

UNIT -1: INTRODUCTION TO HUMAN RIGHTS

Chapter 1 - International Human Rights Conventions and Agencies

Tracing Human Rights History

When embarking upon the origin of human rights, the first question that comes to our mind is that where does the history of human rights begin? Tracing the origin and evolution of human rights one would invite debate on two different approaches on studying its origin. One would argue whether its origin should be traced to the legacy of European Enlightenment as a result of which the concept of nation-state developed and morality became one of the tools of governance. This ultimately brought down the feudal structure and challenged the unceremonious divine rights of the kings.



However, there is another theory that floated across in the development of human rights history. It is believed to be encrypted in the secular and religious traditions. The concepts of progressive punishment can be traced to Hammurabi's Code in ancient

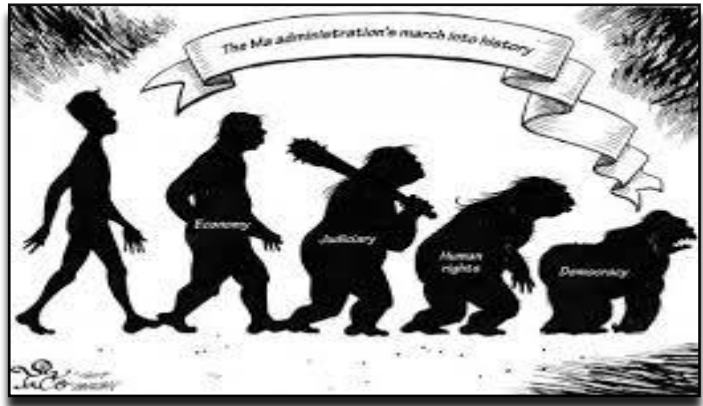


Hammurabi's Code

Babylon; the Hindu and Buddhist religion offered the earliest defenses of the respect for all extended to the ecosystem; Confucianism promoted mass education; the ancient Greek and Romans endorsed natural laws and capacity of each person to question; Christianity and Islam advocated brotherhood and at the same time they endorsed a moral conduct during wars.

Therefore most of the universal cultures tended to rationalize unequal treatment of people. But it is equally true that the real foundation of human rights in the modern world lies in the European enlightenment era. During this period the concern over the rights of woman, practice of slavery and homosexuality were addressed. These were some of the issues on which The New testament to Quran kept distant and were silent on such issues.

Human rights are also rooted in the philosophical laws of natural rights and natural law. Plato (427BC -348BC) can be said to be earliest philosophers who suggested about the universal ethical conduct and in a way indirectly advocated natural rights of people. Similarly Aristotle (384BC – 322BC) said that justice, virtue and rights change according to the different kinds of socio-



politico constitution and circumstances. Cicero (106-43BC), one the most renowned jurist and statesman laid down the foundation of natural rights and human rights in his work *Laws* (52BC) .According to him there should be universal human rights laws that would go beyond customary and civil laws. In Greece, there are evidences of equal freedom of speech, equality before law, right to vote, right to trade .Similar rights were secured to the Romans by the *jus civile* of the Roman law. Thus it can be general agreement that origin of the human rights are usually agreed to be found in the Greco-Roman natural law doctrines of Stoicism.

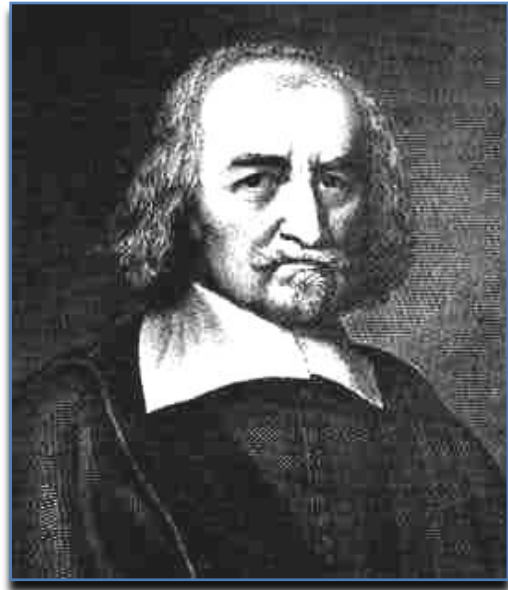
There are certain questions that need to be answered:

Q.Do you think that the basic concepts of Human Rights were embedded in all religious teaching? Can you elaborate with certain examples from the religious texts?

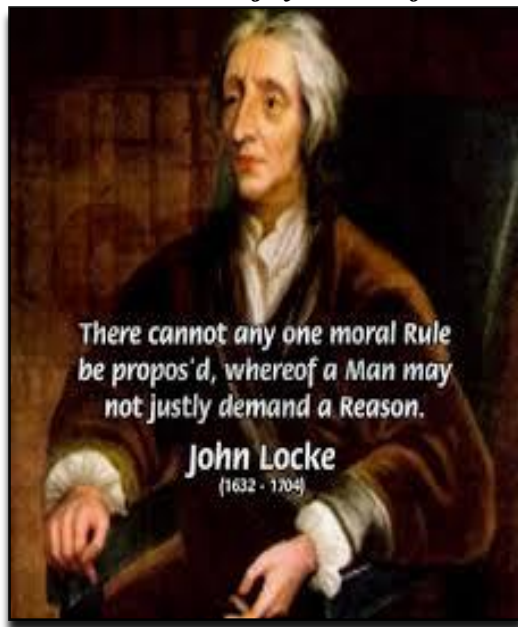
Q. The real concept of human rights was never incorporated in the older civilization and in the European Enlightenment era Do you agree with the

The Enlightenment Thinkers:-

Thomas Hobbes: - Hobbes “Leviathan” published in England in 1651 could be considered as the first work on the power sharing between the king and the natural rights of the individual. Leviathan world did not advocate the formal restraint of power. It allowed few natural rights to the individual which has willingly delegated rest of their natural rights to the state or the ruler. Therefore, Leviathan gave the concept of “social contract” i.e.:- the power to govern comes from consent of the governed.



