

Simple Guide on  
**The International Covenant on  
Civil and Political Rights (ICCPR)**

an overview of **Articles 1 – 27**



## Simple Guide on the International Covenant on Civil and Political Rights (ICCPR)

– an overview of Articles 1 – 27

### Prepared by the Centre for Civil and Political Rights (CCPR Centre)

The content of this publication may be reproduced and distributed for non-commercial purposes provided that the CCPR-Centre is acknowledged as the source.

This publication was prepared by: Lázaree Eeckeloo (Human Rights Officer, CCPR Centre) and Daisuke Shirane (Asia Pacific Coordinator, CCPR Centre)

With support of: *Embassy of Switzerland in Myanmar and La Loterie Romande*

#### CCPR Centre contacts:

Visiting address:

Rue de Varembé 1 CH-1202 Geneva Switzerland;

Postal address:

PO Box 183 CH-1211 Geneva Switzerland

Tel: +41 (0)22 33 22 555;

Email: [info@ccprcentre.org](mailto:info@ccprcentre.org);

Website: [www.ccprcentre.org](http://www.ccprcentre.org)

Design and layout: Gabriel Hernández ([gabo.hernandez@gmail.com](mailto:gabo.hernandez@gmail.com))

---

## About CCPR Centre

The Centre for Civil and Political Rights (CCPR Centre) is an international human rights NGO with its headquarters in Geneva, Switzerland.

It has regional offices and coordinators for West Africa in Lomé, Togo and for Asia Pacific in Chiang Mai, Thailand.

The CCPR Centre envisions the full and universal realisation of the rights proclaimed in the International Covenant on Civil and Political Rights (ICCPR) and its two Optional Protocols.

The CCPR Centre aims to fulfil that vision by facilitating the application of the ICCPR and promoting the implementation of Human Rights Committee recommendations, mainly through engaging with national NGOs and strengthening the Committee itself.

We believe that making the most of the reporting, review and followup cycle of the Human Rights Committee is one of the best ways to achieve our vision.

For more information, please visit our website: [www.ccprcentre.org](http://www.ccprcentre.org)

# Table of Contents

<b>Article 1:</b> Right of Peoples to Self-determination .....	5
<b>Article 2:</b> Non-Discrimination, Constitutional and Legal Framework within which the Covenant is Implemented, and Access to Remedies.....	6
<b>Article 3:</b> Equal Rights of Men and Women .....	8
<b>Article 4:</b> Derogations.....	9
<b>Article 5:</b> Prohibition of Misuse and Savings Clause .....	10
<b>Article 6:</b> Right to Life.....	11
<b>Article 7:</b> Prohibition of torture.....	13
<b>Article 8:</b> Prohibition of Slavery .....	15
<b>Article 9:</b> Prohibition of Arbitrary Detention.....	16
<b>Article 10:</b> Conditions of Detention.....	19
<b>Article 11:</b> Imprisonment for Failure to Fulfil a Contractual Obligation .....	20
<b>Article 12:</b> Freedom of Movement.....	21
<b>Article 13:</b> Right to Remain in a State .....	23
<b>Article 14:</b> Right to Equality Before Courts and Tribunals and to a Fair Trial .....	25
<b>Article 15:</b> Non-Retroactivity of Laws.....	28
<b>Article 16:</b> Recognition as a Person before the Law .....	29
<b>Article 17:</b> Right to Privacy .....	30
<b>Article 18:</b> Freedom of Thought, Conscience and Religion.....	31
<b>Article 19:</b> Freedom of Expression.....	33
<b>Article 20:</b> Prohibition of propaganda for War and Advocacy of National, Racial or Religious Hatred..	34
<b>Article 21:</b> Freedom of Assembly.....	35
<b>Article 22:</b> Freedom of Association .....	36
<b>Article 23:</b> Right to a Family .....	37
<b>Article 24:</b> Rights of the Child .....	39
<b>Article 25:</b> Electoral Rights .....	41
<b>Article 26:</b> Equality Before the Law.....	43
<b>Article 27:</b> Rights of individuals belonging to minorities .....	44

## List of abbreviations

Civil Society Organizations	<b>CSOs</b>
Convention Against Torture	<b>CAT</b>
Human Rights Committee	<b>HR Committee</b>
Internally Displaced Persons	<b>IDPs</b>
International Covenant on Civil and Political Rights	<b>ICCPR</b>
Non-Governmental Organizations	<b>NGOs</b>
National Human Rights Institution	<b>NHRI</b>

## Introduction

This publication was prepared by the *Centre for Civil and Political Rights (CCPR Centre)* in the framework of its project supported by the **Embassy of Switzerland in Myanmar** to assist efforts of Myanmar in joining and implementing the International Covenant on Civil and Political Rights (ICCPR), and printed with support from *La Loterie Romande*. It specifically aims to help all interested parties in the **ratification and implementation of the ICCPR**, especially relevant State authorities and officials, Members of Parliament, Civil Society Organisations (CSOs) and Human Rights Defenders (HRDs) to have an **overview** and **basic understanding** of the **main articles of the ICCPR**.

It provides a **simple explanation of the articles 1 to 27 of the ICCPR**, which are the substantial articles of the Covenant and should serve as an **introductory tool** for anyone who wants to learn about the ICCPR. It is written and designed in a way which is easy to read for those who do

not have any or much knowledge about international human rights law or who are not familiar with legal terms.

Another main aspect of this publication is that, considering the **difficulty and complication of producing a precise translation and interpretation** of the ICCPR in **different languages**, it seeks to provide **texts that are easy**, not only to understand,

but also to **translate** into languages, especially for the countries where there is no official translation of the ICCPR available. It should also **help interpreters and translators** to have a basic understanding of the ICCPR.

As such, it should be noted that this publication does not intend to provide a full

picture of the ICCPR, or capture the complex practice of protecting civil and political rights. For anyone who wants to learn more and/or seeks in depth legal understanding, this publication also indicates sources and materials that can be used as tools for the more advanced purpose of implementing and applying the ICCPR on the ground.



## Article 1: Right of Peoples to Self-determination

- 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.*

As the only one in the ICCPR, article 1 deals with a **collective right** i.e. the **right of peoples** (whereas the other articles of the ICCPR deal with rights of individuals). This article, i.e. the right of peoples to self-determination, primarily addressing human rights issues related to colonialism, has its relevance when considering the rights of indigenous peoples.

In contrast to relatively high attention paid and interest in this article by relevant stakeholders, this article and the issue of self-determination are rarely invoked or raised by the HR Committee in its work, unless it is brought up by the State concerned or already under discussion at national level e.g. in the context of the rights of **indigenous peoples**.

**Article 1 cannot be invoked in the Individual Communications** procedure of the Committee, as it deals with a collective right of peoples, but not of individual persons.

---

Issues addressed under this article include:

- self-governing or secession of non-self-governing territories
- self-governing of indigenous peoples
- land rights of indigenous peoples including free, prior and informed consent of indigenous peoples on the usage of their lands
- representation/participation of indigenous peoples in decision making

## Article 2: Non-Discrimination, Constitutional and Legal Framework within which the Covenant is Implemented, and Access to Remedies

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 laws 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 2 §1** lays out the **principle of non-discrimination** in the protection of the rights guaranteed in the ICCPR including the obligation of State parties to take **positive measures to eliminate discrimination**. Except for specific provisions of the ICCPR, which explicitly limit the applicability of rights to a certain group (or category) of population (e.g. article 25 limited to the citizens), each State Party is obliged to respect and ensure the rights guaranteed in the ICCPR to all individuals regardless of their nationality, including stateless persons, asylum seekers, refugees and migrants who find themselves in the territory or subject to the jurisdiction of the State Party concerned.

## Article 2

The **definition of discrimination** used by the Committee is as follows: *“any distinction, exclusion, restriction or preference which is based on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, and which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise by all persons, on equal footing, of all rights and freedoms”*.<sup>1</sup> Enjoyment of rights and freedoms on an equal footing does not mean identical treatment in every instance.

**Article 2** §2 requires each State Party to take *necessary measures at the national level* to effectively and fully *implement* the ICCPR. In this context, the Committee routinely asks State Parties to review and *consider withdrawing any reservations* or interpretative declarations.

**Article 2** §3 guarantees the right of persons to **effective remedies**, when the rights or freedoms recognised in the ICCPR are violated. It is closely linked with article 14, which sets out necessary guarantees and procedures for providing effective remedies. For the State parties that also ratified the first Optional Protocol, this paragraph provides the grounds for the Committee to deal with individual communications. The right to an effective remedy set under this article is, in practice, **non-derogable** even in a state of emergency.

