

Environmental Rights as Human Rights: The Case studies of Pakistan

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Abstract

Every human person is entitled to certain rights because of their inherent dignity. Every human being has certain rights from birth. The rights of humanity are the fundamental freedoms and rights to which all people are entitled, regardless of their nationality, gender, ethnicity, or religion. Basic human rights like equal before the law, freedom of speech, and exemption from discrimination are guaranteed by Pakistan's Constitution. However, there are frequently significant obstacles to the actual application of these rights. Numerous areas throughout the country are still impacted by problems like gender disparity, religious intolerance, a lack of liberty of expression, compelled disappearances, and a subpar approach to justice. The Commission on Human Rights of Pakistan has grown into a comprehensive national human rights organization. Pakistan's human rights record has significantly improved after the 1988 changes implemented following President Zia-ul-haq administration. In Pakistan's fight for democratic progress and human rights, the HRCP has taken the lead in offering an extremely knowledgeable and independent voice.

The Human Rights Council (HRCP), which was established together in the year 1987 by Asma Jahangir and ibn abdur Rehman has a broad mandate that includes women's rights, freedom of the press, independence of speech, freedom of religion and belief, liberty of movement, state excesses. Despite these obstacles, the courts, civil society organizations, and authorities have all worked to improve Pakistan's rights-related situation. Legislative measures, awareness campaigns, and women's education projects have all had positive effects in various places. In addition, Pakistan has ratified a number of international agreements on human rights and regulations that mandate the protection of these rights by the government.

Key words: Discrimination, Gender Disparity, Freedom of speech, Legal system, Legislative reforms

Frame work Basic human rights principles

"The rights of humans are global; they are built into all nations and alien from all civilization." Kofi on December 10, 1997, World Human Rights Day, former UN Secretary-General A. Annan gave a speech at the University of Tehran. Human rights are universal due to their foundation in the worth of every human being, irrespective of their ethnicity, gender, sexuality, historical or ethnic origin, religion, language, nation, age, sexual orientation, disability, or any other characteristic that distinguishes them. Since every nation and people recognizes them, they apply to everyone equally and unconditionally and are the same for everyone everywhere. All people can relate to the core principles that form the basis of basic human rights. Universality and inalienability, which holds that everyone has an entitlement to human rights simply because they are human and that these liberties cannot be taken away, is one of the fundamental concepts. Indivisibility, which highlights that all rights—civil, economic, political, interpersonal, and cultural—are equally significant and cannot be accorded less priority than others, is another essential concept. Interdependence and interrelatedness provide additional evidence that the realization of a particular right frequently hinges on the fulfillment of another. For example, the right to education supports the right to social participation and the right to employment. Equality and inclusiveness are also crucial for social status since they ensure that everyone enjoys the

same liberties regardless of color, ethnicity, cultural origin, gender, or socioeconomic class. Inclusion and participation also highlight how important it is to involve people in decisions that affect their lives in order to advance democratic government and social justice. Lastly, the implementation of the law and transparency require that governments and institutions be held responsible for protecting and upholding fundamental rights, ensuring that legal recourse is available when those rights are violated. These principles serve as the foundation for national legislation and international accords that aim to promote equality, liberty, and dignity for all.

Constitutional Framework of Human Rights

The Islamic Republic of Pakistan's 1973 Constitution offers a thorough legal framework for the defense of basic human rights

The right to liberty and life

"No one can be dispossessed of their liberty or their life unless it is allowed by law." This article guarantees the fundamental rights of life and the independence of every citizen. The courts have made a decision. The right to liberty and liberty is one of the a few fundamental human rights recognized by both Pakistani and international constitutions. The 1973 Constitution of Pakistan declares in Article 9 that "nobody shall be deprived of their life or their freedom except according with law." This provision ensures that everyone has the unalienable right to live in peace and dignity and that no one may be unjustly imprisoned, arrested, or killed without following the correct processes. The Supreme Court linked environmental preservation to the fundamental right to life by ruling that the rights to an environment that is healthy and clean is an aspect of such right to the existence and dignity of mankind, so expanding the scope of this privilege. Pakistan upholds the value of liberty and life by ratifying the Universal Declaration of the Rights of Humans (Article 3) and the International Covenant on Politician and Civil Liberties (Article 6). This right is still not regularly exercised in practice despite these strong legal frameworks because of issues like compelled disappearances, extrajudicial killings, and police abuse. According to I.A Rehman;s book on human rights in Pakistan, this basic freedom is still in danger because of the gap between legislation and practice, especially for marginalized communities.

