G4 ALLIANCE POLICY BRIEF
Human Rights – the Basics

The purpose of this policy brief is to understand how human rights can be used to hold governments to account for their legal obligations.

What are Human Rights?

Human rights are rights inherent to all human beings, regardless of race, sex, nationality, ethnicity, language, religion or any other status. They are based on shared values including dignity, fairness, equality, respect and independence. These are protected in a series of conventions, treaties and protocols that are binding under international law. Human rights contain the following characteristics:

Universality and Inalienability: Everyone is entitled to human rights simply for being human. They cannot be taken away or given up from anyone, irrespective of their age, gender, ethnicity, race, religion, nationality, sexual orientation, socioeconomic status, disability, health or any other status.

Indivisibility: Human rights are indivisible. Consequently, all human rights have equal status, and cannot be positioned in a hierarchical order. Denial of one right invariably impedes enjoyment of other rights.

Interdependence and Interrelatedness: Each human right influences the fulfilment of other rights. Often, the fulfilment of a right depends fully or partially on the fulfilment of others.

Equality and Non-discrimination: All individuals are equal as human beings. No one, therefore, should suffer discrimination on the basis of race, colour, ethnicity, gender, age, language, sexual orientation, religion, political or other opinion, national, social or geographical origin, disability, property, birth or any other status as established by human rights standards. The right to equal treatment requires that all persons be treated equally before the law, without discrimination. The principle of equality and non-discrimination guarantees that those in equal circumstances are dealt with equally in law and practice.

Participation and Inclusion: All people have the right to participate in and access information relating to the decision-making processes that affect their lives and well-being. This includes patients, health workers, and caregivers alike.

Accountability and Rule of Law: Whenever there is a right, there is also a duty or responsibility. This means there are ‘rights holders’ and ‘duty-bearers’. Governments, as duty-bearers, are legally obligated to respect, protect and fulfil human rights.

The Responsibilities of States
International human rights law lays down obligations which States are bound to respect, protect and fulfil. By ratifying international treaties, States assume obligations and duties under international human rights law.

**Obligation to Respect:** States must refrain from interfering with or curtailing the enjoyment of human rights. Example: States must ensure SOTA care services are accessible

**The obligation to Protect:** States must protect individuals and groups against human rights abuses. Example: States as duty-bearers must maintain patient confidentiality and dignity

**The obligation to Fulfil:** States must take positive action to facilitate the enjoyment of basic human rights. Example: States must ensure SOTA care services are accessible and affordable for the population/to the people

**The Core International Human Rights Instruments**

There are 9 core international human rights instruments. Each of these instruments focus on different aspects of human rights and are signed up to and then ratified by States that agree to abide by the provisions contained within each. To ensure that the States which have ratified these instruments are abiding to the provisions contained within them, committees of experts known as Treaty Monitoring Bodies (TMBs) have been established to monitor implementation of the treaty provisions by its States parties. Each State’s compliance with the provision of each instrument is reviewed by the relevant TMB on a regular basis.

- The International Covenant on Economic, Social and Cultural Rights (ICESCR, 1966),
- The International Covenant on Civil and Political Rights (ICCPR, 1966) and its two Protocols.
- International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol (CAT, 1987)
- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICMW, 1990)
- International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED, 2006)

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https://www.who.int/governance/eb/who_constitution_en.pdf

https://www.who.int/gender-equity-rights/knowledge/AAAQ.pdf?ua=1