Issues addressed under this article 2 (sometimes together with other articles) include:

- Legislation prohibiting discrimination
- discrimination against women, lesbian, gay, bisexual, transgender, intersex and queer persons (LGBTIQ), ethnic or national minorities, indigenous peoples, illegal and undocumented migrants, refugees and asylum seekers, non-citizens/nationals, persons with disabilities, children born out of wedlock
- Equal pay for equal work
- human rights abuses during periods of unrest including those perpetrated by non-state actors and the protection of victims and witnesses of human rights violations
- incorporation of the ICCPR in the domestic legislation and compatibility of domestic legislation including customary law with the Covenant
- Reservations and interpretative declarations to ICCPR
- Compatibility of national laws including counter-terrorism legislation and customary laws with ICCPR
- status of ICCPR in domestic legislation i.e. its precedence over domestic legislation including the Constitution as well as the use of ICCPR in domestic courts
- establishment and functioning of the National Human Rights Institute according to the Paris Principles.

<sup>1</sup> General Comment of the HR Committee No. 18 (HRI/GEN/1/Rev.9 (Vol.1)), § 6: <http://ccprcentre.org/ccpr-general-comments>

## Article 3: Equal Rights of Men and Women

*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.*

The ICCPR contains three articles that deal with discrimination, whereby:

- **Article 2** deals with discrimination in the enjoyment of the rights guaranteed in the ICCPR
- **Article 3** is specifically dealing with **discrimination on grounds of gender**
- **Article 26** protects everyone from any kind of discrimination before the law.<sup>2</sup>

The Committee made it clear that this article contains a **positive obligation for States** to take measures in all areas so as to achieve the **effective and equal empowerment of women** and the need to consider **traditional, historical, religious and cultural attitudes which may jeopardise the equality of the sexes**.<sup>3</sup> This obligation applies to the public sector, but also to discriminatory action by private actors in employment, education, political activities, accommodation and the provision of goods and services.

State parties are also obliged to ensure the **equality of spouses** at different stages of marriage including acquisition or loss of nationality and choice of family name.

Issues addressed under this article (sometimes together with other articles) include:

- *discrimination between men and women in legislation, status of women under customary or tribal law*
- *stereotypes which discriminate against women*
- *equal pay for equal work*
- *(legislation on) sexual harassment and rape*
- *domestic violence, female genital mutilation, dowry killings*
- *protection and assistance for victims of gender-based violence*
- *reproductive rights of women, forced abortion and sterilization*
- *capacity of women to own property and to enter into contracts*
- *(more severe) penalties for women for adultery*
- *human trafficking; access to justice for women*
- *different minimum age for marriage between men and women; the fact that women are obligated to take the name and/or nationality of their husband; unequal rights within marriage regarding marital property, inheritance, taxation, pensions or adultery; and equality in divorce arrangements, child custody, maintenance or alimony, visiting rights or the loss or recovery of parental authority and marital property*
- *transmission of nationality to children*
- *school attendance by girls and the proportion of women in positions of responsibility*

<sup>2</sup> General Comment of the HR Committee No. 18 (HRI/GEN/1/Rev.9 (Vol.1)) and No. 28 (CCPR/C/21/Rev.1/Add.10): <http://ccprcentre.org/ccpr-general-comments>

<sup>3</sup> General Comment of the HR Committee No. 28 (CCPR/C/21/Rev.1/Add.10), §5.



## Article 4: Derogation

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 4** specifies the rights and articles from which State Parties may or may not derogate.<sup>4</sup> **Any derogation** from the provisions of the ICCPR **must be exceptional and temporary**, and have to be justified as strictly required by the situation. **No derogation** may be made from **articles 6, 7, 8 (§s 1 and 2), 11, 15, 16 and 18 of the ICCPR**, even in a state of emergency.<sup>5</sup>

When addressing States in which a **state of emergency** has been (or might have been) declared, the HR Committee asks more specific questions about the protection of rights in relation to article 4. **Counter-terrorism legislation** is often addressed under article 4, when the legislation affects non-derogable rights, or when terrorism is treated as an emergency situation and exercise of rights is restricted.

Although they are not specifically mentioned in article 4, there are **rights and issues**, which the Committee considers **effectively non-derogable** as fundamental rights, such as: non-discrimination; access to judicial or other remedies (article 2 §3); prohibition of hostage taking, abduction or unacknowledged detention (article 9); treatment of persons deprived of liberty with humanity and dignity (article 10); deportation or forcible transfer of population (article 12); procedural and judicial guarantees (articles 14 and 15); propaganda for war or advocacy of national, racial or religious hatred (article 20); and protection of the rights of minorities (article 27).

Issues addressed under this article include:

- *impact of counter-terrorism legislation on the rights covered by ICCPR including the definition of terrorism and terrorist acts;*
- *conditions and processes for declaring a state of emergency;*
- *in case of state of emergency, scope of any derogation and safeguards to protect rights guaranteed under the ICCPR.*

<sup>4</sup> For a more detailed explanation of article 4, please also refer to the General Comment No. 29 of the HR Committee (CCPR/C/21/Rev.1/Add.11): <http://ccprcentre.org/ccpr-general-comments>

<sup>5</sup> The Committee's understanding of the conditions in which a state of emergency may be declared is also explained in the abovementioned General Comment No. 29.

## Article 5: Prohibition of Misuse and Savings Clause

*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.*

The purpose of Article 5 §1 is to **prevent persons, groups or States from misusing the ICCPR** to limit the rights of others, especially concerning articles 1, 18, 19, 21, 22, 25 and 27 of the ICCPR. Even in times of emergency, derogation measures may not be intentionally aimed at the destruction of the rights enshrined in the ICCPR.

§2 states that the **ICCPR** is only a **minimum standard** and it should not be used or interpreted to restrict human rights of individuals, which are only or better protected by domestic laws.

---

## Article 6: Right to Life

1. *Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.*
2. *In countries which have not abolished the death penalty, sentence of death may be imposed only for the most serious crimes in accordance with the law in force at the time of the commission of the crime and not contrary to the provisions of the present Covenant and to the Convention on the Prevention and Punishment of the Crime of Genocide. This penalty can only be carried out pursuant to a final judgement 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.*

The right to life has been characterized as the **supreme human right**, and it is **non-derogable**.<sup>6</sup> This right entails both negative and positive obligations on States, i.e. the **negative obligation to respect the right to life by not interfering**, and the **positive obligation to ensure the right to life**, including protecting it by law. **The prohibition of an arbitrary deprivation of life** includes **killings by State agents** and **enforced disappearances**. An **enforced disappearance** is defined as an “abduction and detention of persons followed by a refusal to disclose their fate and whereabouts or even to acknowledge their deprivation of liberty”.<sup>7</sup> State parties are obliged to provide protection against arbitrary killing, armed conflict or malnutrition. It also includes the **duty to investigate thoroughly all cases of death or disappeared persons** and to prevent war, genocide or other forms of mass violence.

The right to life also implies a **special duty regarding persons under arrest**. The **deprivation of food or medical treatment**, or the **failure to prevent suicide** might constitute a violation of **article 6**.

<sup>6</sup> For a more detailed explanation of article 6, please also refer to the General Comment No. 36 of the HR Committee (CCPR/C/GC/36): <http://ccprcentre.org/ccpr-general-comments>

<sup>7</sup> Art. 2 International Convention for the Protection of All Persons from Enforced Disappearance; M. Nowak, UN Covenant on Civil and Political Rights, CCPR Commentary (2nd rev. ed.). Kehl am Rhein: Engel, 2005, p. 131.

## Article 6

According to the Committee, **death penalty** should gradually be prohibited, but in the mean time there are exceptions under certain **conditions**: it should only be applied for the most serious crimes, the method of execution should not amount to torture or ill-treatment, it should only follow after a fair trial and it should not be applied to minors or pregnant women. Moreover, States are prohibited to reintroduce or extend the death penalty. Lastly, States who ratified the first optional protocol to the ICCPR, that abolishes the death penalty, cannot extradite persons to countries where there is a real risk of being sentenced to death or executed in violation of the ICCPR (**principle of non-refoulement**).

States are free to regulate the **voluntary termination of pregnancy**, as long as the measures do not violate the ICCPR rights of a pregnant woman or girl. This means that restrictions on abortion must not jeopardize their lives, subject them to physical or mental pain or suffering, discriminate against them or arbitrarily interfere with their privacy. Concretely, States must provide **safe, legal and effective access to abortion** where the life and health of the pregnant woman or girl is at risk, or where carrying a pregnancy to term would cause her substantial pain or suffering, most notably where the pregnancy is the result of rape or incest or is not viable. State parties are encouraged to provide access to information about sexual and reproductive health and contraceptive methods.