John Locke: - He advocated the natural liberty and equality of human beings. According to Locke- *“Man was born free with a title to perfect freedom, and an uncontrolled enjoyment of all the rights and privileges of the law of nature,*

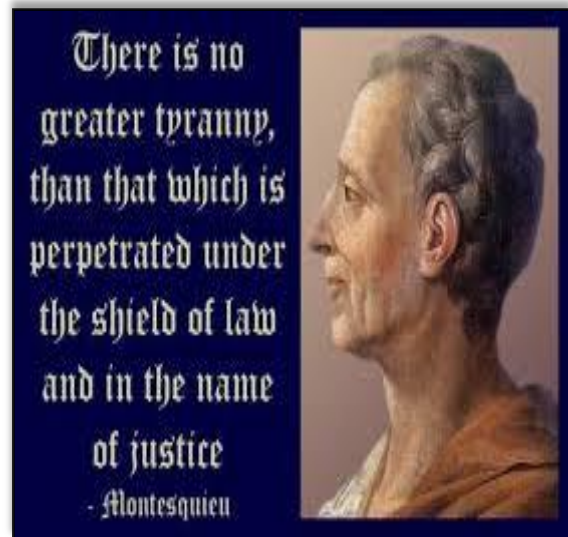


equally with any other man, or number of men in the world.; he had 'by nature a power to preserve his property, that is, his life, liberty and estates against the injuries and attempts of other men'. Thus Locke was

considered as a strong advocate of natural rights. His influence could be seen in the US Declaration of independence in 1776. Locke's contribution can also be felt when we recollect the preamble of universal Declaration of Human Rights which says-

“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.”

Baron de Montesquieu: - His contribution in “the Enlightenment” remains a landmark contribution on the power structures of government and separation of power. He advanced the theory of social contract. He emphasized that on the idea that everyone was born with certain natural rights which no authority could take away. This was the fundamental base of the French Declaration of the Rights.



Read and Respond

Social contract of Thomas Hobbes and John Locke.
Relate it with natural rights and its contribution to
human rights concept of 19th century.

Human rights and the modern concept:-

In the contemporary world, human rights are directly traced to the Universal Declaration of Human Rights (UDHR) and subsequent treatise. They are mainly thought of being political in nature as these rights are directed to the states and it's the state responsibility to ensure its effectiveness. Therefore, human rights are primarily not interpersonal rights.

According to Professor Alan Gewirth, Human rights arise not from the general good but from the conditions of human agency and the logical structure of reasons. He argued that since all normal human being engage in a self conscious action in a way where his existence is successfully protected. This lead to the universal acceptance of certain rights which may be termed as human rights.



James Griffin saw human rights as rights given in consistence with the prevailing senses with an objective of universal good and functioning of human autonomy.

According to John Rawls, all moral beliefs are inferential and such beliefs would be broadly accepted only when it is in reflective equilibrium. It means that society functions as a system of cooperation which is rational, reasonable, free and equal – which rearranges itself to conceptualize social justice and in a way assure human rights.

Lets Contemplate

In the contemporary thinkers of human rights advocate one finds the central usage of the concepts like social justice and equity. The attempt is to bring human rights from the domain of abstract and philosophy to the world of

Categorization of Human rights:-

Human rights are not generic. It is also not abstract but it can be numerous and at the same time specific. To simplify the understanding, human rights may be categorized broadly into following types:-

1. Security rights that are protected against criminal offences like murder, rape etc.
2. Rights against the abuse of legal system like false imprisonment, excessive punishments etc.
3. Freedom rights as in the areas of thought speech and expression.
4. Rights of political participation like forming an assembly, protest etc.
5. Equality rights that ensures non discrimination by the state and its agency.
6. Social rights that ensures basic healthcare, education and livelihood.
7. Minority rights which protects people from genocide, ethnic cleansing etc.

Most of the above rights have been incorporated in the UDHR and other treatise. However, the idea of human rights have moral base and no country can shy away to bring these rights in their domestic laws if they claim to be a responsible nation irrespective of international laws and treatise.

Project Work:

Can you relate these categories of human rights in the constitution of India? Give some examples.



Human Rights before the First World War:-

Prior to early 1930s there was no real concept of human rights in the International law. There was a usual practice that human rights are state subject and international agencies or other nations have no right to interfere in the sovereignty of the country. Thus in case of human rights violation by the state and non state actors on the individual, there was no proper mechanism to address such issues on the international front. This made the concept of human rights nonexistent and abstract in the law book of many governments. However two notable achievements could be mentioned during this time.

