

Human Rights: For a Life With Dignity

ASIF RAHIM



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Book Name: **Human Rights: For a Life With Dignity**

Genre: Research

Author: **Asif Rahim**

First Edition: 2025

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Title design: ISLAM BALOCH

Price: 800

Published By

Ilm o Adab Publishers Karachi

Shop no. 311, 3rd Floor Book Mall, Urdu Bazar Karachi

Cell: 0335-7466580

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INTRODUCTION

The study of Human Rights covers a very important place in the world. In other words Human Rights are of universal importance. They are no doubt the inherent rights of man and are common to all regardless of caste, colour, religion, race, gender etc. To begin with, human rights in simple language may be regarded as those fundamental rights to which every human being living in any part of the world is entitled by virtue of having been born as human beings. In common parlance, human rights may be said to be those rights which are inherent in the people by virtue of their being as human beings, the rights that are required for the full and complete development of human personality.

The international concern with human rights is a phenomenon of comparatively recent organisms. Although, it is possible to point to a number of treaties or international agreements affecting humanitarian issues before the second world war, it is only with the entry into force of the UN charter in 1945, that it is possible to speak of the advent of systematic human rights protection within the international system. The international protection of human rights has its antecedents in domestic efforts to secure legal protection for individuals against the arbitrary excesses of state power.

Even today, the protections of human rights at both the national and international level are intimately connected. All international instruments require the state's domestic constitutional systems to provide adequate redress for those rights that have been violated. In a sense, therefore, international mechanisms operate to reinforce domestic protection of human rights and to provide redress when the domestic system fails or is found wanting.

Although the origins of human rights law are traced back to the revolutionary constitutionalism of the seventeenth and eighteenth centuries, it wasn't until the end of the Second World War that the international community began to

manifest an interest in the promotion and protection of such rights through the medium of international law. In addition to the absence of the necessary political will to undertake the appropriate action, the structure of international law itself was one of the main impediments of progress in the field. At the time, international law was simply a law which regulated relations between states. States were also subjects of the international legal system, other entities, including individuals, were merely objects of the system. States might adopt rules for the benefit of individuals, but such rules conferred neither substantive right on those individuals nor were they enforceable by any procedural mechanisms. Individuals as citizens of the state were subject to the complete authority of their government, and other states, in general, had no legal rights to intervene to protect them should they be maltreated.

In the classical liberal view, a good society is based on respect for the equality and autonomy of individuals, which is assured through the recognition and application and protection of the fundamental legal rights of the person. The subject of international human rights thus projects liberalism into a realist world, a world dominated for several centuries by states and their collective interests.

This book presents an analysis of human rights concepts, theories of human rights, historical developments, international, regional and the constitutional protection of human rights and also mentioned the protecting organizations of human rights. The central object of this thesis is to have an introduction of international protection of human rights. It also relies on international bills and the role of protecting organizations of human rights.

THE CONCEPT OF HUMAN RIGHTS

Human rights are considered to be those fundamental and moral rights of the person that are necessary for a life with human dignity. Human rights were no longer a matter necessarily or always within state domestic jurisdiction, in principle states were to answer to the international community for their treatment of individuals. International law is considered not only the subject of war and trade, but also human rights. Human rights had been internationalized and internationally recognized rights had become reutilized. International law involved aspects of governance in the sense of public management of policy questions. Attention to human rights was part of this international governance, concerns about the equal value, freedom and welfare of individuals has long affected many national constitutions and much domestic public policy.

Human Rights belong to a person and affirm his human dignity. The concept of human rights was unknown during the ancient and medieval period. In those days the ruler of a country was considered to be the fountain of all sources. He possessed vast powers in his hands. The autocratic rulers just safeguarded the country from foreign invasions and the subjects in turn obeyed the dictation of the ruler. It goes without saying that rights do not exist in a state of anarchy. It is essential to enquire into the relation between the conceptions of the law of nature and the natural rights of man. The concept of human rights has evolved from the concept of natural rights. These natural rights are derived from Natural Law, which helped the development of human rights.

This thesis presents an analysis of human rights concepts, theories of human rights, historical developments, international, regional and the constitutional protection of

human rights and also covers the protecting organizations of human rights. The central object of this thesis is to have an introduction of international protection of human rights. It also relies on international bills and the role of protecting organizations of human rights.

Human rights are thus means to greater social end, and it is the legal system that tells us at any given point in time which rights are considered most fundamental in society, even of human rights are thought to be inalienable, a moral attribute of persons that the state can not contravene, rights still have to be identified, that is constructed by human beings and codified in the legal system. While human rights have a long history in theory.

The concept of human rights presupposes that the state has a duty to advance or protect these basic rights. Human rights have also to do with relationships of citizens among themselves. Human rights are more absolute than rights in general. In special circumstances only, the exercise of human rights may be limited in favor of other interests.

Meaning of Rights

Rights are those conditions of social life without which man cannot be as his best or give of his best, or what is needful to the adequate development and expression of his personality.

Different scholars have given various definitions of human rights. Prof. Laski has said that every “state is known by the rights that it maintains”. According to Bosanquet, “a right is a claim recognized by society and enforced by the state”. Barker said “Rights are the external conditions necessary for the greatest possible development of the capacities of the personality”.

Definition of Human Rights

To begin with, human rights in simple language may be regarded as those fundamental rights to which every human being living in any part of the world is entitled by virtue of having been born as human beings. In common parlance, human rights may be said those rights which are inherent in the people by virtue of their being as human beings the rights that are required for the full and complete development of human personality.

When we speak of human rights, however, we usually have in mind certain rights which pertain to individual men and women because they are human beings and for no other reason. Human rights are those rights without which there can be no human dignity. Henry Shue defined that human rights are those rights, which are essential for the dignity of human beings. The universal Declaration of Human Rights, which includes not only the traditional civil and political rights but also the more recently recognized economic, social and cultural rights.

Human rights are based on identical fundamental conceptions. Most fundamental is the idea of human rights as presuppositions of a human life worth living. No life can be worthwhile without enforceable guarantees, against the state and others, to physical integrity, freedom of thought and action and means of subsistence. These rights are based upon primary material and immaterial necessities of life. Human needs and human rights are correlative implications. Needs make sense because they refer to values and later are inherent in the reality of needs.

The Grounding of Human Rights

Human rights are the rights that everyone has, and everyone equally, by virtue of their very humanity. They are grounded in an appeal to our human nature. Charles Fried described that we all ought to enjoy human rights, and all of us equally. It suggests that there are some respects in which human beings should be considered as all of equal worth, and challenges those who disagree to come up with a better view. In the classical liberal view, a good society is based on respect for the equality and autonomy of individuals.

Need and Moral Rights

Moral rights are fundamentally dependent on its origin and moral components. Moral needs in turn require some kind of justification, which allows to establish the relationship between determined value and rights and such justification lies in the fact that those values correspond. That is to say it is claimed that human rights are moral rights that does not imply claiming that all moral rights can be considered as human rights, but that only these moral rights that constitute justified ethical reasons or important and strong reasons of a moral and political nature, and it these reasons that furnish.

Individual and collective rights

Most human rights are individual rights; they belong to individuals. But certain collective rights are also called human rights. The individual enjoys such rights in his capacity as a member of a collectivity. With the exceptions noted, all the rights set forth in the International Bill of Rights (The Universal Declaration and the two United Nations covenants) and in the regional human rights conventions are enunciated as individual rights. This is true even of 27 of the

covenant on Civil and Political rights which speaks of the rights of persons, belonging to ethnic, religious and linguistic minorities (which are collectivities) and of the economic, social and cultural rights set forth in the Universal Declaration and the Covenant on Economic, Social and Cultural Rights. These rights are, as the use of such expression as everyone indicates, enunciated as individual rights, language of the greatest significance at a time when there is so much talk about collective rights and about these rights having priority over individual rights.

CLASSIFICATION OF HUMAN RIGHTS IN INTERNATIONAL LAW

However, even within supposed categories of rights, there is debate about whether the more fundamental rights and freedoms can be separated from those, which are less fundamental. The position of the United Nations general assembly is clear on this issue. it has stated on a number of occasions that 'all human rights and fundamental freedoms are indivisible and interdependent and hat equal attention' and urgent consideration should be given to the implementation, promotion and protection of both civil and political

economical, social and cultural rights. This statement, however, is not particularly useful, since it does not reflect the actual position as regards the different goals and implementation programs of the

various human rights instruments, which we will be considering in detail later in other chapters of the thesis.

Fundamental Rights

There are some rights that might be regarded as more fundamental than others. Certainly, there is some support for this view in the wide variety of international human rights instruments now in force. These rights lie at the foundation of the international community as presently represented in the United Nations and, in a more limited sense, in other important worldwide and regional

organizations. Included in this list are the right to life, freedom from torture, inhuman and degrading treatment, freedom from

slavery or servitude, freedom from ex post facto laws and freedom of thought, conscience and religion.

Economic, Social and Cultural Rights

Economic, social and cultural rights have as their object the material well-being and cultural life of their beneficiaries. Their

inclusion in the Universal Declaration and later in the covenant on economic, social and cultural rights was another radical departure from accepted attitudes and practice, and is one of the pillars on which the claim of the International Bill of Rights to historic importance rests. These rights and the rights of minorities received

more attention than other human rights now enunciated in the Universal Declaration of human rights.

Civil and Political Rights

For the most of the rights enunciated in the Covenant on Civil and Political Rights are possessed by both citizens and aliens. The obligation assumed by the states parties is indeed to respect and to ensure to all individuals within its territory and subject its jurisdiction, the rights recognized by the instrument and this includes persons who are not citizens. They are indeed political rights of a very special kind, for they are recognized and enjoyed only in democratic and there can be no democracy in any real meaning of the term without them.

The Right to property

The right to property is also one of the important civil rights of man. Less than a century ago this right was considered as important as the right to security of person and the two rights were generally lumped together. This right is based on the assumption that owning property a natural instinct in man and it provides incentive to hard work. Thus,

since the early days of human society, the idea of property has been a supreme right in the evolution of civilization. The right to property means the freedom to the individual to enjoy his property. It implies that the individual has the right to acquire, hold and dispose of property, without any restriction or hindrance. It also means that he is free to alienate property by way of gift, exchange or will.

The Right to Equality

The right to equality is also given importance in the modern democratic states. This right means the absence of legal discrimination against any one individual, group, class or race. In earlier times certain classes possessed special privileges or were judged by special law.

In the present time the tendency is to enforce the same law over all persons in the state and to give to all persons equal rights and privileges in the protection of their civil liberty.

The Right to Petition

The right to send a petition for the redress of grievances is an old and valued right of people. This right entitles every citizen to send petitions, either individually or collectively, to the competent authority, executive or legislative, for the redress of grievances.

The Right of Criticizing the Government

This right is available only in free and democratic states. This right is beneficial not only for the people but also for the government. It is necessary for keeping the government on the right path and to protect the interests of the people.

THEORIES OF HUMAN RIGHTS

Introduction

International human rights theorists have tended to fall into one of two very broad schools of analytical jurisprudence, the natural and positive law schools, which we will examine shortly. It is in the field of normative jurisprudence that international theorists have been more active. In this chapter, it is possible to do little more than provide a cursory examination of some of the major theories which are of relevance to human rights.

From the preceding chapter, however, the reader may have glimpsed that the phenomenon known as human rights is connected not only with the protection of individuals from the exercise of state or governmental authority in certain areas of their lives, but that it is also directed towards the creation of societal conditions by the state in which individuals may develop to their fullest potential. This description may reveal what human rights are intended to achieve in a teleological sense.

All of these questions, and many more, are of fundamental importance, since perceptions about the existence, worth and relationship of rights one to another, and to legal norms in general, produce practical consequences as far as the protection of human rights is concerned. The way in which we approach questions such as these depends upon our understanding of human rights within some form of theoretical framework. Even those who would deny that it is necessary to look beyond the positive law contained in the vast array of existing legal instruments have already implicitly adopted a theoretical stance, although they may be unaware of having done so. The function of theory, however, is to provide an analytical tool by which important questions such as those above may be posed and tentative answers offered.

NATURAL LAW AND NATURAL RIGHTS

There can be little doubt that human rights or the rights of man as they were known at first are progeny of the natural law school. While precepts of natural law may be traced back to classical times, for present purposes it may be said that the modern school of natural law emerged in medieval times with the writings of the early Greek philosophers. In the view of Thomas Aquinas the natural law postulated that it was that part of God's perfect law, which could be divined through the application of human reason. Part of early natural law philosophy was the idea that each person's station in life was determined by god, but that all people—whatever their status, were subject to the authority of God.

From this it was possible to state not only was the royal authority of monarchs constrained by divine rules, but also that all human beings were endowed with a unique individual identity, which was separate from the state. Indeed, this latter facet of natural law doctrine may be seen as containing the seeds of the natural rights idea that each person constituted autonomous individuals.

The basis of early natural law was, entirely theistic, that is, its development of natural law, however, was to sever it from its theistic origins and to make it a product of enlightened secular rational thought. This task was undertaken by Grotius, who is generally acknowledged to be the father of international law.

The Liberal-Individualist Theory of Natural Rights

The exponents of Liberalism propagated the liberal theory of rights in the seventeenth and eighteenth centuries. The ideas, which together are known by the term "liberalism", classical and modern, may often appear to be contradictory. However, certain tenets can be made out of

them. Freedom of thought and political freedom are its principles, which were born with the struggle of the middle classes against feudalism. The liberal principles that have gone to influence the concept about rights included the principle of civil, fiscal, personal, social and economic liberty. The liberal concept of rights explains liberty issues in the form of individual rights. As Laski said, "Liberty is the atmosphere created by rights." Liberty consists in the maintenance of a system of rights. Individuals can enjoy their rights only when these are regarded as inviolable and fundamental to the state. The crown and glory of liberalism was political liberty and popular sovereignty.

Criticism of the liberal Individualist Theory of Natural Rights

The doctrine of natural rights has been strongly criticized. First, it is variously interpreted and there is no universal concept of natural rights. It is very difficult, if not impossible, to define the term "natural". D.G. Ritchie has written a whole volume on natural rights and brings out the various senses in which the term has been used. In which of the senses are we to understand the term 'nature' in speaking of natural rights? Will it mean the whole universe, or the non-human part of the universe, the ideal or the original or average? To use the paradoxical language of prop. Hocking, it is natural for human beings to be artificial. Wearing clothes, which was artificial at one time, is natural today. If "natural" means the whole process of nature, its normal meaning, the civilized condition is just as natural as the savage condition. Secondly, among the supporters of this theory there is no official, or complete or generally agreed list of natural rights. Some justify slavery as natural; others condemn it as being unnatural and artificial.

THEORY OF POSITIVISM

Positivists argued that existence and content of rights could be derived only from the law of state. While the approach of the natural law and natural rights theorists was essentially non-empirical, the empirical methods adopted by the positivists reflected the scientific milieu of the Age of Enlightenment of eighteenth-century Europe.

It was Scotsman David Hume who first raised discussion between the natural and positivism school of jurisprudence. Hume argued that the inquiry into social phenomena could be divided into two distinct categories; first the category of facts, which could be proved to exist empirically, and which could be demonstrated to be true or false. Second was the category of morality which could not be proved to exist objectively and about which people might have legitimate differences of opinion. In Hume view, this was empirically provable – that formed the basis of valid scientific enquiry. This had the consequence of severing the discussion of morality from the analysis of the legal system. Once this had been done, the natural law appeared to be simply an argument about which moral position was better than another. Furthermore, while natural law failed to demonstrate how a systematic legal system could be constructed from its precepts, positive law took as its starting the existence of a formal legal system.

The apparent amoral starkness of Hume's position was given a humanitarian face by the development by Jeremy Bentham of a school of positivism known as utilitarianism. The main achievement of Hume and Bentham was to make law an autonomous field of scientific study separate and distinct from natural law inputs, and to pave the way for the more systematic approach of John Austin. Austin's empiricism led him to conclude that the only valid laws were the commands of the sovereign or the ruling political power, which were accompanied by appropriate sanctions or remedies. From this position, it was possible to construct a rational system of interlocking and scientifically verifiable rules.

LEGAL REALISM

Foremost among the legal realists were Karl Llewellyn, and Roscoe Pound. Their major concern was to discover what law does rather than what law is. Because of their empirical framework, the legal realists had no general theory of rights as such, but considered them as forming part and parcel of their study of the processes and interaction of policy, law and legal institutions. Within this framework, rights might emerge as the end product of such a process of interaction, thereby reflecting the prevailing moral values of society at any given time. In the sense, the realists provided a kind of rights as a temporary manifestation of an ongoing process. Although Pound devised a prescription for the validation of human rights wants, human demands and social interest through the principle of social engineering, he did not identify a mechanism or method by which individual rights might be prioritized both in relation to each other and in relation to societal goals.

None the less, a contemporary development within the realist school perhaps addresses some of the criticisms directed at Pound. This is the Yale school of international law, he has developed an explicit and policy-orientated approach to human rights based on the super value of the protection of human dignity. Like other legal realists, McDougal argues that demands for the satisfaction of human rights derive from a broad-based international sharing of values. These values are manifested by demands relating to such social goods as respect, power, enlightenment, well-being, health, skill, affection and rectitude. All of these values contribute towards, and are validated by, the super-value of human dignity.

HISTORICAL DEVELOPMENT OF HUMAN RIGHTS

Introduction

International concern with human rights is a phenomenon of comparatively recent origin. Although it is possible to point to a number of treaties or international agreements affecting humanitarian issues before the Second World War, it is only with the entry into force of the United Nations charter in 1945.

Greece and Rome

The account of natural law, which begins with the Roman idea of a universal system of law, is in fact dependent not merely on stoic cosmopolitanism, but also on the earlier Greek discovery of the idea of nature. The Greeks allowed two kinds of distinction that were important in the subsequent development of the theory of natural rights, in the first place on ideal world constructed on rational principles from a theory of nature could be set alongside the real one. Permitting criticism of the mundane and not mere conformity to what was customary. And secondly, it meant that what was general, common to all societies because common to all natures, could be set apart from what was particular, relative, to the several societies of the world.