---

Issues addressed under this article (sometimes linked with other articles) include:

- application of death penalty
- deportations to the countries where the person concerned may face death penalty
- extrajudicial executions
- deaths in detention or police custody
- excessive use of force by law enforcement personnel or armed forces
- vendetta violence
- maternal mortality and living conditions of vulnerable groups

## Article 7: Prohibition of torture

*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.*

The **purpose** of this article is “*to protect both the dignity and the physical and mental integrity of the individual*” including mental suffering as well as physical pain.<sup>8</sup> This article is **absolute, non-derogable** and does not allow for any exception, including an order from a superior officer. It is part of customary law and even considered **jus cogens**<sup>9</sup>.

This article gives several **obligations to the States**:

- To **investigate** every alleged case of torture and ill-treatment, to put in place a machinery of control and to make **effective remedies** available to victims. This also implies a duty to **prevent** torture by: prohibiting incommunicado detention; allowing routine visits by physicians, attorneys and family members; and training of law enforcement officials. Statements obtained through torture should not be admissible in judicial proceedings and amnesties for acts of torture are not compliant with the State’s duty to investigate.
- To **protect**, through legislative measures, everyone against torture and ill-treatment. States are obliged to qualify torture as a crime in their domestic law.
- To **refrain** from **expulsing or extraditing** someone facing risk of torture or ill-treatment by another State, and to respect the principle of **non-refoulement**.

<sup>8</sup> For a more detailed explanation of article 7, please also refer to the General Comment No. 20 of the HR Committee (HRI/GEN/1/Rev.9 (Vol. I) p.200): <http://ccprcentre.org/ccpr-general-comments>

<sup>9</sup> An overriding principle of international law, based on values taken to be fundamental to the international community, that cannot be set aside (as by treaty). Definitions available on <https://www.merriam-webster.com/legal/jus%20cogens> and [https://www.law.cornell.edu/wex/jus\\_cogens](https://www.law.cornell.edu/wex/jus_cogens).

## Article 7

This article does not contain a **definition of torture**, but the generally accepted definition is that of **article 1 of the Convention Against Torture (CAT)**: “acts of public officials that intentionally inflict severe physical or mental pain or suffering in order to fulfil a certain purpose, such as the extortion of information or confessions or the punishment, intimidation or discrimination of a person”. It also covers other acts of **ill-treatment** that may not fall under the definition of torture, such as corporal punishment.

Many of the violations of this article can occur in **detention**, often also in violation of article 10 of the ICCPR (conditions of detention). Article 7 is also closely linked with articles 6 (right to life) and 9 (prohibition of arbitrary detention), since the same set of circumstances may lead to a violation of all these provisions.

Issues addressed under this article include:

- *legislation specifically prohibiting torture*
- *rehabilitation and compensation for victims*
- *prohibition of the use of statements obtained through torture or ill-treatment in judicial processes*
- *torture or ill-treatment of detainees, including prolonged solitary confinement and incommunicado detention*
- *investigations into all allegations of torture and ill-treatment*
- *procedure, permissible duration and recording of interrogations*
- *non-refoulement or guarantees against deportation to a country where someone might be exposed to torture or ill-treatment*
- *excessive use of force by law enforcement officials and armed forces*
- *domestic violence; female genital mutilation*
- *coercive sterilization*
- *corporal punishment*

## Article 8: Prohibition of Slavery

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;*
  - (b) *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 subparagraph (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.*

This article obliges States to **prohibit slavery** (§1), **slave trade** (§1), **servitude** (§2) and **forced or compulsory labour** (§3). The prohibition of slavery, slave trade and servitude is considered jus cogens<sup>10</sup>, and **no exceptions are allowed** (§1 and 2). **Servitude** includes slavery-like practices, such as **human trafficking** and **debt bondage**, whereby an individual is made completely dependent on others and economically exploited.

**Compulsory or forced** labour includes “all work or service, which is extracted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily”.<sup>11</sup>

Issues addressed under this article include:

- legislation prohibiting slavery or forced labour;
- human trafficking;
- working conditions of domestic labourers;
- measures to ensure women engaged in prostitution are not subject to contemporary forms of slavery including debt bondage;
- corruption and extortion and hazardous working conditions in the cotton sector;
- all forms of sexual and labour exploitation;
- child labour;
- recruitment of children into the armed forces and certain types of labour performed by detainees.

<sup>10</sup> Ibid.

<sup>11</sup> Art. 2 (1) ILO Convention No. 29 of 28 June 1930.

## Article 9: Prohibition of Arbitrary Detention

- 1. Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.*
- 2. Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him.*
- 3. Anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release. It shall not be the general rule that persons awaiting trial shall be detained in custody, but release may be subject to guarantees to appear for trial, at any other stage of the judicial proceedings, and, should occasion arise, for execution of the 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.*

This article protects the **liberty** of a person from forceful detention at a certain, narrowly bounded location, such as a prison or a detention facility, psychiatric facility, re-education, concentration or work camp, detoxification facility or house arrest.<sup>12</sup> It also protects the **security** of a person “from injury to the body and the mind, or bodily and mental integrity”, regardless of whether “the victim is detained or non-detained”.<sup>13</sup> Violations of the right to security can also be caused by death threats, assassination attempts, harassment and intimidation.

**Arrest or detention of a person** must **not be arbitrary** and should be **lawful**. It is the obligation of the State to define precisely in which cases deprivation of liberty is permissible. An **arrest** is the act of depriving personal liberty and generally covers the period up to the point where the person is brought before the competent authority. **Detention** is a state of deprivation of liberty regardless of whether this follows from an arrest (in which case the person is “in custody” or “pre-trial detention”), a conviction (in which case the person is “imprisoned”), or any other act including kidnapping.<sup>14</sup>

<sup>12</sup> M. Nowak, UN Covenant on Civil and Political Rights, CCPR Commentary (2nd rev. ed.). Kehl am Rhein: Engel, 2005, p. 212.

<sup>13</sup> For a more detailed explanation of article 9, please also refer to the General Comment No. 35 of the HR Committee (CCPR/C/GC/35): <http://ccprcentre.org/ccpr-general-comments>

<sup>14</sup> M. Nowak, UN Covenant on Civil and Political Rights, CCPR Commentary (2nd rev. ed.). Kehl am Rhein: Engel, 2005, p. 221



## Article 9

Any arrest or detention must be based on the grounds and follow the procedure established by the law. Article 9 is violated if the grounds for arrest are not clearly established in a law, or are contrary to it.

The condition of **arbitrariness** applies to both the law itself and its application by law enforcement. In other words, a law can be arbitrary and/or a law can be arbitrarily applied by law enforcement. Any detention or arrest should not be manifestly disproportionate, unjust, unpredictable and discriminatory.

In order to avoid violations of other rights enshrined in the ICCPR, article 9 protects the following rights of arrested or detained persons:

- **The right to be informed promptly:** anyone arrested shall be promptly informed about the reasons of the arrest and the nature and the cause of the charges against them in detail and in a language which they understand. Promptly means during the first interrogation at the latest. The lack of a written arrest warrant can constitute an indication of an arbitrary arrest.
- **The right to habeas corpus:** everyone has the right to have the lawfulness of the detention reviewed in court without delay. The court reviews the compatibility of the deprivation of liberty with domestic and international law. If the detention is not lawful, the court is obliged to order the immediate release. Mandatory detention systems are not compliant with the ICCPR.
- **The right to compensation:** a specific domestic remedy must be made available to anyone who is unlawfully arrested or detained.
- **The right to be promptly brought before a judge:** anyone *in pre-trial detention* for criminal charges should promptly be brought before a judge - longer than 48 hours must remain the absolute exception. Pre-trial detention should only be used for essential reasons such as danger of suppression of evidence, repetition of the offence and absconding. It should only last for a reasonable time depending on the circumstances of each case.

The right to liberty may be restricted in a state of emergency (article 4), but not the right to habeas corpus.

---

1 General Comment of the HR Committee No. 18 (HRI/GEN/1/Rev.9 (Vol.1)), § 6: <http://ccprcentre.org/ccpr-general-comments>

Issues addressed under this article include:

- legislation prohibiting arbitrary detention and safeguards against arbitrary detention
- guarantees for suspects under counter-terrorism legislation
- access to judicial review of the lawfulness of detention
- compensation for unlawful detention
- investigation of detention centres and complaints
- arrested or detained persons' access to a lawyer, doctors and family
- incommunicado detention
- enforced disappearances
- national registers of detained persons
- secret places of detention
- duration of pre-trial detention
- continuation of detention after a sentence has been served
- detention of asylum seekers and migrants
- arbitrary detention of homeless persons, beggars, drug users, street children and sex workers

## Article 10: Conditions of Detention

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.*

This article guarantees a minimum standard of **treatment of persons deprived of their liberty**. It is closely linked to articles 7 (prohibition of torture) and 9 (prohibition of arbitrary deprivation of liberty), because the safeguards contained in this article might prevent violations of articles 7 and 9. **Article 10** cannot be derogated from since it is considered jus cogens.<sup>15</sup>

**Article 10** §1 applies to **all persons deprived of liberty** under the laws and authority of the State who are held in prisons, hospitals, including psychiatric hospitals, detention camps or correctional institutions or elsewhere. The safeguards in this article also apply when **non-nationals** are detained as part of an expulsion procedure.