1. Abolition of slave trade: - The nineteenth century saw a clear progress in



the abolition of slave trade. Slavery was made illegal in England in 1771 after Somersett's case. By beginning of nineteenth century England and USA had already passed the legislation to outlaw slave trade from their territory. The Proclamation of 1863 by the USA President Abraham Lincoln against slavery is the best and famous

example of the ongoing attempt to ban slavery at that time. It is to be noted countries like Cuba and Brazil still practiced slavery in their domestic land. Later on Anti Slavery International Law was established in 1839 which could be considered as one of the oldest non government organization that existed.

Causalities of War:-

2. This period also saw the concern over the individual causalities due to war



or people who are prisoners of war. Many countries agreed to safeguard the minimum rights of the individual or foreigners caught during war or likewise. Therefore, a seed of humanitarian law was sown during this time which further resulted in the establishment of International

committee of the Red Cross by Henry Dunant.

Lets Contemplate:

Q. What is slave trade? Why was it so prevalent in the European culture?

Q. Can we say that slavery was one of the crudest forms of human rights violation that the mankind has committed? Illustrate.

Q. Can slavery be identified with any practices in context to Indian culture? Which social practice do you relate with human rights violation

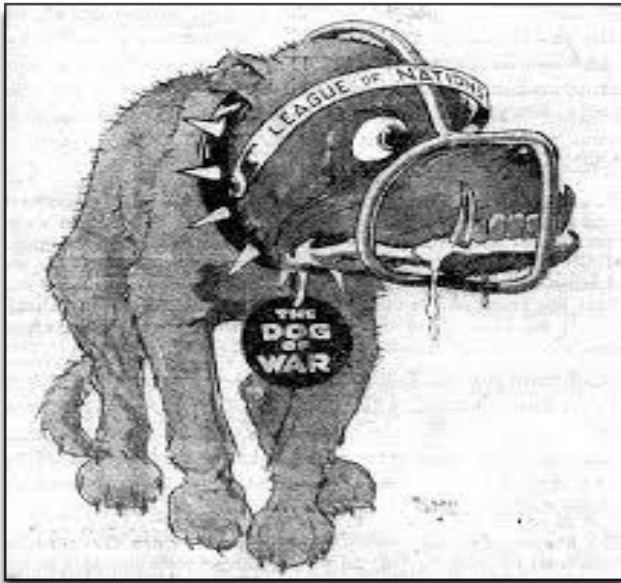
League of Nations and its approach towards approach towards human rights issue:-

After the First World War the League of Nations came into existence. It was then considered as the principal international



organization responsible to maintain peace and harmony in the world. Later in 1919, Covenant on the League of nation was concluded whose preamble was read as follows: - ***“The main aim of the organization is to promote international cooperation and achieve international peace and security.”***

The League of Nations passed International Conventions on the Abolition of Slavery and the Slave trade in 1926. With this, slave trade was legally banned in



the international forum and the league promoted bilateral tie ups to make anti slavery law effective for the member countries. The league also faced issues regarding minority rights. It was because, after the First World War, the political map of Europe was redrawn and many ethnic groups became minority in their new country. There was gross violation of their rights which was a great concern for the League of Nations. However this individual violation of the human

rights could not be addressed by the organization due to lack of clarity on the status of human rights violation and international arrangements. According to one of the celebrated political analyst Laard, he concluded that- ***“The assumptions of national sovereignty were almost accepted everywhere. Regulations regarding the restrictions on the freedom of press, of speech and expression, imprisonment for political offences, persecution on racial grounds, all these things were deplored and denounced. But it was widely accepted that they were ultimately the sole responsibility of the legal government of the territory in question; and not therefore matters over which foreign individuals or governments could take action legitimately.”***

Human Rights after the Second World War:-

Human rights and democracy were the moral bases on which the Second World War was fought. Way back in 1941, US President spoke of ‘four essential human freedoms’. Those were- (freedom of speech and expression, freedom of every

person to worship God in his own way, freedom from want and freedom from fear). Thus it was clear that the world was aligning itself for the safeguard of human rights

The atrocities fresh and it effort of the to join together future

have to witness barbarous act What Hitler done to Jews crime against

Therefore the immediate post



protection globally. of Nazis were still was an concerted world community and ensure that the generations do not the onslaught and like in World Wars. and its Nazis had was declared as humanity.

main focus of the war crisis was to

frame International human rights laws and attempt started to create legal instruments which could protect human rights of the individual against the state or non state actors. One of such endeavor could be said about the framing of UN charter in San Francisco in 1945. At the conference, the member delegates agreed for an International Bill of Rights however it was not materialized.

Let us contemplate

The two World Wars had shaken even the most politically aggressive countries of the world particularly in Europe. This resulted in the self realization by nations of the injustice done to mankind in the struggle for ugly political conquest.

Discuss this in context of present political scenario in the international relation.

The preamble of UN charter stated as follows-

“The peoples of United Nations were determined to save succeeding generations from the scourge of war, which twice in our life time has brought untold sorrow to mankind, and to reaffirm faith in fundamental human rights , in the dignity and worth of the human person , in the equal rights of men and women and of nations large and small.....”

With the framing of United Nation human rights officially got its recognition and now it has become the subject of concern for international community.

