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As discussed briefly in the previous video, most human rights may be subjected to certain restrictions, provided a number of conditions are met. Though human rights treaties vary in the formulations they use, these conditions generally relate to:

1. the **objective** that the restriction pursues (which must be recognized as legitimate -- some treaties provide a closed list of legitimate objectives);
2. the **legal regime** through which the restriction is imposed (which must be sufficiently clear and detailed); and
3. the **necessity** or **proportionality** of the restriction (which cannot go beyond what is justified by the objective announced).

In other terms, a limitation to human rights is only acceptable if (1) it is in the public interest, (2) the restriction is applied transparently, and (3) the limitation is the least restrictive possible of the rights of the individual. For instance, Article 30 of the American Convention on Human Rights states:

The restrictions that, pursuant to this Convention, may be placed on the enjoyment or exercise of the rights or freedoms recognized herein may not be applied except in accordance with laws enacted for reasons of general interest and in accordance with the purpose for which such restrictions have been established.

However, some human rights are "**absolute**": they cannot be subject to limitations, even where there would be otherwise compelling reasons to do so. In this section of the course, we first examine the case of these "absolute" rights, such as the right to life, the prohibition of torture, of inhuman or degrading treatment or punishment or of forced disappearances, or the right to liberty and security (i.e., the prohibition of arbitrary detention). Note that, though certain "absolute" rights (such as the right to life and the protection from torture or ill-treatment) cannot be derogated from, rights that are "absolute" are not necessarily "non-derogable": as we have seen in the previous section, the right to liberty and security may be subject to derogation where a State faces an emergency situation -- a conflict, or a natural disaster --. The two notions (of "aboluteness" and of "non-derogability") are therefore not to be confused. To illustrate the implications of an "absolute" prohibition, the next two sub-sections consider, respectively, the prohibition of torture in the context of the fight against terrorism, and the prohibition of torture or ill-treatment in the context of deportation, in cases of extradition, expulsion for reasons of public order, or the refoulement of asylum-seekers.

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