**Article 10** §2 applies to **persons in pre-trial detention** and §3 to **convicted persons**.

Issues addressed under this article include:

- living conditions in detention, including in pre-trial detention and migrant holding centres
- procedures governing detention
- overcrowding and infrastructure of detention facilities, sanitary conditions, malnutrition, violence by prisoners
- separation of accused and convicted persons, juveniles and adult detainees and asylum seekers and other detainees
- juvenile detention system
- measures for education and rehabilitation
- torture and ill-treatment of detainees including solitary confinement
- complaint mechanisms available to persons deprived of liberty
- deaths in custody
- access to detention centers by NGOs and NHRIs
- length of pre-trial detention
- register of detainees, medical and legal assistance available to detainees
- contact with families
- duration of interrogations and training of guards

<sup>15</sup> For a more detailed explanation of article 10, please also refer to the General Comment No. 21 of the HR Committee (HRI/GEN/1/Rev.9 (Vol. I) p.202): <http://ccprcentre.org/ccpr-general-comments>.

For a definition of jus cogens, see footnote 8.

## Article 11: Imprisonment for Failure to Fulfil a Contractual Obligation

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

This article ***prohibits detention for debts***. It applies to ***all civil law contracts***, even when they are signed with a State organ, and is ***non-derogable***. It only applies when the debtor is unable to pay, but not when he/she refuses. This prohibition does not apply to criminal offences related to civil-law debts, such as fraud, or to statutory obligations.

---

Issues addressed under this article include:

- legislation prohibiting imprisonment for inability to fulfil a contractual obligation
- arbitrary arrests for failure to fulfil a contractual obligation and imprisonment for debt

## Article 12: Freedom of Movement

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 12** guarantees everyone including aliens, as long as they are lawfully within the territory of a State, the **right to move freely**, to **choose a place of residence** within that State and to cross State frontiers. It also prohibits **arbitrary expulsion of aliens who are lawfully within the territory of a State**. As long as a person is residing in accordance with domestic law or is in possession of a valid residence permit, they lawfully reside in the country.

The State has a **positive obligation to protect** the freedom of movement from public and private interference.

**Article 12** §2 protects the **freedom of everyone to travel abroad** and to **emigrate**. State parties have the obligation to provide effective possibilities for their nationals to leave their territory by for example issuing the necessary travel documents.

The abovementioned freedom can be **limited under the following conditions** (§3):

- There is **legal basis**: grounds for limitation is provided in parliamentary acts that are accessible to those subject to the law. Administrative provisions are not sufficient.
- It is **compatible with protection of other rights** enshrined in the ICCPR.
- It is **necessary and proportional**: any measures taken to limit the freedom should be the least intrusive ones that are necessary and proportional to protect following matters as listed in §3<sup>16</sup>:
  - o **National security**: to deal with grave cases of political or military threat to the entire nation. For example, a State may limit the freedom of movement of non-authorized persons to the military's security zones.
  - o **Public order (ordre public)**: to achieve or maintain public order, public safety and prevention of crime. For example, States may limit the freedom of movement to protect bird sanctuaries or afforestation areas.

<sup>16</sup> M. Nowak, UN Covenant on Civil and Political Rights, CCPR Commentary (2nd rev. ed.). Kehl am Rhein: Engel, 2005, p. 275.

## Article 12

- o **Public health:** for example, to prevent the spread of infectious diseases including quarantine measure.
- o **Public morals:** for example, states may limit nude bathing to specifically designed beaches.
- o **Rights and freedoms of others:** to protect all rights, not only constitutional rights or rights guaranteed in the ICCPR. For example, someone's freedom of movement can be limited if he/she intends to flee the country to avoid to pay child support, to protect the rights of the child.

**Article 12** also protects the **right of everyone to enter one's own country**. If a State arbitrarily denies the entry of its nationals to its territory, it violates the ICCPR (§4). In addition, "**own country**" can include aliens and stateless persons who have a strong attachment to the State concerned. However, it is possible that aliens are required to prove their nationality or the close relationship with the country.

---

Issues addressed under this article include:

- mandatory registration of place of residence;
- exit visas;
- Internally Displaced Persons (IDPs);
- (forced) evictions; forced displacement;
- women who are required to have authorization from their husband to travel;
- freedom of movement and integration of refugees.

## Article 13: Right to Remain in a State

*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 13** specifically protects the right of **aliens** i.e. **non-nationals** who are lawfully in the territory of a State from forced or unlawful expulsion. In order to comply with this article, any decision to expel aliens who are lawfully within the territory of a State must be made by a court or an administrative authority on the basis of a law affording protection against arbitrary expulsion through the establishment of procedural guarantees. Collective expulsions of aliens are also prohibited by this article, even if States have legislation that allows it.<sup>17</sup>

This article applies to all **foreigners**, including **stateless persons** and refugees, as long as they reside in a State in accordance with the legal system and/or possess a valid residence permit. Aliens with a permanent home abroad, are protected by article 12 as well as 13: they cannot be expelled from the State where they have their permanent home.

For all other aliens, who do not have a permanent home abroad but who lawfully reside within the territory of a State party, there is no prohibition of expulsion, but States must respect some **procedural guarantees**<sup>18</sup>:

- Aliens who are expelled must be allowed to leave for any country that is **willing to accept them**. The State has no right to decide where the person is to be deported, but should respect the principle of non-refoulement: no deportation to places where there is a risk of torture.
- An **oral hearing** should be allowed where persons can submit the reasons against their expulsion. However, there is no right to personal appearance.
- Aliens have the **right to appeal**. This includes the right to be informed of the remedies available. The appeal procedure does not need to be conducted in a court.

<sup>17</sup> For a more detailed explanation of article 13, please also refer to the General Comment No. 15 of the HR Committee (HRI/GEN/1/Rev.9 (Vol. I) p.189): <http://ccprcentre.org/ccpr-general-comments>

<sup>18</sup> See General Comment No. 15, §10.

## Article 13

- Aliens are not entitled to legal counsel or to the appointment of an attorney, but they have the **right to designate their own representative**.
- States can rely on **national security** in serious cases of political or military threats to the entire nation to expel aliens anyway. This exception has a narrow scope of application.

In situations where the legality of an alien's entry or stay in a State is in dispute, any decision on the expulsion or deportation of this alien needs to be taken in accordance with article 13. If expulsion procedures entail **detention**, the safeguards of the ICCPR relating to deprivation of liberty (article 9) and conditions of detention (article 10) are applicable.

---

Issues addressed under this article include:

- criteria under which a person may be expelled/deported
- separation of families due to expulsion or deportation of non-national parents when a child has nationality
- various issues related to the rights of asylum seekers and refugees including: access to an effective and independent review of expulsion or deportation orders; suspension of those orders during an appeal; information on rights and possibilities for appeal; access to legal assistance; mass expulsions/deportations; conditions of those awaiting expulsion/deportation; discrimination in asylum proceedings; and guarantees against expulsion or deportation to countries where rights guaranteed by the ICCPR may be violated



## Article 14: Right to Equality Before Courts and Tribunals and to a Fair Trial

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;*

## Article 14: Right to Equality Before Courts and Tribunals and to a Fair Trial

(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 14** protects the right of everyone in the proceedings of criminal cases.

**Article 14** §1 sets out a **general guarantee of equality before courts and tribunals** and entitles individuals to a **fair and public hearing** by a **competent, independent and impartial tribunal established by law**, if they face criminal charges or if their rights and obligations are determined in a suit at law. It also specifies the exceptional cases where media and public may be excluded from such hearings.

**Article 14** §2 – 5 lay down **procedural guarantees** to be made available to the persons charged with a criminal offence. §6 secures a substantive **right to compensation** in case of miscarriage of justice in criminal cases. §7 **prohibits double jeopardy**, i.e. guarantees the right to remain free from being tried or punished again for an offence for which the person concerned has already been finally convicted or acquitted.<sup>19</sup>

The right to equality before courts and tribunals applies to **all individuals**, not only citizens, **who are in the territory or subject to the jurisdiction** of the State Party, including equal access to and treatment before them without discrimination.

**Article 14** requires independence and effective functioning of the judiciary, in

<sup>19</sup> For a more detailed explanation of article 14, please also refer to the General Comment No. 32 of the HR Committee (CCPR/C/GC/32): <http://ccprcentre.org/ccpr-general-comments>

## Article 14

particular in criminal cases. It also applies to military or special courts, as well as customary and religious courts.<sup>20</sup> State Parties are also encouraged to provide free legal aid for individuals who do not have sufficient means to pay for it. Similar cases should be dealt with through similar proceedings.