The right to free expression

A fundamental human right, freedom of speech enables people to voice their thoughts, feelings, and convictions without worrying about censorship, punishment, or reprisal. This right is protected in Pakistan by Article 19 of the Constitution of Pakistan, which states that "freedom of speech" is guaranteed, subject to reasonable legal constraints. The ability to freely express oneself in writing, speech, and other modes of communication is part of this. The state's definition of morality, national security, and public order are some examples of factors that may restrict the execution of this freedom. The right to free speech although freedom of speech is guaranteed by the Pakistani Constitution, there are several obstacles to overcome in order to really use this privilege. In reality, restrictions, threats, and violence are only a few of the harsh challenges that journalists, media organizations, and activists frequently encounter. Free expression has occasionally been restricted by authorities and non-state parties, including extremist organizations, particularly when the content goes against social norms or governmental policies. Freedom of speech has been restricted by laws such the Pakistan digital crime act (PECA) and blaspheme laws, especially when it comes to online material and criticism of the

government or religion. All human rights are equally important and necessary to uphold each person's worth and dignity.

Freedom of Religion

Freedom of religion, an essential human right, guarantees that individuals can freely practice, demonstrate, and express their faith without interference or coercion. Pakistan's religious freedom is guaranteed by Article 20 of the 1973 Constitution, which states: "Every citizen will be given the freedom to adhere to, execution, and promote his religion." Because it safeguards the right to practice and spread one's beliefs, this Article is essential to both individual liberty and religious pluralism. Pakistan, an Islamic country, acknowledges Islam as its official religion, although supports the right of religious minorities, such as Christians, Hindus, Sikhs, and others, to follow their own religions. However, political, social, and legal obstacles frequently pose a danger to Pakistan's religious freedom. Even though the Constitution guarantees religious freedom, some laws and conventions have limited its full potential. For instance, blasphemy laws (articles 295-298 in the Pakistani Civil Code) have targeted religious minorities, particularly Ahmadis, Christians, and Hindus, accusing them of insulting Islam or blaspheming. These rules have led to false accusations, social marginalization, and occasionally violent crimes in addition to putting people in jail on the basis of infrequently proven allegations. For instance, according to the constitution, the Ahmadiyya minority is a non-Muslim minority, and as such, they are liable for legislative restrictions on their religious practices, including the prohibition of openly performing Islamic rituals or identifying as Muslims. Some religious minorities that face discrimination in employment, in educational institutions, and in their practices of faith include Christians and Hindus. Engaging in particular religious practices or publicly displaying religious symbols belonging to a minority group may be greeted with aggression or harassment.

Pakistan is a signatory to both the UN Charter of the Rights of Human beings (UDHR), which recognizes the right to freedom of belief under Article 18, and the UN Convention on the Defense of Political and Civil Rights (ICCPR), which protects individuals against prejudice on their basis of religion. Despite these international agreements, Pakistan's current situation is complex, and a significant barrier is the mismatch between legal protections and real-world conditions.

Equality of Citizens

"Every citizen possesses a right to equitable safety under laws and has the same rights before it." This paper is essential reading for anybody interested in protecting disadvantaged groups, including women, minorities, and communities facing financial hardship. "Citizen equality" is the core principle that all people, regardless of their background, identity, or opinions, are equal before the law and have an entitlement to be granted equal safety and opportunity. Citizen equality is the state in which all citizens of a country are treated equally, irrespective of their economic status, race, ethnicity, religion, or caste. This is an essential ideal in a system of democracy where everyone is equally protected by the law and has similar legal privileges. equal access to public services, education, and employment. institutions, reduces social and economic disparities, and fosters a sense of unity and belonging among people It is necessary for the growth of an inclusive and just society. The idea of citizen equality is the foundation of a democracy in which everyone is recognized as an equal citizen. It implies that no citizen should face discrimination or favorable treatment because to their socioeconomic background, gender, ethnicity, faith, or language. In a society where everyone is treated equally, everyone has the same legal rights and responsibilities, as well as equal access to public resources like courts and hospitals, and institutions, as well as the freedom to follow their faith, express their views, and

