

THE INDIVISIBILITY OF RIGHTS OF THE HUMAN PERSON

WILFRIDO V. VILLACORTA

THE 'THREE GENERATIONS' OF RIGHTS

The so-called three generations of human rights comprise (a) the first-generation human rights that concern themselves with political freedoms and participation in political life, to ensure the protection of citizens from misuse of state authority, (b) the second-generation human rights which pertain to the right to equality in economic, social and cultural development and access to opportunities, and (c) the third-generation human rights which refer to the collective rights of communities and nations, such as the right to self-determination, rights of indigenous peoples, right to economic and social development of nations, right to natural resources and a healthy environment, right to communications and participation in cultural heritage, and right to intergenerational equity.

The first-generation rights include freedom of speech, right to a fair trial, freedom of religion, freedom of the press, and right of suffrage, among others. Most of these rights were embodied in democratic revolutions in different parts of the world and were first enshrined at the global level by the 1948 Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.

The second-generation rights include the right to be employed, right to housing, right to education, right to health care, the right to strike, right to bargain collectively, right to work, and right to cultural heritage. These rights were recognized after the Industrial Revolution in Europe and were rallying cries in anti-colonial revolutions. Like the first-generation rights, they are covered by the Universal Declaration of Human Rights. They are also enshrined in the International Covenant on Economic, Social, and Cultural Rights.

The third-generation rights are articulated in the 1972 Stockholm Declaration of the United Nations Conference on the Human Environment, the 1992 Rio Declaration on Environment and Development, and other international documents. A third-generation right such as the right to a healthy environment does not belong solely to an individual but can be claimed by an entire nation and even by the international community. The duty to preserve a healthy environment can be demanded by the people as a collectivity on a state, an individual, a company or a community because the consequences of environmental pollution affects individuals and communities, in their own country as well as in other countries.

INDIVISIBILITY OF HUMAN RIGHTS

All the three generations of human rights are common standards which are internationally recognized and are rooted in the major cultural traditions of the world. There cannot, therefore, be a relativist and selective approach to the acceptance, prioritization and implementation of any of these indivisible rights.

This interrelated and interdependent relationship of rights of human persons as well as rights of nations was enunciated in Papal Encyclicals: John XXIII's *Pacem in Terris*, Paul VI's *Gaudium et Spes*, *Populorum Progressio* and *Evangelii Nuntiandi*, and John Paul II's *Ut Unum Sint* and *Sollicitudo Rei Socialis*.

A leader who would be in the best position to know the equal value of both freedom and equality – Nelson Mandela – asserts that ‘we must address the issues of poverty, want, deprivation and inequality in accordance with international standards which recognise the indivisibility of human rights. The right to vote, without food, shelter and health care will create the appearance of equality and justice, while actual inequality is entrenched. We do not want freedom without bread, nor do we want bread without freedom’.

Authoritarian regimes generally employ two arguments to justify their cavalier attitude towards human rights. They insist that low-income countries must give priority to economic development and cannot yet afford to adopt full political and civil rights. In addition, they invoke cultural relativism, different historical experiences as well as the imperatives of nation-building to postpone the implementation of democracy and human rights.

This approach is unacceptable. Human rights uphold the natural worth and dignity of every human person. These rights are essential for enabling

everyone to live as human beings. Article 1 of the Universal Declaration of Human Rights affirms that human rights spring from the inherent nature of all persons: 'All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood'.

COMMON HUMAN NATURE AND HUMAN HERITAGE

Human rights are not based solely on Western teachings, Western culture or historical experience. Because human rights are inalienable and universal, they find support in the teachings of the major religious and philosophical traditions – Hinduism, Buddhism, Judaism, Christianity and Islam. Elements of human rights were manifested in the edicts of Emperor Ashoka of India and the Constitution of Medina which was framed by Muhammad.

For obvious reasons, not all the modern forms and applications of human rights can be inferred from these edicts nor from ancient scriptures or medieval texts. Historical milestones of later centuries – democratic revolutions, the Industrial Revolution, two World Wars, the Holocaust, the end of colonialism – generated greater awareness of and enhanced expectations on human rights. The Universal Declaration of Human Rights was drafted by representatives of all regions and legal traditions. It has stood the test of time and resisted attacks based on 'relativism'. Its core values apply to everyone, everywhere and always.

The principles of the Declaration were institutionalized in landmark documents approved and ratified by most member-states of the United Nations and other international organizations, and reinforced by charters of regional organizations and by national constitutions. To name a few, the African Charter on Human and People's Rights, the American Declaration of the Rights and Duties of Man drafted by the Organization of American States, the European Convention on Human Rights, and more recently, the ASEAN Charter.

The United Nations adopted two international covenants that complement the Universal Declaration on Human Rights. The International Covenant on Economic, Social and Cultural Rights (ICESCR) is a multilateral treaty adopted by the UN General Assembly in December 1966, and has been in force from January 1976. The International Covenant on Civil and Political Rights (ICCPR) is a United Nations treaty based on the Universal

Declaration of Human Rights, created in 1966 and entered into force on 23 March 1976.