Human Rights under the UN charter: -In the San Francisco conference it was agreed by the delegates that there should be an International Bill of Human rights



however due to lack of proper coordination it was not given a shape, However ,a detailed provisions of human rights was infused in the UN charter which played a vital role in the future making of covenants and agencies of human rights .Some of the provisions were as follows:-

- The Preamble of the Charter laid down as....We the people of United nations determined to reaffirm faith in the fundamental human rights,in the dignity and worth of the human person in the equal rights of men and women and of nations large and small....
- Para 3 of Article 1 of the Charter provided that the achievement of international co-operation in promoting and encouraging respect for human rights and for freedoms for all irrespective of caste religion,sex and race would be equal for United nation.
- The General Assembly and the Economic and Social Council were given the task for the realization of promotion of human rights and fundamental freedoms.
- Article 55 provided that the United Nations shall promote the following provisions:-

- higher standard of living
- full employment
- economic and social progress
- international cultural and educational cooperation
- international social health and related problems
- Article 56 provided that members of the United Nations pledged themselves to cooperate in achieving the set forth target in Article 55.
- Article 62 authorizes Economic and Social Council to make proper recommendations for the promotion of human rights and fundamental freedom for all.

It is to be noted that the Charter is a global Constitution without a bill of rights and it has not defined human rights anywhere in the charter. There is also no provision in the charter to make the provisions as legal binding for the member states.

Limitation of United Nation with respect to human rights:-

Even though there was mention of human rights in the main body of the charter, it did not any way made the member state commit to the cause. With certain provisions as in Article 55(c) read with Article 56 simple advised member states to follow and practice human rights as prescribed in Article 55. Therefore without any legal obligations to the implementation of human rights it proved weak and ineffective when it was brought in the practice. Nevertheless, the political thinkers believed that in spite of such limitations United Nation could be applauded to initiate the human rights concern effectively on international platform.

United Nation Commission on Human Rights (UNCHR)

Under Article 68 of the UN Charter empowers ECOSOC to constitute a commission for the promotion of human rights and such other commissions as may be required for the performance of its functions. Accordingly a commission on human rights was approved by



general assembly on February 12, 1946.

The commission was composed of 18 members who were elected by ECOSOC. Each state member selected its own representatives. The Commission as determined by its terms of reference, was directed to recommend and report on following terms.-

1. On International Bill of Rights.
2. The protection on minorities.
3. Discrimination on grounds on religion, sex, race and language.
4. International declaration and conventions on civil liberties, status on women, freedom of expression.



The commission has set up intensive machinery and procedures to monitor compliance by states with regards to international human rights law and investigate any kind of human rights violation. It is done mainly by sending a fact finding missions to countries. For instance: - such fact finding machinery has been sent to countries like China to investigate religious intolerance in 1994. Similarly, Special Rapporteur on the situations of human rights in Myanmar was established by the commission.

Human Rights Council (HRC)

In one of the World Summit in New York 2005 number of global issues were discussed and it was finally decided that UN Human Rights Council should be formed which shall be responsible for the protection of human rights and fundamental freedoms for all without any kind of distinction. On



March 2006, General Assembly adopted a resolution to establish Human Rights Council based in Geneva. It shall function as subsidiary organ of the General Assembly.

Composition of HRC:-

- It shall consist of 47 members who shall be elected directly and individually by secret ballot by the majority of the members of the General Assembly.
- The membership should be based on equitable geographical distribution. 13 members from African Group, 13 from Asian Group, 6 from Eastern European Group and 7 from Western European group and other states.
- Membership shall be open to all members of General Assembly.
- The members of the Council shall be elected for 3 years and cannot be immediately re-elected.
- The Council shall have the right to suspend any member on charges of systematic violation of human rights. Such suspension requires consent of 2/3rd members present and voting.

The HRC shall perform the following functions:-

- It shall promote human rights education learning as well as advisory services, technical assistance and capacity building.
- It shall act as a forum for discussions on all kinds of human rights issues.
- It shall promote the full implementation of human rights obligations undertaken by states as per the guidelines laid down by international law on human rights.
- It shall report to the General Assembly for the further development of International law in the field of human rights.
- It shall work in close cooperation with, towards the prevention of human rights violations and respond promptly to the human rights emergencies.
- It shall work closely with the government, institutions, regional organizations and national human rights commissions for the spread of human rights awareness among the civil societies.
- The Council shall submit an annual report to the General Assembly.

United Nation High Commissioner for Human Rights:-

A proposal for the creation of the post of United Nations High Commissioner for Human Rights was approved by ECOSOC way back in 1967 however it was passed by general Assembly on Dec 20, 1993.



Office of theUN High Commissioner for Human Rights

- The name is approved by General Assembly and appointed by the Secretary General.
- The High Commissioner is appointed for four years.
- The High Commissioner shall serve as an Under-Secretary-General.
- Due regard is given on the geographical rotation while appointing High Commissioner.
- The person shall hold high moral standing and personal integrity possessing knowledge in human rights field.

Following are the functions empowered to High Commissioner:-

- To promote and protect the effective enjoyment by all for civil, political, and social rights including right to development.
- To provide advisory services, technical and financial assistance in the field of human rights to States that request them.
- To co-ordinate United Nations education and public information programmes in the field of human rights.
- To engage in dialogue with different state governments such that provisions of the human rights could be implemented effectively in the domestic law.
- To co-ordinate human rights promotion and protection activities through the United Nation System.

- To rationalize, adapt and strengthen the United nation machinery in the field of human rights.

The High Commissioner was required to report annually to the Commission on Human Rights and to the General Assembly through ECOSOC.