participate in politics by casting a ballot or standing for office. A democracy that recognizes all people as equal citizens is built on the principle of citizen equality. It suggests that no citizen ought to be subjected to prejudice or preferential treatment according to their socioeconomic status, race, caste, religion, or language. In an egalitarian society, everybody has identical legal privileges and obligations, equal utilization of public places such as courts, hospitals, and schools, and a right to practice their faith, express their views, and take part in politics by voting or running for office.

The right to receive an education

"Every child within the ages of 5 and 16 will get a mandatory instruction for free within the State." The right to an education is a basic human right that guarantees all children free and compulsory education. It ensures that no child will be kept out of school due to their gender, caste, poverty, disability, or any other social barrier. This right is protected by legislation in several countries, including India. For example, Article 21A of the Indian Constitution states that children between the ages of 6 and 14 have a fundamental right to an education. The main objectives of this right are to enable individuals to live better lives, promote equality, and reduce illiteracy. Apart from assisting individuals in gaining information and abilities, Career progression, personal development, and the growth of the nation as a whole all depend on education. Governments must provide adequate infrastructure, trained teachers, safe learning environments, and inclusive policies to ensure that every child can benefit from this right. The right opportunity for learning is essential to creating a society that is knowledgeable, responsible, and powerful.

Protecting Minorities

The Constitution mandates that the state defend the rights and interests of minorities. The basic right referred to as the Right to Privacy of Minorities protects the social, educational, and spiritual aspirations of minority people within a country. This right ensures that minorities, regardless of their race, religion, or language, will not be subjected to discrimination or forced to give up their sense of identity. Minorities are granted several protections under the Indian Constitution's articles 29 and 30. Article 29 protects every group's right to maintain its distinctive language, script, or culture, while Article 30 allows minorities to establish and manage their own educational institutions. The Equal Rights of Minorities is crucial to promoting social justice and unity in a heterogeneous country like India, where people come from a diverse spectrum of spiritual, linguistic, and cultural backgrounds. These rights are meant to keep minority communities against feeling intimidated or left out by the majority. The Indian Constitution recognizes the importance of preserving the unique character and customs of minorities by granting them particular rights to do so. For example, religious minorities like as Muslims, Christians, Sikhs, Buddhists, and others are permitted to freely practice their religion, commemorate their holidays, and manage their places of worship. Additionally, linguistic minorities are able to learn and converse in their own tongue. Under paragraph one of article thirty of the Constitution, they are given the right to establish and manage their own educational institutions and institutions in order to preserve their culture and beliefs. These groups can also receive government support without having their internal activities disrupted. Furthermore, the National Commission of Minorities works to address their grievances and defend their rights. The government strengthens the nation by promoting tolerance, respect, and peaceful coexistence among all groups while preserving individual liberty by protecting the rights of minorities. We can reduce social tension, abolish prejudice, and build a more inclusive and balanced society by upholding these rights (*Article 27 recognizes the rights of ethnic, religious,*

and linguistic minorities to enjoy their own culture, practice their own religion, and use their own language.)

Human Rights Globalization

Man is endowed by nature with two interrelated qualities: the capacity to be a social being and the potential to be a distinct individual. He is used to a community structured around a particular group. Understanding human rights requires an understanding of their history, which takes us back to the earliest days of communal living. Many circumstances naturally prevailed over morality: the powerful dominated the weak. These rights, enduring customs, or agreements these components, particularly the relationship between the governed and the authority bearer, stood blended in various parts of the world. They were the cornerstone of constitutional democracy, the embodiment of the idea of natural law, and the emblem of the people's fight against absolute monarchy. A number of historical events came together to develop the idea of human rights by the middle part of the present century. With its declaration of "general veneration for and protection of the freedoms of others as well as fundamental freedoms for all independent prejudice as to race, gender, language, or religion," the UN's Charter reflected this development. Promoting these rights was one of the Charter's primary goals, and member states were required to work with the UN to accomplish this goal through both separate and coordinated efforts. As a result, human rights were becoming universal and international.

