

RAMDANE BABADJI

100 and 1 terms

FOR HUMAN RIGHTS
EDUCATION

2nd edition



International
Bureau
of Education

eip
Editions

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Mrs Noëlle Mühlethaler*

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Founded in 1967 by Jacques Mühlethaler, EIP is a non-governmental organization (NGO) with consultative status to the United Nations Economic and Social Council, UNESCO, ILO, the African Commission on Human and Peoples' Rights and the Council of Europe.

The mission of EIP and its national sections around the world is to promote education which encourages personal development, individual fulfillment, acceptance of others, and cooperative and peaceful behaviors between people, groups and countries. EIP achieves its objectives through the promotion of human rights and peace education, particularly by non-violent conflict resolution and the fight against all forms of inequality and injustice, as well as the design and publication of relevant pedagogical materials.

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Presentation of the Second Edition

In anticipation of the International Conference on Education, the EIP and the IBE decided it would be useful to collaborate in order to publish a teacher's manual dealing with International Human Rights Law in everyday language.

As a result, 100 and 1 Terms for Human Rights Education was published in English and French and translated into Slovenian in 2006. A few years later, we thought it was time to contemplate a second edition rather than another reprint of the first edition. This second edition has been made possible by a donation from Mrs. Noëlle Mühlethaler to whom we are most grateful.

Consequently, the 100 and 1 terms now total 138, but we decided it would be useful to keep the same title in order to reflect the continuity between the two editions. In addition to rewriting numerous entries, we have also added new ones due to developments in the international arena in regard to human rights. For example, criminal law has taken on an increasingly important role, as witnessed with the International Criminal Court, war crimes and crimes against humanity. New institutions have also been implemented, such as the Human Rights Council, the Human Rights Council Advisory Committee and various others Committees. Furthermore, countless treaties have been adopted and come into force, such as the Arab Charter on Human Rights, or the Conventions on enforced disappearances and disabled persons. In addition, some entries, which were not included in the first edition for technical reasons, have been added, such as apartheid, refugee and torture. Therefore, it is with pleasure that we present this modified and enhanced second edition.

The first edition began with a preface signed by the Secretary-General of the EIP and Mrs. Cecilia Braslavsky. Since Mrs. Braslavsky passed away in 2005, we have kept her signature intact as a tribute. We also want to pay tribute to Mrs. Lucie Nour N'Kaké, who passed away in 2007, since she assisted in the first edition's technical realisation.

Monique Prindezis

Preface

Today, taking action in the area of human rights results from a feeling of necessity as well as a desire to contribute to building a more just, equitable and harmonious society. Faced with globalisation, social changes and new challenges related to interactions between members of different generations and communities, schools and teachers have a duty and a responsibility to teach children and the young how to live together. They will have to develop this desire, which constitutes one of the essential mainstays of human rights: the power to desire and to know how to live together.

A hundred and one terms is thus the content of our manual. In addition to functioning as a glossary, the 138 selected terms also tell the story of human rights. This story is told in such a way that the teachers for whom it is intended may retell it in their own words to the children and adolescents they are responsible for educating.

However, the story of human rights is more than a simple tale establishing the foundations and principles of the past. It is a starting point which guides us through the history of tomorrow, a history which we are building today. It is the here and now, where our influence will be decisive when shaping tomorrow's world.

Thus, this glossary will allow all users, be they teacher, student or any other interested person, to build the story in accordance with their needs. The user may start with the entry of his/her choice and as a result, gain access to the world of human rights institutions by reviewing the various committees, commissions, councils and courts. It will also be possible to address issues pertaining to education from a human rights standpoint. Furthermore, the reader will have the opportunity to become familiar with legal language through treaties, declarations, complaints and appeals.

Whatever approach is used, it is important to remember that these one hundred and one terms make up pillars upon which we must build our future, starting with "Adherence" and finishing with the integration of "Universal" values. These values are laid out in the Universal Declaration of Human Rights, which was adopted by the UN General Assembly on 18 December 1948 and contains a vision of the law that is at the heart of the IBE's as well as the EIP's concerns. This vision, which is often neglected, is a key issue when it comes to human rights. Together with the Committee on Economic, Social and Cultural Rights, we must remind the world that education is indivisible from and interdependent with all other human rights and at the same time, a fundamental right and also one of the keys to the other inalienable rights.

Through their collaboration on this manual, the IBE and EIP intend to contribute not only to the development of the right to education but also provide a tool for human rights education.

Cecilia Braslavsky

Director of the International Bureau of Education (IBE)

Monique Prindezis

Secretary-General for the World Association for School as an Instrument of Peace (EIP)

Introduction

Human rights education regularly appears on the agenda of the United Nations. Following the Decade dedicated to this theme (1995-2004), the UN launched the World Programme for Human Rights Education, a programme which is still underway. This matter also appeared as a key issue when defining the tasks of the Human Rights Council, created in 2006 to replace the Commission on Human Rights. The Council also decided to engage in the drawing up of a Declaration on Human Rights Education and Training.

Human rights education is not a new idea. Since 1948, it has been a part of the main international human rights instruments. In fact, the preamble to the Universal Declaration of Human Rights states that human rights are a "common standard of achievement for all peoples and all nations" and that all individuals and all entities of society must strive to reach this ideal "by teaching and education." This same idea is also inalienable in the constitutive act of UNESCO: "Since wars begin in the minds of men, it is in the minds of men that the defences of peace must be constructed." Since then, the importance of human rights education has been regularly revisited by numerous international instruments, both universal and regional.

But at the same time - and for at least two reasons - the scope and difficulties of the mission assigned to teachers and educators must not be minimised. First of all, the teaching of law is generally not provided for in teacher training programmes, particularly those for primary and secondary education. Unless teachers acquire their knowledge of human rights through an association or activist organization, they generally lack any resources when faced with this mission. This holds especially true, and this is the second reason, because since the Universal Declaration of Human Rights was adopted, international law has become more complex due to the emergence of numerous new texts and institutions. This has surely encouraged the promotion of human rights, but at the price of an increasing complexity of this body of law. Therefore, this manual aims to provide a guide to understanding what is known as "international human rights law" in a glossary format.

The idea behind this manual is to allow educators and teachers, as well as any other interested person, to have access to the precise meaning of the terms that are most fundamental in order to understand human rights. Since this tool is intended mainly for teachers, the choice of words, or rather, as a lexicographer would say, the choice of entries was based on two parameters.

The first parameter relates to human rights: to provide teachers and educators with the simplest and most precise definition possible of terms that see-

med to us to best define human rights as they currently exist. A layperson may not always feel comfortable with this voluminous and often complex collection of knowledge. In addition to the inalienable difficulty of legal vocabulary in itself, the fact is that international human rights law resembles something of a baroque structure. It was built empirically at the whim of balances of power and political circumstances over a period of half a century. It is also affected by the decentralised nature of the international community. As a result, the terms may not be used consistently throughout each system, both universal and regional, and each treaty. Even when the same terms are used, these terms do not necessarily entail the same meaning. Furthermore, human rights institutions that have been designated by the same term or terms may not necessarily share the same areas of jurisdiction.

The second parameter relates to education. Throughout this collection, priority was given to entries related to education since the goal was to take stock of the rules governing all aspects of this area, such as the content and objectives of education, the right to an education, the status of different educational levels, the status of teachers, etcetera. This explains why there is an entry for "right to education" but not for "right to health." The reader will also understand why only those international organizations working in the area of education, in one way or another, are included herein.

In summary, the entries were chosen based on either their pertinence within the framework of human rights training or their pertinence to educational issues as they are addressed by the various universal or regional international instruments pertaining to human rights.

Entries are listed in alphabetical order. Written in a language that we hope is accessible without sacrificing rigour and precision, each entry contains more or less lengthy explanations. Whenever a term carries several possible meanings, all definitions are explained in full. This also applies to entries with roughly the same meaning. At the end of the explanation for each entry, the reader will find a list of related entries or another entry along with the preceding one under the section "*See also*".

Sources used to elaborate on each entry are first and foremost international instruments related to the matter at hand. The various instruments under each entry are indicated in the body of the text along with the nature of the instrument (treaty or recommendation) and the organization which adopted it.

Whenever the text contains a definition for an entry, this definition is cited in full. In addition to terms pertaining to general international law, we have used various manuals and legal dictionaries. In the appendix is a chronological

index which summarizes all texts used to write this manual.

The following are two examples to illustrate how the glossary could potentially be used. The first entry deals with the right to education and the second one concerns the United Nations Organization.

Example 1: **"Right to Education"**: introduction to the right to education as laid out by various instruments, such as the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights, as well as the ways in which the different stages of education (primary, secondary and higher) are understood. The *"See also"* section lists other entries pertaining to the right to education:

Committee on Economic, Social and Cultural Rights, since this is the institution responsible for implementing the right to education;

Content of Education, since States are responsible for defining some type of content;

Economic, Social and Cultural Rights, since these are inalienable to the right to education ;

General Comment, since the right to education is subject to general comments by various committees ;

Human Rights Defender, since human rights instructors are on a par with the former ;

Human Rights Education, since this is an integral part of education;

Primary Education and Technical and Vocational Education, since these entries lay out the conditions of these types of instruction ;

Special Rapporteur on the Right to Education, since the Human Rights Commission appointed a Special Rapporteur on the right to education whose mandate is still ongoing.

Example 2: **"United Nations Organization"**: introduction to the organization, its missions and main bodies, as well as the *"See also"* section where the entries pertaining to this organization are listed:

• *Commission on Human Rights, Human Rights Council, International Court of Justice, UNICEF, United Nations Economic and Social Council, United Nations General Assembly, United Nations High Commissioner for Human Rights, United Nations High Commissioner for Refugees and United Nations Security Council* since these are all UN bodies ; *International Organization*, since the United Nations is one of several.

However, the list of entries under the *"See also"* section is not exhaustive. If this were the case, each entry would contain the total number of items which make up the glossary. Thus, it is up to the reader and the user to go beyond this section and create his/her own relationships between the terms.

List of Entries

1. Adherence
2. Admissibility
3. African Charter on Human and Peoples' Rights
4. African Commission on Human and Peoples' Rights
5. African Court of Human and Peoples' Rights
6. African Union
7. American Convention on Human Rights
8. Amicable Settlement
9. Apartheid
10. Appeal
11. Application
12. Arab Charter on Human Rights
13. Arab Human Rights Committee
14. Assumption of Jurisdiction
15. Charter
16. Child
17. Civil and Political Rights
18. Commission on Human Rights
19. Committee against Torture
20. Committee of Experts of the International Labour Organization (ILO)
21. Committee on Economic, Social and Cultural Rights
22. Committee on Enforced Disappearances
23. Committee on Freedom of Association (ILO)
24. Committee on the Elimination of Discrimination against Women
25. Committee on the Elimination of Racial Discrimination
26. Committee on Migrant Workers
27. Committee on the Rights of Persons with Disabilities
28. Committee on the Rights of the Child
29. Communication
30. Competence
31. Complaint
32. Constitution
33. Content of Education
34. Convention
35. Council of Europe
36. Crimes against Humanity
37. Custom

38. Declaration
39. Denunciation
40. Derogation
41. Disabled Persons
42. Discrimination
43. Economic, Social and Cultural Rights
44. Enforced Disappearance
45. Entry into Force
46. Equality
47. European Commission on Human Rights
48. European Convention on Human Rights
49. European Court of Human Rights
50. European Social Charter
51. Fact-Finding and Conciliation Commission (ILO)
52. Freedom of Education
53. Fundamental Freedoms
54. General Comment
55. General Recommendation
56. Genocide
57. Gratuitousness
58. Human Rights
59. Human Rights Council Advisory Committee
60. Human Rights Committee
61. Human Rights Council
62. Human Rights Defender
63. Human Rights Education
64. Individual Communication
65. Inalienable Rights
66. Inquiry
67. Instrument
68. Inter-American Commission on Human Rights
69. Inter-American Court of Human Rights
70. International Bill of Human Rights
71. International Bureau of Education (IBE)
72. International Committee of the Red Cross (ICRC)
73. International Conference on Education
74. International Court of Justice
75. International Criminal Court
76. International Criminal Tribunal (ICT)

77. International Humanitarian Law
78. International Labour Office (ILO)
79. International Labour Organization (ILO)
80. International Law
81. International Organization
82. Interpretation
83. Jurisdiction
84. Jurisprudence
85. League of Arab States
86. Limitations
87. Migrant Workers
88. Minorities
89. National Human Rights Institutions
90. Non-discrimination
91. Non-governmental Organization (NGO)
92. Organization of African Unity (OAU)
93. Organization of American States
94. Pact
95. Party
96. Peoples' Rights
97. Petition
98. Positive Discrimination
99. Primary Education
100. Protocol
101. Ratification
102. Recommendation
103. Refugee
104. Regional System
105. Report
106. Representation
107. Reservation
108. Resolution
109. Restrictions
110. Right to Education
111. Seizure of Jurisdiction
112. Signature
113. Special Rapporteur
114. Special Rapporteur on the Right to Education
115. State Communication

116. Sub-Commission on the Promotion and Protection of Human Rights
117. Sub-Committee on Prevention of Torture
118. Teacher
119. Teacher (Higher Education)
120. Technical and Vocational Education
121. Torture
122. Treaty
123. UNESCO
124. UNESCO Committee on Conventions and Recommendations
125. UNICEF
126. United Nations Charter
127. United Nations Economic and Social Council
128. United Nations General Assembly
129. United Nations High Commissioner for Human Rights
130. United Nations High Commissioner for Refugees
131. United Nations Organization
132. United Nations Security Council
133. Universal Competence
134. Universal Declaration of Human Rights
135. Universal Periodic Review (UPR)
136. Universality
137. War Crimes
138. Withdrawal

A State adheres to an international treaty by expressing its will to become a party to this treaty. This means the State commits itself to respecting as well as enforcing its terms. Adhesion entails the same consequences as ratification, approval and accession.