Office of the United Nations High Commissioner for Human Rights(OHCHR)

In the connection of with the programme for reform of the United Nations, the Office of the UN High Commissioner for Human Rights and the Centre for Human Rights were consolidated into a single office of the United Nations, ie: - OHCHR on September 15, 1997. The office is based in Geneva which is headed by High Commissioner under the designation of Under- Secretary-General. He carries out the function specifically assigned by General Assembly. He also advises UN Secretary General on the issues of human rights. In the absence of High Commissioner, the Deputy High Commissioner takes care of the functioning of the organization.



Functions of OHCHR:-

- The OHCHR promotes enjoyment of human rights to all world community by taking initiatives enshrined in the United Nation.
- The office promotes universal ratification and implementation of international standards of human rights law.
- It helps as coordinating agency in implementing the provisions of human rights under different conventions both domestically and internationally.
- The office assists in the development of new norms of human rights.
- It is the first office of implementation of any kind of human rights violation.

- It supports both logistically and administratively to all human rights organ and treaty for smooth functioning.
- It promotes human rights infrastructure in all the member countries by providing advises, information and education and other technical assistance in the field of human rights.

On Nov 2000, a MoU was signed by the Chinese officials and High commissioner for the development of curriculum on human rights education. The High Commissioner's office will also organize human rights workshops for government officials, judges, prosecutors, lawyers about the sensitivity in dealing with human rights issues.

Human Rights Treaties and conventions:-There are atleast nine core treaties which have set up committees to perform the task of monitoring State's parties and follow the international compliance. These obligations are as follows.

1. Human Rights Committee (HRC) by the International Covenant on Civil and Political Rights.(ICCPR)
2. Committee on Economic, Social and Cultural Rights (CESCR) by the International Covenant on Civil and Political Rights (ICCPR)
3. Committee on the Elimination of Discrimination Against Women (CEDAW) by the Convention on All Forms of Discrimination Against Women.
4. Committee Against Torture (CAT) by the Convention Against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment.
5. Committee on the Rights of Child (CRC) by the Convention on the Rights of the Child.
6. Committee on the Racial Discrimination (CRD) by the Convention on the Elimination of all Forms of Racial Discrimination.
7. Committee on the Rights of All Migrant Workers and Members of Their Families by the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

8. Committee on the Rights of Persons with Disabilities by the Convention on the Rights of the Person with Disabilities.
9. Committee on the Protection of All People from Enforced Disappearance.

The role of these committees is to constantly monitor the Member State's obligation through dialogue from the representative of each state on the basis of detailed report by them. This facilitates in framing the domestic laws in accordance with the international standard laid down in the conventions.

Some of the above mentioned conventions would be discussed in brief later in the other chapters.

Universal Declaration of Human Rights:-

In 1946 UN Commission on Human Rights were constituted to frame International Bill of Rights, It was an attempt to create human rights instrument globally and for all nation and people.



The drafting committee consisting of eight countries were formed which was chaired by Eleanor Roosevelt. Following many sessions and meetings, on 10 DEC 1948 , the UDHR (Universal Declaration on Human Rights) resolution was passed by 48 members of the UN General Assembly and the 8 communist countries abstained from

voting. These 48 states had backed the Declaration as the 'common standard of achievement for all peoples and all nations.' The Universal Declaration consisted of 30 Articles along with Preamble.

This was the first cornerstone in a process to evolve International Bill of Rights. The International Bill of Rights includes UDHR, ICCPR and ICESCR. The three together forms International Bill of Rights out of which the UN General Assembly had to wait another two decades for the last two to get effective. The two

International covenants were adopted in 1966 codifying the two sets of rights mentioned in the Universal Declaration. International Covenant on Civil and Political Rights and International Covenants on social Economic and Cultural Rights came into force in 1976.

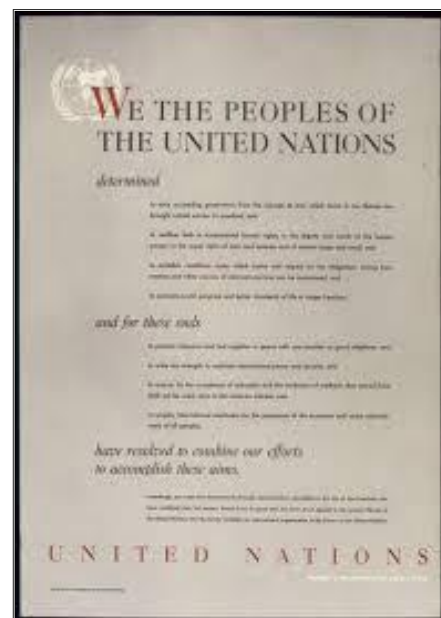
Case study:-

The UDHR was passed in the General Assembly without any vote of dissent however there were eight countries who abstained from voting. These countries were mainly communist ideology in the likes of Poland, USSR etc,

1. Find out the names of those eight communist countries which abstained from voting
2. What would be the possible reasons for these countries to abstain from voting?

Preamble of the Universal Declaration

The preamble of the Universal Declaration enshrined itself all the natural law by simply stating “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”. The Preamble proclaimed it as a common standard of achievement for all people and all nations such that the Declaration is constantly discussed and engaged through teaching and education of such rights and freedom mentioned in it. This will lead to



effective recognition not only among the member states but also for the people of territories under their jurisdiction.

Case study:-

Eleanor Roosevelt in her famous speech in the General Assembly said that UDHR may well become the Magna Carta of all Mankind.

-Elaborate the above statement and comment it holds true in the contemporary world?