The United Nations charter has established general concepts that are defined or detailed. Every human being is born with certain rights. As a consequence of the globalization of human rights, the idea of everyone's rights has gained international recognition. After World War II, international recognition of human rights began to grow, especially after the UN Declaration of Human Rights (UDHR) was ratified in 1948. This globalization has been facilitated by international organizations that uphold and monitor human rights norms around the world, such as the United Nations, other non-profit organizations, and regional tribunals for human rights. Thanks to advancements in communication, travel, and technology, information on violations of human rights has proliferated rapidly, increasing awareness globally and exerting pressure on governments to follow international standards. And economic barriers in many places, which makes it difficult to implement these rights fairly. Despite these challenges, by encouraging greater feelings of cooperation among people, globalization has improved ties between activists, legal frameworks, and cooperation to defend human dignity worldwide.

This Charter, which was adopted in December 1996 and includes the following instruments, does not define human rights:

- (i) The Convention on Political and Civil Rights of the United Nations;
- (ii) The International Covenant on Financial, Social, and Cultural Rights;
- (iii) The Optional Protocol to the Contracts on political and civil rights (subject to individual petition).

Human Rights Theories

When discussing political philosophy, the analysis of human rights holds a significant position. Human rights hold a very high position among theorists worldwide. The following are the most notable human rights theories:

- The Natural Rights Theory
- The Theory of Rights in Law
- The Theory of Rights Based on Social Welfare

- The Theory of Ideal Rights
- The Theory of Rights in History

(Hart's legal theory addresses the relationship between law, morality, and the rights of individuals, often seen as foundational in the theory of rights within the legal framework.

The Theory of Natural Rights

Among those who were advocates of the social consensus theory were Hobbes, Locke, and Rousseau. assert that all persons are free and rational due to nature, and as a result, have rights like the right to life and liberty. Herbert Spencer, a supporter of this perspective, claims that evolution proves that everyone has the inalienable right to equal freedom, which enables individuals to behave as they like Nature, not the state or another living entity, grants such a privilege. In the sixteenth, seventeenth, and eighteenth centuries, the theory garnered attention once more. It had a largely non-jurisprudential basis. Having rights is normal. They are both enjoyable and necessary for every human being to survive. Classical Rome and Greece are where the idea first emerged. Rome was influenced by the natural rights writings produced by Greek stoic thinkers. The Romans believed that the same general principles of life that the universe had set up for every living thing also applied to individuals living in the Roman Empire. They called these rules "natural law." This natural law bound all races together inside Rome. According to the philosophical notion of natural rights, every person is born with certain inalienable rights that come from their nature and reason rather than being bestowed by a government or other authority. These rights are seen as timeless, unalienable, and universal. During the Enlightenment, thinkers such as John Locke played a crucial role in the development of this philosophy. According to Locke, the protection of natural rights—such as the rights to life, freedom, and property—is the main responsibility of the state. People have the right of morality to oppose or topple a government that doesn't accomplish this. Particularly in democracies, this notion has had a significant impact on contemporary political structures and human rights legislation. Everyone is born with certain unalienable rights that are derived from their essence and rationality rather than being granted by a governmental or other authority, in accordance with the philosophical idea of natural rights. It is believed that these rights are universal, timeless, and inalienable. Thinkers like John Locke were essential in the formation of this ideology during the Enlightenment. In the words of Locke, the state's primary duty is to defend natural rights, including the entitlements to life, liberty, and property. Morally, people have the authority to reject or overthrow a government that fails to do this. This idea has had a big influence on modern political systems and human rights laws, especially in democracies. *(This work is foundational to the theory of natural rights, in which Locke argues for the protection of natural rights such as life, liberty, and property, and the role of government in safeguarding them.)*

The legal theory of rights

The Legal Concept of Rights holds that rights originate with the state. Humans are neither born with rights, nor have they been bestowed by nature. They are made by the state, whose citizens have rights. Therefore, it is possible to view rights as state-maintained artificial constructs. The state establishes laws, which in turn create rights, and rights are derived from the state. All rights are due to the state, and the individual has no rights opposing it.