Also part of the international human rights framework are the Convention on the Rights of the Child, the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention on the Elimination of All Forms of Racial Discrimination, and the Convention on the Elimination of All Forms of Discrimination against Women. These human rights documents are premised on the interrelatedness, indivisibility and interdependence of the rights of persons and communities.

LOVE AS THE BASIS OF HUMAN RIGHTS

Commitment to human rights and justice must of necessity be tied to love for fellow human beings and respect for their human rights. In Christianity, human rights are premised on God's love for human race, whom He created in His image and likeness.

In his Encyclical Letter *Deus Caritas Est*, Pope Benedict XVI asserts that 'the Church's social teaching argues on the basis of reason and natural law, namely, on the basis of what is in accord with the nature of every human being. It recognizes that it is not the Church's responsibility to make this teaching prevail in political life. Rather, the Church wishes to help form consciences in political life and to stimulate greater insight into the authentic requirements of justice as well as greater readiness to act accordingly, even when this might involve conflict with situations of personal interest'.

He stresses that 'the Church cannot and must not take upon herself the political battle to bring about the most just society possible'. He cautions, however, that the Church 'cannot and must not remain on the sidelines in the fight for justice' but 'has to play her part through rational argument and she has to reawaken the spiritual energy without which justice, which always demands sacrifice, cannot prevail and prosper'.

He delineates the role of the Church in providing love or *caritas* to complement the responsibilities of the State: 'There will always be suffering which cries out for consolation and help. There will always be loneliness. There will always be situations of material need where help in the form of concrete love of neighbour is indispensable. The State which would provide everything, absorbing everything into itself, would ultimately become a mere bureaucracy incapable of guaranteeing the very thing which the suf-

fering person – every person – needs: namely, loving personal concern. We do not need a State which regulates and controls everything, but a State which, in accordance with the principle of subsidiarity, generously acknowledges and supports initiatives arising from the different social forces and combines spontaneity with closeness to those in need. The Church is one of those living forces: she is alive with the love enkindled by the Spirit of Christ’.

As an international moral force, the Church remains a major champion of human rights. It is at the forefront of worldwide efforts to promote the indivisibility and interdependence of the three generations of rights. As we had said, the protection of human rights is based on love for all human persons who were created in the Divine image – a basic pillar of our Christian faith.

REFERENCES

- Benedict XVI. 2005. *Deus Caritas Est*. http://www.vatican.va/holy_father/benedict_xvi/encyclicals/documents/hf_ben-xvi_enc_20051225_deus-caritas-est_en.html
- John XXIII. 1963. *Pacem in Terris*. http://www.vatican.va/holy_father/john_xxiii/encyclicals/documents/hf_j-xxiii_enc_11041963_pacem_en.html
- John Paul II. 1987. *Sollicitudo Rei Socialis*. http://www.vatican.va/holy_father/john_paul_ii/encyclicals/documents/hf_jp-ii_enc_30121987_sollicitudo-rei-socialis_en.html
- John Paul II. 1995. *Ut Unum Sint*. http://www.vatican.va/holy_father/john_paul_ii/encyclicals/documents/hf_jp-ii_enc_25051995_ut-unum-sint_en.html Implications or Governance in Southeast Asia.
- Mandela, Nelson. Address during his Investiture as Doctor of Laws. Soochow University, Taiwan. 1 August 1993.
- Paul VI. 1965. *Gaudium et Spes*. http://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_cons_19651207_gaudium-et-spes_en.html
- Paul VI. 1967. *Populorum Progressio*. http://www.vatican.va/holy_father/paul_vi/encyclicals/documents/hf_p-vi_enc_26031967_populorum_en.html
- Paul VI. 1975. *Evangelii Nuntiandi*. http://www.vatican.va/holy_father/paul_vi/apost_exhortations/documents/hf_p-vi_exh_19751208_evangelii-nuntiandi_en.html
- Pollis, Adamantia and Peter Schwab (eds.). *Human Rights: Cultural and Ideological Perspectives*. New York: Praeger Publishers, 1979.

-
- Puno, Reynato. 2007. Convocation Address on the Evolution of Human Rights by the Chief Justice of the Supreme Court of the Philippines. Siliman University. 25 August.
- Salleb, Umminajah, Raishah Abd. Hamid, and Imran Danial Krish Abdullah (eds). 2007. *Advancing a Regional Mechanism for Human Rights for ASEAN*. Kuala Lumpur: Universiti Teknologi Mara.
- United Nations. 1948. *Universal Declaration of Human Rights*. <http://www.un.org/Overview/rights.html>
- Villacorta, Wilfrido. 2006. The Human Person in Theravada Buddhism and Islam: Implications for Governance in Southeast Asia. In Edmond Malinvaud and Mary Ann Glendon (eds.). *Conceptualization of the Person in Social Sciences*. Vatican City: Pontifical Academy of Social Sciences.