Criticism of Universal Declaration:-

Along with the US representative, all the delegates stressed on the points that the Declaration is not a treaty and therefore it does not hold in itself any legal obligations. The General Assembly was quick to applaud UDHR but at the same time quick to deny that it is in any form a legal instrument. Therefore it remained in the existence as a moral authority. The result was inevitable, till 1954, there was no progress on the UDHR as to how it should be brought as a legal force and the conception of International Bill of Rights seemed to be very bleak and likely impossible.

Lets Contemplate

Q. Do you think that the non legal status of UDHR made it ineffective after its Declaration? Was it a possibility for UDHR to hold a legal status from the beginning? What would have been the likely difficulties in such scenario?

India and the Universal Declaration:-

Indian Constitution was adopted on 26th January 1950. It clearly reflected the heavy influence of the Universal Declaration and rightly so as India was one of the signatory to the UDHR, The Preamble of the Constitution has worth inherited the concept of 'dignity of individual' from the Preamble of Universal Declaration.

Further Part III; Fundamental Rights and Part IV; Directive Principle greatly resembles the Articles of Universal Declaration. Such resemblance could be well understood through the given below chart.

Name of the Rights	Universal Declaration	Indian Constitution
Equality before law	Article 7	Article 14
Prohibition of Discrimination	Article 7	Article 15(1)
Equality of opportunity	Article 21(1)	Article 16 (1)
Freedom of speech and expression	Article 19	Article 19 (1) (a)
Freedom of peaceful assembly	Article 20(1)	Article 19 (1) (b)
Right to form associations and union	Article 23(4)	Article 19 (1) (c)
Freedom of movement within the border	Article 13 (1)	Article 19 (1) (d)
Protection in respect of conviction for offences	Article 11 (2)	Article 20 (1)
Protection of life and personal liberty	Article 3	Article 21
Protection from slavery and forced labour	Article 4	Article 23
Freedom of conscience and religion	Article 18	Article 25 (1)
Remedy for enforcement of rights	Article 8	Article 32

Therefore from the above chart, it can be inferred that the Indian Constitution was greatly influenced by the Universal Declaration which provided a model to the world for the human rights guarantees. Further, the Supreme Court of India in the case of *Keshwananda Bharti vs State of kerala* observed that “The Universal Declaration may not be legally binding instrument but India being a signatory

member has understood the nature and the importance of human rights at the time Constitution was adopted.

Articles under Universal Declaration of Human Rights

The Universal Declaration contains 30 Articles. Out of these 30 Articles, 1 to 21 Articles deals with civil and political rights while 22 to 30 deals with economic and social rights. These articles further forms the benchmark for the foundation of two major covenants ICCPR and ICESCR. These Articles are as follows:-

Civil and Political Rights:-

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, colour, sex, language, religion, political or other opinion, national or social origin, 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 person.

Article 4: No one shall be held in slavery or servitude; slavery and the 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 if any criminal charge against him.

Article 11: (1) Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.

(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 honour 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.

Economic Social and Cultural Rights:-

Article 22: Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation 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/her personality.

Article 23:

(1) Everyone has the right to work, to free choice of employment, to just and favourable 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 right to just and favourable 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 limitation 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 the 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.

It is to be noted that Declaration does not permit a State to derogate from their obligations in public emergency which threatens the life of the nation. However, under Article 29, provided that the rights shall be provided to individuals subject to just requirements of morality, public order and general welfare in a democratic set up. Thus it means that rights provided in the Declaration are not absolute.

International Covenant on Civil and Political Rights (ICCPR)

In 1951, UN General Assembly started drafting the two covenants, ie ICCPR and ICESCR which was finally completed by the year 1954. After the series of re-drafting and inter state dialogues among the member countries of UN, the two covenants were open for signature on Dec 19, 1966. International Covenant on Civil and Political Rights came into force on March 23, 1976. As on September 2012, it had 167 signatory countries.

The Covenant on Civil and Political Rights consists of 53 Articles and is divided into six parts. The first three parts deals with various rights and freedom whereas the last three enumerates various implementation procedures for effective realisation of these rights.

Part I (Articles 1) refers to the rights of peoples to self – determination states that all people have the right freely to determine their political status and freely pursue their economic, social and cultural development.

Part II stipulated rights and obligations of the State Parties to the Covenant. It makes the State to ensure that the necessary provisions are incorporated in the domestic laws as per the Covenants. The State must ensure that there should be equality among men and women so that both can enjoy civil and political rights at par with each other.

Part III deals with substantive rights. Such rights are mentioned from Article 6 to Article 27. These rights are not absolute and are subject to limitations.

Part IV, V& VI deals with the procedure for implementation of the provisions of the covenants. For this a provision was made for Human Rights Committee for monitoring the Covenants among the delegate members.

Articles on ICCPR:-

PART I

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 II

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.

2. No derogation from articles 6, 7, 8 (paragraphs 1 and 2), 11, 15, 16 and 18 may be made under this provision.

3. Any State Party to the present Covenant availing itself of the right of derogation shall immediately inform the other States Parties to the present Covenant, through the intermediary of the Secretary-General of the United Nations, of the provisions from which it has derogated and of the reasons by which it was actuated. A further communication shall be made, through the same intermediary, on the date on which it terminates such derogation.