Therefore, the legal theory contradicts the natural rights idea and say that the membership of the state alone does not confer rights on the individual. According to legal thought, all rights originate with the state.. The list of constitutional or fundamental freedoms is provided by the state, which also specifies what constitutes a right and what does not. The state establishes a

system to enforce the law and protect rights in addition to creating laws to do so. The state has the same power to alter laws as it has to alter rights and their contents. The hypothesis was heavily criticized by pluralists. They think that various associations are very important. Human rights legislation guarantees human rights, shielding both people and groups from acts that compromise basic liberties and human dignity. Treaties, collections of principles, customary international law, and other legal sources all express them. Human rights legislation forbids states from participating in specific activities and requires them to act in a certain manner. But human rights are not established by the law. Human rights are inalienable privileges that each and every individual has just by virtue of their humanity. In general, the purpose of treaties and other legal sources is to explicitly safeguard the rights of people and groups against acts or inaction on the part of governments that impede their ability to exercise their human rights.

Some of among the most crucial aspects of human rights are as follows: Respect for each person's worth and dignity is the cornerstone of human rights; The rights of humans are universal, which means that everyone is entitled to them equally and without distinction; Human rights are unalienable, meaning therefore no one can have them taken away unless in certain circumstances. For instance, if someone is found guilty of an offense by the rule of law, their right to liberty may be reduced; Because respecting certain human rights while ignoring others is insufficient, human liberties are indivisible, interconnected, and interdependent. In actuality, the respect of multiple other rights is frequently impacted when one is violated. Therefore, it should be believed that all human rights are equally important and necessary to uphold each person's worth and dignity.

(This book explores human rights education, focusing on the legal theories and frameworks that underpin human rights and their connection to state institutions, as well as the universal and inalienable nature of rights as discussed in legal and social theory.

The Social Welfare Theory of Rights

The Social wellbeing Theory holds that society establishes rights in order to achieve social wellbeing. Customs, usages, traditions, and natural rights should be subordinated to conditions that bring happiness to the person and society. This method exclusively takes social welfare into account when evaluating rights. Upholding the social welfare principle is one of the theory's many strong points. Supporters of utilitarianism took a pragmatic stance toward rights and promoted laws in several domains to protect them. According to the Socially Welfare Theory of Rights, upholding the welfare and well-being of the community at large is just as important as defending individual liberties. With an emphasis on economic, social, and cultural freedoms in conjunction with civil and political rights, this theory contends that rights should be interpreted in the framework of social collaboration and collective responsibility. This theory holds that in order to ensure that everyone has access to the essentials of living a dignified life—such as healthcare, education, and social services—the government as well as society must cooperate. It highlights that social justice and individual freedom cannot be achieved without the achievement of these rights. In a similar vein, the state and individuals share responsibilities for ensuring that people have access to the resources and assistance they need to maintain their health and well-being. The more individualistic conceptions of rights, like Natural Rights philosophy, which emphasizes personal liberty and freedom from outside influence, frequently stand in opposition to this philosophy. By supporting laws and initiatives that alleviate economic inequality and assist the most marginalized elements of society, the Social the welfare system Theory emphasizes the value of government action in advancing social justice and equality.

According to the idealistic perspective." or Persona Theory of Rights, a person's personality development requires favorable external circumstances. According to England's idealist philosopher Green, rights are the authority required for people to live out their moral obligations. According to Krause Hennic and Wilde, a man cannot reach his full potential without his rights. It is assumed that a society has rights, and that each person's rights need to coexist with those of another. Individual and collective well-being are to be associated with rights. The idea examines rights primarily from an ethical perspective and connects to the moral growth of man. The rights or opportunities must be acknowledged in a social context and enjoyed by the individual. Others in society share the same goal as the individual: to develop his identity.

