

conditions of dignity". This fundamental human right comprises the following rights: **1. The right to security of life**, which entails the right of all human beings and communities, for their survival, to drinking water and sanitation, energy and adequate basic food, and to not suffer situations of hunger. All individuals have the right to a continuous and sufficient supply of electricity and to free access to drinking water in order to satisfy their basic needs of life. **2. The right to personal integrity**, which is founded on the fact that all individuals are inviolable and have the right to their physical and psychological integrity. The death penalty and summary executions are forbidden under any circumstances or in any place. **3. The right to basic income**, which assures all individuals, independently of their age, sex, sexual orientation, civil status or employment status, the right to live under worthy material conditions. To such end, the right to an unconditional, regular, monetary income paid by the state and financed by fiscal reforms, is recognised as a right of citizenship, to each resident member of society, independently of their other sources of income, and being adequate to allow them to cover their basic needs. **4. The right to work**, in any of its forms, remunerated or not, which covers the right to exercise a worthy activity guaranteeing quality of life. All individuals have the right to the fruits of their activity and to intellectual property, under the condition of respect for the general interests of the community. **5. The right to health, health care and medicines**, which assures access to the best health technologies, to the enjoyment of a health system of prevention, surveillance and personalised care and the access to essential medicines. All individuals and communities have the right to the respect, by the scientific and technological developments in the field of health, and in particular in relation to genetic engineering, of the fundamental principles of the dignity of humans and human rights. **6. The right to education**, to knowledge and to a quality and inclusive training and to eradicate illiteracy, which assures equal access for all human beings to a continued quality education and to training that is adapted to their personal and professional development, to their society, and that is inclusive of all individuals without any form of discrimination. All individuals have the right to a quality and inclusive education.

Emerging Human Rights

WHY A UNIVERSAL DECLARATION of Emerging Human Rights?

The recognition of inherent rights for all human beings is a process which is constantly evolving and being updated, and which advances according to the needs and demands of each time and place.

Ever since the proclamation of the Universal Declaration of Human Rights in 1948, both Spain and international society have undergone far reaching changes: political, social, ideological, cultural, economic, technological and scientific changes which

have brought new challenges and which require new rights to be recognized.

A response to the dynamism of both contemporary international society and international law, the concept of emerging human rights addresses new needs and challenges.

THE VALUES AND PRINCIPLES of emerging human rights

Inherent to the notion of human rights are a series of values and principles that also inspire emerging human rights.

Values which are based on human dignity intersect with each other and make mutual claims: there is no liberty without equality; liberty and equality are elements of dignity and justice; without peace there is no liberty; and the lack of peace may be due to the lack of justice or equality.

These values are not static but rather acquire different shades of meaning with each different era.

The value “**life**” indicates an element of “**quality**” while “**equality**” is qualified by the need for distributive justice. “**Solidarity**” joins values such as “**co-existence**”, which goes far beyond mere tolerance. “**Peace**” is linked to “**dialogue**”, “**freedom**” and “**knowledge**”. Neither should we forget “**democracy**”; a value and principle essential to the protection and safeguarding of human rights.

Human rights and emerging human rights are also based on a series of universal principles; principles formed within the

spaces of plural and inclusive civil society.

- The **principle of coherence** promotes and emphasizes the indivisibility, interdependence and universality of human rights;
- The **principle of horizontality** avoids establishing any sort of hierarchy of human rights;
- The **principle of interdependence** and **that of multiculturalism** recognizes individual and collective rights to be on the same level of equality;
- The **principle of social inclusion** implies that there is guaranteed access to important opportunities which define social citizenship. It also implies that there is guaranteed acceptance of the ordinary members of this same society;
- The **principle of gender**, the **principle of non-discrimination**, and the **principle of political participation**;
- The **principle of common responsibility** as a demand for ethical commitment from individuals and from society.

CHARACTERISTICS of emerging human rights

Emerging human rights are a response to **demands from national and international actors** that traditionally **have had very little or no influence** upon the formation of international norms. Their participation will assist in the effective realization of their rights.

Emerging human rights are **demands for new rights and for partially recognized rights**. They are also those rights which are documented in actual national and international law and which have been recently interpreted or which have had new contents added.

Democracy is the common thread among emerging human rights. It is difficult to imagine another political system that is able to offer more adequate conditions for the development of human rights; there is no guarantee of human rights without democracy and there can be no democracy without a guarantee of human rights.