Theory of Natural Law

The basic concept of the natural law was that the individuals belonged to a universal community which existed by nature and whose rules were apprehended by the use of reason. The master concept making this development

possible was that of reason yoked to nature. The stoic ideal of living agreeable to nature had an external and an internal aspect from the point of view of the individual. It supposed that there was a natural order in the world at large governed by reason, and that it benefited individuals to discover and live in conformity with this order. The individual was too subordinate to reason in order to live a moral life. In treating justice as a quality that existed in a whole community, Plato and also Aristotle had subordinated the good of the individual to that of the state, and allowed him no appeal beyond any wider notion of community.

The Middle Ages

Roman jurisprudence made its chief contribution to the evolution of the modern idea of right. Meanwhile, the common law of the Middle Ages was raising natural law above its place in Roman jurisprudence, and having it come before positive law in both origin and dignity. So the fundamental fact, at the close of the Middle Ages was the obliteration by the state and the individual of all intermediate groups in society, and it is in the contest between the victors that the western theory of human rights is worked out.

Renaissance and Reformation

This was the doctrine that legitimised the absolutist state, but it was not a legitimacy that went unchanged. There were, firstly, the arguments against it already available from medieval and older political theory. From the later middle ages come the idea that political authority resided in the body of people, than the lordship of an individual prince was only a temporary and representative exercise of a power in the politic, an office or function, and that there was a right arising from the popular sovereignty of an assembly of the people to depose magistrates who failed to fulfill their proper functions.

Grotius in the seventeenth century who suggests that we should make it a habit to start with rights. In his work, it has been said, the law of nature becomes, respecting one another's rights. Then his contemporary Hobbes pushes the idea of right beyond legal restraint by calling it a liberty to do or to forbear-contrasted with law, which banded to one of them, and allow in, in the form of a right of nature, anything which is necessary to an individual's self-preservation.

The English Experience

(I) Magna Carta

While Magna Carta (1215) is often erroneously seen as the organs of the liberties of English citizens, it was, in reality, simply a compromise on the distribution of power between King John and his nobles, the language of which only later assumed the wider significance which is attributed to it today.

(ii) Petition of Right (1628)

No man hereafter be compelled to make or yield any gift, loan, benevolence, tax, or such like charge, without common consent by act of Parliament; an that none be called to make answer, or take such oath, or to give attendance, or be confined, or otherwise molested or disquieted concerning the same, or for refusal thereof; and that no freeman, in any such manner as is before mentioned, by imprisoned or detained; and that your Majesty will be pleased to remove the said soldiers and mariners, and that people may not be so burden in time to come; and that the aforesaid commissions for proceeding by martial law, may be revoked and annulled; an that hereafter no commission of like nature may issue forth to any person or persons whatsoever, to be executed as aforesaid, lest by colour of them any of your Majesty's

subjects be destroyed or put to death contrary to the laws and franchise of the land.

(iii) Bill of Rights (1689)

The Bill of Rights, which is described in its long title as An Act Declaring the Rights and Liberties of the subject and setting the succession of the Crown, was the outcome of the seventeenth-century struggle of parliament against the arbitrary rule of the Stuart monarchs. Passed after the enforced abdication of James II and the accession to the throne of William III and the Mary II following the Glorious Revolution of 1688, the Bill, which express itself to be declaratory of existing law and not creative of new law, subjected the monarchy to the power of parliament by declaring illegal the claimed suspending and dispensing powers of the Crown. It also forbade the levying of taxes or maintenance of a standing army in peacetime by the Crown without parliamentary consent.

The American Experience

The experience of the English Revolution and the various philosophical and theoretical attempts to justify it were not lost on the leaders of Britain's rebellious North American colonies in the latter part of the eighteenth century. Seeking to disengage the colonies from British rule following dissatisfaction over the levels of taxation and lack of representation in the British Parliament, the American Founding Fathers sought justification in the social contract and natural rights theories of Locke and the French philosophies. In the American Declaration of Independence (1776), drafted by Thomas Jefferson, these ideas find particularly clear and felicitous expression.

U.S Bill of Rights

U.S. Bill of Rights passed by Congress September 25, 1789 and ratified December 1791. While the high sounding ideals of the protection of life, liberty and the pursuit of happiness were sufficient for a declaration of independence, they were clearly inadequate as a catalogue of individual rights which the state was obliged to protect.

Some Guaranteed Rights

1. Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the government for a redress of grievance.

2. A well-regulated Militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed.

3. No soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

4. The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by or affirmation, and particularly describing the place to be searched and the persons or things to be seized.

The French Revolution

The French Revolution was concerned with the demolition of an old, absolutist system of government and the establishment of a new democratic order. This, of course,

posed the same question of legitimacy, which had rid to this problem identified by the French, taking the lead from American notions of popular legitimacy, was that of self-determination. The central proposition of this concept was that the sovereignty of a nation lay with its people. Government was therefore to be the people for the people \textit{by} the people, and any government, which was not responsive to its citizens' demands, could be changed by expression of the will of the people.

The settlement following the French Revolution also reflects the social contract and natural rights theory of Locke and the French philosopher, Montesquieu and Rousseau. The Declaration of the Rights of man and the Citizen 1789, made it perfectly apparent that government is a necessary evil and that as little of it as possible is desirable.

French declaration of the Rights of Man and of the Citizens (1789)

Preamble

The representative of the French people, formed into a National assembly, considering that ignorance, neglect or scorn of the rights of man to be the only cause of national misfortunes and the corruption of governments, have resolved to set out, in a solemn declaration, the natural, unalienable and sacred rights of man.

So that Declaration, always present to all members of society, reminds them constantly of their rights and their duties;

So that the demands of the citizens, founded henceforth on simple and indisputable principles, are always oriented to conserving the Constitution and to the happiness of everybody.

Some Selected Articles of Declaration

Art. 1- Men are born and remain free and equal in rights. Social distinction can be based only upon benefit for the community.

Art. 2- The aim of every political association is the preservation of the natural rights of man.

Art. 4- The liberty consists in being able to do anything that does not harm other people.

Art. 6- The law is the expression of the collective wishes of the public. All citizens have the right to contribute, personally or through their representatives, to the forming of the law. The law must be the same for all, whether it protests or it punishes.

Art. 7- No man can be accused, arrested or detained except in the cases determined by the law, and according to the methods that the law has stipulated.

Art. 10- No one should be harassed for his opinions, even religious views, provided that the expression of such opinions does not cause a breach of the peace as established by law.

Art. 11- The free communication of thought and opinions is one of the most precious rights of man. Any citizen can therefore speak, write and publish freely; however, they are answerable for abuse of this freedom as determined by law.

Art. 17- property, being an inviolable and sacred right, no one may be deprived of it; unless public necessity, legally investigated, clearly requires it, and just and prior compensation has been paid.

The New Rights

Civil and political rights are not, however, the only rights which are protected by the modern constitutions and contemporary international law. A variety of economic, social, cultural and other rights are also the subjects of various forms of protection. Liberty, or first-generation rights, is represented by civil and political rights, the right of individuals to be free from arbitrary interference by the state. Equality, or second-generation rights, corresponds to the protection of economic, social and cultural rights; the right to

the creation of conditions by the state which will allow every individual to develop their maximum potential.

These second-generation rights required the state to put in place programmes for the full realization of the rights. Economic, social and cultural rights are sometimes seen as a socialist legacy or as the domestic constitutions of various countries. Third-generation rights or rights of solidarity, are the newest and most controversial category of rights. These are asserted by developing states, which wish to see the creation of an international legal and economic order that will guarantee the right to development, to disaster relief assistance, to peace and to a good environment. The implementation of such rights depends upon international cooperation and not simply internal constitutional measures.

PRE-SECOND WORLD WAR INTERNATIONAL DEVELOPMENTS

(I) Abolition of Slavery:

There were, however, certain humanitarian developments, which occurred in international law during the nineteenth and early twentieth centuries. Foremost among these was, perhaps, the abolition of the slave trade. Although the economics of slavery in the late eighteenth and early nineteenth centuries made the practice commercially less attractive to European states than it had been previously, its abolition was also motivated by humanitarian concerns. The practice of slavery was first condemned in the Paris Peace Treaty 1814, between Britain and France, but within the space of 50 years the General Act of the Berlin Conference

providing for the European colonization of Africa declared that trading in slaves is forbidden in conformity with the principles of international law. International action against slavery and the slave trade has continued throughout the twentieth century. The League of Nations adopted the convention to suppress the slave trade and slavery in 1926 and prohibited the practice of slavery within the former German and Turkish colonies under the League mandate system at the end of the First World War.

(ii) The Red Cross

The other major achievement in international humanitarian law in the second half of the nineteenth century was the formation of the International Committee of the Red Cross (1863) and that organization's sponsorship of two international conventions to protect the victims of war and the treatment of prisoners of war. The work of the Red Cross

has continued throughout two world wars and beyond, and it has sponsored a number of conventions dealing not simply with the status and treatment of combatants, but also with the treatment of civilian populations during times of war and limiting the methods by which wars may be waged.

First Geneva Convention (1864)

The traditional "Geneva Convention" brought into being by the newly created International Committee of Red Cross in 1864, is the source of the convention, which is now universally accepted. The original convention gave the impetus to the Red Cross movement throughout the world. This first international treaty, the fundamental principles of which have remained unshaken, was nevertheless marked by omissions and imperfections, and as early as four years after signature, a conference was convened to discuss its revision.

The International Labour Organization (ILO)

Early twentieth-century efforts in the humanitarian field are largely associated with the post-First World international settlement. The International Labour Organization, created by the Treaty of Versailles (1919), was a response to the Allied powers, concerns about social justice and standards of treatment of industrial workers which had largely been prompted by the Bolshevik Revolution of 1917. The ILO became a specialized agency of the UN in 1946, may be seen as the precursor of system for the protection of economic, social and cultural rights.

The League of Nations

The League of Nations, an international organization established after the First World War. First world war to provide a system for ensuring peace and security, and facilitating international cooperation, made no provision for the protection of human rights. Nevertheless the League's founding document, the covenant, committed the member

states to work towards certain humanitarian objectives such as establishing human working conditions for individuals. The prohibition of traffic in women and children, the prevention and control of diseases and the treatment of native and colonial people.

Minorities Treaties

After the First World War various treaties contained for the protection of the minorities. In addition to these treaties, certain states made declarations concerning the protection of minorities within their states as a condition of becoming members of the League of Nations. The League of Nations also exercised a supervisory function in respect of these obligations; groups which considered that their rights were being violated could bring the matter to the attention of the Council of League. The Council could then refer the matter to the Minorities Committee for conciliation and to attempt a friendly settlement between the parties. The main purpose of the treaties was to ensure the equal treatment of the ethnic, religious or linguistic minorities in the states in question and to allow the peoples constituting these groups to preserve and develop their own distinct identities within the framework of the nation state.

POST-SECOND WORLD WAR DEVELOPMENTS

The United Nations

Despite the advances made in the sphere of humanitarian law and in the protection of economic, social and cultural rights during the nineteenth and early twentieth centuries, it was not until after the cataclysmic event of the Second World War that international human rights law began to develop in a coherent and recognizable way. The violations of Nazis against their own people in Germany and against those in its conquered territories created such revolutions that, even before the conclusion of the war, the Allies determined that the post-war settlement should include a commitment to the protection of human rights. This they saw as a necessary prerequisite to the creation of a just and stable international order under the auspices of the planned United Nations Organization.

The UN Charter and Universal Declaration

Although Article 2(7) of the UN Charter reaffirmed the principle of non-intervention by the organization in matters essentially

within the domestic jurisdiction of the member states, thus appearing to preclude international intervention in the human rights field, it also contained several specific references to human rights. The preamble of the Charter reaffirmed the faith of the people of the United Nations in fundamental human rights, in the dignity and worth of the human person, and the equal rights of men and women. The charter also includes as one of its purposes in Article 1 promoting respect for human rights and fundamental freedom for all. The promotion of human rights by the UN

was also reinforced by article 55, and under article 56 the member states pledged themselves to take joint and separate action in cooperation with the UN for the achievement in the Charter concerning various institutional competencies also referred to human rights as a general category.

The work of drafting the international Bill of rights, was assigned to the commission on Human Rights (HCR), a subsidiary organ of the UN's Economic and Social Council (ECOSOC). The commission, which was composed of government representatives, decided that the catalogue of human rights should take the form of a resolution of the UN General Assembly, since it was unlikely that any consensus could be achieved on incorporation of the rights into the Charter or that support for a legal binding human rights treaty would be forthcoming. The major advantage of the declaration in the form of a resolution was that it would not be legally binding but would proclaim a common standard of achievement for all peoples and all nations. The Universal Declaration in its final form contained a list of civil and political rights and economic, social and cultural rights to which all persons were entitled without discrimination.

The International Covenants

As it was recognized by the UN General Assembly at the outset that the Universal Declaration was not intended to create legally binding obligations on the member states, it mandated the Commission for Human Rights to complete the drafting of an internationally binding treaty which would not only transform the rights referred to in the declaration into positive law but would also provide institutions and mechanisms for supervision and enforcement.

Unfortunately, this task proved to be more difficult than originally envisaged, since a dispute arose between members of the commission about the relationship between civil and political rights on the one hand and economic and social

rights on the other, and also over the appropriate means of implementation, supervision and protection. It was finally decided that instead of a single treaty or covenant being drafted to protect both categories of rights, two covenants would be prepared, each devoted to the different groups of rights. The two separate covenants, the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural rights (ICESCR) were opened for signatures in 1966, but didn't enter into force, and became effective in 1976.

Regional Human Rights Systems

There are at present four regional human rights systems. These are the European human rights system, the Inter-American system, the Organization of African unity's Charter of human and People Rights, Islamic Human Rights Organization are The main achievement of the European Convention, however, has been to provide a mechanism by which individuals who believe that their rights have been violated by their states can petition the European Commission in an attempt to secure redress.

Non-Governmental Organizations (NGOs)

Discussion of human rights would be incomplete, however, without some reference to the play by NGOs or groups of private individuals concerned with such issues. The earliest of these NGOs might be said to have been the International Committee of the Red Cross, founded in 1863 following a private initiative by Swiss physician Henri Dunant. Among the more well known are the International Commission of Jurists, Amnesty International, the Anti-Slavery Society, etc.

From this brief historical excursus, it is perhaps apparent that both instruments and institutions for protection of human

rights on a universal and regional basis have developed exponentially since the end of the second world war. Before this task can be undertaken, however, there are two important preliminary matters, which must be considered.

First, considerable reference has been made so far to various groups of rights, especially the two major categories of civil and political rights and economic, social and cultural rights, without any attempt to define what they are. Furthermore, it might be said that the term rights, itself demands some analytical enquiry in an attempt to determine exactly what is being considered. The protection of human Rights is in the last resort a matter for international law; it is desirable that some description of the nature, problems and attributes of that legal system are considered.

INTERNATIONAL LAW AND HUMAN RIGHTS

International human rights law is a branch of public international law, that is the law that has been developed to regulate relations between entities having international personality, such as states, international organizations and possible individuals. In order to understand the functioning of the various institutions charged with the supervision of human rights, it is necessary to have a basic appreciation of the salient aspects of the international legal system. In the human rights context, international law possesses a dual quality, since it creates both the obstacles to effective human rights protection and provides the means for overcoming such obstacles.

The Reasons for International Law of Human Rights

All this international activity with reference to matters which, before the second world war, were by general agreement considered to fall within the exclusive domestic jurisdiction of the separate states and therefore not of international concern, reflects certain political, social and economical realities which characterize our times. In a world where individual men and women must constantly readapt themselves to the exigencies of an increasingly complex social environment, where the apparatus of government at all levels becomes more complicated and at the same time stronger and more persuasive every day even in democratic countries, where ordinary men and women are constantly pressing for a fairer share of the good things of life, and some have discovered that they have the strength to enforce their demands, where equally persistent demands are being impatiently made to end all kinds of discrimination.

The Individuals in International Law

Before 1945 the individual was simply an object of the law within the international legal system. Individuals were characterized in terms of nationality, that is, the bond that created legal ties between them and their state. States were therefore not generally constrained by international rules concerning the treatment of their own nationals, but they were, as we have also seen, obliged to treat the nationals of other states in accordance with certain international standards if they were not to violate international law. But even here, the individual was merely the vehicle by which an international claim originated. It was the state, which suffered the wrong through the maltreatment of its national. Within the international legal system, therefore, individuals were characterized as objects and not subjects of the law. Rules might be made for the benefit of individuals, but they did not confer substantive rights that could be enforced by procedural mechanisms, which might be initiated by those same individuals.

In the post-Second World War era, the position of the individual has changed considerably. No longer are individuals seen as rightless objects of international law with no procedural capacity, rather, they are seen as the bearers of rights and correlative duties within the context of the international legal system. To some extent, therefore, they may be classified as limited subjects of international law. Although it had long been recognized that individuals were under a duty not to commit acts of piracy or war crimes under international law.

Now under international law, individuals may be held personally responsible for war crimes, genocide, torture and furthering apartheid. It is irrelevant that these individuals were following orders by implementing the policies of the state. By making individuals responsible under international

law for their acts demystifies the claims that such international crimes are simply an expression of the collective will of the state.

The Local Remedies Rule

The post-Second World period is also significant in the development of the individual as a partial subject of international law, not only because of the clear articulation of human rights in an increasing number of legally binding instruments, but also because of the conferring of procedural capacity upon individuals to enforce their rights before a variety of international tribunals. Individuals may now, under certain conditions, initiate proceedings before UN, European, American, African and Asian institutions.

The local remedies rule has its origin in the law of state responsibility or the law, which governs circumstances, and consequences of a violation of international law by states. Violation of the law by state may be direct as, for example, when a state breaches a treaty, or indirect, such as when a host state fails to afford appropriate redress to an alien who has been injured by the agents of the state.