According to idealistic thinkers like Green and Kantian, the state creates the conditions for an individual's moral and ethical evolution. The idealists like Kantian and Green contend that the state establishes the framework for a person's moral and ethical growth. However, extreme idealists such as Hegel urge the individual to fully submit to the state and subject him to it.

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The Historical Theory of Rights

The Historic Theory of Rights holds that historical development is what gives rise to rights. Customs and usages served as the foundation for rights in the past. However, rights are acknowledged and upheld by the law in the modern state. Humans in society developed certain usages, traditions, and customs over the millennia for the benefit of all, and these unwritten forms eventually served as the foundation for laws that granted people rights in written form. Tradition was unwritten law to the prehistoric man. A tradition that is followed by successive generations develops into a customary right, which serves as the foundation for legislation. According to the notion, a number of rights emerged as the result of previous development. Humans must have developed certain traditions and conventions over time, which led to the evolution of rights when the government was formed. There are some rights that are established by laws and do not have historical roots.

It is not possible to view or maintain all historical or customary items as rights. Slave-dealing was a habit or "right" of the slave-dealer in several ancient countries, for instance. Thus, it is clear that long-standing traditions can impede rights rather than establishing them. According to the Historical Concept of Rights, values are not global or abstract ideas; rather, they are formed and evolved throughout time by social agreements, cultural traditions, and historical events. This view holds that rights are the result of historical development and societal consensus rather than being innate or bestowed by nature, as in the Natural Rights view. As societies develop, rights are shaped by the social, political, and economic circumstances of the day. According to this theory, rights must be interpreted in the context of the specific historical and cultural context in which they emerge, as well as the battles and conflicts that are used to achieve them. For instance, voting rights were traditionally restricted to specific populations in several nations. The Historical Theory emphasizes that rights are dependent on continuing historical processes rather than being fixed or guaranteed, and that shifts in societal norms and power structures frequently result in the acknowledgment of new rights. This theory recognizes that rights are constantly changing and that historical events and social movements are crucial in forming and broadening our understanding of them, even though it might not offer a definitive or abstraction list of rights.

The Agreement Theory

Fundamental social changes in the relations of production (more specifically, the relations of ownership) within the former social system—feudalism—were necessary for human rights to emerge as the dominant norm in society and to be perceived as both a necessity and a reality. It was necessary to acknowledge that, in theory, everyone had the same rights when it came to property ownership, acquisition, and enjoyment. Previously, the right to possession was considered a natural human right, first by Aquinas and then more specifically by Grotius, who placed this right beyond the world (naturally): Grotius had claimed that we shouldn't be outraged because the freedom to own property had been "introduced by human will." He urged us to view and think of our property as belonging to natural law rather than as being, in theory, equal in terms of acquiring and enjoying property.

This line of thinking gave rise to two important concepts, although the concepts of equality and freedom later split out from this foundation. The idea of freedom was free ownership and or the independent ownership of property. Later, the concept of free enterprise was introduced, along with all other freedom-related corollaries. Previously, the right to ownership was considered a natural human right, first by Aquinas and then more specifically by Grotius, who placed this right above the world (naturally): Grotius had claimed that we shouldn't be outraged because the freedom to own property had been "introduced by human will." He urged us to view and think of our property as belonging to natural law rather than as being, in theory, equal in terms of acquiring and enjoying property.

According to the Contract Theory of Rights, rights are developed and acknowledged by social contracts, mutual agreements, or societally constituted legal frameworks rather than being innate or the result of historical evolution alone. This idea holds that when people or groups unite to establish a society and decide on a set of norms and values to guide their shared existence, rights are created. Constitutions, treaties, laws, and even informal social contracts can all be examples of these agreements. Social contract theorists such John Locke, Thomas Hobbes, and Jean-Jacques Rousseau, whose held that people choose to forgo some liberties in return for the state's protection of particular rights, are strongly associated with the notion. According to this perspective, rights result from agreement and group will. And the fact that individuals have accepted them, either overtly or covertly, lends them validity. For example, citizens agree to follow the law in return for being guaranteed their lives, their liberties, and their possessions. According to the Agreement Theory, democratic procedures and group decision-making can alter or broaden rights, which are dynamic. It also highlights how important legal and institutional frameworks are to the establishment and protection of rights.. Agreement-based rights can vary between countries and time periods of time, reflecting the requirements and beliefs of a specific community, in contrast to rights based on nature, which are thought to be universal and unalterable.