◉ See also : *Entry into Force; Party; Ratification; Treaty.*

Whenever an appeal, inquiry or communication is submitted to a committee or legal body, this body must first rule on the admissibility of a case before ruling on its content. This means ruling on the conditions of form and content that must be met.

In addition to its own competence, each human rights treaty specifically lays out other conditions. They may involve the form of the appeal (for example whether it must be done in writing or if confidentiality is prohibited); they often address the issue of the exhaustion of internal appeals. For each case, one must refer to the treaty and the practices of the organ responsible for enforcing it.

◉ See also : *Appeal; Communication; Competence; Complaint; Individual Communication; Inquiry; Petition; Seizure of Jurisdiction; State Communication.*

This treaty was adopted in Nairobi on 27 June 1981 within the framework of the Organization of African Unity (currently called the African Union). This charter is based on the Universal Declaration of Human Rights. The preamble asserts the necessity to take into consideration the "historical tradition and values of African civilization" in the development of human rights. It continues with a list of the human and peoples' rights recognised by the Charter as well as the duties of each individual. Consequently, the treaty encompasses civil and political rights (articles 3-13), economic, social and cultural rights, including the right to education (articles 14-18) as well as peoples' rights (articles 19-24). The second half is devoted to safeguard measures, with considerable attention given to the creation of an African Commission on Human and Peoples' Rights.

The African Charter can be viewed as a central element of a regional system for the protection of human rights, which includes other treaties pertaining to specific categories of human persons, such as refugees, children and women, and the implementation of an African human rights court.

● See also : *African Commission on Human and Peoples' Rights; African Court on Human and Peoples' Rights; African Union; Civil and Political Rights; Economic, Social and Cultural Rights; Organization of African Unity; Peoples' Rights.*

4.

African Commission on Human and Peoples' Rights

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This Commission was established by the African Charter on Human and Peoples' Rights (article 30 and following). It is made up of 11 members elected by the State Parties. Among other duties, it is in charge of "promoting human and peoples' rights and ensuring their protection in Africa." Some of the means by which the Commission carries out its obligations are periodic reports from States, State communications as well as communications "other than those of State Parties."

State communications are possible on the supposition that a State party to the Charter "has good reasons to believe that another State Party to this Charter has violated the provisions of the Charter." Thus, the State has a choice between two possibilities. It may refer the matter to the accused State and commence a negotiation process with a view to put a halt to the violation. In the absence of such an agreement, one or the other may appeal to the Commission. The second possibility is to submit the complaint directly to the Commission. After ensuring that all internal venues of appeal have been exhausted, the Commission first seeks an amicable settlement. Failing this, the Commission draws up a report which is submitted to the African Union Heads of State and Government Conference, the body that replaced the Organization of African Unity. The report may also be accompanied by recommendations.

The African Charter on Human and Peoples' Rights mentions the "communications other than those of States" without further explanation. It is safe to assume that they could also be submitted by individuals as well as non-governmental organizations. These communications are subject to a certain number of conditions of admissibility. Upon being transmitted to the accused State, which is obligatory, the communication is examined behind closed doors. It may lead to acknowledgements of violations of the Charter. These acknowledgements are then transmitted to the State in question who must then bear the consequences, and to the African Union Heads of State and Government Conference. Assumption of jurisdiction is not provided for, but the Commission may submit a case to the African Court of Human and Peoples' Rights.

◉ *See also: African Charter of Human and Peoples' Rights; African Court of Human and Peoples' Rights; African Union; Amicable Settlement; Appeal; Communication; Organization of African Unity; Regional System; Seizure of Jurisdiction.*

5. African Court of Human and Peoples' Rights

On 9 June 1998, an optional protocol to the African Charter on Human and Peoples' Rights was signed in Ouagadougou; it entered into force on 25 January 2004. This protocol created the African Court on Human Rights, whose headquarters are in Arusha, Tanzania.

Made up of judges elected by the Conference of Heads of State and Government of the Organization for African Unity, now known as the African Union, the Court may receive complaints from:


- the African Commission on Human Rights,
- any State which has submitted complaints to the Commission,
- any State against which a complaint has been submitted
- any State of which a national's rights have been violated and,
- African intergovernmental organizations.

The sole fact of ratifying the Protocol renders these scenarios possible.

However, requests from individuals and non-governmental organizations are subjected to slightly stricter conditions. First of all, in order to submit a request to the Court, the accused State, in addition to ratifying the Protocol, must have issued a statement recognising the competence of the Court. Furthermore, only non-governmental organizations with observer status before the Commission may submit requests. Finally, it must be noted that the Court is not obligated to issue a ruling and may refer any requests to the Commission. Otherwise, the Court will issue a ruling on the alleged violation and may

order the appropriate measures to be carried out. It is the Council of Ministers of the African Union that ensures that rulings are enforced.

On 1 July 2008, a protocol signed in Sharm El-Sheikh, Egypt plans to merge the African Court of Justice, laid out within the framework of the African Union, with the African Court on Human and Peoples' Rights in order to form a single body known as the African Court of Justice and Human Rights. It will be made up of two divisions: the Division on General Affairs and the Division on Human Rights. The latter will take over the functions of the African Court on Human and Peoples' Rights. Conditions for submitting a case to the court have not been modified. However, it should be mentioned that the new protocol is more precise in regard to which treaties' violations may be submitted for consideration by the Court. The old protocol limited itself to mentioning the African Charter on Human and Peoples' Rights and "any other relevant human rights instruments ratified by the States concerned", whereas the new protocol also explicitly cites the African Charter on the Rights and Welfare of the Child as well as the African Charter on the Rights of Women.

 *See also : African Charter on Human and Peoples' Rights; African Commission on Human and Peoples' Rights; Application; Declaration; Jurisdiction; Jurisprudence; Protocol; Seizure of Jurisdiction.*

6.

African Union

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The African Union is an international organization that was founded through a constitutive act adopted in Lomé, Togo on 11 July 2000. It replaced the now-defunct Organization of African Unity. The names of the organs set forth under the constitutive act are based on those of the European Union. The main organs are the Assembly of the Union, the Executive Council, the Pan-African Parliament, the Court of Justice and the Commission.

In the preamble of the treaty, the States declare themselves "determined to promote and protect human and peoples' rights, to consolidate democratic institutions and culture, and to ensure good governance and the rule of law." Article 3 also mentions the reference to the Universal Declaration of Human

Rights as it appeared in the Charter of the Organization of African Unity. The new organization's organs were replaced by those of the aforementioned one with respect to the implementation of the African Charter on Human and Peoples' Rights.

◉ *See also : African Charter on Human and Peoples' Rights; African Commission on Human and Peoples' Rights; African Court of Human Rights; International Organization; Organization of African Unity.*

7.

American Convention on Human Rights

Adopted in San José, Costa Rica on 22 November 1969 within the framework of the Organization of American States, this convention refers to the Universal Declaration of Human Rights and other international instruments in its preamble. The first part of the Convention is devoted to the obligations of States and to protected rights, including civil and political rights. However, in regard to economic, social and cultural rights, States commit to ensure that they are "fulfilled progressively" within the framework of available resources. The second part of the Convention is devoted to protective measures and organs: appeals, the Inter-American Commission on Human Rights and the Inter-American Court on Human Rights. The American Convention on Human Rights was enhanced through two additional protocols. The first protocol was adopted in San Salvador on 17 November 1988 and deals with economic, social and cultural rights. It also addresses the right to education through the same terminology as the International Covenant on Economic, Social and Cultural Rights. The second protocol, adopted in Santiago, Chile on 8 June 1990, seeks to put an end to the death penalty.

◉ *See also : Civil and Political Rights; Economic, Social and Cultural Rights; Inter-American Commission on Human Rights; Inter-American Court on Human Rights; Organization of American States; Protocol.*

8.

Amiable Settlement

Amiable settlement is used to talk about a dispute between two parties being terminated through an agreement, be it within the framework of an individual or State appeal. This possibility is sometimes provided for under human rights treaties, such as the European Convention on Human Rights (article 38) and the Optional Protocol to the Covenant on Economic, Social and Cultural Rights (article 7). However, it is also provided for under the term "amiable so-

lution", as is the case with the Covenant on Civil and Political Rights (article 41) and the Convention against Torture (article 21).

Finding such a settlement involves an agreement between parties that is generally reached under the auspices of an organ, such as a committee or a court, provided for under a treaty. The treaty in question often specifies that this "solution" or "settlement" may only come about provided that the rights recognized by the treaty are respected.

● See also : *Communication; Individual Communication; State Communication.*

9.

Apartheid

Apartheid is a policy of racial segregation which was practised mainly in South Africa before the country's transition to democracy. It was officially abolished in 1991. Directly addressed by article 3 of the Convention on the Elimination of All Forms of Racial Discrimination, apartheid has also been the subject of two conventions adopted in the framework of the United Nations: The Convention on the Suppression and Punishment of the Crime of Apartheid, adopted on 30 November 1973, and the International Convention against Apartheid in Sports, adopted on 10 December 1985. It is also listed in the Statute of the International Criminal Court as a crime against humanity.

Based on racist theories promoting inequality between different racial groups, apartheid, which literally means "separateness", consists of dividing a society into groups along racial lines. In South Africa, the population was divided into 4 groups: Bantus (black Africans), Europeans (whites), Mulattoes (mixed race) and Asians (excluding the Japanese who were classified as white). Apartheid affected all aspects of life: housing, employment, education, etc. It also was accompanied by certain prohibitions which were punishable by law, such as mixed marriages between different racial groups. Such segregation is classified as inequality. It denies human rights and fundamental freedoms to certain groups assigned to the very bottom of a hierarchy, even when they are indigenous to a particular country and greater in number.

Apartheid aims to establish, maintain and foster the political and economic dominance of one racial group over the other groups which make up a given society. Although it was abolished in South Africa, the country where it first appeared, apartheid has nevertheless become a generic term to designate any such policy or practice of racial segregation.

● See also : *Crimes against Humanity; Discrimination; Equality; International Criminal Court; Non-Discrimination.*

This is a generic term used to designate a group of legal venues allowing individuals or States to submit cases to legal, administrative and political organs established with a view to protecting human rights.

☉ See also : *Communication; Complaint; Inquiry; Petition; Representation; Seizure of Jurisdiction.*

An application is a type of request. This term is used by the European Convention on Human Rights to refer to both individual and State appeals. It is also used to designate the collection of appeals mentioned in the Optional Protocol to the African Charter of Human and Peoples' Rights.

☉ See also : *Appeal; Communication; Complaint; Individual Communication; Petition; Representation; Seizure of Jurisdiction; State Communication.*

The first Arab Charter on Human Rights was adopted on 14 September 1994 by the Council of the League of Arab States. However, it never entered into force since it was never ratified by 7 states as required. In May 2004, after a so-called "modernisation" of the Charter, another treaty with the same name was adopted during a summit of the organization. The new Arab Charter on Human Rights went into effect on 15 January 2008. Nonetheless, this new treaty has not been ratified by all Member States of the League. It recognises certain civil and political rights (articles 5-30 and 32) as well as a certain number of economic, social and cultural rights (articles 31-42). The list of inalienable rights stipulated under article 4 is actually more comprehensive than those of previous treaties. The task of monitoring and implementing the Charter has been assigned to the Arab Human Rights Committee.