MAKING HUMAN RIGHTS LAW

As human rights law is a branch of international law, the means of its creation are identical to that of international law in general. Thus, in order to determine the origins of human rights law; it is necessary to examine the traditional sources of international law. Here, Article 38 of the statute of the International Court of Justice is generally accepted as the authoritative statement of such sources.

(1) Treaties

The principle method of making international law in the modern world is by way of convention or treaty. A treaty is essentially an agreement between two or more states establishing legally binding rules in a particular area. It will already be apparent that the greater part of international human rights law is contained in multilateral treaties. And while it is true that these treaties comprise an accurate index of the individual rights that are protected and the obligations that are assumed by the states, which have become parties to the relevant instruments, there are also a number of other matters, which must be considered.

Another distinctive feature of human rights treaties, as opposed to other treaties in international law, are provisions, which permit denunciation. Here states may withdraw unilaterally from their obligations under a treaty, as long as the procedure established by the treaty is complied with. While most human rights treaties provide for the possibility of denunciation, they also provide that states parties will be responsible for any violations of the treaty committed prior to the denunciation.

(2) Customs

Although the majority of international transactions are now conducted through the medium of treaties, custom still remains an important source of law. Indeed, some authors would argue that custom is qualitatively more important than treaties, since it is custom which forms the bed-rock of the international legal system. There are a multitude of theoretical difficulties associated with proving the existence of customary law is more frequently associated with the development of law within small, tightly integrated human communities. Rather than talking of custom in international law, perhaps it would be more appropriate to coin a new term

representing the realities of the situation. Nevertheless, customs remain a potent source of contemporary international law.

A state, which seeks to rely on custom, must prove the rule by demonstrating the existence of state practice which is definite, extensive, which has been extant for an appropriate period of time.

(3) General Principles of Law

The third potential sources of international law are the general principles of international law recognized by civilized nations. This was included in the ICI statute in order to deal with the circumstances where the court might not be able to decide a dispute because of the absence of any treaty or customary law dealing with the issue before it. Some writers take the view that it simply means procedural rules of national or municipal law which have been incorporated into international law, whereas others.

DOMESTIC APPLICATION OF INTERNATIONAL HUMAN RIGHTS NORMS

The creation of international human rights law is, as we have seen, primarily a function of the international legal system, and international institutions created for this purpose largely undertake the supervision of human rights. It should be noted, however, that domestic tribunals might also have a substantial role to play in the application of international human rights law. Much depends here upon the nature of the domestic constitution under which the local courts function. Some constitutions permit their domestic courts to apply norms of international law origins directly before the domestic courts can take it. Constitutions in which international law can be applied directly are known as monist

constitutions, since national and international law are regarded as a single integrated system.

RESPONSIBILITY OF THE INDIVIDUAL UNDER INTERNATIONAL LAWS

a. Major War Crimes Trials

It has often been questioned whether the individual is a subject of international law, in some circumstances, however, the individual is under a duty in international law, either conventional or customary, to do or to refrain from doing certain acts. The offence of piracy, and violations of laws and customs of war, are often referred to as examples. I support the theory that the individual is a subject of international law. The offence of piracy has been traditionally regarded as a crime against the law of nations, which is punishable in any state, which seizes the offender; individual members of the armed forces of belligerent state are criminally liable for violations of the international law of war and may be punished by other belligerents. Nevertheless, in these cases the sanction is imposed upon individuals committing offences not by any international procedure but only exercise of the domestic jurisdiction of the state having custody of them. A correct analysis of these cases then would show that they are merely instances of an exceptionally wide jurisdiction of state.

b. Crimes against Peace and Genocide

The controversy as to whether the trials of war criminals after the second world war were an application of alleged principles of doubtful validity and a violation of the principle of "nullum crimen sine lege" seems to be of no great significance in view of the fact that the concept of direct responsibility of the individual under international law for certain crimes was affirmed by common consent of the

community of states, certain principles sustained by the Nuremberg and Tokyo trials were confirmed by the general Assembly in 1946.

In another resolution adopted at the same time, the general assembly declared that genocide was a crime under international law. For which the perpetrators, whether they were statesmen, public officials or private individuals were punishable. It took steps to conclude a convention on the subject, and as a result, the convention on the prevention and punishment of the crime of Genocide, known as the Genocide convention, was adopted by the General assembly in 1948, and brought into force 1951.

The contracting state declare in this convention the genocide, whether committed in time of war or in time of peace, is a crime under international law, which they undertake to prevent and punish.

It is laid down that those who are guilty of genocide must be punished whether they are constitutionally responsible rulers, public officials or private individuals. Genocide is denied in this convention as acts committed with intent to destroy a national, ethnical, racial or religious group, by killing members of the group, causing serious bodily or mental harm to members of the group, deliberately inflicting on the group conditions of life calculated to bring about its physical destruction, imposing measures intended to prevent births within the group, or forcibly transferring children of the group to another group.

c. Extradition

The exercise of the jurisdiction by a state over all persons within its territory and of the right to punish them for the violation of its laws, is frequently frustrated by the escape of the offender into the territory of another state.

On the other hand, it is a matter of the domestic law of the state to whose territory the offender has escaped, whether he can be tried and punished for the offences he committed prior to his entry; and the state may, upholding the common law tradition, refuse to exercise jurisdiction over such offences committed outside its territory.

Even if the state of refuge will exercise jurisdiction over such offences, it is the state authorities on whose territory they have been committed that are in the best position to assemble relevant evidence for trial, and in addition have the greater interest in the punishment of the offender.

NATIONALITY AND INTERNATIONAL LAW

Nationality: Its Concept and Determination

The individual is under the jurisdiction of the state within the territory of which he resides, and he is under a duty to observe the laws of that state for the duration of his residence. In return, he is entitled to the protection afforded by the state of which he is national. When his rights are not respected by the state of residence, the state of nationality may take up the case and exercise the right of diplomatic protection for him under international law. When he cannot remain in the territory of other states, he is generally assured of being received by the state of which he is a national. Thus, in dealing with any international legal problems involving an individual, it is always essential to know his nationality, the legal bond which ties him personally to a given state for many purposes. It is illogical and inconvenient for international law to permit the individual to have multiple nationalities or no nationality. The possession of a single nationality by each individual is a goal to be achieved by international law. The universal declaration of human rights of 1948 provides that everyone has the right to a nationality.

The word citizenship is often used in municipal law. Generally, the national who enjoys full political and civil rights, is called a citizen, as distinguished from other less favored nationals. This concept of citizenship is, of course, irrelevant to international law. On the other hand, the status of commonwealth citizens of British subjects now has a different meaning in that every person who is a citizen of the United Kingdom and its colonies or a citizen of any member country of the Commonwealth has by virtue of that

citizenship the status of a British subject or a commonwealth citizen.

Although nationality is primarily a matter of domestic legislation for each state, it is nevertheless also governed by principles of international law. Here a distinction must be made between the legal effects of nationality under domestic law and its effects under international law. It is conceivable that the grant of nationality to an individual by a state is valid and produces legal effects according to the law of that state, and yet cannot be relied upon against other states for the purpose of exercising diplomatic protection. In order to be so relied upon, the legal bond of nationality must reflect a genuine connection between the individual and the state. It was a problem of this nature with which the international court of justice was faced in the *Nottebohm Case*.

Nationality of the Wife

There are great divergences in the municipal law regarding the nationality of married women. The traditional policy, widely accepted, was that the wife's nationality automatically followed that of her husband. This principle of family unity is still adhered to by a considerable number of states.

However, the principle of the independent status of the wife in matters of nationality has secured strong support since that time and was adopted in the Convention on the Nationality of Married Women of 1957. This provides that neither the celebration nor the dissolution of a marriage between one of its nationals and an alien, nor the change of nationality by the husband during marriage, automatically affects the nationality of the wife, and that neither the voluntary acquisition of the nationality of another state nor the renunciation of nationality by one of its nationals shall prevent the retention of its nationality by the wife of such a national.

Multiple Nationality and Statelessness

The lack of uniformity in municipal law with respect to the determination of nationality unavoidably gives rise to difficult problems of statelessness and multiple nationalities. Some attempts to reduce or eliminate causes of such conflicts of nationality laws were made, first, through the League of Nations, which prepared at its 1930 'Codification Conference' a Convention on the Conflict of Nationality Laws, which has been brought into force, but only among a limited number of states. More recent instruments include the Convention on the Reduction of Statelessness, 1961, and the European Convention on Reduction of Cases of Multiple Nationality.

Some conventions have been drafted to provide for the compulsory application of the principle of *Jus Soli* in certain cases, in order to reduce or Eliminate the Possibilities of Statelessness. This concept, embodied in the Convention on the Conflict of Nationality Laws of 1930, was also adopted by the Convention of 1961. The contracting states agree under this convention to accord nationality to a person born in their territory who would otherwise be stateless, and also to a person, not born in the territory of a contracting state, who would otherwise be stateless, if the nationality of one of his parents at the time of the person's birth was that of that state.

Statelessness may follow also from the existence of the two opposing principles regarding the nationality status of a wife.

The convention of 1961, which followed the ideas adopted by the 1930 convention, provides that if the law of a contracting state entails loss of nationality as a consequence of marriage or termination of marriage, such loss must be conditional upon possession or acquisition of another

nationality, and that if the law provides for loss of nationality by one spouse as a consequence of the other losing or being deprived of that nationality, loss by the former must be conditional upon possession or acquisition of another nationality.

Asylum

As an exercise of its sovereignty, every state has the right to admit into its territory such persons a place, without giving cause for complaint by any other state. No state is by international law obliged to refuse admission of any alien into its territory, to surrender him to a foreign state, or to expel him from its own territory, unless some particular restriction or obligation has been accepted in this regard. On the other hand, the state of which the alien is not entitled to exercise physical control over him during his residence in the territory of another state, in spite of its competence to exercise jurisdiction over him through its domestic courts for offences committed by him aboard, when he returns to his national territory. Hence, a state can be, provisionally at least, an asylum for an alien who has been expelled from, or has fled the state of his origin or his residence. The grant of asylum is part of the competence arising from the territorial sovereignty of the state. However, an alien charged with a common crime committed in his own country, is not generally granted asylum, since the right of the state to grant asylum is often conditioned by extradition treaties or by international comity. Therefore, the benefit resulting from the grant of asylum is, as a rule, not enjoyed by common offenders; and asylum is usually granted to political offenders or to political refugees who are aliens of statelessness. The competence of the state to allow political offenders or political refugees to enter and to remain in its territory under its protection and, thereby, to grant asylum to them, however has been doubted or contested in international law.

A political refugee may be defined as an alien who has left or has been forced to leave his country because of persecution for political, religious, or ethnic reasons. The concept of political persecution must not be narrowly

interpreted. It is characterized by deep-seated socio- political and ideological contrasts between states, which have developed basically different internal structures. It is however exclusively for the state granting asylum to evaluate the claim of persecution as a ground for the grant.

Grant of asylum to political offenders and political refugees is a peaceful and humanitarian act and so it cannot be regarded as unfriendly by any other state including the state of which the offender or the refugee is a national. The state, which thus grants asylum to an alien within its territory, does not thereby incur any international responsibility. The United Nations General Assembly, Third Committee, approved in 1962 the following passage in its draft declaration on the right of asylum. Which is not being examined:

Territorial asylum granted by a state, in the exercise of its sovereignty, to persons entitled to invoke article 14 of the Universal Declaration of human Rights, including persons struggling against colonialism, shall be respected by all other states.

Refugees and the Stateless Person

In order to afford protection to the large groups of refugees or stateless persons generated by the difficulties of life under the Nazi regime between the World Wars, an international office was established by the League of Nations, which through frequently reorganized, continued to exist until 1946, as the League of Nations High Commissioner for refugees. The United Nations Relief and Rehabilitation Administration (UNRRA), which was created in Europe. The international Refugee organization, whose constitution was approved by the General Assembly in 1946, actually came into operation in 1948, being designed to solve the problems of refugees created by the Second World War.

The United Nations High commission for refugees was established in January 1951 by the General Assembly. The Commission has taken efforts to grant asylum, on a temporary basis at least, to rescue the refugees from distress. The High Commissioner has reported in 1979 that there are instances where lack of respect for the fundamental rights of refugees has met with difficulties and that has led to tragic consequences.

THE UNITED NATIONS AND PROTECTION OF HUMAN RIGHTS

The concern of the United Nations with the promotion and protection of universal respect for, and observance of, human rights and fundamental freedoms is an expression of the ever-increasing interest of the international community in ensuring that these rights and freedoms shall be enjoyed by all human beings, everywhere.

In the first half of the twentieth century, at the end of the First World War, international concern with human rights found expression in certain provisions of the Covenant of the League of Nations. Member states of the League of Nations accepted the obligation to endeavor to secure and maintain fair and humane conditions of labour for men, women and children, and also to ensure the just treatment of the indigenous inhabitants of their colonies. The International Labour Organization was established in 1919 as an autonomous organization, associated with the League of Nations, in the realization that universal peace could be established only if it were based upon social justice.

The inclusion among the purposes of the United Nations of the achievement of international cooperation "in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion" was due above all to events which occurred immediately before, and during the second world war. This and other human rights clauses in the United Nations Charter reflect the reaction of the international community to the horrors of hat war and the bestiality of the regimes, which unleashed it.

The experience of that war resulted in the widespread conviction that effective international protection of human rights was one of the essential conditions of international peace and progress, and this conviction was set out in a number of statements, declarations and proposals made while the war was still being fought.

The conference, in grafting the Charter, greatly enlarged and broadened the objectives of the United Nations as a whole by including among its purposes the phrase, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion. It increased the originally contemplated functions and powers of the General Assembly by adding a similar phrase, and assisting in the realization of human rights and fundamental freedoms for all without distinction as to race, sex, language or religion.

UN Bodies Primarily Concerned with Human Rights

1. General Assembly and Subsidiary Bodies

Under article 13 of the United Nations Charter, one of the functions of the General assembly is to initiate studies and make recommendations for the purpose of promoting international cooperation in the economic, social, cultural, educational and health fields, and assisting in the realization of human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion. Most matters relating to human rights are referred by the General assembly to its Third Committee, which deals with social, humanitarian and cultural matters. The assembly, however, considers some, without reference to a main committee.

Subsidiary bodies of the General assembly concerned with human rights and fundamental freedoms or the resolution of related political situations include the special committee with regards to the implementation of the Declaration on the Granting of Independence to Colonial Countries and peoples, known as the Special Committee on Decolonization. The bodies prepare annual and special reports, and make recommendations, on matters within their competence. The reports are considered by the General Assembly and, when appropriate, by the Security Council and other competent organs.

2. Economical, Social Council and Subsidiary bodies

Under article 62 of the United Nations Charter, the Economic and Social Council may "make recommendations for the purpose of promoting respect for, and observance of, human rights and fundamental freedoms for all. It may also prepare draft conventions for submission to the General Assembly and call international conferences on human rights matters. Under article 68 the council "shall set up commissions in the economic and social fields and for the protection of human rights. Article 64 empowers the council to make arrangements with the members of the UN and with the specialized agencies to obtain reports on the steps taken to give effect to its own recommendations and to recommendations on steps taken to give effect to its own recommendations and to recommendations on matters falling within its competence made by the General Assembly and to communicate its observations on these reports to the General Assembly.

3. Commission on Human Rights

The commission on Human Rights was set up by the Economic and Social Council in 1946, and has met annually since that time. Its terms of reference are extensive; it may deal with any matter relating to human rights. The

commission makes studies, prepares recommendations, and drafts international instruments relating to human rights. It also undertakes special tasks assigned to it by the General assembly or the Economic and Social Council, including the investigation of allegations concerning violations of human rights and the handling of communications relating to such violations. It co-operates closely with all other United Nations bodies having competence in the field of human rights.

4. Sub-commissions on Discrimination and Protection of Minorities:

At its first session in 1947, the commission on human rights established the Sub-Commission on prevention of Discrimination and Protection of Minorities. "(a) To undertake studies, particularly in the light of the Universal Declaration of Human Rights, and to make recommendations to the Commission concerning the prevention of discrimination of any kind relating to human rights and fundamental freedoms and the protection of racial, religious and linguistic minorities, and (b) to perform any other function entrusted to by the Economic and Social Council or by the commission.

Each study is examined by the Sub-Commission and by the Commission on Human Rights at various stages of preparation. In many cases the completed studies have provided the basis for the formulation of general principle relating to the problem under consideration and in a number of instances to the preparation of new United Nations human rights instruments. The sub- Commission also deals with communications and allegations concerning gross infringements of human rights and fundamental freedoms under procedures established by the Economic and social Council.

5. Commission on the Status of Women

The Commission on the Status of Women is a functional commission of the Economic and Social Council, established by the Council in 1946. The functions of the Commission are, to prepare recommendations and reports to the Economic and Social Council on promoting women's rights in political, economic, civil, social and educational fields, and to make recommendations to the council on urgent problems requiring immediate attention in the field of women's rights with the object of implementing the principle that men and women shall have equal rights, and to develop proposals to give effects to such recommendations.

6. Committee on the Elimination of Racial Discrimination

The Commission on the Elimination of Racial Discrimination, established in accordance with article 8 of the International Convention on the Elimination of all Forms of Racial Discrimination, consists of 18 experts of high moral standing and acknowledged impartiality, elected by states parties to the convention from among their nationals. The commission also considers copies of petitions, copies of reports, and other information on racial discrimination relating to Trust and Non-self-Governing Territories and to all other territories to which General Assembly resolution applies, transmitted to it by the Trusteeship Council and by the Special Committee on the Situation with Regard to the Implementation of the Declaration on the Granting of Independence to colonial countries and people.

UN Bodies Concerned From Time to Time with Human Rights

A number of United Nations bodies are concerned with human rights from time to time and to varying degrees. These include the Security Council, Trusteeship Council, the

International Law commission, the UN secretariat, the Office of the UN High Commissioner for Refugees and the International Court of Justice.

