

# Introduction to Human Rights



# Introduction to 'Rights'

- Legal rights in a relationship between two or more persons, e.g. A & B
  - Always identify the other party to the relationship!
- The other party to the relationship will usually have certain duties
- Rights are real when duties and duty-holders in relation to rights are clear
- Rights are enjoyed when there are effective remedies to enforce duties

# Defining Rights: Claim Rights

- Claim-rights

- A & B are two parties of a relationship
- B undertakes to pay sum of money to A
- A has a **right** to claim money and B has a **duty** to pay money
- B's duty **correlates** with A's right
- **Rights of recipience**
- 'Right' in a narrow sense

# Defining Rights: Liberties

- Liberty-rights
  - A is free to dress as he pleases
  - This does not bind B & C with duties in the sense of 'claim-rights'
  - B & C do not have to 'provide' something to A upon his claim
  - Absence of duty
    - B & C have no claim rights in regard to A's dressing
  - Indefinite number of liberties (**absence of ban**)
  - Active 'rights' (claim-rights passive)

# Defining Rights: Powers

- Powers
  - Right to vote in elections.
  - A is legally 'empowered' to cast her vote during elections.
  - B's not enfranchised, therefore is not legally empowered to vote
  - A holds a power, B does not

# Defining Rights: Immunities

- Immunities
  - A is immune from B's powers
  - Right to liberty & security?
  - Freedom from torture
  - Freedom from slavery
- A right may be asserted in one, several or all of the four forms

# Claim, Liberty, Power or Immunity?

- Right to property
  - Claim-right that others refrain from harming or using your property
  - Power to make will or sell property
  - Liberty to dispose of the property as one please
  - Immunity from powers of other to use your property without consent
- Right to equality
  - Claim
  - Immunity?
- Right to a fair trial
  - Claim
- Right to marry
  - Liberty
  - Power

# Are there Limits to Rights?

- Are there limits to rights?
- Are there absolute rights?
- How one should determine the legitimate limits?
- Who and how may limit rights?



# Questions to prepare for next class

- Situation I

- A & B are neighbors that have an old conflict over a plot of a land. During a regular quarrel between them, A stabs B to death. Did A violate B's human right to life?

- Situation II

- A is arrested in the police on suspicion of theft & denies the charges. Investigator B tries to elicit confession by beating A, who dies as a result. Did B violate A's human right to life?

- Situation III

- A & B are neighbors that have an old conflict over a plot of a land. A constructs a fence around disputed plot of a land to prevent access by B. Did A violate B's human right to property?

- Situation IV

- A owns a plot of a land in the center of a city. The government decided to expropriate this land for constructing an ice-cream factory. The government constructed a fence surrounding the land to prevent access by owners.