As fundamental safeguards for the rule of law, the HR Committee emphasises that the guarantees set out in the **article 14** must be respected regardless of legal tradition or domestic law. Any derogation from the **article 14** must be strictly limited to the extent it is absolutely necessary.

---

Issues addressed under this article include:

- governance of the tenure, appointment, dismissal and disciplining of the members of the judiciary
- transparency and accountability of public institutions
- corruption in the judiciary
- resources made available to the judiciary
- availability of court translators and interpreters
- presence of a lawyer and audio-visual recording of interrogations
- “equality of arms” between the defence and prosecution in court
- convictions based on confessions; length of custody and/or detention before being presented before a judge

---

20 General Comment No. 32 of the HR Committee (CCPR/C/GC/32), §§ 22-24

## Article 15: Non-Retroactivity of Laws

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

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

This article **prohibits retroactive application of criminal laws** and is **non-derogable**. §1 comprises of two parts:

- **Nullum crimen sine lege** (“no crime without law”): States are prohibited to apply criminal laws retroactively. This applies to all criminal offences: both criminal acts and omissions (failure to act). The application of criminal laws by analogy is also prohibited, because conduct can only be considered criminal if it is specifically described in a law.
- **Nulla poena sine lege** (“no punishment without law”): States are prohibited to impose penalty that was not provided for under national or international law at the time when the offence concerned was committed. This includes heavier penalties than the ones applicable at the time of the offence.<sup>21</sup> “Penalty” only refers to criminal penalties and not to civil or administrative ones, but every sanction that has a preventive and retributive and/or deterrent character falls under the definition of a criminal penalty, regardless of its severity or the formal qualification by law. However, States are allowed to impose lighter penalties. Even more, States are **obliged to impose the lighter penalty** on all ongoing cases, even retroactively. This duty, though, does not apply for final convictions, except in case the final conviction is irreversible: for example, when the sentence for murder is commuted from death penalty to life imprisonment, States have to apply this to all persons on death row convicted for murder.

**Article 15** §2 sets out an exception: a person can be tried and punished retroactively for acts or omissions that were criminal under customary international law at the time of the offence such as war crimes, crimes against humanity and similar violations of international law including torture and slavery.

<sup>21</sup> Determination of which penalties are heavier may only be done on a case by case basis upon consideration of all relevant circumstances.

## Article 16: Recognition as a Person before the Law

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

This article stipulates that everyone should be recognised as a person before the law, as a **rights holder**, everywhere. It prevents individuals from being deprived of their human rights. It is **non-derogable**. For example, imposing the penalty of “civil death” depriving someone of all or almost all civil rights will violate this provision.

The protection begins at birth and ends with death, hence the obligation to register children after birth. It also extends to the foetus, but only if it is born alive afterwards. However, this does not mean that all ICCPR rights apply from conception. The right to life, for example, does not apply from conception.

---

Issues addressed under this article include:

- birth registration
- capacity of everyone to own property, enter into contracts or to exercise their civil rights
- inclusion of members of indigenous peoples in the civil registry and access to personal identity documents

## Article 17: Right to Privacy

1. *No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation.*
2. *Everyone has the right to the protection of the law against such interference or attacks.*

**Article 17** protects the **right of everyone to privacy**. State parties are obliged to take measures to protect everyone including persons deprived of their liberty from unlawful and arbitrary interferences with their privacy, family, home or correspondence. Even if an interference is lawful, it can still be arbitrary: for example, if it does not have a legitimate purpose or it is not reasonable/proportionate to achieve its purpose. The article also protects everyone from unlawful attacks on his or her honour and reputation.

**Privacy** refers to the particular area of individual existence and autonomy that does not touch upon the sphere or liberty and privacy of others such as one's identity, sexuality and other personal characteristics, actions or data. Arbitrary body searches, medical treatment without consent, withdrawal of blood samples without proper reason or legal basis can be a violation of this article, but not the test to determine paternity.

**Family** should include not only nuclear family of parents and children, but also close relatives, grandparents, grandchildren, non-married heterosexual and homosexual partners, illegitimate and adopted children.<sup>22</sup>

**Home** relates to all types of houses, regardless of the legal title (ownership, rental, leasing, etc.) or nature of use (weekend house, garden house, etc.). Interferences include forced or clandestine trespassing, electronic surveillance, listening devices, and hidden cameras.

**Correspondence** refers to all forms of communication over distance including telephone, telegram, email, and other mechanical or electronic means of communication. The State has the obligation to ensure that letters are delivered and not inspected by third parties. Every withholding, censorship, inspection of or listening to or publication of private correspondence is regarded as an interference. This also counts for correspondence of prisoners.

**Honour and reputation** are only protected against unlawful and intentional interferences of a certain intensity, based on untrue allegations. Honour refers to the subjective opinion one has about oneself, while reputation refers to appraisal by others.

Issues addressed under this article include:

- monitoring of communications
- (illegal) surveillance
- remedies for abuse of monitoring
- house searches without warrant
- treatment of personal data; arbitrary body searches
- medical treatment without consent; publication of photos without consent
- correspondence of prisoners
- counter-terrorism legislation and DNA testing to control and restrict family reunification

<sup>22</sup> General Comment 16/32, §5: the ICCPR requires a broad interpretation of the family in the sense of the respective cultural understanding of the various States parties.

## Article 18: Freedom of Thought, Conscience and Religion

- 1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.*
- 2. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.*
- 3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.*
- 4. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.*

**Article 18** protects the **freedom of all individuals to have, not to have, or change one's thought, conscience, religion or belief**.<sup>23</sup> The freedom protected under article 18 includes freedoms of thought on all matters, theistic, non-theistic and atheistic beliefs as well as the right not to profess any religion or belief. No one can be compelled to reveal his thoughts or adherence to a religion or belief.

**Article 18** permits **no limitations** on the **freedom of thought and conscience** and on the freedom to **have or adopt a religion or belief of one's choice**, while the freedom to **manifest** a religion or belief **may be limited** in certain circumstances as specified in the **article 18 §3** and article 20. Laws or practices regulating religious conversion might be in conflict with this article, if they do not fulfil the conditions specified in §3.

The HR Committee points out that recognition of State religion(s) or the existence

<sup>23</sup> For a more detailed explanation of article 18, please also refer to the General Comment No. 22 of the HR Committee (CCPR/C/21/Rev.1/Add.4): <http://ccprcentre.org/ccpr-general-comments>

## Article 18

of a majority religious group shall not result in any discrimination against adherents to other or minority religions, or non-believers. It should also be noted that rights of persons belonging to a religious minority are also protected under article 27.

At the same time, ***freedom of thought, conscience and religion cannot be used to justify any infringement or abuse of other rights guaranteed in the ICCPR***, in particular the rights of vulnerable groups such as women, non-citizens and minorities. The Committee also notes that the right to ***conscientious objection*** to military service can be protected under **article 18**, in case the obligation to use lethal weapons seriously conflicts with one's conscience, religion or belief.

---

Issues addressed under this article include:

- registration of religions including any restrictions on the possible registration
- subsidisation of State religion(s)
- protection of the places of worship
- guarantee of the right to change religion / regulation on the conversion
- implicit or explicit requirements to have the State religion in order to hold a public position including in the judiciary
- conscientious objection to military service and religious classes at school



## Article 19: Freedom of Expression

1. *Everyone shall have the right to hold opinions without interference.*
2. *Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.*
3. *The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:*
  - (a) *For respect of the rights or reputations of others;*
  - (b) *For the protection of national security or of public order (ordre public), or of public health or morals.*

**Article 19** §1 protects the **right to freedom of opinion**, to which **no exception or restriction is permitted**.<sup>24</sup> The freedom of opinion includes the **right to change an opinion** as well as the freedom **not to express one's opinion**. Any form of effort to coerce the (not) holding of any opinion is prohibited and no one shall be subject to the impairment of any rights in the ICCPR on the basis of his or her actual, perceived or supposed opinions. **Reservations to §1 are incompatible** with the ICCPR and it is **non-derogable**.

§2 stipulates the **right to freedom of expression** including the **right to information**. It covers political discourse, commentary on one's own and on public affairs, canvassing, discussion of human rights, journalism, cultural and artistic expression, teaching and religious discourse. Some elements of this paragraph may be restricted in certain circumstances and under the conditions provided in **article 19** §3 and article 20.

§3 deals with **certain conditions** in which the exercise of the rights guaranteed under **article 19** may be limited. Such **restrictions** must be provided and specified in law and meet strict tests of necessity and proportionality regarding the grounds set out in its sub-paras (a) and (b). Restrictions on other grounds that are not specified in §3 are not allowed. Similarly, restrictions must be applied only for the purpose for which they are prescribed and must be directly related to the specific need on which they are predicated.