1. Security Council

As the United Nations organ on which the charter confers primary responsibility for the maintenance of international peace and security, the security council is empowered by the charter to determine the existence of any threat to the peace, breach of the peace, or act of aggression, and to make recommendations, or decide what further measures should be taken, to maintain or restore international peace and security. The Council has in several instances designated violations of human rights on a massive scale as threats to the peace.

2. Trusteeship Council

Of the territories placed under the International Trusteeship system only one remains: the trust Territory of the Pacific Islands, administered by the United States of America under an agreement approved by the Security Council in 1947. The administering Authority submits an annual report on this territory, and the Trusteeship Council reports thereon to the Security Council. These reports have been transmitted by the Trusteeship Council to the committee on the Elimination of Racial Discrimination in accordance with article 15 of the International Convention on the Elimination of all forms of Racial Discrimination. The council also transmits to the committee copies of any petitions it may receive which relate to racial discrimination.

3. International Law Commission

The International Law Commission, composed of twenty-five persons of recognized competence in international law elected by the general assembly for five year terms from lists of candidates nominated by member states, was established by a statute adopted by the General

assembly in 1947. The primary functions of the commission are the progressive development of international law, meaning essentially the preparation of draft conventions on subjects not previously regulated by international law or in regard to which the law has not been sufficiently developed in the practice of states, and the codification of international law.

In the field of human rights, the International Law Commission has been most active in the preparation of several international conventions relating to the problem of nationality and statelessness, including the Convention on the Nationality of Married Women, the Convention relating to the status of stateless persons, and the Convention on the reduction of statelessness. In addition, it has at the request of the general assembly, formulated the principles of international law recognized in the Charter of the Nuremberg Tribunal and in the judgment of the Tribunal, and has examined the question of the establishment of an international criminal jurisdiction.

4. UN High Commissioner for Refugees

The United Nations High Commissioner for Refugees established by the General assembly as of 1 January 1951, is entrusted with the function of providing international protection, under United Nations auspices, to refugees falling within its competence by:

(a) Promoting the conclusion and ratification of international conventions for the protection of refugees, supervising their application, and proposing amendments thereto.

(b) Promoting through special agreements with the Government, the execution of any measures calculated to improve the situation of refugees and to reduce the number requiring protection.

(c) Assisting governmental and private efforts to promote voluntary repatriation or assimilation within new national communities.

(d) Promoting the admission of refugees to the territories of states.

(e) Obtaining from Governments information concerning the number and conditions of refugees in their territories and the laws and regulations concerning them.

In addition, the High commissioner may engage in activities such as repatriation and resettlement at the request of the General Assembly, and performs certain functions to assist stateless persons under the convention on the reduction of statelessness.

5. International Court Of Justice (ICJ)

The International Court of Justice (ICJ) is the principal judicial organ of the United Nations. It functions in accordance with its statute, which forms an integral part of the UN charter. All members of the UN are parties to the statute. a state which is not a member of the UN may become a party to the statute on conditions to be determined in each case by the General assembly upon the recommendation of the security council.

Nearly all United Nations human rights conventions contain provisions by which any dispute between the contracting parties relating to the interpretation, application or fulfillment of the convention may be submitted to the International Court of Justice at the request of any of the parties to the dispute, the International Covenants on Human Rights constitute an exception to this rule.

Since its establishment in 1946, the court has dealt with several contentious cases involving such human rights questions as the right to asylum, the rights of aliens, and the

rights of the child, and the continued existence of the mandate for south west Africa and performance of south Africa as a mandatory power. In addition, it has provided advisory opinions on such human rights questions as effect of reservations to the Genocide convention and the legal consequences for states of the continued presence of South Africa in Namibia.

6. UN Educational, Scientific and Cultural Organization (UNESCO)

The purpose of the UNESCO is, as laid down in its constitution, to contribute to peace and security by promoting collaboration among the nations through education, science and culture in order to further universal respect for justice, for the rule of law and for the human rights and fundamental freedoms which are affirmed for the people of world, without distinction of race, sex, language or religion by the charter of the United Nations.

In addition to carrying out a programme involving many forms of direction designed to deal with the complex problems encountered in the development of education, science and culture. UNESCO has prepared several conventions and recommendations relating to human rights, including the Convention and the Recommendation against Discrimination in Education.

7. Food and Agriculture Organization of the United Nations

A basic purpose of the FAO of the UN is contributing towards an expanding world economy and ensuring humanity's freedom from hunger. FAO is mainly concerned with raising levels of nutrition and standards of living, securing improvements in the efficiency of the production and distribution of food and agricultural products, bettering the condition of rural populations, and thus contributing towards an expanding world economy. Its activities are

designed to help solve one of the fundamental problems of mankind.

8. World Health Organization (WHO)

The preamble to the constitution of the World Health Organization (WHO) declares that the enjoyment of the highest attainable standard of health is a fundamental right of every human being and that Governments have a responsibility for the health of their people which can be fulfilled only by the provision of adequate health and social measures.

WHO serves as the co-coordinating authority on international health work? It maintains certain necessary international health services, promotes and conducts research in the field of health, and works to improve standards of teaching in the health, medical and related professions.

PROMOTION OF THE ADVANCEMENT OF WOMEN

The United Nations is committed to the principle of equality between men and women, meaning equality in their dignity and worth as human beings as well as equality in their rights, opportunities and responsibilities. In its work for the advancement of women, the entire United Nations system has dedicated itself to ensuring the universal recognition, in la, of equality of rights between men and women, and to exploring ways to give women, in fact, equal opportunities to exercise their human rights and fundamental freedoms.

There are also a number of United Nations instruments, which deal with specific rights of women. These include the Convention on the Political Rights of Women (1952), the Convention on the Nationality of Married Women (1957), the Convention on Consent to Marriage, Minimum age for Marriage, and Registration of marriage (1962).

UN instruments embodying the principle of Equality between Men and women

1. Declaration on the Elimination of Discrimination against women

An important milestone in United Nations work for the advancement of women is the declaration on the Elimination of Discrimination Against Women, proclaimed by the General Assembly on 7 November 1967. The preamble points out that "discrimination against women is incompatible with human dignity and with the welfare of the family and of society, prevents their participation, on equal terms with men, in the political, social, economic and cultural life of their countries and is an obstacle to the full development of the potentialities of women in the service of their countries and of humanity.

2. Convention on the Political Rights of Women

When the United Nations was founded in 1945, women were able to vote on equal terms with men in only 30 of the original 51 member states. In one of its earliest resolutions the General Assembly, in 1946, recommended that all member states which had not done so should grant to women some political rights as to men. In 1952 the General Assembly, on recommendation of the Commission on the Status of Women, adopted the Convention on the Political Rights of Women.

3. Convention on the Nationality of Married Women

The Convention on the Nationality of Married Women, drafted by the Commission, was adopted by the General Assembly in 1957. The Convention sets out the following commitments of each contracting state:

That neither the celebration nor the dissolution of a marriage between one of its nationals and an alien, nor the change of nationality by the husband during marriage, shall automatically affect the nationality of the wife.

That neither the voluntary acquisition of the nationality of another state and nor the renunciation of its nationality by one of its nationals shall prevent the retention of its nationality by the wife of such national.

That the alien wife of one of its nationals may, at her request, acquire the nationality of her husband through specially privileged naturalization procedures, the grant of such nationality may be subject to such limitations as may be imposed in the interests of national security or public policy. The present convention shall not be construed as affecting any legislation or judicial practice by which the alien wife of one of its nationals may, at her request, acquire her husband's nationality as a matter of right.

As of 1 January 1978, the Convention had been ratified by 52 states.

Under the reporting cycle now in operation, Governments furnish information at regular four-year intervals on recent changes in their legislation affecting the nationality of married women. The commission examines this information periodically.

Protection of Women and Children in emergency and armed conflict

In accordance with recommendations of the International Conference on Human Rights, held at Tehran in 1968, the United Nations undertook a comprehensive study of the question of human rights in armed conflicts.

In connection with that study, the Economic and social Council in 1970 requested the General assembly to consider the possibility of drafting a declaration on the protection of women and children in emergency or wartime. On the basis of a draft prepared by the Commission on the status of women and the Economic and social Council, the assembly adopted and proclaimed the Declaration on the protection of women and children in Emergency and Armed Conflict on 14 December 1974.

Women and children belonging to the civilian population and finding themselves in circumstances of emergency and armed conflict in the struggle for peace, self-determination, national liberation and independence, or who live in occupied territories, shall not be deprived of shelter, food, medical aid or other

inalienable rights, in accordance with the provisions of the

Universal Declaration of Human Rights, The International

Covenant on civil and political Rights, the International Covenant

on Economic, Social and Cultural Rights, the Declaration of the

Rights of the Child, or other instruments of international law.

Promotion of respect for Human Rights

In addition to elaborating principles, setting standards and ensuring the observance of human rights and fundamental freedom, United Nations bodies have aimed at promoting respect for those rights and freedoms through the preparation of studies, the exchange of information, documentation and experience, and the publicizing of key human rights instruments.

Teaching about human rights and fundamental freedoms, at every level of formal and informal education, has also helped to promote respect for the rights and freedoms set out in the Universal Declaration of Human Rights. And commemorative observances of anniversaries of the Declaration have provided occasions for review and evaluation of the progress achieved in the realization of its principles and standards, for setting higher goals, and for adopting fresh approaches.

A. Studies

Under article 13 of the United Nations Charter, the General assembly may initiate studies for the purpose of promoting international co-operation in the economic, social, cultural, educational and health fields, and assisting in the realization of human rights and fundamental freedoms for all without distinction as to race, sex, language or religion. Under article 62, the Economic and Social Council may make or initiate studies for the same purposes, with a view to promoting respects for, and observance of, human rights and fundamental freedoms for all, and may prepare draft conventions for submission to the General assembly with respect to matters falling within its competence.

Both the General Assembly and the Economic and Social Council, and many of their subsidiary bodies, have initiated studies of various aspects of human rights. Many of these studies have been carried out by the staff of the Division of Human Rights, and commissions, committees, working groups or individuals possessing special knowledge or competence, have undertaken others. Most of the studies were intended to provide the United Nations body concerned with information on the situation existing, in law and in fact, with respect to a particular human rights question, so that it could consider all the facts before deciding upon a course of action. In many cases the preparation of a study constituted

the preparatory work leading up to the drafting of an international convention, declaration or other instruments.

B. Educational measures

In endeavoring to promote respect for and observance of human rights and fundamental freedoms, United Nations bodies have frequently called for wide publicity to be given to their findings and decisions, and particularly to new international human rights declarations and conventions, which they have formulated. In addition, they have sought to stimulate the teaching of human rights at all levels old education, and to focus public attention upon the most widespread and reliably attested violations of human rights. They have also sponsored, or participated in, commemorative observances of many anniversaries important to the development of respect for human rights, including Human Rights Day (December 10), International Day for the Elimination of Racial Discrimination (21 March), International Year for Human Rights (1968), International women' Year (1975), etc.

UNESCO has endeavored continuously, since its establishment, to promote teaching and research in the field of human rights. In 1971, the Commission on Human Rights requested UNESCO to undertake activities aimed at facilitating the teaching of human rights in universities and to consider the possible development of an independent scientific discipline of human rights. Pursuant to this request, UNESCO sponsored a survey of the university teaching of human rights covering every faculty of law and political science in the World.

C. Education of Youth in the Respect for Human Rights and Fundamental Freedoms

In 1968, the International Conference on Human Rights called for further consideration of the question of the

education of youth in the respect for human rights and fundamental freedom, invited UNESCO to develop its programmes aimed at making children aware, from the time they start school, of respect for the dignity and the rights of man and at making the principles of the Universal Declaration of Human Rights prevail at all levels of education, particularly in institutions of higher learning, and recommended that the functional organs of the United Nations and specialized agencies concerned should start a detailed examination and study of the question of the education of youth all over the world for the development of its personality and strengthening of its respect for human rights and fundamental freedoms.

D. Programme of Advisory Service in the Field of Human Rights

Between 1953 to 1955 the Secretary-General was authorized by the General Assembly and the Economic and Social Council to render, at the request of Member States, services falling outside the scope of then-existing technical assistance programmes in order to assist those states in promoting and safeguarding the rights of women, eliminating discrimination, providing for the protection of minorities, and promoting freedom of information.

In 1955 the General Assembly decided to consolidate these programmes with a broad new programme to be known as "Advisory services in the Field of Human Rights". Under this programme, the secretary-General was authorized to make provision, at the request of Government, and with the cooperation of the specialized agencies where appropriate, for the following forms of assistance with respect to human rights. (a) Advisory services of experts, (b) fellowships and scholarships, and (c) seminars. The programme was designed to give Government officials, and qualified students, an opportunity to share their experiences and exchange

knowledge on ways of promoting the full enjoyment of human rights by everyone.

E. Periodic Reports on Human Rights

The Economic and social Council, in 1956, established a system of periodic reports on human rights under which it requested states Members of the United Nations to transmit to the Secretary-General, every three years, reports describing developments and progress achieved in the field of human rights during the preceding three-years period, and measures taken by them to safeguard human liberty in metropolitan and non-self governing territories under their jurisdiction. The reports were to deal with the rights and freedoms set out in the Universal Declaration of human rights and with the right of peoples to self-determination. At the same time the council invited the specialized agencies, in respect of human rights and fundamental freedoms coming within their purview, to transmit to the secretary-General every three years a report summarizing information which they had received from member states on developments and progress achieved in the realization of those rights and freedoms.

INTERNATIONAL INSTRUMENTS ON HUMAN RIGHTS

Introduction

The Universal Human Rights system consists of several International and regional instruments and Conventions. The more significant among them are the Universal Declaration of Human Rights (1948), the International Covenant on Civil and Political Rights (ICCPR, 1976), the International Covenant on Economic, Social and Cultural Rights (ICESCR, 1976), the Universal Islamic Declaration of Human Rights (1981), Declaration on the Elimination of Violence against women (1993), the UN Convention on the Rights of the Child (1989), International Convention on the Elimination of the all forms of Racial Discrimination, the Convention on the Prevention and Punishment of the Crime of Genocide, the Convention Against torture and other Cruel inhuman or Degrading Treatment or Punishment (1984) and the Geneva Convention Relative to the Treatment of Prisoners of War.

Universal declaration of Human Rights (1948)

Context

On December 10, 1948 the General assembly of the United Nations adopted and proclaimed the Universal Declaration of Human Rights. Its authors conceived the Declaration as a new fact in the world, adopted by an assembly of the world community. In its process of drafting, its title was changed from ‘international’ to a ‘universal’ Declaration, drawing attention away from the authors of the document to its addressees. It is possible to read the

Declaration as incorporating categories or generations of rights, with civil and political rights granted are least lexical priority. They include basic freedoms such as freedom of thought, conscience and religion, of opinion and expression, of peaceful assembly, freedom from arbitrary arrest, torture an slavery, and rights to equality, nationality, to marry and found a family, and so on. The provision on economic, social and cultural rights including social security, work, rest and leisure, an adequate standard of living, education and participation in the cultural life of the community, more clearly require the provision of resources by the state.

Preamble

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Whereas disregard and contempt for human rights have resulted in barbarous acts that have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law, Whereas it is essential to promote the development of friendly relations between nations, Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

Whereas Member states have pledged themselves to achieve, in cooperation with the United Nations, the promotion of universal respect for and observance of human rights' and fundamental freedoms, Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge.

Now, Therefore The General Assembly proclaim This Universal declaration of human Rights as a common standard of achievement for all people and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the people of member states themselves and among the peoples of territories under their jurisdiction.

Article 1.

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2.

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social organisation, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it is independent, trust, non-self-governing or under any other limitation of sovereignty.

Article 3.

Everyone has the right to life, liberty and security of a person.

Article 4.

No one shall be held in slavery or servitude; slavery and he slave trade shall be prohibited in all their forms.

Article 5.

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 6.

Everyone has the right to recognition everywhere as a person before the law.

Article 7.

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 8.

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

Article 9.

No one shall be subjected to arbitrary arrest, detention or exile.

Article 10.

Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

Article 11.

(1) Everyone charged with a penal offence has the right to be presumed innocent until proven guilty according to law in a public trial at which he has had all the guarantees necessary for his defense.

(2) No one shall be held guilty of any penal offence on account of any act or omission, which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be

imposed than the one that was applicable at the time the penal offence was committed.

Article 12.

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, or to attacks upon his honor and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Article 13.

(1) Everyone has the right to freedom of movement and residence within the borders of each state.

(2) Everyone has the right to leave any country, including his own, and to return to his country.

Article 14.

(1) Everyone has the right to seek and to enjoy in other countries asylum from persecution.

(2) This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

Article 15.

(1) Everyone has the right to a nationality.

(2) No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

Article 16.

(1) Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.

(2) Marriage shall be entered into only with the free and full consent of the intending spouses.

(3) The family is the natural and fundamental group unit of society and is entitled to protection by society and the state.

Article 17.

(1) Everyone has the right to own property alone as well as in association with others.

(2) No one shall be arbitrarily deprived of his property.

Article 18.

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 19.

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 20.

(1) Everyone has the right to freedom of peaceful assembly and association.

(2) No one may be compelled to belong to an association.

Article 21.

(1) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.

(2) Everyone has the right of equal access to public service in his country.

(3) The will of the people shall be the basis of the authority of government; this will, shall be expressed in periodic and genuine elections, which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

Article 22.

Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international cooperation and in accordance with the organization and resources of each state, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

Article 23.

(1) Everyone has the right to work, to free choice of employment, to just and favorable conditions of work and to protection against unemployment.

(2) Everyone, without any discrimination, has the right to equal pay for equal work.

(3) Everyone who works has the right to just and favorable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

(4) Everyone has the right to form and to join trade unions for the protection of his interests.

Article 24.

Everyone has the right to rest and leisure, including reasonable limitations of working hours and periodic holidays with pay.

Article 25.

