

HUMAN RIGHTS KEY DEFINITIONS

Definition: Universality

When we say that human rights are universal we mean that everyone is entitled to human rights. Human rights should be available to any human being, anywhere, any time.

Definition: Inherent

Inherent refers to human rights which belongs to a human being as a human being. Inherent means to be built into something as part of the very being or character of something.

Definition: Inalienable

Inalienable things cannot be taken away, surrendered or transferred. Inalienable things cannot be bought, sold or negotiated with. Because inalienable things cannot be given or taken away, people are stuck with them even if they would prefer not to be.

Definition: Dignity

Human rights are designed to support and sustain the dignity of individuals, including their self-confidence, sense of worth and ability to use their capabilities. Dignity is what makes us feel human and worthy.

Definition: Equality

All people are entitled to be treated equally. Different treatment can only be justified if it is necessary to achieve human rights goals.

Definition: Positive Duty

Definition: Positive Duties

Positive Duties refer to an obligation to take a certain course of action or provide a service. Positive duties cannot be fulfilled by remaining neutral or inactive.

Definition: Negative Duty

A negative duty requires a party to refrain from an action. The inaction is required by law. Negative duties designate what a party must avoid doing in any circumstance.

State Duties: “Respect, Protect, Fulfill,” and “Promote, Protect and Prevent”

Definition: Civil Rights

Civil rights protect an individuals’ personal liberty and ensure individual liberties such as freedom of expression, conscience, speech, religion, expression and movement.

Definition: Political Rights

Political rights are the rights allowing people to participate in politics, and having a political system that is fair to everyone. Some of these rights include the right to vote, the right to be a politician, and the right to join a political party.

Definition: Social Rights

Often thought of as social contract rights, as opposed to natural rights coming out of natural law, social rights ensure that resources are distributed in a way that ensure an adequate standard of living for all. Social rights include welfare rights and rights to public services.

Human Rights Concepts: Distinguishing Absolute rights, Fundamental rights, and non-derogable rights

The term fundamental rights is commonly used in human rights, particularly since the United Nations charter calls human rights ‘Fundamental rights and freedoms.’ However, not all human rights are fundamental, but there is a category of rights which are seen to be so important that States must comply with them no matter what the circumstances or the existing obligations of the state. There are three terms

used for the category of most important rights. They have a slightly different meaning which should be detailed.

Non-derogable Rights: These are rights in the ICCPR which a State has to respect no matter what the circumstance. In **chapter four** these will be a discussion of when a State is allowed to derogate (or ignore) some rights because of an emergency, and when it cannot derogate from some rights (that is, the non-derogable rights). Some rights, such as the right to life or freedom of religion, must be respected at all times regardless of the circumstances and they are non-derogable.

Fundamental rights: These rights are considered a custom of international law. A custom of law, discussed more in **Chapter four**, means that all states must obey this law, regardless of what human rights they have agreed to. These rights must be respected by all states, all the time. Examples are the right to life, freedom from torture and slavery, and non discrimination. Some non-derogable rights, such as freedom from being jailed because of failure to meet a contract, are not fundamental rights, whereas all fundamental rights are non-derogable.

Absolute Rights: these are rights that cannot be avoided and all people have these rights, no matter where they are. These rights, like freedom from torture and slavery, cannot be allowed by a State regardless of what human rights conventions they have agreed to, and regardless of where they occur. Not all fundamental rights are absolute, for example the right to life. In some situations, such as an armed conflict or the use of the death penalty, the fundamental right to life does not mean that the state cannot kill someone. All absolute rights are also fundamental rights and non-derogable rights.