However, the Arab Charter poses a problem in regard to compliance with universal human rights instruments, particularly the Universal Declaration of Human Rights. In its preamble, the Arab Charter does refer to the latter as well as to the two United Nations Covenants, but it also refers to the Cairo Declaration on Human Rights in Islam, which was adopted within the framework of the Organization of Islamic Conference. The Cairo text is exclusively religious

in orientation, whilst the Universal Declaration and the Covenant on Civil and Political Rights make no mention of religion other than religious freedom. Furthermore, the Arab Charter reasserts the principle of non-discrimination and stipulates that man and woman are “equal in human dignity” but “within the framework of the positive discrimination established in favour of women by Islamic Shari’a and other divine laws.” However, “Shari’a”, or Islamic law, does not recognise man and woman as equal, particularly with respect to personal status (e.g. marriage) and inheritance. On a final note, it prohibits torture as well as cruel, inhuman, humiliating or degrading treatment but fails to mention punishments of the same nature.

👁 See also : *Arab Human Rights Committee; Discrimination; Equality; League of Arab States; Non-Discrimination; Torture; Treaty.*

13.

Arab Human Rights Committee

Provided for by the Arab Charter on Human Rights, this committee is made up of seven members who are elected by the organs of the Arab League. With a view to monitoring the enforcement of the Charter, its responsibilities are limited to examining periodic reports that the State Parties to the Arab Charter have promised to submit. The examination of reports is held in a public meeting but “in the presence and with the participation of the State party concerned.” Once this examination is complete, the Committee may formulate observations and recommendations. Neither assumption of jurisdiction nor State or individual communications are provided for.

👁 See also : *Arab Charter on Human Rights; League of Arab States; Report.*

14.


Assumption of Jurisdiction

Assumption of Jurisdiction refers to the capacity of a body, which is responsible for ensuring that one or several treaties are respected and enforced, to examine a situation in which rights laid out by the treaty or treaties in question may have been violated. With the exception of international criminal jurisdictions, which obey their own particular rules, assumption of jurisdiction is not provided for the majority of bodies with jurisdiction over human rights. However, this power is granted to a certain number of committees but only in accordance with relatively strict conditions: the Committee against Torture, the Committee on Enforced Disappearances, the Committee on the Rights of Persons with Disabilities, the Committee on Economic, Social and Cultural

Rights as well as the Committee on the Elimination of Discrimination against Women.

When provided for, assumption of jurisdiction may be implemented only in the event of serious and/or systematic violations of the human rights stipulated in the treaties. Furthermore, it is not automatic since States may preserve their right to avoid it. In certain cases, and by virtue of the treaty itself, they may deny this authority to certain committees, such as the Committee against Torture, the Committee on the Rights of Persons with Disabilities and the Committee on the Elimination of Discrimination against Women. In regard to the Committee on Economic, Social and Cultural Rights, States may refrain from issuing a declaration which recognises the committee's competence laid out for this purpose. Only the Committee on Enforced Disappearances may assume jurisdiction solely as a result of a State having ratified the Convention for the Protection of All Persons from Enforced Disappearances.

In such cases, treaties generally provide for, always with the consent of the State, an inquiry which may involve a visit. As a general rule, the procedure is confidential and may result in observations and recommendations and/or a published summary in the annual report.

 *See also : Committee against Torture; Committee on Economic, Social and Cultural Rights; Committee on Enforced Disappearances; Committee on the Elimination of Discrimination against Women; Committee on the Rights of Persons with Disabilities; Competence; Inquiry; Jurisdiction.*

15.

Charter

The term “charter” can have various meanings. It sometimes refers to an international treaty, such as the United Nations Charter, the African Charter on Human and Peoples’ Rights or the European Social Charter. This term has also been used to designate collections of texts such as the International Bill of Human Rights. Therefore, the nature of a document entitled “Charter” depends on its content.

 *See also : Convention; Covenant; Protocol; Treaty.*

On 20 November 1989, the UN General Assembly adopted the International Convention on the Rights of the Child. Since then, this Convention has been ratified by nearly all existing States. On 25 May 2000, it was enhanced by two optional protocols. The first one handles trafficking of children, child prostitution and child pornography, whereas the second one addresses the participation of children in armed conflicts. It is the Committee on the Rights of the Child that is in charge of monitoring the enforcement of this Convention and does so through periodic reports that must be submitted by States.

According to the Convention, a child is understood to be “every human being below the age of eighteen years” unless majority is attained earlier under national laws. The Convention lays out all rights to which a child is entitled. Essentially, these are human rights recognised within the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights as well as the International Covenant on Civil and Political Rights. These rights are adapted in line with the status of the child. However, certain rights are nonetheless inalienable.

The right to education is set forth under articles 28 and 29 which address, respectively, access to education and content of education with the same wording as the International Covenant on Economic, Social and Cultural Rights.

The first general comment adopted by the Committee on the Rights of the Child, General Comment No. 1 (2001), Article 29.1: The Aims of Education, 17 April 2001, CRC/GC/2001/1, also talks about the right to education.

👁 See also : *Civil and Political Rights; Committee on the Rights of the Child; Content of Education; Freedom of Education; General Comment; Human Rights Education; Primary Education; Right to Education; Technical and Vocational Education; UNICEF*


These are more than mere rights. They often refer to individual freedoms that States commit themselves to respecting. These rights are often a collection of what is known as fundamental freedoms. For our purposes, we will focus on a simplified definition of civil and political rights. These are the same rights laid out by the International Covenant on Civil and Political Rights adopted by the UN General Assembly on 16 December 1966.

First of all, the Covenant lays out a series of prohibitions, including a ban on torture, cruel, inhuman or degrading treatment or punishment, slavery and

forced labour, prison sentences for contractual obligations, intrusion into private, family and domestic life as well as correspondence, and attacks on an individual's reputation through libel or slander.

In addition, the Covenant provides for a certain number of rights and freedoms, such as the right to freedom and security, the right to respect for one's human dignity, the right to a fair trial, the right to be presumed innocent, the right to be recognised as a person before the law, the right to citizenship, the right to marry, the right to participate in government, the right to elect and be elected, the freedom of movement as well as the freedom of thought, conscience and religion, and the freedom of opinion, assembly and association.

These civil and political rights are widespread on a regional level within each of the following treaties: the Arab Charter on Human Rights, the African Charter on Human and Peoples' Rights, the American Convention on Human Rights, and the European Convention on Human Rights.

 *See also : African Charter on Human and Peoples' Rights; Arab Charter on Human Rights; American Convention on Human Rights; Derogation; Equality; European Convention on Human Rights; Fundamental Freedoms; Human Rights; Human Rights Committee; Inalienable Rights; Non-Discrimination; Universal Declaration of Human Rights; Universality.*

18.

Commission on Human Rights


www2.ohchr.org/english/bodies/chr/index.htm

Created in 1946 by the United Nations Economic and Social Council, the Commission was responsible for promoting and protecting human rights. It was made up of 53 States elected by the Economic and Social Council; it held annual sessions in Geneva. Member States of the United Nations, specialised institutions and non-governmental organizations with consultative status were permitted to attend meetings. The competence of the Commission was applicable for all UN members, including those not having ratified the treaties on human rights since they were bound to respect human rights as members of the United Nations and thus parties to the United Nations Charter.

Originally, the Commission was created to draft legal texts pertaining to human rights. In fact, it was this very Commission that drafted the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights as well as the International Covenant on Civil and Political Rights. Afterwards, its competence was expanded by the Economic and Social Council, which also assigned it a monitoring and inspection mission in

1967 and 1970. Thus, through the 1235 procedure, which refers to the number of the resolution adopted by the Economic and Social Council, the Commission was able to assume jurisdiction to examine any case of flagrant, massive and systematic human rights violations. To this power to assume jurisdiction was added the 1503 procedure, which allowed the Commission to examine any communication that seemed to reveal both flagrant as well as systematic human rights violations. This procedure was confidential. Communications submitted by non-governmental organizations were examined first by the Sub-Commission.

The Commission also had the possibility of implementing specific mechanisms for monitoring, such as a special rapporteur or a special body responsible for examining either the human rights situation of a given country or a particular right. The Commission ceased to exist and was replaced by the Human Rights Council as provided for under the General Assembly resolution of 15 March 2006. The Council took over most of the procedures that had been implemented by the Commission.

 See also : *Advisory Committee of the Human Rights Council; Human Rights Council; Seizure of Jurisdiction; Special Rapporteur; Sub-Commission on the Promotion and Protection of Human Rights; United Nations Charter; United Nations Economic and Social Council.*

19.

Committee against Torture

*United Nations Office
8-14, avenue de la Paix
1211 Geneva 10, Switzerland
www2.ohchr.org/english/bodies/cat/index.htm*

This committee of experts was established by the Convention against Torture in order to monitor the enforcement of the latter by States. To this end, it exercises many prerogatives. First of all, it examines periodic reports submitted by States on the implementation of the Convention and has the authority to give its opinion through the examination process. Secondly, it may receive State communications, provided that the States concerned have declared that they recognise the competence of the Committee in this field. Finally, it may receive individual communications which must also be submitted to a recognition of the Committee's competence.

Finally, the Committee may assume jurisdiction in certain cases, whereby it receives reliable information claiming that "torture is being systematically practised in the territory" of a State. It may then transmit these observations

to the State concerned and proceed with an inquiry but with the consent of the latter. This procedure is confidential and at the most, may result in a brief summary published in the Committee's annual report. However, the impact of this procedure is relative since States have the power to issue a declaration which does not recognise the competence of the Committee.

● See also : *Assumption of Jurisdiction; Communication; Individual Communication; Inquiry; State Communication; Sub-Committee on Prevention of Torture; Torture*

20.

Committee of Experts of the International Labour Organization (ILO)

www.ilo.org/global/What_we_do/InternationalLabourStandards/lang--en/index.htm

This organ was established by the International Labour Organization in order to monitor the carrying out of certain obligations by States. It is composed of independent experts appointed personally by the Governing Body at the suggestion of the director-general of the International Labour Office. Its responsibilities include examining periodic reports submitted by States concerning any conventions ratified by them, as well as State reports on the conventions and recommendations of the ILO not ratified by them but which they are bound to submit to their respective national governments. On the supposition that the Committee finds that a State has not carried out its obligations adequately, the Committee may suggest that the ILO take any necessary measures.

Reports submitted by States and the Commission are then examined by the Committee on the Application of Conventions and Recommendations of the International Labour Conference. This Committee is tripartite, which means it is made up of government, worker and employer delegates. On the basis of the report submitted by the Committee of Experts, the aforementioned committee asks the concerned States for explanations. The International Labour Conference then adopts the report.

● See also : *Economic, Social and Cultural Rights; International Labour Office; International Labour Organization; Report.*

*Office of the United Nations
8-14, avenue de la Paix
1211 Geneva 10, Switzerland
www2.ohchr.org/english/bodies/cescr/index.htm*

The Committee on Economic, Social and Cultural Rights was originally not provided for under the International Covenant on Economic, Social and Cultural Rights since the responsibility of monitoring the enforcement of the Covenant was originally entrusted to the United Nations Economic and Social Council. In 1985, the current-day Committee was created by the later. It receives reports from States on the measures undertaken to give full effect to the provisions of the Covenant. Once the examination of the report is complete, the Committee issues its conclusions on the situation of the State in regard to the Covenant.

An optional protocol, currently not in force, was adopted by the General Assembly on 10 December 2008; it significantly expands the responsibilities of the Committee. First of all, it allows the Committee to receive individual communications “from or on behalf of individuals or groups of individuals” in the event of violations of rights as set forth under the Covenant. After a communication is deemed admissible, the examination of the communication may lead to either an amicable settlement, or acknowledgements and recommendations.


The Committee may then receive communications on behalf of one State against another State which, according to the former, is not carrying out its duties in accordance with the Covenant. Nonetheless, such communications are possible only if both States, in addition to ratifying the Protocol, have declared their recognition of the competence of the Committee to this effect.

Finally, and under certain conditions, the Committee may also lead an inquiry, as stipulated by the Protocol. An inquiry is possible only against States which have recognised the competence of the Committee over the matter at hand through an explicit declaration. The inquiry may be launched only if the Committee has received “reliable information indicating grave or systematic violations by a State party of one of the economic, social and cultural rights.”