(1) Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

(2) Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

Article 26.

(1) Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

(2) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

(3) Parents have a prior right to choose the kind of education that shall be given to their children.

Article 27.

(1) Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.

(2) Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

Article 28.

Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

Article 29.

(1) Everyone has duties to the community in which alone the free and full development of his personality is possible.

(2) In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

(3) These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

Article 30.

Nothing in this Declaration may be interpreted as implying for any state, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS (1966)

Introduction

The International Covenant on Civil and Political Rights (ICCPR) was adopted by the UN General Assembly and entered into force on 23 March 1976. The Covenant has been ratified by 148 states. The Covenant is a complex statement of rights incorporating several domains of discourse; those of collective rights, undifferentiated individual rights and minority rights. The ICCPR also provided a reporting procedure as the primary method of international implementation of its standards. The general part of the report is to be submitted in accordance with consolidated guidelines for the major UN human rights treaties, and should contain information on the main ethnic and demographic characteristics of the country and its population. Under the optional protocol to the covenant, the human rights committee is to consider communication received from individuals, subject to the jurisdiction of a state party which recognized the competence of the committee to this effect, who claimed to be victims of a violation by that state party of any of the rights set forth in the covenant.

Preamble

The States Parties to the present Covenant

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Recognizing that these rights derive from the inherent dignity of the human person,

Recognizing that, in accordance with the Universal Declaration of Human Rights, the ideal of free human beings enjoying civil and political freedom and freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his civil and political rights, as well as his economic, social and cultural rights.

Considering the obligation of States under the Charter of the United Nations to promote universal respect for, and observance of, human rights and freedoms.

Realizing that the individual, having duties to other individuals and to the community to which he belongs, is under a responsibility to strive for the promotion and observance of the rights recognized in the present Covenant,
Agree upon the following articles:

PART-ONE

Article 1-

1. All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

2. All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.

3. The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations.

PART-TWO

Article 2-

1. Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

2. Where not already provided for by existing legislative or other measures, each State Party to the present Covenant undertakes to take the necessary steps, in accordance with its constitutional processes and with the provisions of the present Covenant, to adopt such legislative or other measures as may be necessary to give effect to the rights recognized in the present Covenant.

3. Each State Party to the present Covenant undertakes:

(a) To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity. (b) To ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy.

(c) To ensure that the competent authorities shall enforce such remedies when granted.

Article 3-

The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all civil and political rights set forth in the present Covenant.

Article 4-

1. In time of public emergency which threatens the life of the nation and the existence of which is officially proclaimed, the States Parties to the present Covenant may take measures derogating from their obligations under the present Covenant to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with their other obligations under international law and do not involve discrimination solely on the ground of race, colour, sex, language, religion or social origin.

Article 5-

1. Nothing in the present Covenant may be interpreted as implying for any State, group or person any right to engage in any activity or perform any act aimed at the destruction of any of the rights and freedoms recognized herein or at their limitation to a greater extent than is provided for in the present Covenant.

2. There shall be no restriction upon or derogation from any of the fundamental human rights recognized or existing in any State Party to the present Covenant pursuant to law, conventions, regulations or custom on the pretext that the present Covenant does not recognize such rights or that it recognizes them to a lesser extent.

PART-THREE

Article 6-

1. Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.

2. In countries which have not abolished the death penalty, sentence of death may be imposed only for the most serious crimes in accordance with the law in force at the time of the commission of the crime and not contrary to the provisions of the present Covenant and to the Convention on the Prevention and Punishment of the Crime of Genocide. This penalty can only be carried out pursuant to a final judgment rendered by a competent court.

3. When deprivation of life constitutes the crime of genocide, it is understood that nothing in this article shall authorize any State Party to the present Covenant to derogate in any way from any obligation assumed under the provisions of the Convention on the Prevention and Punishment of the Crime of Genocide.

4. Anyone sentenced to death shall have the right to seek pardon or commutation of the sentence. Amnesty, pardon or commutation of the sentence of death may be granted in all cases.

5. Sentences of death shall not be imposed for crimes committed by persons below eighteen years of age and shall not be carried out on pregnant women.

6. Nothing in this article shall be invoked to delay or to prevent the abolition of capital punishment by any State Party to the present Covenant.

Article 7-

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation.

Article 8-

1. No one shall be held in slavery; slavery and the slave trade in all their forms shall be prohibited.

2. No one shall be held in servitude.

3. No one shall be required to perform forced or compulsory labour;

Article 9-1. Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.

2. Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him.

3. Anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release. It shall not be the general rule that persons awaiting trial shall be detained in custody, but release may be subject to guarantees to appear for trial, at any other stage of the judicial proceedings, and, should occasion arise, for execution of the judgment.

4. Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful.

5. Anyone who has been the victim of unlawful arrest or detention shall have an enforceable right to compensation.

Article 10-

1. All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.

2. (a) Accused persons shall, save in exceptional circumstances, be segregated from convicted persons and shall be subject to separate treatment appropriate to their status as unconvicted persons;

(b) Accused juvenile persons shall be separated from adults and brought as speedily as possible for adjudication.

3. The penitentiary system shall comprise treatment of prisoners the essential aim of which shall be their reformation and social rehabilitation. Juvenile offenders shall be segregated from adults and be accorded treatment appropriate to their age and legal status.

Article 11-

No one shall be imprisoned merely on the ground of inability to fulfill a contractual obligation.

Article 12-

1. Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence.

2. Everyone shall be free to leave any country, including his own.

3. The above-mentioned rights shall not be subject to any restrictions except those, which are provided by law, are necessary to protect national security, public order (order public), public health or morals or the rights and freedoms of others, and are consistent with the other rights recognized in the present Covenant.

4. No one shall be arbitrarily deprived of the right to enter his own country.

Article 13-

An alien lawfully in the territory of a State Party to the present Covenant may be expelled there from only in pursuance of a decision reached in accordance with law and shall, except where compelling reasons of national security otherwise require, be allowed to submit the reasons against his expulsion and to have his case reviewed by, and be represented for the purpose before, the competent authority or a person or persons especially designated by the competent authority.

Article 14-

1. All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law. The press and the public may be excluded from all or part of a trial for reasons of morals, public order (order public) or national security in a democratic society, or when the interest of the private lives of the parties so requires, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests

of justice; but any judgment rendered in a criminal case or in a suit at law shall be made public except where the interest of juvenile persons otherwise requires or the proceedings concern matrimonial disputes or the guardianship of children.

2. Everyone charged with a criminal offence shall have the right to be presumed innocent until proven guilty according to law.

3. In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality.

4. In the case of juvenile persons, the procedure shall be such as will take account of their age and the desirability of promoting their rehabilitation.

5. Everyone convicted of a crime shall have the right to his conviction and sentence being reviewed by a higher tribunal according to law.

6. When a person has by a final decision been convicted of a criminal offence and when subsequently his conviction has been reversed or he has been pardoned on the ground that a new or newly discovered fact shows conclusively that there has been a miscarriage of justice, the person who has suffered punishment as a result of such conviction shall be compensated according to law, unless it is proved that the non-disclosure of the unknown fact in time is wholly or partly attributable to him.

7. No one shall be liable to be tried or punished again for an offence for which he has already been finally convicted or acquitted in accordance with the law and penal procedure of each country.

Article 15-

1. No one shall be held guilty of any criminal offence on account of any act or omission, which did not constitute a criminal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time when the criminal offence was committed. If, subsequent to the commission of the offence, provision is made by law for the imposition of the lighter penalty, the offender shall benefit thereby.

2. Nothing in this article shall prejudice the trial and punishment of any person for any act or omission which, at the time when it was committed, was criminal according to the general principles of law recognized by the community of nations.

Article 16-

Everyone shall have the right to recognition everywhere as a person before the law.

Article 17-

1- No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation.

2. Everyone has the right to the protection of the law against such interference or attacks.

Article 18-

1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and

freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.

2. No one shall be subject to coercion, which would impair his freedom to have or to adopt a religion or belief of his choice.

3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others. 4. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.

Article 19-

1. Everyone shall have the right to hold opinions without interference.

2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.

3. The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary: (a) For respect of the rights or reputations of others; (b) For the protection of national security, public order, or of public health or morals.

Article 20-

1. Any propaganda for war shall be prohibited by law.
2. Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.

Article 21-

The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others.

Article 22-

1. Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests.

2. No restrictions may be placed on the exercise of this right other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others. This article shall not prevent the imposition of lawful restrictions on members of the armed forces and of the police in their exercise of this right.

3. Nothing in this article shall authorize States Parties to the International Labour Organization Convention of 1948 concerning Freedom of Association and Protection of the Right to Organize to take legislative measures which would

prejudice, or to apply the law in such a manner as to prejudice, the guarantees provided for in that Convention.

Article 23-

1. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

2. The right of men and women of marriageable age to marry and to found a family shall be recognized.

3. No marriage shall be entered into without the free and full consent of the intending spouses.

4. States Parties to the present Covenant shall take appropriate steps to ensure equality of rights and responsibilities of spouses as to marriage, during marriage and at its dissolution. In the case of dissolution, provision shall be made for the necessary protection of any children.

Article 24-

1. Every child shall have, without any discrimination as to race, colour, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as are required by his status as a minor, on the part of his family, society and the State.

2. Every child shall be registered immediately after birth and shall have a name.

3. Every child has the right to acquire a nationality.

Article 25-

Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions: (a) To take part in the

conduct of public affairs, directly or through freely chosen representatives; (b) To vote and to be elected at genuine periodic elections, which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors; (c) To have access, on general terms of equality, to public service in his country.

Article 26-

All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Article 27-

In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language.

PART-FOUR

Article 28-

1. There shall be established a Human Rights Committee (hereafter referred to in the present Covenant as the Committee). It shall consist of eighteen members and shall carry out the functions hereinafter provided.

2. The Committee shall be composed of nationals of the States Parties to the present Covenant who shall be persons of high moral character and recognized competence in the field of human rights, consideration being given to the

usefulness of the participation of some persons having legal experience.

3. The members of the Committee shall be elected and shall serve in their personal capacity.

Article 29-

1. The members of the Committee shall be elected by secret ballot from a list of persons possessing the qualifications prescribed in article 28 and nominated for the purpose by the States Parties to the present Covenant.

2. Each State Party to the present Covenant may nominate not more than two persons. These persons shall be nationals of the nominating State.

3. A person shall be eligible for denomination.

Article 30-

1. The initial election shall be held no later than six months after the date of the entry into force of the present Covenant.

2. At least four months before the date of each election to the Committee, other than an election to fill a vacancy declared in accordance with article 34, the Secretary-General of the United Nations shall address a written invitation to the States Parties to the present Covenant to submit their nominations for membership of the Committee within three months.

3. The Secretary-General of the United Nations shall prepare a list in alphabetical order of all the persons thus nominated, with an indication of the States Parties which have nominated them, and shall submit it to the States Parties

to the present Covenant no later than one month before the date of each election.

4. Elections of the members of the Committee shall be held at a meeting of the States Parties to the present Covenant convened by the Secretary General of the United Nations at the Headquarters of the United Nations. At that meeting, for which two thirds of the States Parties to the present Covenant shall constitute a quorum, the persons elected to the Committee shall be those nominees who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.

Article 31-

1. The Committee may not include more than one national of the same State.

2. In the election of the Committee, consideration shall be given to equitable geographical distribution of membership and to the representation of the different forms of civilization and of the principal legal systems.

Article 32-

1. The members of the Committee shall be elected for a term of four years. They shall be eligible for re-election if denominated. However, the terms of nine of the members elected at the first election shall expire at the end of two years; immediately after the first election, the names of these nine members shall be chosen by lot by the Chairman of the meeting referred to in article 30, paragraph 4.

2. Elections at the expiry of office shall be held in accordance with the preceding articles of this part of the present Covenant.

Article 33-

1. If, in the unanimous opinion of the other members, a member of the Committee has ceased to carry out his functions for any cause other than absence of a temporary character, the Chairman of the Committee shall notify the Secretary-General of the United Nations, who shall then declare the seat of that member to be vacant.

2. In the event of the death or the resignation of a member of the Committee, the Chairman shall immediately notify the Secretary-General of the United Nations, who shall declare the seat vacant from the date of death or the date on which the resignation takes effect.

Article 34-

1. When a vacancy is declared in accordance with article 33 and if the term of office of the member to be replaced does not expire within six months of the declaration of the vacancy, the Secretary-General of the United Nations shall notify each of the States Parties to the present Covenant, which may within two months submit nominations in accordance with article 29 for the purpose of filling the vacancy.

2. The Secretary-General of the United Nations shall prepare a list in alphabetical order of the persons thus nominated and shall submit it to the States Parties to the present Covenant. The election to fill the vacancy shall then take place in accordance with the relevant provisions of this part of the present Covenant.

3. A member of the Committee elected to fill a vacancy declared in accordance with article 33 shall hold office for the remainder of the term of the member who vacated the seat on the Committee under the provisions of that article.

Article 35-

The members of the Committee shall, with the approval of the General Assembly of the United Nations, receive emoluments from United Nations resources on such terms and conditions as the General Assembly may decide, having regard to the importance of the Committee's responsibilities.

Article 36-

The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Covenant.

Article 37-

1. The Secretary-General of the United Nations shall convene the initial meeting of the Committee at the Headquarters of the United Nations.

2. After its initial meeting, the Committee shall meet at such times as shall be provided in its rules of procedure.

3. The Committee shall normally meet at the Headquarters of the United Nations or at the United Nations Office at Geneva.

Article 38-

Every member of the Committee shall, before taking up his duties, make a solemn declaration in open committee that he will perform his functions impartially and conscientiously.

Article 39-

1. The Committee shall elect its officers for a term of two years. They may be re-elected.

2. The Committee shall establish its own rules of procedure, but these rules shall provide, inter alia, that:

(a) Twelve members shall constitute a quorum.

(b) Decisions of the Committee shall be made by a majority vote of the members present.

Article 40-

1. The States Parties to the present Covenant undertake to submit reports on the measures they have adopted which give effect to the rights recognized herein and on the progress made in the enjoyment of those rights: (a) Within one year of the entry into force of the present Covenant for the States Parties concerned; (b) Thereafter whenever the Committee so requests.

2. All reports shall be submitted to the Secretary-General of the United Nations, who shall transmit them to the Committee for consideration. Reports shall indicate the factors and difficulties, if any, affecting the implementation of the present Covenant.

3. The Secretary-General of the United Nations may, after consultation with the Committee, transmit to the specialized agencies concerned copies of such parts of the reports as may fall within their field of competence.

4. The Committee shall study the reports submitted by the States Parties to the present Covenant. It shall transmit its reports, and such general comments, as it may consider appropriate, to the States Parties. The Committee may also transmit to the Economic and Social Council these comments

along with the copies of the reports it has received from States Parties to the present Covenant.

5. The States Parties to the present Covenant may submit to the Committee observations on any comments that may be made in accordance with paragraph 4 of this article.

Article 41-

1. A State Party to the present Covenant may at any time declare under this article that it recognizes the competence of the Committee to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under the present Covenant. Communications under this article may be received and considered only if submitted by a State Party which has made a declaration recognizing in regard to itself the competence of the Committee. No communication shall be received by the Committee if it concerns a State Party which has not made such a declaration. Communications received under this article shall be dealt with in accordance with the following procedure:

(a) If a State Party to the present Covenant considers that another State Party is not giving effect to the provisions of the present Covenant, it may, by written communication, bring the matter to the attention of that State Party. Within three months after the receipt of the communication the receiving State shall afford the State which sent the communication an explanation, or any other statement in writing clarifying the matter which should include, to the extent possible and pertinent, reference to domestic procedures and remedies taken, pending, or available in the matter;

(b) If the matter is not adjusted to the satisfaction of both States Parties concerned within six months after the receipt by the receiving State of the initial communication, either

State shall have the right to refer the matter to the Committee, by notice given to the Committee and to the other State;

(c) The Committee shall deal with a matter referred to only after it has ascertained that all available domestic remedies have been invoked and exhausted in the matter, in conformity with the generally recognized principles of international law. This shall not be the rule where the application of the remedies is unreasonably prolonged; (d) The Committee shall hold closed meetings when examining communications under this article; (e) Subject to the

provisions of subparagraph (c), the Committee shall make available its good offices to the States Parties concerned with a view to a friendly solution of the matter on the basis of respect for human rights and fundamental freedoms as recognized in the present Covenant; (f) In any matter referred to it, the Committee may call upon the States Parties concerned, referred to in subparagraph (b), to supply any relevant information; (g) The States Parties concerned, referred to in subparagraph (b), shall have the right to be represented when the matter is being considered in the Committee and to make submissions orally and/or in writing; (h) The Committee shall, within twelve months after the date of receipt of notice under subparagraph (b), submit a report: (I) If a solution within the terms of subparagraph (e) is reached, the Committee shall confine its report to a brief statement of the facts and of the solution reached.

Article 42-

1. (a) If a matter referred to the Committee in accordance with article 41 is not resolved to the satisfaction of the States Parties concerned, the Committee may, with the prior consent of the States Parties concerned, appoint an ad hoc Conciliation Commission (hereinafter referred to as the Commission). The good offices of the Commission shall be made available to the States Parties concerned with a view to an amicable solution of the matter on the basis of respect for the present Covenant; (b) The Commission shall consist of five persons acceptable to the States Parties concerned. If the

States Parties concerned fail to reach agreement within three months on all or part of the composition of the Commission, the members of the Commission concerning whom no agreement has been reached shall be elected by secret ballot by a two-thirds majority vote of the Committee from among its members.

Article 43-

The members of the Committee, and of the ad hoc conciliation commissions which may be appointed under article 42, shall be entitled to the facilities, privileges and immunities of exports on mission for the United Nations as laid down in the relevant sections of the Convention on the Privileges and Immunities of the United Nations.

Article 44-

The provisions for the implementation of the present Covenant shall apply without prejudice to the procedures prescribed in the field of human rights by or under the constituent instruments and the conventions of the United Nations and of the specialized agencies and shall not prevent the States Parties to the present Covenant from having recourse to other procedures for settling a dispute in accordance with general or special international agreements in force between them.