Origins at the Level of Positive Law

Regarding positive law, human rights have their roots in documents that have been around for a few centuries. From this perspective, human rights are agreements made by the government with the people and, most importantly, the aristocracy. These agreements are thought to protect men's rights while prohibiting the government from interfering with their exercise. It is believed that the legal power of these freedoms is not based on natural law, but rather on the idea of the sovereign's will, which is in opposition to the idea of the state theory. On the circumstances of the period, on their recognition in contract with the human rights on agreements with a similar objective that have been given the form of Charters, Bills or Declarations. In particular, in the specialized literature, a whole discussion is to be found on the common or different pressures

placed on the same theoretical footing. The Chart of the Rights of Man, the declaration of the State of Virginia, the Virginia Act of Liberties, and the French Declaration of 1789.

George Jellinek's work on the statement of rights for humans (1904) created a stir in Central Europe by endorsing the idea that the documents—such as Magna Carta, The Declaration of Virginia, the Bills that followed it, the Petition of Rights, and the Bills of Rights and the French Declaration of 1789—followed on from each other and were consequently directly related to each other. Moreover, he was not the only one who expressed that opinion. In his book's second edition, Jellinek felt compelled to note that the Constitution's Bill of Amendments has served as the pinnacle of American history. The concept that rights are created and acknowledged by formalized legal frameworks, statutes, and governmental organizations rather than only by natural or moral reasoning is known as the genesis of rights at the level of beneficial law. The body of legislation established by human authorities, such as legislative bodies, courts, or constitutions, and upheld by the state is known as positive law. This viewpoint holds that rights are not inherent or bestowed by God, but rather exist through they are enshrined in laws. By using legal tools like courts and law enforcement, this legalistic approach guarantees that rights are precisely stated, enshrined, and safeguarded. The rights to equal justice under the law, freedom of speech, and education, for instance, are only legally binding when expressly included in the constitution of a country or statutory laws. People can appeal to the courts when their freedoms are violated, which is an advantage of establishing rights in positive law. It also ensures accountability and enforceability. However, detractors contend that if laws are unfair or discriminating, as was the case in earlier legal systems that upheld slavery or apartheid, positive laws alone may not be sufficient to maintain justice

Understanding based on natural law

According to the most traditional conception of human rights, at the time that men passed from the primitive state to the social state they concluded a contract between themselves, and by this contract they renounced part of their natural rights, which they enjoyed in their free state, while preserving certain basic rights. Each social and state institution was required to uphold these rights since they were eternal and unalienable. Other concepts of human rights exist, such as the idea that human cognition is where human rights first emerged. During the Middle Ages, such ideas were already widely accepted. This way of thought encompasses almost all of the medieval forms of natural law theory as well as the reason-based Kantian philosophy of law. As with all previous theories, this one must begin with a set of a priori guarantees from which human rights can be inferred. The two divisions have combined, and the citizen has vanished. This distinction has taken on new forms and emerged as a standard for distinguishing between the many branches of law, to the extent that certain remnants of it have persisted. Whereas the fundamental liberties of man are those protected by international law, all rights established by the constitutions are thus regarded as falling under the heading of the rights of citizens. In this way, the issue of rights for people has been simplified to the straightforward interaction between two legal systems, wherein international law appears to take precedence over constitutional law.