Insofar as the right to education is included in the International Covenant on Economic, Social and Cultural Rights, it is mainly the responsibility of the Committee for monitoring the enforcement of these rights. Furthermore, the Committee has adopted general comments on these rights, which are:

- General Comment 11, Plans of Action for Primary Education (article 14), (E/C.12/1999/4.), adopted during the 20th session (Geneva, 26 April-14 May 1999);
- General Comment 14, The Right to Education (article 13), (E/C.12/1999/10), adopted during the 21st session (Geneva, 15 November-3 December 1999).

The right to education was also addressed by the Committee in its General Comment 5 (11th session, 1994, E/1995/22), which concerns economic, social and cultural rights, including the right to education for disabled persons.

 *See also: Amicable Settlement; Assumption of Jurisdiction; Child; Communication; Content of Education; Economic, Social and Cultural Rights; General Comment; Individual Communication; Inquiry; Primary Education; Report; Right to Education; State Communication.*

22.

Committee on Enforced Disappearances

United Nations Office
 8-14, avenue de la Paix
 1211 Geneva 10, Switzerland
www.ohchr.org/EN/HRBodies/Pages/HumanRightsBodies.aspx

The Committee on Enforced Disappearances is provided for by the International Convention for the Protection of All Persons from Enforced Disappearance, which was adopted by the United Nations General Assembly on 20 December 2006 and has yet to go into effect. This Committee is made up of experts and is responsible for monitoring the situation of enforced disappearances. Due to the gravity of enforced disappearances as human rights violations, the measures at the disposal of the Committee have been strengthened compared to those of similar organs.

Following the example of other committees, it is responsible for reviewing periodic reports from States on the enforcement of the Convention. This review process is concluded with recommendations. States may also submit communications against other States to the Committee provided that States submitting the communication as well as the accused States have explicitly recognised the competence of the Committee to this effect. The Convention fails to specify the procedure to be followed when reviewing these communications. Nonetheless, we can assume that the Committee turns to other human rights treaties as well as the practices of other committees.

On the other hand, communications sent by individuals follow a different set of rules than those laid out by other treaties on human rights. The Convention

makes a twofold distinction. Currently, cases dealing with the search for and location of a missing person may be submitted to the Committee as a matter of urgency on behalf of the individual at hand. The submission of such a case is not subject to prior recognition of the competence of the Committee since the very act of ratifying the Convention automatically entails such recognition. However, communications from individuals which involve all other types of violations stipulated by the Convention are subject to a prior declaration whereby the accused State recognises the competence of the Committee.

Furthermore, the Convention provides for two other procedures. The first one involves the possibility for the Committee to carry out an inquiry, which is known as a “visit” in the actual text. A visit is possible if, on the basis of “reliable information”, it is proven that a State Party is “seriously violating the provisions of this Convention.” In this case, this visit may take place, presumably with the consent of the State Party, and conclude with observations and recommendations. The second procedure covers the most serious cases and is provided for when “well-founded” information reveals that “enforced disappearance is being practised on a widespread or systematic basis” in the territory of the State Party. In this case, after seeking information from the State Party, the Committee may refer the matter to the General Assembly. This procedure can even lead to the case being referred to the International Criminal Court as the practice of enforced disappearances could potentially constitute a crime against humanity.

Nonetheless, the Convention has limited the possible venues in order to submit a case to the Committee with regard to time: the Committee may only exercise its competence over enforced disappearances which occurred after the Convention went into effect. As a result, enforced disappearances which began before and continued after the Convention went into effect fall outside the competence of the Committee.

👁 See also : *Assumption of Jurisdiction; Communication; Crimes against Humanity; Enforced Disappearance; Individual Communication; Inquiry; International Criminal Court; State Communication.*

23. Committee on Freedom of Association (ILO)

www.ilo.org/global/What_we_do/InternationalLabourStandards/lang--en/index.htm

This Committee was established by the International Labour Organization (ILO) in order to monitor throughout the world the status of freedom of association, which is a particularly important freedom. Its composition is based on the principle of tripartism, which is also in effect throughout the rest of

the organization; in other words, it is made up of delegates representing governments, workers and employers. It is chaired by a non-partisan individual appointed by the Governing Body of the ILO. States, trade unions and employers' organizations may refer a case to the Committee by submitting complaints. Complaints may also be submitted against State Members who have failed to ratify the Convention on Freedom of Association. In fact, this freedom is laid out in the founding treaty of the ILO and must be respected by all Member States of the organization. The Committee also compiles a report that must be approved by the Governing Body. The latter may also submit complaints to the Fact-Finding and Conciliation Commission.

See also : *Complaint; Economic, Social and Cultural Rights; Fact-Finding and Conciliation Commission (ILO); International Labour Office; International Labour Organization; Seizure of Jurisdiction.*

24.

Committee on the Elimination of Discrimination against Women

*United Nations Office
8-14, avenue de la Paix
1211 Geneva 10, Switzerland
www2.ohchr.org/english/bodies/cedaw/index.htm*

This Committee was established on 18 December 1979 by the Convention on the Elimination of All Forms of Discrimination against Women. It is made up of experts elected by the States party to the Convention and is responsible for monitoring the implementation of the Convention by the States.

The Committee receives and examines periodic reports from States, the first of which must be received within one year of ratifying the Convention and every 4 years thereafter. It submits an annual report of its activities to the UN General Assembly through the Economic and Social Council, in which it may formulate suggestions and recommendations.

On 6 October 1999, the General Assembly adopted the Optional Protocol to the Convention on the Elimination of Discrimination against Women. This protocol provides for the possibility to refer a matter to the Committee through communications against States in the event of violations of the Convention. This option is open only to individuals, groups of individuals or those acting on their behalf. The protocol does not provide for State communications. Communications are also subject to a certain number of conditions. The examination process is confidential and results in acknowledgements and recommendations.

Furthermore, the protocol allows the Committee to assume jurisdiction in the event of grave or systematic violations of the Convention. In this case, the Committee may carry out an inquiry. The procedure is confidential and may give rise to recommendations. Nevertheless, States may issue a declaration whereby they do not recognise this competence of the Committee.

During the examination phase of the reports from State parties, the Committee may be called upon to review issues related to education. Article 10 of the Convention stipulates that States must undertake to ensure equality between men and women with respect to access to education and that they must eliminate all stereotyped conceptions of gender roles at all levels and in all types of education. In particular, they must revise and adapt books, academic programmes as well as teaching methods.

● See also : *Appeal; Assumption of Jurisdiction; Communication; Declaration; Equality; Individual Communication; Inquiry; Non-Discrimination; Recommendation; Report; Seizure of Jurisdiction; State Communication.*

25.

Committee on the Elimination of Racial Discrimination

*United Nations Office
8-14, avenue de la Paix
1211 Geneva 10, Switzerland
www2.ohchr.org/english/bodies/cerd/index.htm*

This Committee was established by the Convention on the Elimination of All Forms of Racial Discrimination, which was adopted by the UN General Assembly on 21 December 1965. Made up of experts elected by the States party to the Convention, it is in charge of ensuring enforcement of the latter. It receives periodic reports from States and may address complaints as a result of State or individual communications.

State communications are possible based on the sole act of ratifying the Convention. Therefore, they do not require a prior declaration recognising the competence of the Committee (article 11). First of all, communications are examined within a bilateral framework with a view to an amicable settlement. In the absence of such a solution, the procedure takes place before a conciliation commission and concludes with a report containing recommendations. With respect to individual communications, they require a declaration recognising the competence of the Committee (article 14). Once the examination is complete, suggestions and recommendations are issued.

The Committee may be called upon to rule on issues pertaining to education to the extent that, in accordance with article 7 of the Convention, “State Parties undertake to adopt immediate and effective measures, particularly in the fields of teaching, education, cultural and information, with a view to combating prejudices which lead to racial discrimination...”. In its General Recommendation V, (15th session, 1977, A/32/18), the Committee also reminded States of the obligations to which they agreed in accordance with the Convention, particularly in the field of education.

● *See also : Amicable Settlement; Communication; Declaration; Discrimination; Equality; General Recommendation; Individual Communication; Non-Discrimination; Positive Discrimination; Report; Seizure of Jurisdiction; State Communication.*

26.

Committee on Migrant Workers

*United Nations Office
1211 Geneva 10, Switzerland
www2.ohchr.org/english/bodies/cmw/index.htm*

Its full name is “Committee on the Protection of Rights of All Migrant Workers and Members of their Families.” It is made up of experts and is responsible for monitoring the enforcement of the Convention that carries the same name and was adopted by the General Assembly on 18 December 1990. For this purpose, the Committee is granted a certain number of competencies.

First of all, the Committee is in charge of examining the periodic reports which State parties must submit on measures carried out to give effect to the Convention, any difficulties on its implementation and on patterns in migratory movements. The International Labour Office also participates in this examination, which is brought to a close by the conclusions of the Committee.


It may also accept referrals through a State communication under the condition that both of the States concerned are party to the Convention and have also issued a declaration recognising the competence of the Committee to receive this type of communication. Finally, it may also accept referrals by means of an individual communication.

● *See also : Amicable Settlement; Communication; Individual Communication; International Labour Office; Migrant Worker; State Communication.*

*Office of the United Nations
8-14, avenue de la Paix
1211 Geneva 10, Switzerland
www.ohchr.org/EN/HRBodies/CRPD/Pages/CRPDIndex.aspx*

The establishment and responsibilities of this Committee are provided for by the Convention on the Rights of Persons with Disabilities as well as the annexed optional Protocol. Both were adopted by the General Assembly on 13 December 2006 and entered into force on 3 May 2008. Made up of experts, its mission is to monitor the enforcement of the two treaties. As laid out by the Convention, State parties are responsible for submitting periodic reports on the measures they have taken to carry out their obligations as well as any difficulties which may have arose. The examination of the reports may result in suggestions and recommendations. In the event of any delays in drafting and submitting the report, the Committee may, in order to assess enforcement of the Convention, base its findings on reliable information at its disposal.

All other responsibilities of the Committee are specified in the optional Protocol attached to the Convention. First of all, it must be underscored that this Protocol is not obligatory and that States party to the Convention are not bound to ratifying it. Conversely, only those States having ratified the Convention may become party to the Protocol. It must also be noted that neither the Convention nor the Protocol provide for State communications. The Protocol does provide for individual communications, which are only possible if a State commits "grave or systematic violations of the rights set forth in the Convention." The Committee may then assign one or several of its members the task of carrying out an inquiry which may, pending the consent of the State in question, entail visits. The results are then transmitted to the accused State with the observations and recommendations of the Committee. The procedure is confidential, and States party to the Protocol are entitled to refuse recognition of the competence of the Committee upon ratification.

 *See also : Assumption of Jurisdiction; Communication; Disabled Persons; Individual Communication; Inquiry; State Communication.*


*United Nations Office
8-14, avenue de la Paix
1211 Geneva 10, Switzerland
www2.ohchr.org/english/bodies/crc/index.htm*

The Committee on the Rights of the Child was created by the Convention of the same name on 20 November 1989. It is made up of independent experts elected by State Parties having signed the Convention. These experts are responsible for examining progress made by States in regard to the implementation of the Convention. On 25 May 2000, two optional protocols were added to the Convention. The first one addresses child trafficking, child prostitution and child pornography, whilst the second one addresses the recruitment of child soldiers.

The Committee carries out its duties by examining periodic reports which States commit themselves to providing on a regular basis. The first report must be submitted within two years of ratifying the treaty. Subsequent reports must be submitted every 5 years. The Committee may request additional information from States. Every two years, the Committee submits a report to the General Assembly through the Economic and Social Council.

Upon examining the reports submitted by the States, the Committee may be called upon to rule on issues pertaining to education. Articles 28, 29 and 30 of the Convention address the right to education as well as freedom of education. Furthermore, its first general comment was devoted to paragraph 1 of article 29 of the Convention on the Rights of the Child, entitled: General Comment No. 1 (2001), Article 29 (1): The Aims of Education, 17 April 2001, CRC/GC/2001/1.

Assumption of jurisdiction and submitting of a complaint, appeal or communication, be it by a State or individual, are not provided for under the Convention on the Rights of the Child.

 *See also : Assumption of Jurisdiction; Child; Communication; Content of Education; Freedom of Education; General Comment; Interpretation; Individual Communication; Primary School; Report; Right to Education; State Communication; United Nations Economic and Social Council.*

This term is used almost exclusively for human rights treaties to refer to the act by which an organ responsible for a convention may be seized in order to rule on an alleged treaty violation. The communication may be submitted by a State or an individual. Each treaty lays out the conditions of admissibility, the examination procedure and any further steps to be taken.