Article 45-

The Committee shall submit to the General Assembly of the United Nations, through the Economic and Social Council, an annual report on its activities.

PART-FIVE

Article 46-

Nothing in the present Covenant shall be interpreted as impairing the provisions of the Charter of the United Nations and of the constitutions of the specialized agencies which define the respective responsibilities of the various organs of the United Nations and of the specialized agencies in regard to the matters dealt with in the present Covenant.

Article 47-

Nothing in the present Covenant shall be interpreted as impairing the inherent right of all peoples to enjoy and utilize fully and freely their natural wealth and resources.

PART-SIX

Article 48-

1. The present Covenant is open for signature by any State Member of the United Nations or member of any of its specialized agencies, by any State Party to the Statute of the International Court of Justice, and by any other State which has been invited by the General Assembly of the United Nations to become a Party to the present Covenant.

Article 49-

1. The present Covenant shall enter into force three months after the date of the deposit with the Secretary-General of the United Nations of the thirty-fifth instrument of ratification or instrument of accession.

2. For each State ratifying the present Covenant or acceding to it after the deposit of the thirty-fifth instrument of ratification or instrument of accession, the present

Covenant shall enter into force three months after the date of the deposit of its own instrument of ratification or instrument of accession.

Article 50-

The provisions of the present Covenant shall extend to all parts of federal States without any limitations or exceptions.

Article 51-

1. Any State Party to the present Covenant may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General of the United Nations shall thereupon communicate any proposed amendments to the States Parties to the present Covenant with a request that they notify him whether they favour a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that at least one third of the States Parties favours such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of the States Parties present and voting at the conference shall be submitted to the General Assembly of the United Nations for approval.

2. Amendments shall come into force when they have been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of the States Parties to the present Covenant in accordance with their respective constitutional processes. 3. When amendments come into force, they shall be binding on those States Parties which have accepted them, other States Parties still being bound by the provisions of the present Covenant and any earlier amendment which they have accepted.

Article 52-

Irrespective of the notifications made under article 48, paragraph 5, the Secretary-General of the United Nations shall inform all States referred to in paragraph I of the same article of the following particulars: (a) Signatures, ratifications and accessions under article 48.

Article 53-

1. The present Covenant, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.

2. The Secretary-General of the United Nations shall transmit certified copies of the present Covenant to all States referred to in article 48.

3. International Covenant on Economic, Social and Cultural Rights

Context

The International Covenant on Economic, Social and Cultural Rights (ICESCR) adopted and opened for signature, ratification and accession by the General Assembly On 16 December 1966 and entered into force 3 January 1976, in accordance with article 27 of the Covenant. Not all the obligations in the ICESCR are subject to resource constraints. Thus the parties 'undertake to guarantee' the non-discriminatory applications of the rights in the Covenant, and 'undertake to ensure' the equal rights of men and women in the enjoyment of Covenant rights.

The implementation of the Covenant is based primarily on the system of state reports, scrutinized by the ESC committee. The committee has also considered the possibility of supplementing the reporting mechanism through a system of petitions which would address allegations of violations of economic, social and cultural rights.

Preamble

The States Parties to the present Covenant, considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world, recognizing that these rights derive from the inherent dignity of the human person. Recognizing that, in accordance with the Universal Declaration of Human Rights, the ideal of free human beings enjoying freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his economic, social and cultural rights, as well as his civil and political rights.

Considering the obligation of States under the Charter of the United Nations to promote universal respect for, and observance of, human rights and freedoms.

Realizing that the individual, having duties to other individuals and to the community to which he belongs, is under a responsibility to strive for the promotion and observance of the rights recognized in the present Covenant.

Agree upon the following articles:

PART-ONE

Article 1-

1. All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

2. All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.

3. The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations.

PART-TWO

Article 2-

1. Each State Party to the present Covenant undertakes to take steps, individually and through international assistance and cooperation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures.

2. The States Parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

3. Developing countries, with due regard to human rights and their national economy, may determine to what extent they would guarantee the economic rights recognized in the present Covenant to non-nationals.

Article 3-

The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights set forth in the present

Covenant.

Article 4-

The States Parties to the present Covenant recognize that, in the enjoyment of those rights provided by the State in conformity with the present Covenant, the State may subject such

rights only to such limitations as are determined by law only in so far as this may be compatible with the nature of these rights and solely for the purpose of promoting the general welfare in a democratic society.

Article 5-

1. Nothing in the present Covenant may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights or freedoms recognized

herein, or at their limitation to a greater extent than is provided for in the present Covenant.

2. No restriction upon or derogation from any of the fundamental

human rights recognized or existing in any country in virtue of

law, conventions, regulations or custom shall be admitted on the

pretext that the present Covenant does not recognize such rights or

that it recognizes them to a lesser extent.

PART-THREE

Article 6-

1. The States Parties to the present Covenant recognize the right to work, which includes the right of everyone to the

opportunity to gain his living by work which he freely chooses or

accepts, and will take appropriate steps to safeguard this right.

2. The steps to be taken by a State Party to the present Covenant to

achieve the full realization of this right shall include technical and

vocational guidance and training programmes, policies and

techniques to achieve steady economic, social and cultural

development and full and productive employment under conditions safeguarding fundamental political and economic freedoms to the individual.

Article 7-

The States Parties to the present Covenant recognize the right of everyone to the enjoyment of just and favorable conditions of work which ensure, in particular: (a) Remuneration, which provides all workers, as a minimum, with: (i) Fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work.

Article 8 -

1. The States Parties to the present Covenant undertake to ensure: (a) The right of everyone to form trade unions and join the trade union of his choice, subject only to the rules of the organization concerned, for the promotion and protection of his economic and social interests. No restrictions may be placed on the exercise of this right other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others;

(b) The right of trade unions to establish national federations or confederations and the right of the latter to form or join international trade-union organizations;

Article 9-

The States Parties to the present Covenant recognize the right of everyone to social security, including social insurance.

Article 10-

The States Parties to the present Covenant recognize that:

1.The widest possible protection and assistance should be accorded to the family, which is the natural and fundamental group unit of society, particularly for its establishment and while it is responsible for the care and education of dependent children. Marriage must be entered into with the free consent of the intending spouses.

2. Special protection should be accorded to mothers during a reasonable period before and after childbirth. During such periods working mothers should be accorded paid leave or leave with adequate social security benefits.

3. Special measures of protection and assistance should be taken on behalf of all children and young persons without any discrimination for reasons of parentage or other conditions. Children and young persons should be protected from economic and social exploitation. Their employment in work harmful to their morals or health or dangerous to life or likely to hamper their normal development should be punishable by law. States should also set age limits below which the paid employment of child labour should be prohibited and punishable by law.

Article 11-

1.The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international cooperation based on free consent.

2. The States Parties to the present Covenant, recognizing the fundamental right of everyone to be free from hunger, shall take, individually and through

international cooperation, the measures, including specific programmes, which are needed.

Article 12-

1.The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.

Article 13 -

1.The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace.

2. The States Parties to the present Covenant recognize that, with a view to achieving the full realization of this right:

- (a) Primary education shall be compulsory and available free to all;
- (b) Secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education;
- (c) Higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education;
- (d) Fundamental education shall be encouraged or intensified as far as possible for those persons who have not received or completed the whole period of their primary education;
- (e) The development of a system of schools at all levels shall be actively pursued, an adequate fellowship system shall be established, and the

material conditions of teaching staff shall be continuously improved.

Article 14-

Each State Party to the present Covenant which, at the time of becoming a Party, has not been able to secure in its metropolitan territory or other territories under its jurisdiction compulsory primary education, free of charge, undertakes, within two years, to work out and adopt a detailed plan of action for the progressive implementation, within a reasonable number of years, to be fixed in the plan, of the principle of compulsory education free of charge for all.

Article 15-

1. The States Parties to the present Covenant recognize the right of everyone: (a) To take part in cultural life; (b) To enjoy the benefits of scientific progress and its applications; (c) To benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

2. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for the conservation, the development and the diffusion of science and culture.

3. The States Parties to the present Covenant undertake to respect the freedom indispensable for scientific research and creative activity.

PART-FOUR

Article 16

1. The States Parties to the present Covenant undertake to submit in conformity with this part of the Covenant reports

on the measures which they have adopted and the progress made in achieving the observance of the rights recognized herein.

Article 17-

1. The States Parties to the present Covenant shall furnish their reports in stages, in accordance with a programme to be established by the Economic and Social Council within one year of the entry into force of the present Covenant after consultation with the States Parties and the specialized agencies concerned.

2. Reports may indicate factors and difficulties affecting the degree of fulfillment of obligations under the present Covenant.

3. Where relevant information has previously been furnished to the United Nations or to any specialized agency by any State Party to the present Covenant, it will not be necessary to reproduce that information, but a precise reference to the information so furnished will suffice.

Article 18-

Pursuant to its responsibilities under the Charter of the United Nations in the field of human rights and fundamental freedoms, the Economic and Social Council may make arrangements with the specialized agencies in respect of their reporting to it on the progress made in achieving the observance of the provisions of the present Covenant falling within the scope of their activities. These reports may include particulars of decisions and recommendations on such implementation adopted by their competent organs.

Article 19-

The Economic and Social Council may transmit to the Commission on Human Rights for study and general

recommendation or, as appropriate, for information the reports concerning human rights submitted by States in accordance with articles 16 and 17, and those concerning human rights submitted by the specialized agencies in accordance with article 18.

Article 20-

The States Parties to the present Covenant and the specialized agencies concerned may submit comments to the Economic and Social Council on any general recommendation under article 19 or reference to such general recommendation in any report of the Commission on Human Rights or any documentation referred to therein.

Article 21-

The Economic and Social Council may submit from time to time to the General Assembly reports with recommendations of a general nature and a summary of the information received from the States Parties to the present Covenant and the specialized agencies on the measures taken and the progress made in achieving general observance of the rights recognized in the present Covenant.

Article 22-

The Economic and Social Council may bring to the attention of other organs of the United Nations, their subsidiary organs and specialized agencies concerned with furnishing technical assistance any matters arising out of the reports referred to in this part of the present Covenant which may assist such bodies in deciding, each within its field of competence, on the advisability of international measures likely to contribute to the effective progressive implementation of the present Covenant.

Article 23-

The States Parties to the present Covenant agree that international action for the achievement of the rights recognized in the present Covenant includes such methods as the conclusion of conventions, the adoption of recommendations, the furnishing of technical assistance and the holding of regional meetings and technical meetings for the purpose of consultation and study organized in conjunction with the Governments concerned.

Article 24-

Nothing in the present Covenant shall be interpreted as impairing the provisions of the Charter of the United Nations and of the constitutions of the specialized agencies which define the respective responsibilities of the various organs of the United Nations and of the specialized agencies in regard to the matters dealt with in the present Covenant.

Article 25-

Nothing in the present Covenant shall be interpreted as impairing the inherent right of all peoples to enjoy and utilize fully and freely their natural wealth and resources.

PART-FIVE

Article 26-

1. The present Covenant is open for signature by any State Member of the United Nations or member of any of its specialized agencies, by any State Party to the Statute of the International Court of Justice, and by any other State which has been invited by the General Assembly of the United Nations to become a party to the present Covenant.

2. The present Covenant is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

3. The present Covenant shall be open to accession by any State referred to in paragraph 1 of this article.

4. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

5. The Secretary-General of the United Nations shall inform all States which have signed the present Covenant or acceded to it of the deposit of each instrument of ratification or accession.

Article 27-

1. The present Covenant shall enter into force three months after the date of the deposit with the Secretary-General of the United Nations of the thirty-fifth instrument of ratification or instrument of accession.

2. For each State ratifying the present Covenant or acceding to it after the deposit of the thirty-fifth instrument of ratification or instrument of accession, the present Covenant shall enter into force three months after the date of the deposit of its own instrument of ratification or instrument of accession.

Article 28-

The provisions of the present Covenant shall extend to all parts of federal States without any limitations or exceptions.

Article 29-

1. Any State Party to the present Covenant may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate any proposed amendments to the States Parties to the present Covenant with a request that they notify him whether they favour a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that at least one third of the States Parties favours such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of the States Parties present and voting at the conference shall be submitted to the General Assembly of the United Nations for approval.

2. Amendments shall come into force when they have been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of the States Parties to the present Covenant in accordance with their respective constitutional processes.

3. When amendments come into force they shall be binding on those States Parties which have accepted them, other States Parties still being bound by the provisions of the present Covenant and any earlier amendment which they have accepted.

Article 30-

Irrespective of the notifications made under article 26, paragraph 5, the Secretary-General of the United Nations shall inform all States referred to in paragraph I of the same article of the following particulars: (a) Signatures, ratifications and accessions under article 26; (b) The date of the entry into force of the present Covenant under article 27 and the date of the entry into force of any amendments under article 29.

Article 31-

1. The present Covenant, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.

2. The Secretary-General of the United Nations shall transmit certified copies of the present Covenant to all States referred to in article 26.

Declaration on the Elimination of Violence Against Women (1993)

Preamble

Recognizing the urgent need for the universal application to women of the rights and principles with regard to equality, security, liberty, integrity and dignity of all human beings.

Noting that those rights and principles are enshrined in international instruments, including the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Recognizing that effective implementation of the Convention on the Elimination of All Forms of Discrimination against Women would contribute to the elimination of violence against women and that the Declaration on the Elimination of Violence against Women, set forth in the present resolution, will strengthen and complement that process.

Concerned that violence against women is an obstacle to the achievement of equality, development and peace, as recognized in the Nairobi Forward-looking Strategies for the Advancement of Women, in which a set of measures to combat violence against women was recommended, and to the full implementation of the Convention on the Elimination of All Forms of Discrimination against Women.

Affirming that violence against women constitutes a violation of the rights and fundamental freedoms of women and impairs or nullifies their enjoyment of those rights and freedoms, and concerned about the long-standing failure to protect and promote those rights and freedoms in the case of violence against women.

Recognizing that violence against women is a manifestation of historically unequal power relations between men and women, which have led to domination over and discrimination against women by men and to the prevention of the full advancement of women, and that violence against women is one of the crucial social mechanisms by which women are forced into a subordinate position compared with men.

Concerned that some groups of women, such as women belonging to minority groups, indigenous women, refugee women, migrant women, women living in rural or remote communities, destitute women, women in institutions or in detention, female children, women with disabilities, elderly women and women in situations of armed conflict, are especially vulnerable to violence.

Recalling the conclusion in paragraph 23 of the annex to Economic and Social Council resolution 1990/15 of 24 May 1990 that the recognition that violence against women in the family and society was pervasive and cut across lines of income, class and culture had to be matched by urgent and effective steps to eliminate its incidence.

Recalling also Economic and Social Council resolution 1991/18 of 30 May 1991, in which the Council recommended the development of a framework for an international instrument that would address explicitly the issue of violence against women.

Welcoming the role that women's movements are playing in drawing increasing attention to the nature, severity and magnitude of the problem of violence against women. Alarmed that opportunities for women to achieve legal, social, political and economic equality in society are limited, inter alia, by continuing and endemic violence.

Convinced that in the light of the above there is a need for a clear and comprehensive definition of violence against women, a clear statement of the rights to be applied to ensure the elimination of violence against women in all its forms, a commitment by States in respect of their responsibilities, and a commitment by the international community at large to the elimination of violence against women.

Solemnly proclaims the following Declaration on the Elimination of Violence against Women and urges that every effort be made so that it becomes generally known and respected:

Article 1

For the purposes of this Declaration, the term "violence against women" means any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.

Article 2

Violence against women shall be understood to encompass, but not be limited to, the following:

(a) Physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation;

(b) Physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution;

(c) Physical, sexual and psychological violence perpetrated or condoned by the State, wherever it occurs.

Article 3

Women are entitled to the equal enjoyment and protection of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field. These rights include, inter alia:

- (a) The right to life
- (b) The right to equality
- (c) The right to liberty and security of person
- (d) The right to equal protection under the law
- (e) The right to be free from all forms of discrimination
- (f) The right to the highest standard attainable of physical and mental health
- (g) The right to just and favorable conditions of work
- (h) The right not to be subjected to torture, or other cruel, inhuman or degrading treatment or punishment.

Article 4

States should condemn violence against women and should not invoke any custom, tradition, or religious consideration to avoid their obligations with respect to its elimination. States should pursue by all appropriate means and without delay a policy of eliminating violence against women and, to this end, should:

(a) Consider, where they have not yet done so, ratifying or acceding to the Convention on the Elimination of All Forms of Discrimination against Women or withdrawing reservations to that Convention.

(b) Refrain from engaging in violence against women

(c) Exercise due diligence to prevent, investigate, and, in accordance with national legislation, punish acts of violence against women, whether those acts are perpetrated by the State or by private persons.

(d) Develop penal, civil, labor, and administrative sanctions in domestic legislation to punish and redress the wrongs caused to women who are subjected to violence; women who are subjected to violence should be provided with access to the mechanisms of justice and, as provided for by national legislation, to just and effective remedies for the harm that they have suffered; States should also inform women of their rights in seeking redress through such mechanisms.

(e) Consider the possibility of developing national plans of action to promote the protection of women against any form of violence, or to include provisions for that purpose in plans already existing, taking into account, as appropriate, such cooperation as can be provided by non-governmental organizations, particularly those concerned with the issue of violence against women.

(f) Develop, in a comprehensive way, preventive approaches and all those measures of a legal, political, administrative, and cultural nature that promote the protection of women against any form of violence, and ensure that the re-victimization of women does not occur because of laws insensitive to gender considerations, enforcement practices, or other interventions.

(g) Work to ensure, to the maximum extent feasible in the light of their available resources and, where needed, within the framework of international cooperation, that women subjected to violence and, where appropriate, their children have specialized assistance, such as rehabilitation, assistance in child care and maintenance, treatment, counselling, and health and social services, facilities and

programmes, as well as support structures, and should take all other appropriate measures to promote their safety and physical and psychological rehabilitation.