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 III

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. 1 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. Sentence 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. (a) No one shall be required to perform forced or compulsory labour,
- (o) Paragraph 3 (a) shall not be held to preclude, in countries where imprisonment with hard labour may be imposed as a punishment for a crime, the performance of hard labour in pursuance of a sentence to such punishment by a competent court.
- (c) For the purpose of this paragraph the term "forced or compulsory labour" shall not include:
- (i) Any work or service, not referred to in sub-paragraph (b), normally required of a person who is under detention in consequence of a lawful order of a court, or of a person during conditional release from such detention;
- (ii) Any service of a military character and, in countries where conscientious objection is recognized, any national service required by law of conscientious objectors;
- (iii) Any service exacted in cases of emergency or calamity threatening the life or well-being of the community;
- (iv) Any work or service which forms part of normal civil obligations.

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 guarantee to appear for trial, at any other stage of the judicial proceedings, and, should occasion arise, for execution of the judgement.
4. Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that 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 fulfil 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 (ordre 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 therefrom 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 (ordre 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 judgement 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 proved 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:

(a) To be informed promptly and in detail in a language which he understands of the nature and cause of the charge against him;

(b) To have adequate time and facilities for the preparation of his defence and to communicate with counsel of his own choosing;

(c) To be tried without undue delay;

(d) To be tried in his presence, and to defend himself in person or through legal assistance of his own choosing; to be informed, if he does not have legal assistance, of this right; and to have legal assistance assigned to him, in any case where the interests of justice so require, and without payment by him in any such case if he does not have sufficient means to pay for it;

(e) To examine, or have examined, the witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;

(f) To have the free assistance of an interpreter if he cannot understand or speak the language used in court;

(g) Not to be compelled to testify against himself or to confess guilt.

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 a 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, or 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 subjected 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, regard less

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 or of public order (ordre public), 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 (ordre public), 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 Organisation 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.

PART IV

Article 28.

1. There shall be established a Human Rights Committee (here after 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 renomination.

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 renominated. 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 it 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 sub-paragraph (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 sub-paragraph (b), to supply any relevant information.

(g) The States Parties concerned, referred to in sub-paragraph (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 sub-paragraph (6), submit a report:

(i) If a solution within the terms of sub-paragraph (e) is reached, the Committee shall confine its report to a brief statement of the facts and of the solution reached;

(ii) If a solution within the terms of sub-paragraph (e) is not reached, the Committee shall confine its report to a brief statement of the facts; the written submissions and record of the oral submissions made by the States Parties concerned shall be attached to the report.

In every matter, the report shall be communicated to the States Parties concerned.

2. The provisions of this article shall come into force when ten States Parties to the present Covenant have made declarations under paragraph 1 of this article. Such declarations shall be deposited by the States Parties with the Secretary-General of the United Nations, who shall transmit copies thereof to the other States Parties. A declaration may be withdrawn at any time by notification to the Secretary-General. Such a withdrawal shall not prejudice the consideration of any matter which is the subject of a communication already transmitted under this article; no further com

munication by any State Party shall be received after the notification of withdrawal of the declaration has been received by the Secretary-General, unless the State Party concerned has made a new declaration.

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.

(o) 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.

2. The members of the Commission shall serve in their personal capacity. They shall not be nationals of the States Parties concerned, or of a State not party to the present Covenant, or of a State Party which has not made a declaration under article 41.

3. The Commission shall elect its own Chairman and adopt its own rules of procedure.

4. The meetings of the Commission shall normally be held at the Headquarters of the United Nations or at the United Nations Office at Geneva. However, they may be held at such convenient places as the Commission may determine in consultation with the Secretary-General of the United Nations and the States Parties concerned.

5. The secretariat provided in accordance with article 36 shall also service the commissions appointed under this article.

6. The information received and collated by the Committee shall be made available to the Commission and the Commission may call upon the States Parties concerned to supply any other relevant information.

7. When the Commission has fully considered the matter, but in any event not later than twelve months after having been seized of the matter, it shall submit to the Chairman of the Committee a report for communication to the States Parties concerned.

(a) If the Commission is unable to complete its consideration of the matter within twelve months, it shall confine its report to a brief statement of the status of its consideration of the matter.

(b) If an amicable solution to the matter on the basis of respect for human rights as recognized in the present Covenant is reached, the Commission shall confine its report to a brief statement of the facts and of the solution reached.

(c) If a solution within the terms of sub-paragraph (b) is not reached, the Commission's report shall embody its findings on all questions of fact relevant to the issues between the States Parties concerned, and its views on the possibilities of an amicable solution of the matter. This report shall also contain the written submissions and a record of the oral submissions made by the States Parties concerned.

(d) If the Commission's report is submitted under sub-paragraph (c), the States Parties concerned shall, within three months of the receipt of the report, notify the Chairman of the Committee whether or not they accept the contents of the report of the Commission.

8. The provisions of this article are without prejudice to the responsibilities of the Committee under article 41.

9. The States Parties concerned shall share equally all the expenses of the members of the Commission in accordance with estimates to be provided by the Secretary-General of the United Nations.

10. The Secretary-General of the United Nations shall be empowered to pay the expenses of the members of the Commission, if necessary, before reimbursement by the States Parties concerned, in accordance with paragraph 9 of this article.

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 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 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 V

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 VI

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.
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 this Covenant or acceded to it of the deposit of each instrument of ratification or accession.

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 1 of the same article of the following particulars:

(a) Signatures, ratifications and accessions under article 48;

(b) The date of the entry into force of the present Covenant under article 49 and the date of the entry into force of any amendments under article 51.

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.

