Very Short Introductions online

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5. Deprivations of life and liberty
Andrew Clapham

‘Deprivations of life and liberty’ considers the rights to life and liberty, which may be limited through legal restrictions designed to protect a defined legitimate objective. The human rights approach starts from a presumption that we all have rights to liberty, freedom of expression, belief, assembly, association, property, and fair trial. Any restriction on these rights has to be justified as proportionate to the aims pursued by the restriction according to a four-stage schema developed in human rights law. Is the right to life absolute? When is the detention of an individual lawful?

6. Balancing rights—free speech and privacy
Andrew Clapham

‘Balancing rights—free speech and privacy’ considers the human rights that have built-in limitations. The thrust of international human rights law for these rights is that limitations to rights must be justified by reference to pre-existing accessible laws that allow for proportionate action necessary to achieve a legitimate aim such as national security, public order, or the rights of others. Human rights simultaneously claim to protect freedom of expression and the right to privacy, but how do you balance these rights and put them into practice? It all depends on the context and proportionality.

8. Discrimination and equality
Andrew Clapham

‘Discrimination and equality’ considers the prohibited grounds of discrimination (based on age, sexuality, religion, nationality, gender, and disability); what new grounds may be emerging; and when distinctions can be drawn between people reasonably and therefore
legitimately. Despite the existence of obvious inequalities at birth, justice and fairness demand a system to give everyone equal access to opportunities and, in some versions, redistribute resources to ensure that the least well-off are prioritized in an attempt to achieve equality of outcomes. These philosophical approaches provide much of the ballast for the human rights rules on discrimination—and the moral case for developing these rules to achieve greater social justice globally.

3. Human rights foreign policy and the role of the United Nations

Andrew Clapham

How are human rights put into practice? What does it mean when governments announce that their foreign policy is concerned with promoting and protecting human rights? Where is the enforcement of these rights? ‘Human rights foreign policy and the role of the United Nations’ considers human rights in terms of foreign policy and international law and examines the UN’s Universal Periodic Review process and the Office of the High Commissioner for Human Rights. It is only recently that governments have actively involved themselves in how another state treats its nationals, but enthusiasm for human rights in foreign policy ebbs and flows.

Human Rights: A Very Short Introduction

Andrew Clapham

Human Rights: A Very Short Introduction considers the controversies surrounding the human rights movement by focusing on highly topical issues such as torture, arbitrary detention, privacy, equality, health, and discrimination. It discusses the historical origins of human rights and how they are formed in law; explains what our human rights actually are; and considers where the human rights movement might be heading. Today, it is usually not long before a problem gets expressed as a human rights issue. Indeed, human rights law continues to gain increasing attention internationally, and must move quickly in order to keep up with a social world, which is changing so rapidly.

7. Food, education, health, housing, and work

Andrew Clapham
‘Human rights’ covers not only civil and political rights such as freedom from torture, slavery, and arbitrary detention, but also economic, social, and cultural rights. Everyone has the right to a standard of living adequate for their health and well-being and the right to security. ‘Food, education, health, housing, and work’ considers these rights in turn, examining their place in a wider view of human rights, and the appropriate mechanisms for their enforcement. A main concern is that economic and social policy is best determined by policy makers who are democratically accountable, and not by unelected judges with no specialized knowledge of how to prioritize the distribution of limited resources.

2. Historical development and contemporary concerns
Andrew Clapham

The content of human rights is usually understood by reference to the legal catalogue of human rights we find developed through international texts. ‘Historical development and contemporary concerns’ examines the key text for human rights today—the Universal Declaration of Human Rights—adopted in 1948 by the UN General Assembly. Since that time many treaties and intergovernmental Declarations have supplemented this proclamation of rights. The treaties are best viewed as providing a framework against which we can legitimately judge the performance of governments. How did this human rights catalogue come about? What roles did the League of Nations and Second World War play?

3. A legal right
Raymond Wacks

Privacy is acknowledged as an essential human right, recognized by a number of international declarations, among which the European Convention on Human Rights and the International Covenant on Civil and Political Rights are the most significant. Interpreting these provisions, the European Court of Human Rights provides important guidance in respect of the attempt to balance privacy against competing rights and interests, and this is briefly discussed. Leading decisions of the courts of various jurisdictions illustrate the problems of definition and the attempt to balance privacy against other competing rights. Cases before the US Supreme Court have generated an enormous, divisive debate concerning, in particular, the subject of abortion, which the Court has conceived to be an element of the right to privacy. A discussion of the celebrated US Supreme Court judgement in Roe v Wade is fundamental to an analysis of the meaning and limits of individual privacy.