(h) Include in government budgets adequate resources for their activities related to the elimination of violence against women.

(i) Take measures to ensure that law enforcement officers and public officials responsible for implementing policies to prevent, investigate, and punish violence against women receive training to sensitize them to the needs of women.

(j) Adopt all appropriate measures, especially in the field of education, to modify the social and cultural patterns of conduct of men and women and to eliminate prejudices, customary practices, and all other practices based on the idea of the inferiority or superiority of either of the sexes and on stereotyped roles for men and women.

(k) Promote research, collect data, and compile statistics, especially concerning domestic violence, relating to the prevalence of different forms of violence against women, and encourage research on the causes, nature, seriousness, and consequences of violence against women and on the effectiveness of measures implemented to prevent and redress violence against women; those statistics and findings of the research will be made public.

(l) Adopt measures directed towards the elimination of violence against women who are especially vulnerable to violence.

(m) Include, in submitting reports as required under relevant human rights instruments of the United Nations, information pertaining to violence against women and measures taken to implement the present Declaration.

(n) Encourage the development of appropriate guidelines to assist in the implementation of the principles set forth in the present Declaration.

(o) Recognize the important role of the women's movement and non-governmental organizations worldwide in raising awareness and alleviating the problem of violence against women.

(p) Facilitate and enhance the work of the women's movement and non-governmental organizations and cooperate with them at local, national, and regional levels.

(q) Encourage intergovernmental regional organizations of which they are members to include the elimination of violence against women in their programmes, as appropriate.

Article 5

The organs and specialized agencies of the United Nations system should, within their respective fields of competence, contribute to the recognition and realization of the rights and the principles set forth in the present Declaration and, to this end, should, *inter alia*:

(a) Foster international and regional cooperation with a view to defining regional strategies for combating violence, exchanging experiences, and financing programmes relating to the elimination of violence against women.

(b) Promote meetings and seminars with the aim of creating and raising awareness among all persons of the issue of the elimination of violence against women.

(c) Foster coordination and exchange within the United Nations system between human rights treaty-bodies to address the issue of violence against women effectively.

(d) Included in analyses prepared by organizations and bodies of the United Nations system of social trends and problems, such as the periodic reports on the world social situation, examination of trends in violence against women.

(e) Encourage coordination between organizations and bodies of the United Nations system to incorporate the issue of violence against women into ongoing programmes, especially with reference to groups of women particularly vulnerable to violence.

(f) Promote the formulation of guidelines or manuals relating to violence against women, taking into account the measures referred to in the present Declaration.

(g) Consider the issue of the elimination of violence against women, as appropriate, in fulfilling their mandates with respect to the implementation of human rights instruments.

(h) Cooperate with non-governmental organizations in addressing the issue of violence against women.

Article 6

Nothing in the present Declaration shall affect any provision that is more conducive to the elimination of violence against women that may be contained in the legislation of a State or in any international convention, treaty, or other instrument in force in a State.

The UN Convention on the Rights of the Child (12 December 1989)

Introduction:

The Convention on the Rights of Child (CRC) is one of the major UN treaties on human rights. The convention follows a 1959 UN Declaration on the Rights of the Child, and was adopted by the General Assembly of the UN in 1989, coming into force in 1990 after the twentieth ratification. It is the most widely ratified human rights treaty emanating from the UN—only two states have not become parties. The convention is extensive, with fifty-four

articles in total; the substantive provisions are set out in Articles 1 to 41. The text contains a mix of general human rights and humanitarian law principles which are adopted to the special circumstances of children such as freedom of expression, freedom of thought, conscience and religion, and the right to education, and new rights including as those relating to fostering and adoption and rights to protection from sexual and other exploitation.

The basic obligation on states parties is to ‘respect and ensure’ the rights in the convention to each child within their jurisdiction, without discrimination of any kind, irrespective of the child’s or his or her parent’s or legal guardian’s race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth of other status. Accordingly, states are to undertake all appropriate measures for the implementation of the rights, while with regards to economic, social and cultural rights, they shall undertake such measures to the maximum of their available resources, and where needed, within the framework of international cooperation, states parties also undertake to

make the principles and provisions of the convention widely known.

Preamble of Convention

The States Parties to the present Convention, Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Bearing in mind that the peoples of the United Nations have, in the Charter, reaffirmed their faith in fundamental human rights and in the dignity and worth of the human person, and have determined to promote social progress and better standards of life in larger freedom.

Recognizing that the United Nations has, in the Universal Declaration of Human Rights and in the International Covenants on Human Rights, proclaimed and agreed that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Recalling that, in the Universal Declaration of Human Rights, the United Nations has proclaimed that childhood is entitled to special care and assistance.

Convinced that the family, as the fundamental group of society and the natural environment for the growth and well-being of all its members and particularly children, should be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community,

Recognizing that the child, for the full and harmonious development of his or her personality, should grow up in a

family environment, in an atmosphere of happiness, love and understanding.

Considering that the child should be fully prepared to live an individual life in society, and brought up in the spirit of the ideals proclaimed in the Charter of the United Nations, and in particular in the spirit of peace, dignity, tolerance, freedom, equality and solidarity,

Bearing in mind that, as indicated in the Declaration of the Rights of the Child, "the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth".

Recalling the provisions of the Declaration on Social and Legal Principles relating to the Protection and Welfare of Children, with special Reference to Foster Placement and Adoption Nationally and Internationally; the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules); and the Declaration on the Protection of Women and Children in Emergency and Armed Conflict.

Recognizing that, in all countries in the world, there are children living in exceptionally difficult conditions, and that such children need special consideration.

Taking due account of the importance of the traditions and cultural values of each person for the protection and harmonious development of the child.

Recognizing the importance of international co-operation for improving the living conditions of children in every country, in particular in the developing countries.

Some selected Articles of the Convention

Article 1

For the purposes of the present Convention, a child means every human being below the age of eighteen years unless, under the law applicable to the child, majority is attained earlier.

Article 2

1. States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.

2. States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.

Article 3

1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

2. States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures.

Article 4

States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention. With regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international cooperation.

Article 5

States Parties shall respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the present Convention.

Article 6

1. States Parties recognize that every child has the inherent right to life.
2. States Parties shall ensure to the maximum extent possible the survival and development of the child.

Article 7

The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents.

Article 8

States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference.

Article 9

States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. Such determination may be necessary in a particular case such as one involving abuse or neglect of the child by the parents, or one where the parents are living separately and a decision must be made as to the child's place of residence.

Article 10

1. In accordance with the obligation of States Parties under article 9, paragraph 1, applications by a child or his or her parents to enter or leave a State Party for the purpose of family reunification shall be dealt with by States Parties in a positive, humane and expeditious manner. States Parties shall further ensure that the submission of such a request shall entail no adverse consequences for the applicants and for the members of their family.

2. A child whose parents reside in different States shall have the right to maintain on a regular basis, save in exceptional circumstances personal relations and direct contacts with both parents. Towards that end and in accordance with the obligation of States Parties under article 9, paragraph 1, States Parties shall respect the right of the child and his or her parents to leave any country, including

their own, and to enter their own country. The right to leave any country shall be subject only to such restrictions as are prescribed by law and which are necessary to protect the national security, public order (order public), public health or morals or the rights and freedoms of others and are consistent with the other rights recognized in the present Convention.

Article 11

1. States Parties shall take measures to combat the illicit transfer and non-return of children abroad.

2. To this end, States Parties shall promote the conclusion of bilateral or multilateral agreements or accession to existing agreements.

Article 12

1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.

2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.

Article 13

The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice.

Article 14

States Parties shall respect the right of the child to freedom of thought, conscience and religion.

Article 15

States Parties recognize the rights of the child to freedom of association and to freedom of peaceful assembly.

Article 16

1. No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, or to unlawful attacks on his or her honour and reputation.

2. The child has the right to the protection of the law against such interference or attacks.

Article 17

States Parties recognize the important function performed by the mass media and shall ensure that the child has access to information and material from a diversity of national and international sources, especially those aimed at the promotion of his or her social, spiritual and moral well-being and physical and mental health. To this end, States Parties shall.

Article 18

1. States Parties shall use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child. Parents or, as the case may be, legal guardians, have the primary responsibility for the upbringing and development of the child. The best interests of the child will be their basic concern.

2. For the purpose of guaranteeing and promoting the rights set forth in the present Convention, States Parties shall render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities and services for the care of children.

3. States Parties shall take all appropriate measures to ensure that children of working parents have the right to benefit from child-care services and facilities for which they are eligible.

Article 19

States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.

Article 20

A child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State.

Article 21

States Parties that recognize and/or permit the system of adoption shall ensure that the best interests of the child shall be the paramount consideration and they shall:

(a) Ensure that the adoption of a child is authorized only by competent authorities who determine, in accordance with

applicable law and procedures and on the basis of all pertinent and reliable information, that the adoption is permissible in view of the child's status concerning parents, relatives and legal guardians and that, if required, the persons concerned have given their informed consent to the adoption on the basis of such counselling as may be necessary.

(b) Recognize that inter-country adoption may be considered as an alternative means of child's care, if the child cannot be placed in a foster or an adoptive family or cannot in any suitable manner be cared for in the child's country of origin.

(c) Ensure that the child concerned by inter-country adoption enjoys safeguards and standards equivalent to those existing in the case of national adoption.

(d) Take all appropriate measures to ensure that, in inter-country adoption, the placement does not result in improper financial gain for those involved in it.

(e) Promote, where appropriate, the objectives of the present article by concluding bilateral or multilateral arrangements or agreements, and endeavour, within this framework, to ensure that the placement of the child in another country is carried out by competent authorities or organs.

Article 22

1. States Parties shall take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law and procedures shall, whether unaccompanied or accompanied by his or her parents or by any other person, receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in the present Convention and in other international

human rights or humanitarian instruments to which the said States are Parties.

Article 23

States Parties recognize that a mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community.

Article 24

States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services forth in the present Convention and in other international human rights or humanitarian instruments to which.

Article 25

States Parties recognize the right of a child who has been placed by the competent authorities for the purposes of care, protection or treatment of his or her physical or mental health, to a periodic review of the treatment provided to the child and all other circumstances relevant to his or her placement.

Article 26

States Parties shall recognize for every child the right to benefit from social security, including social insurance, and shall take the necessary measures to achieve the full realization of this right in accordance with their national law.

Article 27

States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.

Article 28

States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:

(a) Make primary education compulsory and available free to all.

(b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need.

(c) Make higher education accessible to all on the basis of capacity by every appropriate means.

(d) Make educational and vocational information and guidance available and accessible to all children.

(e) Take measures to encourage regular attendance at schools and the reduction of drop-out rates.

Article 29

States Parties agree that the education of the child shall be directed to:

(a) The development of the child's personality, talents and mental and physical abilities to their fullest potential.

(b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations.

(c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living; the country from which he or she may originate, and for civilizations different from his or her own.

(d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin.

(e) The development of respect for the natural environment.

Article 30

In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language.

Article 31

1. States Parties recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.

2. States Parties shall respect and promote the right of the child to participate fully in cultural and artistic life and shall encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity. States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent.

Article 32

1. States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.

2. States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article. To this end, and having regard to the relevant provisions of other international instruments, States Parties shall in particular.

(a) Provide for a minimum age or minimum ages for admission to employment;

(b) Provide for appropriate regulation of the hours and conditions of employment;

(c) Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article.

Article 33

States Parties shall take all appropriate measures, including legislative, administrative, social and educational measures, to protect children from the illicit use of narcotic drugs and psychotropic substances as defined in the relevant international treaties, and to prevent the use of children in the illicit production and trafficking of such substances.

Article 34

States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent.

(a) The inducement or coercion of a child to engage in any unlawful sexual activity.

(b) The exploitative use of children in prostitution or other unlawful sexual practices.

(c) The exploitative use of children in pornographic performances and materials.

Article 35

States Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form.

Article 36

States Parties shall protect the child against all other forms of exploitation prejudicial to any aspects of the child's welfare.

Article 37

States Parties shall ensure that:

(a) No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age;

(b) No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time;

(c) Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs

of persons of his or her age. In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances;

(d) Every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his or her liberty before a court or other competent, independent and impartial authority, and to a prompt decision on any such action.

Article 38

1. States Parties undertake to respect and to ensure respect for rules of international humanitarian law applicable to them in armed conflicts, which are relevant to the child.

Article 39

States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child.

Article 40

1. States Parties recognize the right of every child alleged as, accused of, or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth, which reinforces the child's respect for the human rights and fundamental freedoms of others and which takes into account the child's age and the desirability of promoting the child's

reintegration and the child's assuming a constructive role in society.

Article 41

Nothing in the present Convention shall affect any provisions which are more conducive to the realization of the rights of the child and which may be contained in:

- (a) The law of a State party or
- (b) International law in force for that State.

Article 42

States Parties undertake to make the principles and provisions of the Convention widely known, by appropriate and active means, to adults and children alike.

Article 43

1. For the purpose of examining the progress made by States Parties in achieving the realization of the obligations undertaken in the present Convention, there shall be established a Committee on the Rights of the Child, which shall carry out the functions hereinafter provided.

2. The Committee shall consist of eighteen experts of high moral standing and recognized competence in the field covered by this Convention.^{1/} The members of the Committee shall be elected by States Parties from among their nationals and shall serve in their personal capacity, consideration being given to equitable geographical distribution, as well as to the principal legal systems.

3. The members of the Committee shall be elected by secret ballot from a list of persons nominated by States Parties. Each State Party may nominate one person from among its own nationals.

4. The initial election to the Committee shall be held no later than six months after the date of the entry into force of the present Convention and thereafter every second year. At least four months before the date of each election, the Secretary-General of the United Nations shall address a letter to States Parties inviting them to submit their nominations within two months. The Secretary-General shall subsequently prepare a list in alphabetical order of all persons thus nominated, indicating States Parties which have nominated them, and shall submit it to the States Parties to the present Convention.

5. The elections shall be held at meetings of States Parties convened by the Secretary-General at United Nations Headquarters. At those meetings, for which two thirds of States Parties shall constitute a quorum, the persons elected to the Committee shall be those who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.

6. The members of the Committee shall be elected for a term of four years. They shall be eligible for re-election if renominated. The term of five of the members elected at the first election shall expire at the end of two years; immediately after the first election, the names of these five members shall be chosen by lot by the Chairman of the meeting.

7. If a member of the Committee dies or resigns or declares that for any other cause he or she can no longer perform the duties of the Committee, the State Party which nominated the member shall appoint another expert from among its nationals to serve for the remainder of the term, subject to the approval of the Committee.

8. The Committee shall establish its own rules of procedure.

9. The Committee shall elect its officers for a period of two years.

10. The meetings of the Committee shall normally be held at United Nations Headquarters or at any other convenient place as determined by the Committee. The Committee shall normally meet annually. The duration of the meetings of the Committee shall be determined, and reviewed, if necessary, by a meeting of the States Parties to the present Convention, subject to the approval of the General Assembly.

11. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Convention.

12. With the approval of the General Assembly, the members of the Committee established under the present Convention shall receive emoluments from United Nations resources on such terms and conditions as the Assembly may decide.

Article 44

States Parties undertake to submit to the Committee, through the Secretary-General of the United Nations, reports on the measures they have adopted which give effect to the rights recognized herein and on the progress made on the enjoyment of those rights:

(a) Within two years of the entry into force of the Convention for the State Party concerned.

Article 45

In order to foster the effective implementation of the Convention and to encourage international co-operation in the field covered by the Convention.

Convention on the Prevention and Punishment of the Crime of Genocide

Adopted by the United Nations General Assembly on 9 December 1948.

Article 1

The Contracting Parties confirm that genocide, whether committed in time of peace or in time of war, is a crime under international law, which they undertake to prevent and to punish.

Article 2

In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- (a) Killing members of the group.
- (b) Causing serious bodily or mental harm to members of the group.
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part.
- (d) Imposing measures intended to prevent births within the group.
- (e) Forcibly transferring children of the group to another group.

Article 3

The following acts shall be punishable:

- (a) Genocide
- (b) Conspiracy to commit genocide.
- (c) Direct and public incitement to commit genocide.
- (d) Attempt to commit genocide.
- (e) Complicity in genocide.

Article 4

Persons committing genocide or any of the other acts enumerated in Article 3 shall be punished, whether they are constitutionally responsible rulers, public officials or private individuals.

Article 5

The Contracting Parties undertake to enact, in accordance with their respective Constitutions, the necessary legislation to give effect to the provisions of the present Convention and, in particular, to provide effective penalties for persons guilty of genocide or any of the other acts enumerated in Article 3.

Article 6

Persons charged with genocide or any of the other acts enumerated in Article 3 shall be tried by a competent tribunal of the State in the territory of which the act was committed, or by such international penal tribunal as may have jurisdiction with respect to those Contracting Parties which shall have accepted its jurisdiction.

Article 7

Genocide and the other acts enumerated in Article 3 shall not be considered as political crimes for the purpose of extradition.

The Contracting Parties pledge themselves in such cases to grant extradition in accordance with their laws and treaties in force.

Article 8

Any Contracting Party may call upon the competent organs of the United Nations to take such action under the Charter of the United Nations as they consider appropriate for the prevention and suppression of acts of genocide or any of the other acts enumerated in Article 3.

Article 9

Disputes between the Contracting Parties relating to the interpretation, application or fulfillment of the present Convention, including those relating to the responsibility of a State for genocide or any of the other acts enumerated in Article 3, shall be submitted to the International Court of Justice at the request of any of the parties to the dispute.

Article 10

The present Convention, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall bear the date of 9 December 1948.

Article 11

The present Convention shall be open until 31 December 1949 for signature on behalf of any Member of the United Nations and of any non-member State to which an invitation to sign has been addressed by the General Assembly.

The present Convention shall be ratified, and the instruments of ratification shall be deposited with the Secretary-General of the United Nations.