An end to divisions in the area of human rights:

- + **Individual rights vs. collective rights:** individual rights have always been identified as those concerning the person

as an individual, irrespective of his or her social role; collective rights, however, are those concerning communities, peoples or certain groups or social collectives.

From the point of view of emerging human rights, all rights may have an individual or a collective dimension.

- + **Civil and political rights vs. economic, social and cultural rights (ESCR):** historically this has been a division based on ideological differences. These differences have been reflected in various mechanisms of guarantee and protection; which have been less effective regarding ESCR. These categories of rights were also complimented by well known rights such as solidarity, without any direct guarantee.

Emerging human rights overcome these divisions and aim at providing mechanisms to guarantee that all rights are equally effective: universal, indivisible and interdependent.



WHERE ARE emerging human rights documented?

The dynamic character of emerging human rights means that there is no single text, and much less one that is definitive, which completely documents each and every one of these rights. Despite this, a reference tool may be found in the *Declaration of Emerging Human Rights*, passed during the 2007 Monterey Conference as part of the World Forum of Cultures.

EXAMPLES of Emerging Human Rights

1 NEW RIGHTS

The right to a basic income: this ensures that all people, independently of their age, sex, sexual orientation, civil or work status, have the right to live in dignified material conditions. To this end, every resident member of national society has the recognized right to a monetary income for an indefinite period of time and which is drawn from reserves of the State.

The right to a dignified death: this ensures that all people have the right to choose not to artificially prolong their lives, a right expressed either as a living testament or formalized with

all due guarantee.

The right to migrate or to universal mobility: the right of all people to leave their own country and to establish a residence in the place of their choice.

Rights related to sexual orientation: The right to personal self-determination, to sexual diversity and autonomy, in which it is recognized that all people have the right to exercise their sexual liberty and freedom, such as adoption, without discrimination.

The right to interculturality: The right to culture recognized in article 27 of the UDHR guarantees that everyone may freely participate in the cultural life of the community. This emerging right has aimed at developing and broadening its content, also guaranteeing reciprocal knowledge and mutual respect between people and groups of different origins, languages, religions and cultures.

The right to protection for all forms of family organization: matrimony between men and women, recognized in article 16 of the UDHR, is no longer

the only family reality. Nowadays there are many different ways that a family may be organized; this new interpretation aims at recognizing every human being's right to protection and safeguard by public authorities, regardless of the form that the family may take.

2 EXTENDING THE CONTENTS OF ALREADY RECOGNIZED HUMAN RIGHTS

The right to health, to medical care and to medicine: this right has been interpreted in a way that attempts to go beyond the right to health recognized under the Universal Declaration of Human Rights (UDHR). Not only does it ensure the necessary medical care and social services, but it also guarantees access to the best health technologies, as well as enjoyment of a health system that provides personalized prevention, care and assistance, and that makes essential medicine available.

The right to education: the right to education is formulated in article 26 of the UDHR, which recognizes the right to an elementary and fundamental education. As an emerging human right, there has been an effort to broaden this concept and content to also include the right to higher

learning and to knowledge, to ongoing and inclusive training to the eradication of illiteracy. Clearly, what is aimed at is the guarantee of continual and quality education, without any type of discrimination, and which is adapted to both personal needs and society demands.

Right to security of life: another aspect has been proposed for the right to basic security in article 25 UDHR: the right to basic security does not only imply the obligation of the public authorities to guarantee the security of its citizens, but that security must also be understood as a fundamental minimum, as a guarantee that all human beings have what is necessary for their survival and well-being: potable water and plumbing, energy, a basic adequate diet, continual and sufficient electricity supply...