**Restrictions through traditional, religious or other customary laws are not compatible with the ICCPR**. Laws and practices that prohibit criticism towards the authorities, penal codes having vague and broad definitions of prohibited expressions, or restricting independent journalism, both online and offline, might be incompatible with **article 19**.

Issues addressed under this article include:

- attacks against journalists
- censorship and self-censorship
- blocking of information critical to the government
- any restrictions put on the freedoms guaranteed under article 19
- application of laws on incitement to national, racial or religious hatred; access to internet
- legislation on libel and defamation and the existence of non-State controlled or independent media

<sup>24</sup> For a more detailed explanation of article 19, please also refer to the General Comment No. 34 of the HR Committee (CCPR/C/GC/34): <http://ccprcentre.org/ccpr-general-comments>

## Article 20: Prohibition of propaganda for War and Advocacy of National, Racial or Religious Hatred

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 20 §1 prohibits propaganda for war.** “Propaganda for war” should be understood as, “all forms of propaganda threatening or resulting in an act of aggression or breach of the peace contrary to the Charter of the United Nations”<sup>25</sup>. It includes intentional and aimed influencing of individuals to create or reinforce a willingness to go to war, for example, through dissemination of incorrect or exaggerated allegations of fact. Such creation or reinforcement of the willingness to go to war is already violation of this article, even if there is no concrete threat or declaration of war. Various channels of communication, especially the ones capable of reaching a large circle of persons, can be used for the propaganda for war, including radio, TV, film and the internet. The term “war” in this article only refers to wars of aggression and not to wars waged out of defence or for liberation.<sup>26</sup> Article 20 §2 **prohibits advocacy of national, racial or religious hatred** and **incitement to discrimination, hostility or violence** based on such hatred. It also **protects minorities** against violence and persecution.

Article 20 requires States to take legislative measures for the prohibition of abovementioned issues. Propaganda for war, advocacy of hatred and incitement to discrimination, hostility or violence, including those by private persons, need to be **prohibited in legislation**. Whether this prohibition should be a criminal one is left to the States. In any case, as it imposes a **restriction** on certain freedoms enshrined in the ICCPR, especially the **freedom of expression** in article 19, any measures taken under article 20 must also **comply with article 19 §3**. Similarly, the freedom to manifest a religion or belief guaranteed by article 18 ICCPR can also be subject to restrictions of article 20, especially in the light of the protection of religious minorities.

Issues addressed under this article include:

- legislation criminalising incitement to national, racial, or religious hatred
- racist motivation as an aggravating factor in offences
- hate crimes and hate speech
- racism and xenophobia in the internet and in sports
- religious or racially motivated attacks on places of worship
- protection of places of worship belonging to minorities and safe access to these

<sup>25</sup> For a more detailed explanation of article 20, please also refer to the General Comment No. 11 of the HR Committee (HRI/GEN/1/Rev.9 (Vol. I) p.182), in particular §2: <http://ccprcentre.org/ccpr-general-comments>.

<sup>26</sup> M. Nowak, UN Covenant on Civil and Political Rights, CCPR Commentary (2nd rev. ed.). Kehl am Rhein: Engel, 2005, p. 473.

## Article 21: Freedom of Assembly

*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 21** protects the right to **freedom of peaceful assembly**, which covers preparation and conduction of an assembly and the right to participate in it. Restrictions on this right are only allowed in limited circumstances and under the conditions described in the second sentence of the article itself. It needs to be adequately protected by the State parties, even if the assembly concerned is organised against the (political, economic or other) interests of the State, but necessary to realise and maintain democracy and effective protection of the rights guaranteed in the ICCPR. *It includes the obligation of State parties to prevent a peaceful assembly from becoming violent due to provocation or use of force by security forces or by private actors.*<sup>27</sup> Freedom of peaceful assembly of aliens, who are lawfully within the territory of State parties, should also be protected.

Only **“peaceful”** assemblies are protected by **article 21**, whereas the condition of **“peacefulness”** primarily applies to the way how assembly is carried out, i.e. without violence. An assembly whose participants are armed is not regarded as peaceful even if the arms are not used. At the same time, the organisation of an assembly may be limited, if any unpeaceful messages (e.g. inciting hatred, discrimination or violence) are disseminated at the assembly in accordance with the limitations set out in **article 21** (and articles 19 and/or 20).

Purely private meetings e.g. gatherings in a private house are not protected by this article, while what constitutes an **“assembly”** to be protected under this article may only be determined case by case, based on the exact context and situation.

---

Issues addressed under this article include:

- legislation and procedure for allowed assembly
- statistics on the number of refused assembly and exact reasons therefor
- criteria for determining a meeting illegal or threat to public security
- measures to guarantee the right to peaceful assembly to all individuals in the territory or jurisdiction of the State concerned including migrant workers
- (excessive) use of force by law enforcement personnel when dispersing assemblies
- statistics on the penalties and arrests for holding unauthorized meetings

---

<sup>27</sup> The HR Committee will adopt General Comment 37 on this article. The first draft will soon be available here : <http://ccprcentre.org/ccpr-general-comments>.

## Article 22: Freedom of Association

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.*

**Article 22** protects the right to **freedom of association** including the right to form and join **trade unions**. Restrictions on this freedom may be placed only in limited circumstances and under the conditions set out in §2. More restrictions may be placed on the freedom of association of the members of the armed forces or the police. This freedom also covers the freedom of individuals to choose, change or not to join associations, whereby **compulsory membership for an association can be a violation of article 22 §1**. Associations that incite hatred, discrimination or violence may be prohibited under this article (and in conjunction with other articles such as 19, 20 and 21).

No specification is made in **article 22** as to the “purpose” of associations, thus it can be political, economic, social, religious, cultural or sport associations. However, judicial persons under public law are not included. The freedom of association is a human **right of the individual to form or join associations**, while it also **covers a collective right of existing associations to continue their activities based on the common interests and needs of their members**.

Obligations of State parties under this article include the positive obligation to provide legal framework for the incorporation of juridical persons as well as to protect the establishment or activities of associations from the interference by private parties.

.....

Issues addressed under this article include:

- requirements or restrictions on the recognition of associations including political parties
- registration of associations including human rights organisations and non-governmental organisations (NGOs)
- statistics on applications, refusals and reasons for the refusal of applications
- legislative guarantees of the right to strike
- attacks and threats against members of trade unions
- restrictions on forming or joining trade unions for certain categories of workers
- financial or other forms of control or restrictions on the operation of NGOs

## Article 23: Right to a Family

- 1. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.*
- 2. The right of men and women of marriageable age to marry and to found a family shall be recognized.*
- 3. No marriage shall be entered into without the free and full consent of the intending spouses.*
- 4. States Parties to the present Covenant shall take appropriate steps to ensure equality of rights and responsibilities of spouses as to marriage, during marriage and at its dissolution. In the case of dissolution, provision shall be made for the necessary protection of any children.*

**Article 23** recognises that the **family** is entitled to protection by society and the State and sets out certain standards related to marriage.<sup>28</sup> Although the concept of “family” may differ from State to State, or even region to region within a State, and there is no standard or universal definition, when a group of persons is regarded as a family under the legislation and practice of a State, it must be given the protection provided by **article 23**. When reporting to the HR Committee, States parties are requested to specify how different types of family and their members are recognised and protected by domestic law and practice. State parties are also requested to ensure, if necessary in cooperation with other States, the **unity or reunification of families**, particularly when their members are separated for political, economic or similar reasons.

State parties need to recognise the **right of men and women of marriageable age to marry** and to **found a family**. Any restrictions or impediments to this right as well as any regulations of marriage must be compatible with the protection of all rights guaranteed by the ICCPR. The ICCPR does not establish a specific marriageable age either for men or for women, but it should be such as to enable the intending spouses to give his or her free and full personal consent, whereby the Committee recommends 18 for both men and women. **Article 23 §3 prohibits forced marriage**. A marriage may only be concluded when the intending spouses expressly declare before a competent State organ that they wish to marry and when this declaration is made of sound mind and free of compulsion, artifice and fear. There are **no exceptions** to this provision. The requirement of parental consent for minors, however, is compatible with this article.

State parties are also obliged to ensure the **equality of spouses** at different stages of marriage including acquisition or loss of nationality and choice of family name. In case of dissolution of the family, the **paramount interest of the children** must be taken into account too.