After 1 January 1950, the present Convention may be acceded to on behalf of any Member of the United Nations and of any non-member State which has received an invitation as aforesaid.

Instruments of accession shall be deposited with the Secretary-General of the United Nations.

Article 12

Any Contracting Party may at any time, by notification addressed to the Secretary-General of the United Nations, extend the application of the present Convention to all or any of the territories for the conduct of whose foreign relations that Contracting Party is responsible.

Article 13

On the day when the first twenty instruments of ratification or accession have been deposited, the Secretary-General shall draw up a process-verbal and transmit a copy of it to each Member of the United Nations and to each of the non-member States contemplated in Article 11.

The present Convention shall come into force on the ninetieth day following the date of deposit of the twentieth instrument of ratification or accession.

Any ratification or accession effected subsequent to the latter date shall become effective on the ninetieth day following the deposit of the instrument of ratification or accession.

Article 14

The present Convention shall remain in effect for a period of ten years as from the date of its coming into force.

It shall thereafter remain in force for successive periods of five years for such Contracting Parties as have not denounced it at least six months before the expiration of the current period.

Denunciation shall be effected by a written notification addressed to the Secretary-General of the United Nations.

Article 15

If, as a result of denunciations, the number of Parties to the present Convention should become less than sixteen, the Convention shall cease to be in force as from the date on which the last of these denunciations shall become effective.

Article 16

A request for the revision of the present Convention may be made at any time by any Contracting Party by means of a notification in writing addressed to the Secretary-General.

The General Assembly shall decide upon the steps, if any, to be taken in respect of such request.

Article 17

The Secretary-General of the United Nations shall notify all Members of the United Nations and the non-member States contemplated in Article 11 of the following:

(a) Signatures, ratifications and accessions received in accordance with Article 11.

(b) Notifications received in accordance with Article 12.

(c) The date upon which the present Convention comes into force in accordance with Article 13.

(d) Denunciations received in accordance with Article 14.

(e) The abrogation of the Convention in accordance with Article 15.

(f) Notifications received in accordance with Article 16.

Article 18

The original of the present Convention shall be deposited in the archives of the United Nations.

A certified copy of the Convention shall be transmitted to all Members of the United Nations and to the non-member States contemplated in Article 11.

Article 19

The present Convention shall be registered by the Secretary-General of the United Nations on the date of its coming into force.

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984)

Entered into force June 26, 1987.

The States Parties to this Convention

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world.

Recognizing that those rights derive from the inherent dignity of the human person. Considering the obligation of States under the Charter, in particular Article 55, to promote universal respect for, and observance of, human rights and fundamental freedoms.

Having regard to article 5 of the Universal Declaration of Human Rights and article 7 of the International Covenant on Civil and Political Rights, both of which provide that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Having regard also to the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel.

Inhuman or Degrading Treatment or Punishment, adopted by the General Assembly on 9 December 1975,

Desiring to make more effective the struggle against torture and other cruel, inhuman or degrading treatment or punishment throughout the world.

Some Articles of the Convention

Article I

For the purposes of this Convention, the term "torture" means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.

Article 2

1. Each State Party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction.

2. No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture.

3. An order from a superior officer or a public authority may not be invoked as a justification of torture.

Article 3

No State Party shall expel, return or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture.

Article 4

Each State Party shall ensure that all acts of torture are offences under its criminal law. The same shall apply to an attempt to commit torture and to an act by any person, which constitutes complicity or participation in torture.² Each State Party shall make these offences punishable by appropriate penalties, which take into account their grave nature.

Article 5

1. Each State Party shall take such measures as may be necessary to establish its jurisdiction over the offences referred to in article 4 in the following cases:

(a) When the offences are committed in any territory under its jurisdiction or on board a ship or aircraft registered in that State.

(b) When the alleged offender is a national of that State.

(c) When the victim is a national of that State if that State considers it appropriate.

Article 6

1. Upon being satisfied, after an examination of information available to it, that the circumstances warrant, any State Party in whose territory a person alleged to have committed any offence referred to in article 4 is present shall take him into custody or take other legal measures to ensure his presence. The custody and other legal measures shall be as provided in the law of that State but may be continued only for such time as is necessary to enable any criminal or extradition proceedings to be instituted.

2. Such State shall immediately make a preliminary inquiry into the facts.

3. Any person in custody pursuant to paragraph I of this article shall be assisted in communicating immediately with the nearest appropriate representative of the State of which he is a national, or, if he is a stateless person, with the representative of the State where he usually resides.

4. When a State, pursuant to this article, has taken a person into custody, it shall immediately notify the States referred to in article 5, paragraph 1, of the fact that such person is in custody and of the circumstances which warrant his detention. The State which makes the preliminary inquiry contemplated in paragraph 2 of this article shall promptly report its findings to the said States and shall indicate whether it intends to exercise jurisdiction.

Article 7

1. The State Party in the territory under whose jurisdiction a person alleged to have committed any offence referred to in article 4 is found shall in the cases contemplated in article 5, if it does not extradite him, submit the case to its competent authorities for the purpose of prosecution.

2. These authorities shall take their decision in the same manner as in the case of any ordinary offence of a serious nature under the law of that State. In the cases referred to in article 5, paragraph 2, the standards of evidence required for prosecution and conviction shall in no way be less stringent than those which apply in the cases referred to in article 5, paragraph 1.

3. Any person regarding whom proceedings are brought in connection with any of the offences referred to in article 4 shall be guaranteed fair treatment at all stages of the proceedings.

Article 8

The offences referred to in article 4 shall be deemed to be included as extraditable offences in any extradition treaty existing between States Parties. States Parties undertake to include such offences as extraditable offences in every extradition treaty to be concluded between them.

Article 9

1. States Parties shall afford one another the greatest measure of assistance in connection with criminal proceedings brought in respect of any of the offences referred to in article 4, including the supply of all evidence at their disposal necessary for the proceedings.

2. States Parties shall carry out their obligations under paragraph I of this article in conformity with any treaties on mutual judicial assistance that may exist between them.

Article 10

Each State Party shall ensure that education and information regarding the prohibition against torture are fully included in the training of law enforcement personnel, civil or military, medical personnel, public officials and other persons who may be involved in the custody, interrogation or treatment of any individual subjected to any form of arrest, detention or imprisonment.

Article 11

Each State Party shall keep under systematic review interrogation rules, instructions, methods and practices as well as arrangements for the custody and treatment of persons subjected to any form of arrest, detention or imprisonment in any territory under its jurisdiction, with a view to preventing any cases of torture.

Article 12

Each State Party shall ensure that its competent authorities proceed to a prompt and impartial investigation, wherever there is reasonable ground to believe that an act of torture has been committed in any territory under its jurisdiction.

Article 13

Each State Party shall ensure that any individual who alleges he has been subjected to torture in any territory under its jurisdiction has the right to complain to, and to have his case promptly and impartially examined by, its competent authorities. Steps shall be taken to ensure that the complainant and witnesses are protected against all ill-treatment or intimidation as a consequence of his complaint or any evidence given.

Article 14

Each State Party shall ensure in its legal system that the victim of an act of torture obtains redress and has an enforceable right to fair and adequate compensation, including the means for as full rehabilitation as possible. In the event of the death of the victim as a result of an act of torture, his dependants shall be entitled to compensation.

Article 15

Each State Party shall ensure that any statement which is established to have been made as a result of torture shall not be invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made.

Article 16

Each State Party shall undertake to prevent in any territory under its jurisdiction other acts of cruel, inhuman or degrading treatment or punishment which do not amount to torture as defined in article 1, when such acts are committed by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. In particular, the obligations contained in articles 10, 11, 12 and 13 shall apply with the substitution for references to torture of references to other forms of cruel, inhuman or degrading treatment or punishment.

Article 17

There shall be established a Committee against Torture (hereinafter referred to as the Committee), which shall carry out the functions hereinafter, provided. The Committee shall consist of ten experts of high moral standing and recognized competence in the field of human rights, who shall serve in their personal capacity. The experts shall be elected by the States Parties, consideration being given to equitable geographical distribution and to the usefulness of the participation of some persons having legal experience.

Article 18

The Committee shall elect its officers for a term of two years. They may be re-elected. 2. The Committee shall establish its own rules of procedure, but these rules shall provide, inter alia, that:

(a) Six members shall constitute a quorum.

(b) Decisions of the Committee shall be made by a majority vote of the members present.

Article 19

The States Parties shall submit to the Committee, through the Secretary-General of the United Nations, reports on the measures they have taken to give effect to their undertakings under this Convention, within one year after the entry into force of the Convention for the State Party concerned. Thereafter the States Parties shall submit supplementary reports every four years on any new measures taken and such other reports as the Committee may request.

Article 20

If the Committee receives reliable information, which appears to it to contain well-founded indications that torture is being systematically practiced in the territory of a State Party, the Committee shall invite that State Party to co-operate in the examination of the information and to this end to submit observations with regard to the information concerned.

Article 21

A State Party to this Convention may at any time declare under this article that it recognizes the competence of the Committee to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under this Convention. Such communications may be received and considered according to the procedures laid down in this article only if submitted by a State Party which has made a declaration recognizing in regard to itself the competence of the Committee. No communication shall be dealt with by the Committee under this article if it concerns a State Party which has not made such a declaration. Communications received under this article shall be dealt with in accordance with the following procedure.

Article 22

A State Party to this Convention may at any time declare under this article that it recognizes the competence of the Committee to receive and consider communications from or on behalf of individuals subject to its jurisdiction who claim to be victims of a violation by a State Party of the provisions of the Convention. No communication shall be received by the Committee if it concerns a State Party which has not made such a declaration.

Article 23

The members of the Committee and of the ad hoc conciliation commissions which may be appointed under article 21, paragraph I (e), shall be entitled to the facilities, privileges and immunities of experts on mission for the United Nations as laid down in the relevant sections of the Convention on the Privileges and Immunities of the United Nations.

Article 24

The Committee shall submit an annual report on its activities under this Convention to the States Parties and to the General Assembly of the United Nations.

Article 25

1. This Convention is open for signature by all States. 2. This Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

Article 26

This Convention is open to accession by all States. Accession shall be effected by the deposit of an instrument

of accession with the Secretary-General of the United Nations.

Article 27

1. This Convention shall enter into force on the thirtieth day after the date of the deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession.

2. For each State ratifying this Convention or acceding to it after the deposit of the twentieth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after the date of the deposit of its own instrument of ratification or accession.

Article 28

1. Each State may, at the time of signature or ratification of this Convention or accession thereto, declare that it does not recognize the competence of the Committee provided for in article 20.

2. Any State Party having made a reservation in accordance with paragraph I of this article may, at any time, withdraw this reservation by notification to the Secretary-General of the United Nations.

Article 29

Any State Party to this Convention may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary General shall thereupon communicate the proposed amendment to the States Parties with a request that they notify him whether they favour a conference of States Parties for the purpose of considering and voting upon the proposal. In the event that within four months from the date of such communication at least one third of the States Parties favors such a conference, the

Secretary General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of the States Parties' present and the Secretary-General to all the States Parties for acceptance shall submit voting at the conference.

Concluding Observations

From a brief discussion on the concept of human rights, its historical developments, international protection of human rights, it is apparent that both instruments and institutions for the protection of human rights on a universal and regional basis have developed exponentially since the end of the Second World War. There now exist a large number of treaties, conventions, covenants, charters and declarations dealing with human rights, its protection and related humanitarian issues. Furthermore, a great many activities in the human rights field take place at regional and constitutional level and also by the Non-Governmental Organizations (NGOs).

As the foregoing discussion amply demonstrates, there is considerable debate about what rights are, where they come from, what their content is, how they relate to each other and the procedures to protect these rights etc. The proposed solutions to these questions are as numerous as the questions themselves. It is, however, the identification of the questions which is of importance, since they act as signposts towards a coherent method of thinking about human rights. What is also apparent is that debate about human rights is not static, but is part of a continuing dialectic process through which progress in the field might be, and manifestly has been, made.

The concept of an individual having certain inalienable rights as against the sovereign state is very old. The expression 'human rights' had its origin in international law. the English Magna Carta of 1215, the Bill of Rights of 1789, the Habeas Corpus Act 1779, the American Declaration of independence in 1776, the French Declaration of the Rights of Man, the abolition of slavery in British Empire in 1833 and in the America in 1862 and the German constitution of

1949 are all based on the concept of natural rights for all human beings. The right of the individual to lead a free life of liberty in the free society was recognized.

After the traumatic experience of the Second World War and the events that led up to it, it should be obvious that gross violations of human rights can be and often are a cause of war. It is therefore in the interest of the international community and of states-particularly at a time of intense ideological, political and inter-state conflict, and when our world is threatened with nuclear destruction, that these violations be reduced to a minimum. There is indeed a close relationship between respect for human rights and the maintenance of peace, both international and national. It is not only the fact that where there is respect for human rights, recourse to war is less likely. The recognition of the individual as a person in international law and the development of an international law of human rights have, since the second world war, been important factors in changing the traditionally exclusively interstate character of international law to one in which other entities, including the united nations itself, other international organizations, and individual men and women also have international legal personality.

The development of the international law of human rights takes on a new and quite different importance. For it is this branch of international law that exhibits more than any other the revolutionary changes that have occurred in the nature and content of the discipline since the second world war and the adoption of the United Nations charter. Not only are individuals now directly responsible under international law for their crimes-witness the Nuremberg and Tokyo trials of war. criminals they now possess rights under it, rights for the implementation and enforcement of which the new legal order now sometimes provides remedies that can be invoked by individuals.

Another reason why human rights need to be protected by international law is that, while primary responsibility for protecting them may rest at the national level, they must in the last analysis be protected by some legal order superior to that of the state. There needs to be some superior legal order by reference to which national legal orders can be judged; for national laws, including laws entrenched in a constitution, may provide inadequate protection for human rights or, if they do, can be changed. In less skeptical times, jurists found this supranational control of national law in a natural law, which was common to all mankind. In the more skeptical twentieth century it can be found only in the rules of international law. Hence the importance, necessity indeed, of an international law of human rights.

There is therefore a need for international law of human rights, and this law exists. Lest, however, too much may be expected from it, something needs to be said about the nature of law and of international law in particular. The international law of human rights is, like any other system of law that purports to regulate human conduct, a normative order: its rules stipulate what ought to happen and not necessarily what will happen. It is also primitive law in a still early stage of development, a law governing a still primitive society possessing few centralized legislative, judicial or executive organs. International law, then, including the international law of human rights, is a weak law. But since it is law, the enunciation of its rules by treaty or their recognition as customary law is a positive factor in the evolution of any world legal order.

There are a number of institutional arrangements that are concerned with the promotion and protection of human rights. It may be said of these arrangements that they constitute international human right regimes; 'consistent sets of normative and procedural expectations on the part of states' concerning the treatment of individuals and groups throughout the world wherever their nationality. If here re

such expectations, it may also be said, with reference to the revolution in international relations with which the last section began, that there has come into being a world society which includes in its membership individuals and non-state groups as well as states, and that old principles of international society, like sovereignty and non-intervention, no longer have a clear run.

At the global level, an obvious indicator of the extent to which human rights have become a legitimate concern of international society might be taken to be the support given by states to the various conventions. It might be decided, on such a basis, that freedom from racial discrimination, freedom from slavery, the rights of refugees, and the political rights of women were the rights about the existence and importance of which there was the closest to a consensus in contemporary international society. On the same basis, it might be decided that the reduction of statelessness and the international rights of correction were the human rights issues that least concerned the international society.

Secondly, at the international level, the protection of human rights in international society is the work of the United Nations. In the preamble to the charter, the peoples of the united nations determined not merely to save succeeding generations from the scourge of war, but to reaffirm faith in fundamental rights, in the dignity and worth of the human person, and in the equal rights of men and women and of nations large and small. Consistent with this, the United Nations took as its purpose, in addition to the maintenance of international peace and security, the promotion of respect for human rights and fundamental freedoms, and the members pledged to take joint and separate action in cooperation with the organization to achieve this goal.

Before this task can be undertaken, however, there are two important preliminary matters, which must be considered. First, considerable reference has been made so far to various groups of rights, especially the two major

categories of civil and political rights and economic, social and cultural rights, without any attempt to define what they are. Furthermore, it might be said that the term 'rights' itself demands some analytical enquiry in an attempt to determine exactly.

The challenges facing the global movement for human rights today are stark. The Iraq tragedy was a clear reminder of the global threat posed by those who are ready to use any means to further their political and economical objectives. They are guilty of abuse of human rights and violation of international humanitarian law, sometimes amounting to crimes against humanity and war crimes. They must be brought to trial. There is no path to sustainable security except through respect for human rights. The global security agenda promulgated by the US administration is bankrupt of vision and bereft of principle. Sacrificing human rights in the name of security at home, turning a blind eye to abuses abroad, and using preemptive military force where and when it chooses have neither increased security nor ensured liberty.

Implementation of international human rights instruments is not of processes that one association with a civil service carrying out the will of an elected government. What is most commonly meant by implementation, in the United Nations context, is a system whereby states parties to conventions report on their fidelity to their engagements, and then a peer group reviews the reports according to procedures varying with the instruments. Finally, recommendations to the states parties may follow, and much more rarely, international conciliation to resolve a particular problem. Binding measures under the Security Council of the United Nations, or after referral to the International Court of Justice, are rarer still. There is also a regional community available to some individuals. And within the state, there is a different reception of the cosmopolitan values associated with the international law of human rights.

We will return to the problem of the implementation of international human rights law. The implementation of international human rights law includes a whole cluster of institutions and procedures for the international supervision and control of treaties and other obligations, which have been devised to make the system work in practice. These include periodic reporting by states, the consideration and public discussion of complaints emanating from governments and individuals, the education and organization of public opinion and public exposure, which is sometimes called the organization of shame. In the present state of international law of human rights and relations, an educated world public opinion may indeed be the ultimate sanction of the international law of human rights.