IN FAITH WHEREOF the undersigned, being duly authorized thereto by their respective Governments, have signed the present Covenant, opened for signature at New York, on the nineteenth day of December, one thousand nine hundred and sixty-six.

[Courtesy- www.refworld.org]

International Covenant on Economic Social and Cultural Rights (ICESCR)

The Covenant on Economic Social and Cultural Rights came into force on 3rd March 1976 and by 2012 it had 160 parties or signatory members. The ICESCR comprises of 31 Articles which are divided in the five parts.

PART I deals with the rights of the people of self determination.

PART II of the Covenant laid down the undertakings of the state parties to the Covenant. It says that each member state should take steps either individually or through international assistance and co-operation for the maximum utilisation of economic resources available in the country with a view to fully realize social, economic and cultural rights.

PART III of the Covenant deals with such rights which state even cannot derogate at the time of public emergency. Such rights are mentioned from Article 6 to Article 13.

PART IV & V deals with the implementation and monitoring mechanism laid down for the member states for the domestic implementation of the provisions mentioned in the Covenants.

Articles under ICESCR:-

PART I

Article 1

1. All people 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 II

Article 2

1. Each State Party to the present Covenant undertakes steps, individually and through international assistance and co-operation, 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 III

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 favourable 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;

(ii) A decent living for themselves and their families in accordance with the provisions of the present Covenant;

(b) Safe and healthy working conditions;

(c) Equal opportunity for everyone to be promoted in his employment to an appropriate higher level, subject to no considerations other than those of seniority and competence;

(d) Rest, leisure and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays

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;

(c) The right of trade unions to function freely subject to no limitations 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;

(d) The right to strike, provided that it is exercised in conformity with the laws of the particular country.

2. This article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces or of the police or of the administration of the State.

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

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

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 period 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 co-operation 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 co-operation, the measures, including specific programmes, which are needed:

(a) To improve methods of production, conservation and distribution of food by making full use of technical and scientific knowledge, by disseminating knowledge of the principles of nutrition and by developing or reforming agrarian systems in such a way as to achieve the most efficient development and utilization of natural resources;

(b) Taking into account the problems of both food-importing and food-exporting countries, to ensure an equitable distribution of world food supplies in relation to need.

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.

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:

(a) The provision for the reduction of the stillbirth-rate and of infant mortality and for the healthy development of the child;

(b) The improvement of all aspects of environmental and industrial hygiene;

(c) The prevention, treatment and control of epidemic, endemic, occupational and other diseases;

(d) The creation of conditions which would assure to all medical service and medical attention in the event of sickness.

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.

3. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to choose for their children schools, other than those established by the public authorities, which conform to such minimum educational standards as may be laid down or approved by the State and to ensure the religious and moral education of their children in conformity with their own convictions.

4. No part of this article shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principles set forth in paragraph I of this article and to the requirement that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

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.

4. The States Parties to the present Covenant recognize the benefits to be derived from the encouragement and development of international contacts and co-operation in the scientific and cultural fields.

PART IV

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.

2. (a) All reports shall be submitted to the Secretary-General of the United Nations, who shall transmit copies to the Economic and Social Council for consideration in accordance with the provisions of the present Covenant;

(b) The Secretary-General of the United Nations shall also transmit to the specialized agencies copies of the reports, or any relevant parts therefrom, from States Parties to the present Covenant which are also members of these specialized agencies in so far as these reports, or parts therefrom, relate to any matters which fall within the responsibilities of the said agencies in accordance with their constitutional instruments.

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 fulfilment 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 V

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.

[Courtesy – <http://www.ohchr.org/>]

Relationship between the two Covenants:- It is to be noted that at the time of adoption of Universal Declaration on Human Rights, there was no distinction between the sets of rights. It was only during the emergence of cold war that the two sets of rights got its identity through two different covenants ,ie:- ICCPR and ICESCR. During the cold war era the communist group held reservation about the ICCPR and opinioned that its state duty to protect these rights whereas the pro democratic or the capitalist lobbied for the ICCPR and freedom from state regulation. Thus, in the Cold War era, the two groups got separated.

However, there is a close relationship between the two sets of rights. It is evident that Preamble and Article 1.2 3 and 5 are virtually identical in both the covenants. Preamble of both the covenants derive that the rights are inherently drawn from the human dignity. Their relationship was recognised by the International Conference on Human Rights which was held in Teheran in 1968. It declared in the final proclamation that – “ Since human rights and fundamental freedoms are indivisible , the full realisation of civil and political rights without the enjoyment of social, economic and cultural rights are impossible.”

ASSIGNMENT

UNIT 1

CHAPTER 1

Q.1	What are the functions of HRC?
Q.2	What are the achievements that changed the concept of human rights in the international Law?
Q.3	How can human rights be categorized?
Q.4	List Human Rights under the UN charter briefly?
Q.5	List the core Human Rights Treaties and conventions. Also discuss their role.
Q.6	Do you think that the rights provided under the universal Declaration of Human Rights are not absolute?
Q.7	Discuss the relationship between two covenants-ICCPR and ICESCR.
Q.8	How are Human Rights rooted in the philosophical laws of natural rights and natural law?
Q.9	What are the limitation of United Nation with respect to Human Rights?
Q.10	What is UNCHR? What were its recommendations?
Q.11	Why was Human Rights council formed? Describe its composition.
Q.12	How do Universal Declaration of Human Rights and Indian Constitution resemble?
Q.13	