3 EXTENDING RIGHTS TO TRADITIONALLY DISEMPOWERED COLLECTIVES

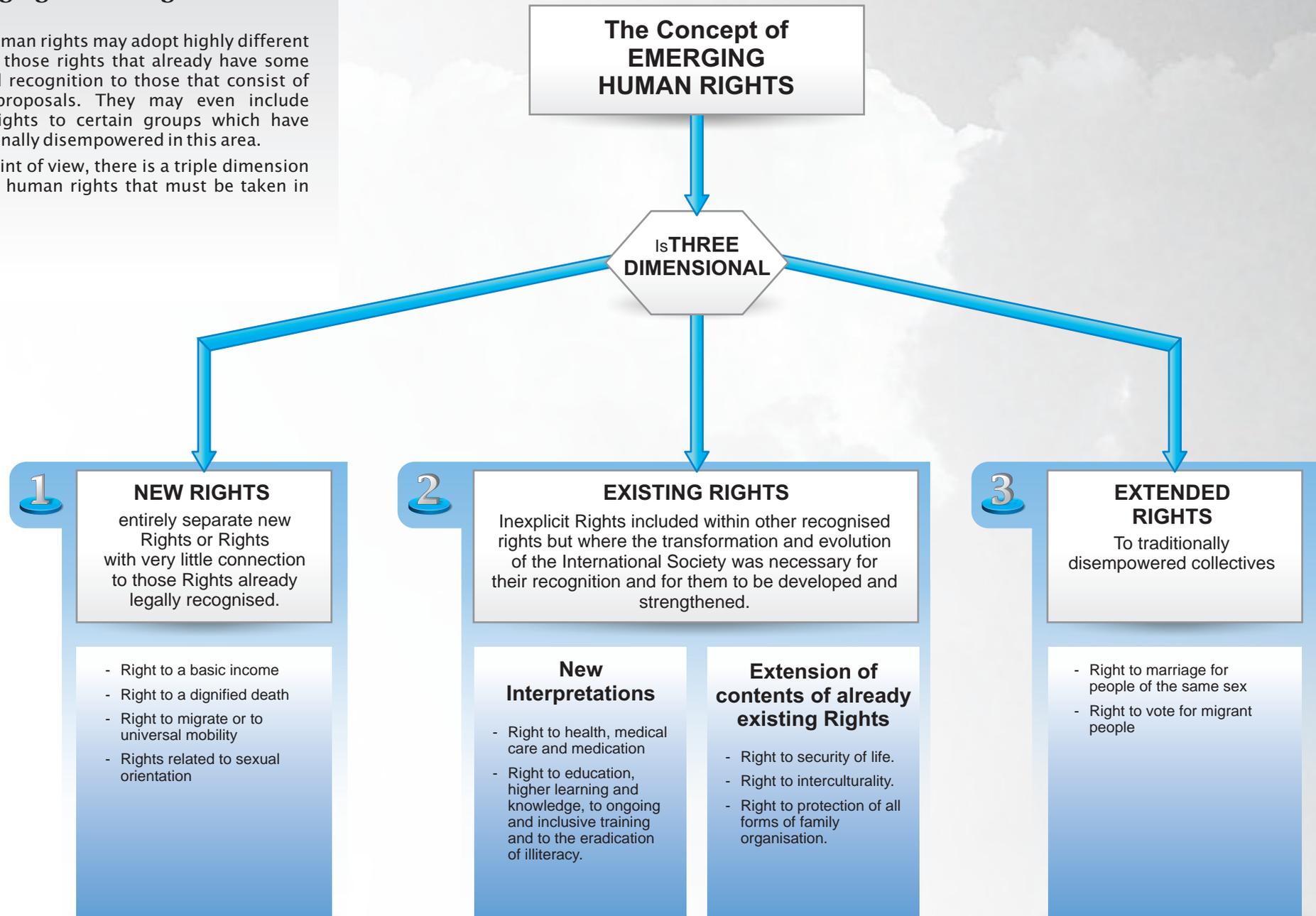
The right to marriage between people of the same sex: traditionally recognized solely and exclusively as the union between man and woman, the right to marriage is extended to everyone, independently of their sexual orientation.

The right to vote for migrant people: The universal right to active and passive suffrage protects the right of all people of adult age, independently of their nationality, to active and passive suffrage in all electoral processes and public polls conducted at their home address or usual residence.

WHAT ARE the emerging human rights?

Emerging human rights may adopt highly different forms, from those rights that already have some type of legal recognition to those that consist of innovative proposals. They may even include extending rights to certain groups which have been traditionally disempowered in this area.

From this point of view, there is a triple dimension to emerging human rights that must be taken in account:



TO FIND OUT MORE:

To delve further into these issues, visit the link to the *Universal Declaration of Emerging Human Rights* as well as publications on this topic at the web page of the Human Rights Institute of Catalonia (www.idhc.org).



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