◉ *See also : Admissibility; Appeal; Application; Competence; Complaint; Declaration; Individual Communication; Petition; Representation; Seizure of Jurisdiction; State Communication.*

In law, the term “competence” refers to the legal capacity to act in a certain field. Therefore, it has deviated considerably from the idea of competence as pertaining to a collection of technical skills leading to a high-level of professional performance in a certain field. “Competence” and its antonym “incompetence” are frequently used to describe organs, such as courts and committees, responsible for receiving communications, complaints and appeals. Before examining a case, an organ must first rule on the admissibility of the appeal and thus call into question its own competence. An organ does so by asking itself whether it has the right to examine an issue in accordance with the treaty that established it.

This question must be considered from several angles:

- Has the accused State ratified the treaty?
- Is the right being claimed provided for in the treaty?
- Has the provision recognising the right being claimed been the subject of a reservation by the State?
- Does the accused State recognise, if required, the competence of the organ being addressed?
- Has the offending behaviour occurred prior to the ratification of the treaty by the State against which the appeal has been submitted?
- Is the offending behaviour covered by the treaty?

In addition, the following questions must be asked in regard to State communications:

- Has the State submitting the communication ratified the treaty?
- Has the State submitting the communication recognised, if required, the

competence of the organ being addressed?

If the answer is “no” to any of these questions, the organ must declare itself incompetent, which means that it is not empowered to rule on the matter at hand

◉ *See also : Adherence; Admissibility; Appeal; Application; Complaint; Declaration; Entry into Force; Jurisdiction; Petition; Ratification; Representation; Reservation; Seizure of Jurisdiction.*

31.

Complaint

On a general level, complaint is synonymous with appeal, communication or request. This is the term used in the Constitution of the ILO to refer to an appeal that a State submits against another State that is deemed not to be in compliance with the terms of a convention. Furthermore, the two States mentioned in a complaint must have ratified the convention. The Governing Body may establish a commission of inquiry that will draft a report on possible steps to be taken. The term complaint is also used by the Optional Protocol to the African Charter of Human and Peoples’ Rights.

◉ *See also : Appeal; Claim; Communication; Inquiry; Petition; Seizure of Jurisdiction.*

32.

Constitution

Also known as fundamental law, a constitution is the highest-ranking legal text in the hierarchy of laws within a State. However, the formalities for developing and adopting a constitution vary from one country to another. Constitutions lay out the basic rules for a society as well as the formalities for delegating authority and exercising power. They also organise governmental powers and set the rules governing their operation as well as the nature of their interaction. It is through a constitution that human rights and fundamental freedoms are generally recognised. Whenever a State intends to adopt the Universal Declaration of Human Rights, it often does so in its constitution. It should be noted that the consultative treaty of the International Labour Organization was entitled as a constitution although it is an international treaty in essence.

◉ *See also : International Labour Organization; Treaty; Universal Declaration of Human Rights.*

The issue of content of education was first addressed in the Universal Declaration of Human Rights. Article 26.2, which is devoted to this issue, states the following: "Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace."

This content was then borrowed on many occasions by numerous human rights treaties. Such is the case of article 13.1 of the International Covenant on Economic, Social and Cultural Rights. This is also true for the Convention on the Rights of the Child, in which article 29.1 states that education must aim at:

- "The development of the child's personality, talents and mental and physical abilities to their fullest potential;
- The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the United Nations Charter;
- The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;
- The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin ;
- The development of respect for the natural environment."

The content of this paragraph was clarified by the Committee on the Rights of the Child in its General Comment 1, Article 29.1: The Goals of Education, 17 April 2001, CRC/GC/2001/1.

The content of education is also present in certain treaties that aim to eliminate different forms of discrimination. Thus, in accordance with the Convention on the Elimination on all Forms of Racial Discrimination, States "undertake to adopt immediate and effective measures, particularly in the fields of teaching, education, culture and information, with a view to combating prejudices which lead to racial discrimination..." (article 7). To the same effect, in accordance with the Convention on the Elimination on All Forms of Discrimination against Women, States must adopt all appropriate measures with a view to "the elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and,

in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods" (article 10.c).

- See also : *American Convention on Human Rights; Child; Committee for the Elimination of Discrimination against Women; Committee for the Elimination of Racial Discrimination; Committee on Economic, Social and Cultural Rights; Committee on the Rights of the Child; General Comment; Human Rights Education; Interpretation; Right to Education.*

34.

Convention

This is a type of international treaty. The choice to use the term convention or any other term rather than treaty makes no difference with respect to the legal ramifications. This term has been adopted to name a certain number of instruments pertaining to human rights. In particular, the International Convention on All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Punishment and the Convention on the Rights of the Child. Certain regional instruments have also adopted this term, notably European and American conventions.

- See also : *Adherence; Charter; Covenant; Entry into Force; Party; Protocol; Ratification; Reservation; Treaty.*

35.

Council of Europe

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The Council of Europe is an international organization created by a treaty known as "Statute" that was adopted in London on 5 May 1949. This treaty is called the Statute of the Council of Europe. It was the first European international organization created after World War II. Currently, it is made up of 47 States. The Council of Europe is often confused with the European Union although they are both separate independent institutions with regard to their organs and goals as well as the means for carrying out their goals. Nonetheless, all EU member States are automatically members of the Council of Europe. Among the many objectives assigned to the Council of Europe by its

founders, promoting and defending human rights are deemed to be some of the most important. Article 3 of the Statute states that “every member (...) must accept the principles of the rule of law and of the enjoyment by all persons within its jurisdiction of human rights and fundamental freedoms.”

With respect to human rights, this organization should be credited for adopting the European Convention on Human Rights, which, for the first time in the history of international law, provided individuals with the possibility to have access to an international court. The organs of the Council play an important role in the implementation of the system, including the election of judges and ensuring that rulings issued by the Court are enforced.

The Council of Europe also adopted the European Social Charter, which is somewhat of an extension of the European Convention on Human Rights in regard to social matters. The organization’s Committee of Ministers also plays a certain role in ensuring that the Charter is enforced by the States.

This organization should also be credited with other international treaties on human rights, particularly the European Convention for the Prevention of Torture and Inhuman and Degrading Treatment or Punishment, the European Charter for Regional or Minority Languages and the Framework Convention for the Protection of National Minorities.

◉ *See also: European Commission of Human Rights; European Convention on Human Rights; European Court of Human Rights; European Social Charter; International Organization; Regional System.*

36.

Crimes against Humanity


The notion of “crimes against humanity” was first legally enshrined by the Statute of the International Military Tribunal at Nuremberg in 1945. It was adopted by the statutes of the international criminal tribunals for the former Yugoslavia and Rwanda. It is also addressed in the Statute of the International Criminal Court.

According to the latter, when they are committed “as part of a widespread or systematic attack against any civilian population, with knowledge of the attack”, the following constitute crimes against humanity:

- murder;
- extermination;
- enslavement;
- deportation or forcible transfer of population;

- imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law;
- torture;
- rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity;
- persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender, or other grounds that are universally recognised as impermissible under international law, in connection with any act referred to in this paragraph or any crime within the jurisdiction of the Court;
- enforced disappearances of persons;
- apartheid;
- other inhumane acts of a similar nature, intentionally causing great suffering or serious injury to the body or mental/physical health.


Crimes against humanity were declared imprescriptible by the Convention on the Imprescriptibility of War Crimes and Crimes against Humanity of 26 November 1968. They may be prosecuted on an individual basis within national or international criminal jurisdictions, such as the ICC and international criminal tribunals

 *See also : Competence; Enforced Disappearance; Genocide; International Criminal Court; International Criminal Tribunal; Seizure of Jurisdiction; Torture; War Crimes; Universal Competence*

37.

Custom

Along with treaties, a custom is one of the main sources of international law, according to the Statute of the International Court of Justice. Customs result from a constant and uniform usage on behalf of international law actors, particularly States. In order for this usage to acquire the status of custom law, the act of respecting such usage must be founded upon the feeling or conviction of obeying the law. A custom is said to be regional when it is applied by States from a particular geographical region. It is said to be universal when its range of effectiveness goes beyond the regional level and tends to encompass States throughout the world. In fact, numerous international conventions are simply codified customs, such as the law of treaties and the law of the sea, among others.

 *See also : International Court of Justice; International Humanitarian Law; International Law.*

The meaning of the term “Declaration” varies according to context. It may be an act emanating from an international organization or adopted during a diplomatic conference between States and international organizations. In this manner, the authors wish to affirm or reaffirm principles that they deem particularly important. A quintessential example is the Universal Declaration of Human Rights. Others include the Stockholm Declaration on the Environment (1972), the Rio Declaration on Environment and Development (1992) and the ILO Declaration on Fundamental Principles and Rights at Work (1998). However, a Declaration within itself has no binding legal value. Nonetheless, it may serve as an important milestone, either entirely or partially, in developing international customs.

The term “Declaration” is also used to describe an act through which a State recognises the competence of a committee or jurisdiction to receive communications or complaints directed against it. This is particularly true for the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Civil and Political Rights or even regional conventions on the protection of human rights, such as the American Convention and the African Convention. A certain number of other treaties do not provide for this possibility, including the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child.

In accordance with other treaties, States may issue a declaration by which, conversely, they refuse to recognise a committee that is entitled to hear cases on violations of a convention through its own initiative. Such is the case for the Convention against Torture and the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.

 See also : *Assumption of Jurisdiction; Competence; Custom; International Law; International Organization; Recommendation.*

A denunciation is an act by which a State expresses its will to terminate the applicability of its own obligations toward a treaty, whenever the treaty in question provides for this possibility, which is not always the case. In the event that the treaty fails to specify this, and with the exception of a few particular cases laid out by the Vienna Convention on the Law of Treaties, it is

generally accepted that such a denunciation may not take place.

Certain human rights treaties fail to mention this issue. Such is the case for example of the Covenant on Civil and Political Rights as well as its Second Protocol which aims to abolish the death penalty, the Covenant on Economic, Social and Cultural Rights, the Covenant on the Elimination of All Forms of Discrimination against Women, the Convention on Enforced Disappearances and the African Charter on Human and Peoples' Rights, etc.

Whenever denunciation is possible, it is generally laid out in the final provisions where the treaty stipulates the conditions. There are cases whereby denunciation is possible only within a certain timeframe, such as 5 years for the European Convention on Human Rights. In other cases, it may occur at any time. Treaties generally provide for an advance notice, or a period between notification of the denunciation and entry into force of the denunciation. For example, this period is 6 months for the European Convention, one year for the Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Torture. However, the State requesting denunciation remains bound by the treaty and is responsible for all violations occurring before the denunciation enters into force, as well as for all violations occurring before and continuing after.


 *See also : Entry into Force; Treaty; Withdrawal.*

40.

Derogation

Derogation in law refers to the possibility for a State to suspend the enjoyment and exercise of human rights and fundamental freedoms. This possibility is provided for in the event of war, of an exceptional public threat undermining the survival of a nation, or a crisis undermining the independence of a State, such as natural disasters and catastrophes, riots, military coups, etc.

Nevertheless, these derogations are subject to a certain number of conditions. In the case of the International Covenant on Civil and Political Rights, they may occur only in the event of an exceptional public threat undermining the existence of a nation, which must be declared officially. Furthermore, they may not be discriminatory and may not undermine inalienable rights. In addition, any State implementing this right is responsible for informing other State Parties, through the Secretary-General of the United Nations, of the provisions for which it is seeking derogation in addition to the motives for this derogation. This same information is also expected once the derogation has expired.

 *See also : Civil and Political Rights; Inalienable Rights; Limitations; Restrictions; United Nations Organization.*


Disabled persons are people who benefit from a range of rights enshrined under international human rights law, be they civil and political or economic, social and cultural. In practice, however, enjoying and/or exercising these rights may be limited, even impossible all together, due to their disability. The UN General Assembly adopted two treaties on 13 February 2006 with a view to ensure that these rights were enjoyed and exercised effectively: one is the Convention on the Rights of Persons with Disabilities and the second one is the Optional Protocol to the Convention on the Rights of Persons with Disabilities.

The Convention does not provide a static definition for a disability. However, they always involve “sustained physical, mental, intellectual or sensory impairments” which, due to their interaction with behavioral and environmental barriers, prevent those suffering from them to enjoy rights inalienable to the human person, thus forming an obstacle to their participation as equal members of society.

First of all, the Convention adopts the approach of fighting against discrimination that disabled persons may encounter. In fact, it considers that “discrimination against any person on the basis of disability is a violation of the inalienable dignity and worth of a human person” and therefore prohibits any “distinction, exclusion, or restriction on the basis of disability” whether direct or indirect.