<sup>28</sup> For a more detailed explanation of article 23, please also refer to the General Comment No. 19 of the HR Committee (CCPR/C/GC/34): <http://ccprcentre.org/ccpr-general-comments>

## Article 23

Issues addressed under this article include:

- legislation creating discrimination between spouses at all stages of marriage including the right to choose the place of residence, guardianship of woman by their husband, equal right of parents to claim child benefits
- transmission of nationality to children
- minimum age for marriage including those applied to foreigners
- religious and customary practices regulating marriage
- obligation of women to take the name and/or nationality of their husband
- obligation of wives to obey the husband
- different rules regarding marital property, inheritance, taxation, pensions or adultery between spouses
- regulation on the family reunification including those of immigrants
- polygamy
- domestic violence
- legislation on the dissolution of marriages and status and competence of courts specialising in family law
- different rules regarding child custody, maintenance or alimony, visiting rights or the loss or recovery of parental authority and marital property.

## Article 24: Rights of the Child

1. *Every child shall have, without any discrimination as to race, colour, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as are required by his status as a minor, on the part of his family, society and the State.*
2. *Every child shall be registered immediately after birth and shall have a name.*
3. *Every child has the right to acquire a nationality.*

**Article 24** provides **additional and specific protection of the rights of every child**.<sup>29</sup> States are required to adopt **special measures** to protect children. ICCPR does not set specific **age of majority**, but it should not be too low and a lower age of majority does not release a State from its obligations where the ICCPR requires special provisions for those under 18.

**Article 24** §1 specifically **prohibits discrimination among children**, on any grounds, when providing measures for protection, including children of aliens and children born out of wedlock. Circumstances where children require protection varies and the responsibility to provide necessary protection lies with the family, society and the State. The ICCPR does not indicate how this responsibility should be fulfilled. In any case, the State should intervene in cases where the parents and the family seriously fail in their duties, ill-treat or neglect the child. Moreover, minors require special legal protection against certain cases such as **sexual abuse, mistreatment, exploitation** or **military recruitment**. Death penalty cannot be imposed for crimes committed by persons under 18 years of age and the prohibition of torture extends to **corporal punishment** of children.

**Article 24** §2 protects the **right of every child for registration** immediately after birth and to have a name. State parties are obliged to establish appropriate legal framework and take necessary measures to guarantee that all children born on their territory are registered, given a name and legally recognised. Registration of children will protect them from abduction, sale or trafficking, and other types of violations of their rights provided in the ICCPR. The right of the child to have a name is of particular importance for children born out of wedlock.

<sup>29</sup> For a more detailed explanation of article 24, please also refer to the General Comment No. 17 of the HR Committee (HRI/GEN/1/Rev.9 (Vol. I) p.193): <http://ccprcentre.org/ccpr-general-comments>

**Article 24** §3 protects the *right of every child to acquire a nationality*. It prevents children from being afforded less protection by society and the State because they are stateless, but it does not necessarily oblige States to give their nationality to every child born in their territory. However, States are required to adopt every appropriate measure, if necessary in cooperation with other States, to ensure that every child has a nationality when she/he is born. Discrimination is prohibited between legitimate children and children born out of wedlock or of stateless parents or based on the nationality status of one or both of the parents.

---

Issues addressed under this article include:

- protection of street children
- violence and abuse against children including sexual abuse, labour exploitation, corporal punishment and ill-treatment of children in residential care institution
- minimum age for sexual consent; legal age entitled to work
- age for criminal responsibility
- marriage of minors; acquisition of nationality
- birth registration; statelessness
- discrimination against children born out of wedlock
- infant mortality rate
- child labour
- military recruitment of children
- human trafficking
- children in immigration detention
- treatment of unaccompanied migrant minors
- rights of asylum seeking or refugee children
- existence and details of juvenile justice system
- rights of children accompanying their mothers in prison
- rights of children of minorities and indigenous people



## Article 25: Electoral Rights

*Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions:*

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

In contrast to all the other substantial articles of the ICCPR and rights guaranteed therein, **article 25** is explicitly limited to **citizens**.<sup>30</sup> In this context, clear and just criteria and procedures to obtain citizenship in domestic legislation is required to properly implement this article. The HR Committee repeatedly stressed that **no distinctions are permitted** between citizens in the enjoyment of these rights on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Any distinction or **limitation** on these rights of citizens can **only be allowed on objective and reasonable grounds**, such as age limit in certain cases.

Paragraph (a) protects the right of citizens to **participate in public affairs**, for example, by selecting their representatives, as members of legislative bodies, by holding executive office, or through a referendum. Paragraph (b) guarantee the right of citizens to take part in **genuine and periodic elections**, as voters or as candidates. Paragraph (c) guarantees equal **access** of all citizens **to public service** in their own country.

In order to guarantee these rights, States should hold **elections at intervals** which are not unduly long and take **positive measures** to address factors that are hindering effective enjoyment of these rights by their citizens, such as impediments to freedom of movement, physical disability, illiteracy, or language barriers. Relevant **information** about the exercise of these rights should also be made available to all citizens, including in **minority languages**. In elections, the principle of one person, one vote must be applied. Citizens should also be able to form their own opinions and make choices in this regard, free of violence or threat, compulsion, inducement or manipulative interference of any kind.

<sup>30</sup> For a more detailed explanation of article 25, please also refer to the General Comment No. 25 of the HR Committee (CCPR/C/21/Rev.1/Add.7): <http://ccprcentre.org/ccpr-general-comments>

## Article 25

Issues addressed under this article include:

- participation of women in public life
- representation of minorities, indigenous peoples, persons with disabilities in public life
- electoral rights of convicted persons, homeless and internally displaced persons
- guarantees for free and fair elections
- use of minority languages in government and administration
- media freedom, especially dealing with public issues and when election take place
- enjoyment or restriction of the rights based on the membership to particular political party
- establishment and functioning of independent electoral authority
- secrecy of the vote, absentee voting, security of ballot boxes, independent scrutiny of the voting and counting process, access to judicial review
- availability and independence of assistance provided for persons with disability

## Article 26: Equality Before the Law

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

**Article 26** protects **equality of all persons before the law** and is **non-derogable**. It protects everyone from any discrimination before the law. “*Discrimination*” should be understood as “*any distinction, exclusion, restriction or preference which is based on any ground ..., and which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise by all persons, on equal footing, of all rights and freedoms*”<sup>31</sup> However, the HR Committee emphasises that enjoyment of rights and freedom “*on equal footing*” does not mean “*identical treatment in every instance*”.<sup>32</sup> In certain cases, different treatment is necessary to achieve equality before the law, as not every difference in treatment constitutes discrimination, especially if the criteria for the differentiation are reasonable and objective, and the aim is to achieve legitimate purpose under the ICCPR.

Existing **laws must be applied in an equal manner to all** those subject to them. Everyone must be **protected equally** by the law without any discrimination or privilege. **Any form of discrimination must be prohibited by law** and everyone must be **equally and effectively protected** by the law from any discrimination. State parties also have the duty to protect everyone from discrimination by private parties in quasi-public sectors, including employment, schools, transportation, hotels, restaurants, theatres, parks, beaches, housing, private education facilities, health sector, and those goods, services and places intended for use by the general public.

The ICCPR contains three articles that deal with discrimination, but they differ slightly in their scope and implications: article 2 covers the rights guaranteed in the ICCPR, and requires positive measures to guarantee these rights as well as respect for them without discrimination; article 3 focuses on discrimination on grounds of gender; and article 26 requires protection against any discrimination (not limited to the rights in the ICCPR), but does not include the positive aspects included in the other two articles.<sup>33</sup>

Issues addressed under this article include:

- existence, character and implementation legislation prohibiting discrimination
- discrimination in practice; discrimination under customary law
- traditional, historical, cultural and religious practices impeding effective implementation of the Covenant
- remedies for discrimination
- specification of the grounds of discrimination and discrimination by law enforcement

<sup>31</sup> General Comment of the HR Committee No. 18 (HRI/GEN/1/Rev.9 (Vol.1)), § 6: <http://ccprcentre.org/ccpr-general-comments>

<sup>32</sup> Ibid.

<sup>33</sup> For a more detailed explanation of articles 2, 3 and 26, please also refer to the General Comment No. 18 of the HR Committee (CCPR/C/21/Rev.1/Add.7): <http://ccprcentre.org/ccpr-general-comments>

## Article 27: Rights of individuals belonging to minorities

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

**Article 27** deals with the **rights of individuals belonging to minorities**.<sup>34</sup> As such it is distinct from article 1 that deals with the right of “peoples”, while both articles could be used to protect rights of certain groups e.g. **indigenous peoples**. **Article 27**, therefore, can be invoked through the **Individual Communication** procedure under the first Optional Protocol to the ICCPR. **Article 27** protects specific rights of members of minority groups, whereby it is often linked with articles 2, 25 and 26 to address different issues related to **discrimination against minorities and indigenous peoples**.

The identification whether a person belongs to minority groups as protected under **article 27**, does not depend on the recognition by the State concerned or the permanence of their existence. It means that members of minority groups do not have to be nationals, citizens or permanent residents of the State concerned, but they can be e.g. **migrant workers** or temporary visitors.

