya Empire of ancient India established unprecedented principles of civil rights in the 3rd century BC under Ashoka the Great. After his brutal conquest of Kalinga in circa 265 BC, he felt remorse for what he had done, and as a result, adopted Buddhism. From then, Ashoka, who had been described as “ the cruel Ashoka” eventually came to be known as “ the pious Ashoka”. During his reign, he pursued an official policy of nonviolence (ahimsa) and the protection of human rights, as his chief concern was the happiness of his subjects. The unnecessary slaughter or mutilation of animals was immediately abolished, such as sport hunting and branding. Ashoka also showed mercy to those imprisoned, allowing them outside one day each year, and offered common citizens free education at universities. He treated his subjects as equals regardless of their religion, politics or caste, and constructed free hospitals for both humans and animals. Ashoka defined the main principles of nonviolence, tolerance of all sects and opinions, obedience to parents, respect for teachers and priests, being liberal towards friends, humane treatment of servants, and generosity towards all. These reforms are described in the Edicts of Ashoka. In the Maurya Empire, citizens of all religions and ethnic groups also had rights to freedom, tolerance, and equality[iii].

## **Human Rights – Evolution of the Concept**

19. Evolution and crystallization of the concept of human rights took a very long time. In the simplest of terms, human rights could be regarded as involving all those aspects which add to dignity and free existence of human

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beings. Historians credit the origin of this concept to MAGNA CARTA, AD 1521. On scrutiny however, it would emerge that this document actually was a petition urging the king to concede certain rights to a particular section of his people. Its contents neither had a direct reference to the common man's basic freedom nor the required range of application.

20. The term “ Human Rights” was introduced in the United States Declaration of Independence in 1776 and the US constitution embodied a “ Bill of Rights”. The French resolution later on in 1789, ushered in the Declaration of Rights of Man and Citizen. Much later in 1929, the Institute of International Law, New York, USA, prepared a Declaration of Human Rights and Duties. In 1945, the Inter American Conference passed a resolution seeking the establishment of an international forum for the furtherance of human rights of the whole mankind as such[iv].

21. The World War II was probably the turning point, which drew the required attention towards human rights. The atrocities committed on ethnic grounds by the axis powers shocked the conscience of the international community. The allied powers then vowed to usher in a world order for promoting respect for the observance of Human Rights and fundamental freedom. The United Nation's charter, in its preamble declared, “ we the people of the United Nations Organisation..... reaffirm faith in the fundamental human rights, in the dignity and worth of human person, in the equal rights of men and women and the Nations large and small.....”. The charter then went on to declare that the purpose of the United Nations is, “ to achieve international cooperation in solving international problems of an economic, social, cultural or humanitarian character and in promoting and encouraging respect for <https://assignbuster.com/history-evolution-and-generations-of-human-rights/>

human rights and for fundamental freedom for all, without distinction based on race, sex, language or religion". The United Nations proclaimed the universal declaration of Human Rights in 1948[v].

## **Generations Of Human Rights**

22. The division of human rights into three generations was initially proposed in 1979 by the Czech jurist Karel Vasak at the International Institute of Human Rights in Strasbourg. He used the term at least as early as November 1977. Vasak's theories have primarily taken root in European law, as they primarily reflect European values. His divisions follow the three watchwords of the French Revolution: Liberty, Equality, and Fraternity. The three generations are reflected in some of the rubrics of the Charter of Fundamental Rights of the European Union[vi]. Although the existence of fourth generation rights is disputed, scholars have shifted some rights of the third generation into a fourth category. Those in favor of such a distinction claim that the rights of the first three generations apply to human beings, while fourth generation rights correspond to the well-being of mankind[vii].

23. First Generation. The first generation consists of an approximately twenty year period beginning with the end of the WW II & founding of the United Nations[viii]. First-generation human rights deal essentially with liberty and participation in political life. They are fundamentally civil and political in nature, and serve to protect the individual from excesses of the state. First-generation rights include, among other things, freedom of speech, the right to a fair trial, freedom of religion, and voting rights[ix]. These rights are primarily individualistic; however a few are collectively expressed, such as freedom of association and the right to assembly. Civil

and political rights include protection from proscribed discrimination, freedom of thought and conscience, freedom of speech, freedom of religion, the right to participate in civil society and politics[x].

24. Second Generation. The period extended from 1960s to 1980s when the language of declarations & charters gave way to conventions & treaties[xi]. Second-generation human rights are related to equality and began to be recognized by governments after World War I. They are fundamentally social, economic, and cultural in nature. They ensure different members of the citizenry equal conditions and treatment[xii]. They ensure the right to be employed, the right to equal working conditions, the right to social security, the right to education, the right to cultural participation and the right to unemployment benefits[xiii].

25. Third Generation. Third-generation human rights are those rights that go beyond the mere civil and social, as expressed in many progressive documents of international law, including the 1972 Stockholm Declaration of the United Nations Conference on the Human Environment, the 1992 Rio Declaration on Environment and Development, and other pieces of generally aspirational “ soft law.” Because of the present-day tilting toward national sovereignty and the preponderance of would-be offender nations, these rights have been hard to enact in legally binding documents. The term “ third-generation human rights” remains largely unofficial, and thus houses an extremely broad spectrum of rights, including[xiv]:

(a) Group and collective rights.

(b) Right to self-determination.

(c) Right to economic and social development.

(d) Right to a healthy environment.

(e) Right to natural resources.

(f) Right to communicate and communication rights.

(g) Right to participation in cultural heritage.

(h) Rights to intergenerational equity and sustainability.

26. Fourth Generation. This fourth generation joined the other three at the end of the 20th century, for until then there was only the concept of the basic rights as a means of defense or as active rights to participate within the framework of the first and second generation of human rights. These were followed by what were known as the third generation of basic rights, the body of social rights that was directed not only against the state but also, in their third direction, against society. With the development of instruments of protection under international public law and generally the notion that individual rights must be protected by the community of states and not by the national state, the idea of universal or regional human rights entered a new stage. It was here that the ground was broken for the idea that the individual was not only the object but also the subject of rights against the community of states in international law[xv].