The Convention recognizes neither new rights, nor specific rights for disabled persons. However, in order for them to enjoy and exercise the rights enshrined under international law, it holds States responsible for taking “... all appropriate steps to ensure that reasonable accommodation is provided.” The notion of reasonable accommodation is laid out under the Convention itself and refers to, with respect to human rights as a whole, modifications and adjustments necessary to allow disabled persons to enjoy and exercise all human rights on the basis of equality with others. The Convention goes one step further by specifying that refusal of reasonable accommodation constitutes discrimination within itself.

Finally, the Convention addresses, sometimes at length, the different types of necessary accommodation for various situations, including situations of risk and humanitarian emergencies, access to justice, mobility, independent living and inclusion in the community, freedom of expression and access to information, respect for privacy, education, health, work and employment, social protection, participation in political and public life, etc.

 See also : *Committee on the Rights of Persons with Disabilities; Discrimination; Equality; Non-Discrimination; Positive Discrimination; Universality.*

The basic meaning of the term “discrimination” is neutral in tone. Simply put, it means to make a distinction, a separation or a differentiation. Over time, it has acquired a negative connotation. In addition to differentiation, it also tends to refer to a hierarchical structure between groups that are consequently categorised based on a depreciation of certain groups when compared to others. In other words, it assigns a certain value to different groups.

Generally speaking, international instruments on human rights address the issue of discrimination after they have established the principle of equality. For example, this is the case of the Universal Declaration of Human Rights (articles 1 and 2) and the International Covenant on Civil and Political Rights (article 26). This procedure is logical to the extent that both issues are closely tied.

Through this approach, discrimination may take two meanings. First of all, it can refer to the act of making a deliberate distinction among individuals and groups within the human race in order to assign them a particular status. This is known as direct discrimination. The criteria for this distinction are diverse in scope. It may be based on sex, skin colour, political ideas, religion, etc. Secondly, and in the absence of initial intent, the enforcement of a policy or law may lead to de facto discrimination, also known as indirect discrimination.

 See also : *Equality; Non-Discrimination; Positive Discrimination; Universality.*

As a general rule, these rights may be analyzed as obligations concerning a State’s duties toward individuals. These obligations consist of services they must provide individuals whose role functions in a similar manner to that of a creditor. As with civil and political rights, economic, social and cultural rights are laid out by the International Covenant on Economic, Social and Cultural Rights, which was adopted by the UN General Assembly on 16 December 1966. The following rights are mentioned: the right to labour as well as just and favourable labour conditions, the right to form trade unions and to join a trade union of one’s choice, the right to social security, the right to an adequate standard of living, the right to health, the right to education and the right to participate in cultural life.

These rights are recognised provided that there are available resources. In fact, article 2.1 of the Covenant specifies that “Each State Party undertakes to

take steps (...) to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, particularly the adoption of legislative measures.”

● See also : *African Charter on Human and Peoples' Rights; American Convention on Human Rights; Arab Charter on Human Rights; Child; Civil and Political Rights; Equality; European Social Charter; Human Rights Defender; Non-Discrimination; Right to Education; Universal Declaration of Human Rights; Universality.*

44.

Enforced Disappearance

Enforced disappearances are a particularly serious violation of an individual's human rights. They are not mentioned in the International Covenant on Civil and Political Rights, but whenever a case was submitted to the Human Rights Committee, the latter would consider that an act leading to a disappearance of this type constituted a violation of a large number of rights enshrined in the Covenant, including the right to liberty and security of person, the right not to be subjected to torture, the right of all persons deprived of their liberty to be treated with humanity and with respect for the inalienable dignity of the person, as well as the right to life and the right not to have this right seriously threatened. The Statute of the International Criminal Court, upon which the Committee bases much of its work, stipulates that, under certain conditions, enforced disappearances are a crime against humanity.

The issue was taken up within the framework of a treaty in which it is enshrined: the International Convention for the Protection of All Persons from Enforced Disappearance. It was adopted by the General Assembly on 20 December 2006. It defines enforced disappearance through the same terms as the Statute of the International Criminal Court. According to this Convention, enforced disappearances involve:

- any form of deprivation of liberty, such as arrest, detention or abduction;
- acts committed by agents of the State or persons acting with the authorization, support or acquiescence of the State;
- accompanied by the refusal to acknowledge the deprivation of liberty or by concealment of the whereabouts of the disappeared person.

The prohibition on enforced disappearances form a part of obligations to which no derogation is permitted under any circumstances, such as war, domestic political instability, state of emergency or any other situation. The Convention also specifies that “the widespread or systematic practice of enforced disappearance constitutes a crime against humanity.” Consequently,

the Convention has laid out a special procedure for the Committee on Enforced Disappearances, which may involve taking the issue all the way to the General Assembly.

Moreover, enforced disappearances fall under the category of universal competence as a result of the Convention. In fact, jurisdictions of any State party are competent for judging a crime of enforced disappearance committed on its own national territory when the accused perpetrator and/or the victim are citizens of the aforementioned State. They are also competent whenever any accused perpetrator of an enforced disappearance resides on the State's territory, regardless of nationality, the nationality of the victims or the territory where the crime took place.

In accordance with the Convention, States commit themselves to undertaking a certain number of measures with respect to:

- the criminalization of enforced disappearances
- the obligation to investigate when an alleged enforced disappearance has taken place;
- the prohibition of sending back, extraditing or expelling any person to a State where they are in danger of becoming a victim of an enforced disappearance;
- the protection of persons deprived of liberty;
- the obligation to inform the relatives of victims of an enforced disappearance;
- the training of military and civilian personnel likely to be concerned; and
- the protection of the rights of the victims, with "victim" referring to the missing person as well as anyone having suffered harm as a result of a disappearance.

Finally, the Convention enshrines a certain number of specific provisions regarding enforced disappearances of children.

🕒 *See also : Committee on Enforced Disappearances; Crimes against Humanity; Derogation; Human Rights Committee; Inalienable Rights; International Criminal Court; International Criminal Law; International Humanitarian Law; Universal Competence.*

45.

Entry into Force

This is the starting point for enforcing a treaty over a period of time. The conditions are generally provided for by the treaty itself. This entry into force is generally dependent on the number of times a treaty is ratified (35 for the two Covenants, 27 for the Convention on the Elimination of All Forms of Racial

Discrimination, 10 for the European Convention on Human Rights, etc.) If the minimum number of States fails to ratify a treaty, it will never enter into force. Likewise, although not systematically, the entry into force of a treaty may be subject to a timeframe once the minimum number is reached (3 months for the two Covenants, 30 days for the Convention on the Elimination of all Forms of Racial Discrimination); conversely, not a single condition of this type was provided for by the European Convention on Human Rights. And yet, the entry into force comes into play only for the States having expressed their desire to be bound to the treaty. All others enter into force only after States express this desire through adhesion or ratification. Even then, the treaty may enter into force immediately (European Convention on Human Rights) or at a differed date (3 months for the two Covenants, 30 days for the Convention on the Elimination of All Forms of Racial Discrimination).

Finally, it should be noted that certain provisions of the treaty may be subject to entering into force individually, especially those which call for, in addition to ratification, a declaration recognising the competence of the monitoring body which hears individual or State communications. For example, the Committee on the Elimination of Racial Discrimination was able to receive individual communications only after a minimum of 10 States issued a declaration that recognized its competence.

☉ See also : *Denunciation; Treaty; Withdrawal.*

46.

Equality

The principle of equality among all humans is a basic legal principle. This is also the principle with which the Universal Declaration of Human Rights opens: "All human beings are born free and equal in dignity and rights." Consequently, this primarily results in the recognition of human rights for all human beings and prevents discrimination from being committed.

☉ See also : *Discrimination; Non-Discrimination; Positive Discrimination; Universal Declaration of Human Rights; Universality.*

47.

European Commission on Human Rights

Established by the European Convention on Human Rights, this Commission was responsible for determining the admissibility of appeals and attempting to find an amicable settlement. If this failed, it would draft a report and issue an opinion on the alleged violation. The jurisdictional stage, which took place

before the European Court of Human Rights, was then ready to be opened. This system was streamlined by Protocol 11, which entered into force on 1 November 1998. As of today, there is only one organ, the Court, which rules on the admissibility in addition to the content of appeals.

● See also : *Admissibility; Amicable Settlement; Appeal; Council of Europe; European Convention on Human Rights; European Court of Human Rights; Seizure of Jurisdiction.*

48.

European Convention on Human Rights

Its official name is the Convention for the Protection of Human Rights and Fundamental Freedoms. Adopted within the framework of the European Council on 4 November 1950, it was later enhanced by numerous protocols, some of which were incorporated into the main body of the Convention. The Convention recognises that each person governed by the jurisdiction of State Parties are entitled to a number of rights that are essentially civil and political in scope, such as the right to life; the ban on torture, slavery and forced work; the right to liberty and safety; the right to a fair trial; the *nulla poena sine lege* principle; the right to respect for private and family life, home and correspondence; freedom of thought, conscience and religion; freedom of expression; freedom of assembly and association; the right to marriage and the right to an effective remedy as well as a ban on discrimination.

In 1998, enforcement of the Convention was entrusted to the European Commission on Human Rights with respect to determining the admissibility of cases and to the European Court of Human Rights with respect to the content of petitions. Protocol no. 11, which entered into force on 1 November 1998, reformed the system by leaving only one Court to rule on the admissibility as well as the content of cases.

● See also : *Civil and Political Rights; Council of Europe; Court; European Commission on Human Rights; European Court of Human Rights; Protocol.*

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The European Court of Human Rights was set up to enforce the European Convention on Human Rights. It is made up of judges and holds sessions, depending on the case, through a committee of 3 judges, a chamber of 7 judges or a grand chamber of 17 judges.

States may also submit cases to the Court. In this scenario, a State party requests the Court to recognise that one of its rights enshrined in the Convention have been violated by another State party. Furthermore, individuals, including physical persons, non-governmental organizations and groups of individuals, may submit cases to the Court. Once a case has been deemed admissible, the Court brings the parties together to attempt an amicable settlement. If this fails, it issues a ruling at the end of a public contradictory procedure. The Committee of Ministers of the Council of Europe is responsible for ensuring that all rulings are carried out.

● See also : *Admissibility; Amicable Settlement; Appeal; Council of Europe; European Commission of Human Rights; European Convention on Human Rights; Jurisdiction; Jurisprudence; Political and Civil Rights.*

The European Social Charter is a treaty that was adopted on 18 October 1961 within the framework of the Council of Europe. An additional protocol was also added on 5 May 1988, as was an amendment through a protocol on 21 October 1991. This Charter recognises a certain number of economic and social rights, such as job security and social benefits for the population as a whole, and its structure is relatively complex. States are not bound to the Charter in its entirety. Nevertheless, they are bound to respect a certain number of inalienable rights.

In order to ensure that the European Social Charter is enforced, two provisions were implemented. The first one deals with the obligation of States to submit reports to the Council of Europe on the implementation of the Charter. These reports belong to the public domain and may be subjected to observations

on behalf of social partners, such as employers' organizations, trade unions and non-governmental organizations. Both the reports and the observations are examined by the European Committee on Social Rights, which renders an opinion on whether the laws and practices of the different States are in line with the obligations laid out under the Charter. The conclusions of the European Committee on Social Rights are forwarded to the Intergovernmental Committee, which determines which cases warrant a recommendation. These recommendations are then adopted by the Committee of Ministers of the Council of Europe.

The second provision allows for trade unions, employers' organizations and certain non-governmental organizations to submit claims to the European Committee on Social Rights, which determines the admissibility of a claim and drafts a report in which it issues an opinion on the nature of the violation of the Charter by the State in question.


 See also : *Council of Europe; Economic, Social and Cultural Rights.*

Fact-Finding and Conciliation Commission (ILO)

51.

www.ilo.org/global/What_we_do/InternationalLabourStandards/lang--en/index.htm

Established in 1950 by the International Labour Organization in order to examine complaints regarding freedom of association, this Commission is made up of independent personalities appointed by the Administrative Council. States as well as worker and employers' organizations may seize its jurisdiction. Complaints may be brought forward against States that have ratified the Convention on Freedom of Association. If a State has not ratified the Convention, the complaint is deemed admissible provided that the State has explicitly recognised the competence of the Commission. The Commission is not a trial body. Its role is to determine whether trade union rights have been violated and to attempt to reach an amicable settlement between adversaries.