Moreover, State Parties are obliged to protect rights guaranteed under article 27 not only **against the acts of State Party** itself, but also against the **acts of other persons** within the State Party.

The HR Committee notes that the **cultural rights protected by article 27 can take many forms** including a particular way of living, use of land resources, the traditional way of fishing and hunting, especially in the case of indigenous peoples. Enjoyment of these rights may require positive legal measures for protection and measures to ensure participation of members of the minority groups and indigenous peoples in the decision-making processes that affect them.

However, the Committee also emphasises that **none of the rights protected under article 27 may be used in a manner that is inconsistent with other provisions** of the ICCPR. For example, article 27 does not justify continuation of traditional practices of minority or indigenous groups, which are harmful or discriminatory against women.

Issues addressed under this article include:

- recognition and status of minorities and indigenous peoples in the country
- legislation protecting rights of minorities and indigenous peoples
- discrimination in law and practice
- land rights of indigenous peoples including practice of free, prior and informed consent and compensation; representation and participation of minorities and indigenous peoples

<sup>34</sup> For a more detailed explanation of article 27, please also refer to the General Comment No. 23 of the HR Committee (CCPR/C/21/Rev.1/Ad.5): <http://ccprcentre.org/ccpr-general-comments>

## For further reading:

- Manfred Nowak, *UN Covenant on Civil and Political Rights, CCPR Commentary* (2nd rev. ed.), Kehl am Rhein: Engel, 2005, Pp. xxxix + 1277. ISBN: 3-88357-134-2.
- CCPR Centre, *UN Human Rights Committee, Participation in the Reporting Process, Guidelines for Non-Governmental Organisations*, 2015, available here: [http://ccprcentre.org/files/media/NGO\\_Guidelines\\_English1.pdf](http://ccprcentre.org/files/media/NGO_Guidelines_English1.pdf). It is available in Russian, Arabic, French and Spanish on the website.
- The CCPR Centre has published so-called Yearbooks of the work of the Human Rights Committee in the last years, which analyse the State reviews and the individual communications of the Committee per issue:
  - CCPR Centre, *The UN Human Rights Committee, A Year in Review, 2017*, available here: <http://ccprcentre.org/ccprpages/the-un-human-rights-committee-a-year-in-review-2017>
  - CCPR Centre, *The UN Human Rights Committee, A Year in Review, 2016*, available here: <http://ccprcentre.org/ccprpages/a-year-in-review-2016>
  - CCPR Centre, *The UN Human Rights Committee, A Year in Review, 2014*, available here: <http://ccprcentre.org/page/human-rights-committee-2014-a-year-in-review>
- CCPR Centre, *Guide for Ratification and Implementation*, 2017, available here: [http://ccprcentre.org/files/media/ICCPR\\_ratification\\_guide\\_FINAL.pdf](http://ccprcentre.org/files/media/ICCPR_ratification_guide_FINAL.pdf)
- The General Comments adopted by the Human Rights Committee: <http://ccprcentre.org/ccpr-general-comments>

This is a list of all General Comments that have been adopted by the Human Rights Committee.<sup>33</sup> The next General Comment will focus on the freedom of peaceful assembly (article 21 ICCPR). The draft will be available soon.

No.	Title	Articles	Year	Reference
<b>36</b>	<b>Right to Life</b> (Replaces General Comments 6 and 14)	Article 6	2018	CCPR/C/GC/36
<b>35</b>	<b>Right to Liberty and Security of Persons</b> (Replaces General Comment 8)	Article 9	2014	CCPR/C/GC/35
<b>34</b>	<b>Freedoms of Opinion and Expression</b> (Replaces General Comment 10)	Article 19	2011	CCPR/C/GC/34
<b>33</b>	<b>Obligations of States Parties under the Optional Protocol</b>	-	2008	CCPR/C/GC/33
<b>32</b>	<b>Right to equality before courts and tribunals and to a fair trial</b> (Replaces General Comment 13)	Article 14	2007	CCPR/C/GC/32

No.	Title	Articles	Year	Reference
<b>31</b>	The nature of the general legal obligation imposed on States Parties (Replaces General Comment 3)	-	2004	CCPR/C/21/Rev.1/Add13
<b>30</b>	Reporting obligations of States Parties under Article 40 (Replaces General Comment 1)	Article 40	2002	CCPR/C/21/Rev.2/Add.12
<b>29</b>	Derogations during a State of Emergency (Replaces General Comment 5)	Article 4	2001	CCPR/C/21/Rev.1/Add.11
<b>28</b>	The Equality of Rights between Men and Women (Replaces General Comment 4)	Article 3	2000	CCPR/C/21/Rev.1/Add.10
<b>27</b>	Freedom of Movement	Article 12	1999	CCPR/C/21/Rev.1/Add.9
<b>26</b>	Continuity of Obligations	-	1997	CCPR/C/21/Rev.1/Add.8
<b>25</b>	Participation in Public Affairs and the Right to Vote	Article 25	1996	CCPR/C/21/Rev.1/Add.7
<b>24</b>	Reservations to the Covenant or the Optional Protocols or Declarations under Article 41 of the Covenant	Article 41	1994	CCPR/C/21/Rev.1/Add.6
<b>23</b>	Rights of Minorities	Article 27	1996	CCPR/C/21/Rev.1/Add.5
<b>22</b>	Freedom of Thought, Conscience or Religion	Article 18	1993	CCPR/C/21/Rev.1/Add.4
<b>21</b>	Humane Treatment of Persons Deprived of their Liberty) (Replaces General Comment 9)	Article 10	1992	HRI/GEN/1/Rev.9 (Vol. I) p.202
<b>20</b>	Prohibition of Torture or Cruel, Inhuman or Degrading Treatment or Punishment (Replaces General Comment 7)	Article 7	1992	HRI/GEN/1/Rev.9 (Vol. I) p.200
<b>19</b>	The Family	Article 23	1990	HRI/GEN/1/Rev.9 (Vol. I) p.198
<b>18</b>	Non-Discrimination	Article 2.1 & 26	1989	HRI/GEN/1/Rev.9 (Vol. I) p.195
<b>17</b>	Rights of the Child	Article 24	1989	HRI/GEN/1/Rev.9 (Vol. I) p.193

No.	Title	Articles	Year	Reference
16	Right to Privacy	Article 17	1988	HRI/GEN/1/Rev.9 (Vol. I) p.191
15	The Position of Aliens under the Covenant	-	1986	HRI/GEN/1/Rev.9 (Vol. I) p.189
14	Right to Life	Article 6	1984	HRI/GEN/1/Rev.9 (Vol. I) p.188
13	Administration of Justice (Replaced by General Comment 32)	Article 14	1984	HRI/GEN/1/Rev.9 (Vol. I) p.184
12	Right to Self-Determination	Article 1	1984	HRI/GEN/1/Rev.9 (Vol. I) p.183
11	Prohibition of Propaganda for War and Inciting National, Racial, or Religious Hatred	Article 20	1983	HRI/GEN/1/Rev.9 (Vol. I) p.182
10	Freedom of Opinion	Article 19	1983	HRI/GEN/1/Rev.9 (Vol. I) p.181
9	Humane Treatment of Persons Deprived of their Liberty (Replaced by General Comment 21)	Article 10	1982	HRI/GEN/1/Rev.9 (Vol. I) p.180
8	Right to Liberty and Security of Persons	Article 9	1982	HRI/GEN/1/Rev.9 (Vol. I) p.179
7	Prohibition of Torture or Cruel, Inhuman, or Degrading Treatment or Punishment (Replaced by General Comment 20)	Article 7	1982	HRI/GEN/1/Rev.9 (Vol. I) p.178
6	Right to Life	Article 6	1982	HRI/GEN/1/Rev.9 (Vol. I) p.176
5	Derogations (Replaced by General Comment 29)	Article 4	1981	HRI/GEN/1/Rev.9 (Vol. I) p.176
4	Equal Enjoyment of Civil and Political Rights by Men and Women (Replaced by General Comment 28)	Article 3	1981	HRI/GEN/1/Rev.9 (Vol. I) p.175
3	Implementation at the National Level (Replaced by General Comment 31)	Article 2	1981	HRI/GEN/1/Rev.9 (Vol. I) p.174
2	Reporting Guidelines	Article 40	1981	HRI/GEN/1/Rev.9 (Vol. I) p.173
1	Reporting Obligation (Replaced by General Comment 30)	Article 40	1981	HRI/GEN/1/Rev.9 (Vol. I) p.173



## Centre for Civil and Political Rights (CCPR Centre)

Rue de Varembé 1, PO Box 183,  
1202 Geneva (Switzerland)

Tel: +41(0)22 / 33 22 555

Email: [info@ccprcentre.org](mailto:info@ccprcentre.org)

Web: [www.ccprcentre.org](http://www.ccprcentre.org)



With the support of:

