



TRANSCRIPT

Source: [Louv201x] Restrictions to Human Rights

Well, welcome to section three of the course, in which we will examine very important issue, quite central, really, to the understanding of international human rights. And that is the issue of when human rights may be subject to restrictions, to limitations, for whatever reasons governments want to restrict their reach.

Essentially, it's important to emphasize that some human rights may never be restricted. They are considered absolute. And even if the government comes forward with very strong reasons to impose limitations, that will not be allowed. This is the case for the right to life or the prohibition of torture or inhuman or degrading treatment or punishment, and for other very core rights in international human rights law, such as the prohibition of arbitrary detention.

Most rights, however, may be restricted. But when a state wishes to impose limitations on the individuals' rights, the state must put forward convincing reasons. And the usual regime of human rights restrictions is that three conditions are to be satisfied. First, the restriction must correspond to a legitimate objective. In other terms, there must be a very strong reason to impose restrictions on the right of the individual.

Secondly, the restriction must be in accordance with the law. It must be imposed transparently, and the legal safeguards must be such as to avoid any risk of arbitrary limitations being imposed on the rights of the individual. And thirdly, the restriction must be proportionate. It must be one that is necessary for the fulfillment of the objectives pursued, and it should not go beyond what is necessary for that objective to be realized.

So these conditions of legitimacy, of legality and of proportionality usually define the regime under which the restrictions imposed on the right of the individual shall be examined. And it is to these issues that this section is dedicated, a very important section. And I wish you the very best in conducting the exercises here. Thank you.