 See also : *Amicable Settlement; Committee on Freedom of Association (ILO); Complaint; Economic, Social and Cultural Rights; International Labour Office; International Labour Organization; Seizure of Jurisdiction.*

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Freedom of education is addressed in the Universal Declaration of Human Rights: "Parents have a prior right to choose the kind of education that shall be given to their children." This notion is reaffirmed within the International Covenant on Economic, Social and Cultural Rights, which specifies that States undertake "to have respect for the liberty of parents and, when applicable, legal guardians to choose for their children's schools, other than those established by the public authorities (...) and to ensure the religious and moral education of their children in conformity with their own convictions." This freedom also includes the right to create and head private educational establishments. The final paragraph of article 13 (article 23 in the French version) on the right to education states that "No part of this article shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions...".

This freedom is also provided under the International Covenant on Civil and Political Rights and is the result of freedom of thought, conscience and religion. Article 18.4 specifies that "State Parties to the present Covenant undertake to have respect for the parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions."

However, this freedom is not absolute. The creation and management of private educational establishments may be subject to norms dictated by the State. The content of education within such establishments must be in line with the content of education provided for under the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights as well as other conventions.

 *See also : Child; Civil and Political Rights; Committee on Economic, Social and Cultural Rights; Content of Education; Human Rights Committee; Universal Declaration of Human Rights.*

For the most part, they refer to civil and political rights.

👁 See also : *Civil and Political Rights; Inalienable Rights; Limitations; Restrictions.*

This expression is used to describe acts through which different committees interpret treaties whose enforcement they are responsible for overseeing. This is the case for the Committee against Torture, the Human Rights Committee, the Committee on Economic, Social and Cultural Rights and the Committee on the Rights of the Child. On the other hand, the Committee for the Elimination of Racial Discrimination and the Committee for the Elimination of Discrimination against Women opted for the expression “General Recommendation.” This difference in names does not bear any consequences with respect to the effects of the acts in question.

Indexed and dated, these documents are extremely useful for understanding the measures to which they are tied. The United Nations publishes and updates a *Compilation of General Comments and General Recommendations adopted by Human Rights Treaty Bodies*. The 2008 version carries the following code: HRI/GEN/1/Rev.9. Volume I concerns the Committee on Economic, Social and Cultural Rights and the Human Rights Committee, whilst volume II contains the general comments and recommendations of the Committee for the Elimination of Discrimination against Women, the Committee against Torture and the Committee for the Rights of the Child.

With respect to education, the Committee on Economic, Social and Cultural Rights, whose mission is to monitor the enforcement of the International Covenant on Economic, Social and Cultural Rights, which in turn provides for the right to education, adopted two general comments of considerable importance. They are:

- General Comment No. 11, Plans of Action for Primary Education (article 14), (E/C.12/1999/4.), adopted during the 20th session (Geneva, 26 April-14 May 1999);
- General Comment No. 14, The Right to Education (article 13), (E/C.12/1999/10), adopted during the 21st session (Geneva, 15 November-3 December 1999).

In the same manner, the Committee on the Rights of the Child devoted its first general comment to education: General Comment No. 1, Article 29.1: The

Aims of Education, 17 April 2001, CRC/GC/2001/1.

● See also : *Committee on Economic, Social and Cultural Rights; Committee on the Rights of the Child; Content of Education; General Recommendation; Gratuitousness; Human Rights Committee; Interpretation; Right to Education.*

55.

General Recommendation

Used by certain committees that monitor the implementation of human rights treaties, this term refers to adopted texts which aim to explain and interpret one or several fine points within a treaty. This term is used by the Committee for the Elimination of Racial Discrimination and the Committee for the Elimination of Discrimination against Women. All other committees have opted for the expression "general comment." Both are published in a two-volume collection entitled *Compilation of General Comments and General Recommendations adopted by Human Rights Treaty Bodies: HRI/GEN/1/Rev.9.*

● See also : *General Comment; Interpretation.*

56.

Genocide

The notion of genocide was clarified for the first time in a text with international implications during the Nuremberg trials. In fact, the indictment of the Nazi war criminals states that they had conducted "deliberate and systematic genocide - viz. the extermination of racial and national groups - against the civilian populations of certain occupied territories in order to destroy particular races and classes of people, and national, racial or religious groups ...".

A formal legal definition was laid out by the Convention on the Prevention and Punishment of the Crime of Genocide on 9 December 1948. This same definition was adopted by the statutes on the International Criminal Tribunals for the former Yugoslavia and Rwanda and by article 6 of the Rome Statute creating the International Criminal Court.

These texts specify that "genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, such as:

- killing members of the group;
- causing serious bodily or mental harm to members of the group;
- deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;

- imposing measures to prevent births within the group;
- forcibly transferring children of the group to another group."

◉ See also : *Crimes against Humanity; International Criminal Court; International Criminal Tribunal; International Humanitarian Law.*

57.

Gratuitousness

The Universal Declaration of Human Rights divides education into: elementary and fundamental, technical and higher. It also calls for all elementary and fundamental education to be gratuitous, or free. The International Covenant on Economic, Social and Cultural Rights did not adopt this same classification but replaced it with a different system based on primary, secondary including technical, higher and basic education. The Covenant provides for free primary education. Free secondary, technical and higher education must also be instituted progressively.

In its General Comment no. 11 on plans of action for primary education, the Committee on Economic, Social and Cultural Rights had the opportunity to specify somewhat the meaning of the word gratuitousness. First of all, the Committee noted that the nature of this requirement is unequivocal. The right to a free primary education "is expressly formulated so as to ensure the availability of primary education without charge to the child, parents or guardians." As a result, States must move toward eliminating tuition imposed by governments, local governments and academic establishments. The same applies for indirect costs incurred by parents, such as the requirement to wear a uniform. Other indirect costs may be permissible but only upon examination of each individual case by the Committee (paragraph 7). The notion of gratuitousness was also addressed by the same Committee with respect to other levels of education. Paragraph 14 of General Comment no. 13 on the Right to Education stipulates that "while States must prioritize the provision of free primary education, they also have an obligation to take concrete steps towards achieving free secondary and higher education."

◉ See also : *Committee on Economic, Social and Cultural Rights; Economic, Social and Cultural Rights; General Comment; Interpretation; Primary Education; Universal Declaration of Human Rights.*

Human rights may be defined as a collection of privileges to which each individual is entitled solely on account of his/her status as a human being. International conventions do not grant these rights but only recognise them. These privileges are protected from other parties as well as States. Furthermore, the term “human” is generic in scope as it refers to all human beings. Whether there are specific rights for certain categories of persons, such as children, women, refugees etc., nothing may serve as an obstacle to this collection of privileges.

- ◉ See also : *African Charter on Human and Peoples’ Rights; American Convention on Human Rights; Arab Charter on Human Rights; Child; Civil and Political Rights; Economic, Social and Cultural Rights; Equality; European Convention on Human Rights; Human Rights Defender; Human Rights Education; Non-Discrimination; Universal Declaration of Human Rights; Universality.*

www2.ohchr.org/english/bodies/hrcouncil/advisorycommittee.htm

The Advisory Committee was created within the framework of reforming the United Nations Human Rights system. It replaced the Sub-Commission which was a part of the former Human Rights Commission. It is also a subsidiary organ that is subordinate to the Human Rights Council. This Committee is made up of experts nominated by States and elected by the Council on the basis of their competence, morality, independence and impartiality. Its mission is to bring expertise to the work of the Council. Its members also participate in examining the communications received by the Council.

- ◉ See also : *Commission on Human Rights; Human Rights Council; Sub-Commission on Human Rights.*

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The Human Rights Committee was established through the International Co-


vention on Civil and Political Rights, which was adopted by the UN General Assembly on 16 December 1966. Made up of 18 members who must be of "high moral standing", the Committee is in charge of monitoring the enforcement and respect, by State parties, of the Covenant as well as of the two optional protocols annexed to the Covenant. In order to carry out its obligations, the Committee has many measures at its disposal.

All States parties to the Covenant are responsible for submitting a report on the measures they have taken to implement the provisions of the Covenant. The initial report must be submitted within a year of ratifying the Covenant and any additional periodic reports must be submitted upon request by the Committee. After examining the report, oral hearings are held during which the Committee proceeds with meeting with representatives from the respective State.

The second measure involves an appeal by the State, but in this case, simply ratifying the Covenant is not sufficient. In addition, the State seeking an appeal as well as the State against whom the appeal is directed must both have made a declaration recognising the competence of the Committee in order to continue with the appeals process.

Finally, individuals may submit a complaint to the Committee or have someone do so on their behalf in the event of violations of the rights laid out under the Covenant. However, this appeals process is possible only against States who have ratified both the Covenant as well as the 1st optional protocol since the latter lays out the appeals process for individuals. Assumption of jurisdiction is not provided for.

The Committee may be called upon to deal with the field of education. It did so indirectly by adopting its General Comment no. 17, based on article 24 of the International Covenant on Civil and Political Rights which pertains to the status of the child, during its 35th session in 1989. Above all, the Committee did the same but more directly through its General Comment no. 22, which pertains to freedom of education, during its 48th session in 1993. In fact, this freedom is provided for under the International Covenant for which it is responsible.

 See also : *Droits civils et politiques, Droits intangibles, Limitations, Organisation des Nations unies, Restrictions.*

www2.ohchr.org/english/bodies/hrcouncil/index.htm

The Council is a subsidiary organ of the UN General Assembly. It was created on 15 March 2006 in order to replace the Commission on Human Rights. It is made up of 47 member States who may be elected for no more than two terms. In theory, the Council must take into account each State's contributions "to the promotion (...) of human rights" as well as their "commitments made thereto." Member states must also comply with "the strictest standards" in promoting and defending human rights. The Council is responsible for ensuring that States respect their commitments in the field of human rights.

To this effect, the Council serves first and foremost as a medium of political dialogue between States with regard to any matters pertaining to human rights. Another one of its missions is to review the practices of States as far as human rights are concerned. This review takes the shape of a Universal Periodic Review. Finally, the Council may receive individual communications in the event of flagrant and/or massive human rights violations. The communications are first reviewed by a body of experts of the Consultative Committee of the Council. They are then reviewed by a working group for "situations", which is made up of representatives of Member States of the Council. These communications may give rise to recommendations on behalf of the Council.

👁 See also : *Commission on Human Rights; Complaint; Human Rights Council Advisory Committee; Human Rights Education; Individual Communication; Seizure of Jurisdiction; United Nations Charter; United Nations General Assembly; United Nations Organization; Universal Periodic Review.*

In a declaration on human rights defenders adopted on 9 December 1998, the UN General Assembly asserts the right of each human being "...individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels." Strictly speaking, it does not implement a status for human rights defenders but merely reaffirms the right of each person to contribute to promoting them. To the same effect, whether the profession is practised on a permanent or part-time basis, the aforementioned declaration recommends a certain protection. Thus, we can logically assume that teachers who oversee human rights education are human rights defenders.

The expression “human rights education” is an abridged term containing many elements. In fact, this expression refers to education not only in the field of human rights but also education for peace, co-operation and international understanding. A recommendation adopted by UNESCO on 19 November 1974 also carries the following title: Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms.

The idea of human rights education is not new. It started with the Universal Declaration of Human Rights, which clearly states this notion. According to the preamble, the UN General Assembly proclaims “this Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms (...) and to secure their universal and effective recognition (...).” These same principles served as a guide for drafting article 26 of the Declaration, notably with respect to paragraph 2. This topic is also addressed in numerous international treaties, such as:

- the International Covenant on Economic, Social and Cultural Rights (article 13.1);
- the Convention on the Rights of the Child (article 29.1);
- the Convention on the Elimination of All Forms of Racial Discrimination (article 7) and,
- the Convention on the Elimination of All Forms of Discrimination against Women (10.C).

The notion of human rights education is also mentioned in the African Charter on Human and Peoples’ Rights as well as the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights. The fact that the notion of human rights education appears in multiple conventional instruments renders it an obligation that is the responsibility of States. The UNESCO recommendation cited above explains its meaning.

“Education” is understood as “the entire process of social life by means of

which individuals and social groups learn to develop consciously within, and for the benefit of, the international and national communities, the whole of their personal capacities, attitudes, aptitudes and knowledge." The recommendation considers the terms "understanding", "co-operation" and "international peace" as "...an indivisible whole based on the principle of friendly relations between peoples and States having different social and political systems and on the respect for human rights and fundamental freedoms...". Furthermore, human rights and fundamental freedoms are "...those defined in the United Nations Charter, the Universal Declaration of Human Rights and the International Covenants on Economic, Social and Cultural Rights, and on Civil and Political Rights."

