



OMBUDSMAN  
NHRI SAMOA

# info sheet Human Rights

## WHAT ARE HUMAN RIGHTS?

Human rights are rights inherent to all human beings, whatever our nationality, place of residence, sex, national or ethnic origin, colour, religion, language, or any other status. They include the right to life and liberty, freedom from slavery and torture, freedom of opinion and expression, the right to work and education, and many more. Everyone is entitled to these rights, without discrimination.

*There are different translations of human rights in Samoa according to the different contexts the word is used. They include,*

- *Aia tatau o le tagata soifua*
- *Tāmāli'iaga o le tagata soifua*
- *Fa'amanuiaga fa'avae*
- *Fa'amanuiaga tatau*

*Although different translations, they all mean the same thing which is:*

- *“O ni fa'amanuiaga ua agava'a tutusa i ai i tatou uma ona o tatou o tagata soifua ma o ni tulaga e moomia mo le atina'e soifua manuia o soo se tagata (human needs).”*

Universal human rights are often expressed and guaranteed by law, in the forms of treaties, customary international law, general principles and other sources of international law. International human rights law lays down obligations of Governments to act in certain ways or to refrain from certain acts, in order to promote and protect human rights and fundamental freedoms of individuals or groups.

The following are some of the most important characteristics of human rights:

- human rights are founded on respect for the dignity and worth of each person;
- human rights are universal, meaning that they are applied equally and without discrimination to all people;
- human rights are inalienable, in that no one can have his or her human rights taken away other than in specific situations – for example, the right to liberty can be restricted if a person is found guilty of a crime by a court of law;
- human rights are indivisible, interrelated and interdependent, for the reason that it is insufficient to respect some human rights and not others. In practice, the violation of one right will often affect the respect of several other rights. All human rights should therefore be seen as having equal importance and of being equally essential to respect for the dignity and worth of every person.

The *Constitution of the Independent State of Samoa* contains fundamental rights that all Samoans are entitled to. Some of these include:

- Article 5: Right to life;
- Article 6: Right to personal liberty;
- Article 7: Freedom from inhuman treatment;
- Article 8: Freedom from forced labour;
- Article 9: Right to a fair trial;
- Article 11: Freedom of religion;
- Article 15: Freedom from discriminatory legislation.

These above rights are further guaranteed in other domestic legislation such as labor, family, employment and education laws. Such rights are also included in policies and guidelines which guide the work of Government agencies.