Accountability and duties

Humans are social creatures. By appropriately interacting with all other people, a person can reach the complete development of his personality. Therefore, his rights only exist to the extent that they do not violate the freedoms of the other members of the community; they are not synonymous with his freedom. Therefore, rights entail obligations. To put it another way, obligations might be seen of as the community's rights versus the individual. Many civilizations

have attempted to establish and uphold social harmony and order by articulating standards for behavior in terms of obligations rather than by establishing and defending the rights of community members. However, the development of the contemporary state structure has altered people's lives practically everywhere. As a result, a duty-based approach to human rights realization may end up being more detrimental. If someone is not fulfilling their obligations to others, they are unable to enjoy their rights. If someone is not fulfilling their obligations to others, they are unable to enjoy their rights.

The Citizen's and Man's Rights

Man's rights and, on the other hand, citizen rights were distinguished in the French Declaration regarding the Principles of Man as well as the Citizen in 1789 and various later writings. In these books, man is portrayed as a creature that predates society and is thought to exist outside of it. The citizen, on the other hand, is under the jurisdiction of the State. Accordingly, human rights are inherent and unalienable, but citizens' rights are positive rights, which are bestowed by positive law. This hierarchy of the existence and manifestation of human and citizen rights has somewhat muddled over the span of social, political, and ideological evolution. The boundaries between citizen rights and human rights have vanished, and the two groups have combined. This distinction has taken on new forms and emerged as an indicator for distinguishing between the many branches of law, to the extent that certain remnants of it have persisted. Whereas the liberties of man are those protected by international law, all rights recognized by the constitutions are thus regarded as falling under the scope of the rights of citizens. In this way, the issue of rights for humans has been simplified to the straightforward interaction between two legal systems, wherein international law appears to take precedence over constitutional law.

"I was homeless, and your organization accepted an inquiry on my difficulty; I was getting starving, and you developed an organization for inquiry into my starvation; I was unwell, and you had a meeting on the challenges of the excluded; you peeked into every aspect of my situation, yet that I am nevertheless homeless, starving, and ill." Ambica Verma's

Universal Declaration of human Rights

The accords for ensuring the safety of minorities from east European states during the 1930s, which were overseen by the League of Nations, are the origin of the global human rights movement. The International Labour Organization supported a number of conventions to enhance working conditions and safeguard trade union rights during that time. The scope of both of these programs was constrained. With the fall of the dictatorships in World War II, the modern quest for universal international standards for rights for people and their protection under law got underway in the middle of the 1940s. The Holocaust and other atrocities committed by Hitlerite German and its coalition partners sparked the urge to protect human rights. It consisted on the understanding that denying people their basic rights was a powerful catalyst for injustice and conflict. Promoting and defending human rights is an integral aspect of the goals of the United Nations and its member nations, as stated in the organization's charter when it was founded. Sections 1(3), (4), and (5). To help the General Assembly create, adopt, and implement human rights treaties, specific machinery was established, most notably the Council of Economic and Social Affairs and its Commission on the Protection of Human Rights beneath it. The Universal Declaration of Human Rights (UDHR), which was adopted by the General Assembly on December 10, 1948, set the stage for this mission. The Declaration served as striking proof of the international community's agreement and dedication to human rights to continuously enhance everyone's quality of life.

The Right to Development Declaration

Recognizing that development is a complete economic, social, cultural, and political process that aspires to continuously improve the well-being of everyone in the world as well as of each individual, the General Assembly adopted a Declaration on the Fundamental Rights to Development in 1986. Everyone has the right to take part in, participate in, and take advantage of economic, social, cultural, and political growth, according to the Proclamation on the Right to growth, which asserts that this right is a fundamental human right. Equality of opportunity, self-determination, perpetual power over natural resources, and the creation of suitable circumstances for people to take advantage of other civil, social to cultural, economic, political, This right encompasses social rights as well. Three human rights principles—the right to freedom of choice, sovereignty over natural resources, and popular participation—are especially pertinent to the full realization of the right to development. On December 4, 1986, the United Nations Assembly of Nations adopted its Declaration on the Fundamental Right to Development. Development is acknowledged as an all-encompassing social, cultural, economic, and political activity that strives and benefit from a political, economic, and social growth that fully embodies all of their basic liberties and human rights, according to this proclamation.

"Every human being has inherent freedom, equality, and dignity from birth."

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