UNESCO recommends that States adopt a certain number of guiding principles founded upon the aforementioned texts as well as develop national policies pertaining to ideas listed therein. This same recommendation proceeds with laying out a few fields of which human rights education should be comprised, such as civics and ethics, culture, a review of major problems facing humanity, etc. Finally, it takes up the issue of preparing educators as well as educational resources and materials. It should be noted that reports are often required as a follow up on State actions in regard to this recommendation.

◉ See also : *African Charter on Human and Peoples' Rights; Child; Content of Education; Human Rights; Human Rights Defender; Recommendation; Report; Right to Education; UNESCO; UNESCO Committee on Conventions and Recommendations; Universal Declaration of Human Rights.*

64.

Inalienable Rights

There may be limits to human rights. They may also be suspended under exceptional circumstances. Nevertheless, there are rights that may never be suspended, regardless of the circumstances. They are known as "inalienable rights", or even fundamental rights, and are explicitly provided for under certain human rights treaties. The list of rights differs from one treaty to another. For example, the list of rights provided for under the International Covenant on Civil and Political Rights are:

- the right to life;
- the right to freedom from torture and inhuman or degrading treatment;
- a prohibition on slavery and servitude;
- the freedom from retroactive criminal law;
- the right to legal personhood;

- the right to freedom of thought, conscience and religion;
- a prohibition on prison sentences for financial debt.

Some differences do exist between this Covenant and other treaties, particularly regional ones. However, all together, they grant the first four mentioned in the above list, which are considered the “main core” of human rights.

◉ See also : *Civil and Political Rights; Derogation; Enforced Disappearance; Fundamental Freedoms; Limitations; Restrictions; Torture.*

65.

Individual Communication

When such a communication is provided for, an individual or a group of individuals may submit a complaint to a monitoring body of a treaty with a view to seeing it rule on accusations of violating the treaty in question. Only individuals or groups of individuals may submit a complaint. As is the case with State communications, each treaty defines the terms and conditions for individual communications. Except for a few rare cases, individual communications have no legal standing and require extra formalities.

With the exception of the Human Rights Council, which follows its own set of rules, the only committee which legally recognises individual communications is the Committee on Enforced Disappearances; but it does so only on the supposition that the case involves searching for and locating a missing person. Under all other circumstances, individual communications are subject to a prior declaration that recognises the competence of the Committee. This condition also applies to the Committee against Torture, the Committee on Migrant Workers and the Committee for the Elimination of Racial Discrimination. In other circumstances, individual communications are contingent on ratification of an optional protocol, as is the case with the Human Rights Committee, the Committee on Rights of Persons with Disabilities, the Committee on Economic, Social and Cultural Rights as well as the Committee on the Elimination of Discrimination against Women. Individual communications are not allowed before the Committee on the Rights of the Child.

The admissibility of individual communications is subject to a certain number of conditions found in the majority of treaties. First of all, they may not be anonymous, even if the person at hand requests their identity not to be revealed, as is the case with the Committee on the Elimination of Racial Discrimination. Whenever they are submitted on behalf of persons who are victims of human rights abuses, the consent of these persons is necessary, unless impossible otherwise. Communications are admissible only if all internal appeals within the accused State have been exhausted. Furthermore, these ap-

peals procedures are to be completed within a reasonable timeframe. Under certain circumstances, the deadline for the communication to be submitted is stipulated by the treaty. For example, with respect to the Committee on Economic, Social and Cultural Rights, the deadline is 12 months after all internal appeals have been exhausted. In addition, the same case submitted to the Committee must not have been examined within an international framework, nor may it be in the process of being examined by a similar body.

The procedure for reviewing communications begins with sending the communication to the accused State, which must then, within a certain timeframe, provide explanations for the alleged violations, and possibly for the steps it intends to take to put a halt to them. In the case of the Committee on Economic, Social and Cultural Rights, the case may be brought to a close through an amiable settlement. Otherwise, after each side has presented its case, the competent body meets in private to issue a ruling through its observations on whether the alleged violations took place.

Finally, it is important to note that certain committees, while waiting to draw up their acknowledgements, may request the accused State to take conservatory or provisional measures to prevent irreversible damages from being inflicted upon the victim or victims of the alleged abuses. This applies to the Committee on Enforced Disappearances, the Committee on the Rights of Disabled Persons, the Committee on Economic, Social and Cultural Rights as well as the Committee for the Elimination of Discrimination against Women.

👁 See also : *Admissibility; Appeal; Application; Communication; Competence; Complaint; Declaration; Human Rights Council; Petition; Representation; Seizure of Jurisdiction; State Communication.*

66.

Inquiry

An inquiry is a procedure that allows an organ set forth by a treaty or created for a given occasion to lead impartial investigations with a view to establishing facts. With international criminal courts, this task is entrusted to the prosecutor, who must follow certain procedures that are typical of this type of jurisdiction. In the case of UN committees, this possibility is sometimes set forth for serious and/or systematic violations of treaties that fall under their auspices, especially for the following committees: the Committee against Torture, the Committee on Enforced Disappearances, the Committee on the Rights of Persons with Disabilities, the Committee on Economic, Social and Cultural Rights and the Committee for the Elimination of Discrimination against Women. Based on the information gathered during this inquiry, the Committee may transmit its observations and recommendations to the State

under review.

◉ *See also : Assumption of Jurisdiction; Committee against Torture; Committee on Economic, Social and Cultural Rights; Committee on Enforced Disappearances; Committee on the Elimination of Discrimination against Women; Committee on the Rights of Persons with Disabilities; Competence; International Criminal Court; International Criminal Tribunal.*

67.

Instrument

This is a generic term used to designate an act pertaining to a specific issue, such as “instruments pertaining to the protection of human rights.” These can be binding acts such as treaties as well as acts containing only simple recommendations.

◉ *See also : Convention; Declaration; Pact; Protocol; Recommendation; Resolution; Treaty.*

68.

Inter-American Commission on Human Rights

*Inter-American Commission for Human Rights
Organization of American States
18681 F Street, NW Sweet 820 Washington DC 20006 USA
Telephone: +1 (202) 458 6002
Fax: +1 (202) 458 3992
www.cidh.org/DEFAULTE.htm*

Made up of independent commissioners elected by the General Assembly of the Organization of American States, this Commission is responsible for protecting and promoting human rights within the framework of the inter-american system. This is carried out through examining communications and petitions provided for by the American Convention on Human Rights.

Individual petitions may be brought against States party to the Convention. However, state communications are possible only against States that, in addition to being party to the Convention, have declared their recognition of the Commission’s competence to examine such requests. Both types of request are subject to a certain number of conditions of admissibility, with particular respect to the rule on exhaustion of internal appeals.

First of all, the Commission is responsible for being at the disposal of the opposed parties in order to assist them in finding an amicable settlement. In the absence of such a settlement, the Commission writes a report outlining the

facts as well as any conclusions and recommendations. The case should then be brought before the Inter-American Court of Human Rights. However, if this does not occur, the case is re-examined by the Commission, which issues an opinion, formulates recommendations and establishes a deadline for the States that perpetrated the violation(s) so that it might adopt the necessary measures.

● *See also : American Convention on Human Rights; Amicable Settlement; Communication; Declaration; Individual Communication; Inter-American Court of Human Rights; Organization of American States; Petition; Seizure of Jurisdiction; State Communication.*

69.

Inter-American Court of Human Rights

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Costa Rica
Telephone: + 011 (506) 2527 1600
Fax: + 011 (506) 2234 0584
www.corteidh.or.cr/*

The Inter-American Court of Human Rights was set up to enforce the American Convention on Human Rights. Its competence is non-binding in scope; cases may only be submitted against States who not only have ratified the Convention but also declared that they recognise the Court's competence. Furthermore, individuals may not submit cases directly to the Court; only States and the Inter-American Commission on Human Rights are authorised to do so after having carried out the entire preliminary procedure before the Court. When reviewing a case, the Court is bound neither by the observations nor the opinion of the Commission. Following a contradictory procedure in which States and the Commission participate, the Court renders a motivated, definitive ruling that is not subject to appeal.

● *See also : American Convention on Human Rights; Competence; Declaration; Inter-American Commission on Human Rights; Jurisdiction; Jurisprudence; Organization of American States; Petition.*

This term is frequently used to refer to the whole composed by the following texts:

Universal Declaration of Human Rights;

International Covenant on Economic, Social and Cultural Rights;

International Covenant on Civil and Political Rights;

Optional Protocol to the International Covenant on Civil and Political Rights;

It refers to a simple collection of texts and provides no further implication to their meaning.

◉ *See also : Charter; Civil and Political Rights; Economic, Social and Cultural Rights; Human Rights; Universal Declaration of Human Rights; Universality.*

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www.ibe.unesco.org


The International Bureau of Education was the first international organization to work in the field of education. Founded in Geneva in 1925 as a private institution, the Bureau opened its doors to governments starting in 1929. In 1969, it became a part of UNESCO. However, it has maintained a large degree of autonomy in its fields of specialisation, which include organising sessions for the International Conference on Education, establishing dialogue on educational policies as well as gathering, analyzing and distributing documents and information related to education. The Bureau is headed by a council of representatives from 28 Member States who are elected by the UNESCO General Conference. From 1929-1967, it was headed by Jean Piaget (1896-1980), who was renowned for his work in developmental psychology and epistemology.

◉ *See also : International Conference on Education; UNESCO.*

International Committee of the Red Cross (ICRC)
19 avenue de la Paix
CH 1202 Geneva
Fax: 41 (22) 733 20 57
Telephone: 41 (22) 734 60 01
www.icrc.org/eng

Founded in 1876 and headquartered in Geneva, the International Committee of the Red Cross (ICRC) is an organization that is not classified as either an international, an intergovernmental organization or a non-governmental organization. The former are created by treaties between States pursuing common goals. On the other hand, the latter are organizations established through private law and include associations, federations, unions and institutes established by private individuals for non-profit purposes.

The ICRC exhibits features that are characteristic of each of these categories. It is a private association built in accordance with the Swiss civil code, which falls under the category of non-governmental organization. At the same time, its activities, which include visiting detainees, locating missing persons as well as providing medical and food aid, are set forth under international humanitarian law, notably the Geneva Conventions, which is one of the treaties most frequently ratified by States. Consequently, the ICRC enjoys privileges and immunities granted only to actors of international law - that is States and intergovernmental organizations.

 *See also : International Humanitarian Law; International Organization; Non-Governmental Organization.*

Organised by the International Bureau of Education since 1934, the Conference is a discussion forum between the ministers of educations of UNESCO Member States. Nevertheless, it is open to other collaborators in the field of education, such as teachers, researchers and non-governmental organizations, etc. The themes addressed during these forums are decided by UNESCO at the suggestion of the International Bureau of Education. Some of the past themes have been: "Education for All" (1990), "Education and Cultural Development" (1992), "Education for International Understanding and Cooperation" (1994), "Teachers in a Changing World" (1996), "Education for All

for Learning to Live Together” (2001), “Quality Education for all Young People” (2006). At the end of each session, the Conference adopts recommendations intended for leaders in the field of education.

● See also : *Human Rights Education; International Bureau of Education; Recommendation; UNESCO.*

74.

International Court of Justice

*Peace Palace
2517KJ The Hague
The Netherlands
Telephone: +31 (0) 70 302 23 23
Fax: +31 (0) 70 364 99 28
www.icj.org
Contact: webmaster@icj.org*

The International Court of Justice, which has its seat in The Hague, was created by the United Nations Charter. Made up of judges elected by the General Assembly and the Security Council, the Court is responsible for settling conflicts between States. In order for the Court to accept a submission, litigant States must issue a declaration recognising its jurisdiction. States may issue a declaration according to which they accept that all disputes to which they are party may be submitted to the Court. States may also issue a declaration in which they accept for a specific dispute to be submitted to the Court. In all cases, consent is required from all other State(s) involved in the dispute. The Court’s rulings are binding. The UN Security Council may decide on the appropriate measures in order to ensure that rulings are enforced. It also has a consultative function. At the request of United Nations organs, the Court may issue opinions on points of law. In all other cases, the Court applies international law.

● See also : *Custom; Declaration; International Law; Jurisdiction; Jurisprudence; United Nations; United Nations General Assembly; United Nations Security Council.*

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Fax: + 31 (0) 70 515 8555
www2.icc-cpi.int/Menus/ICC/Home*

The International Criminal Court was created by a treaty called the Statute of the International Criminal Court (ICC). It was adopted in Rome on 17 July 1998 and entered into force on 1 July 2002. It is the first permanent international criminal court of its kind since others before it had or have limited competence on one level or another, such as the International Military Tribunal at Nuremberg (1945), the International Military Tribunal for the Far East (1946), the International Criminal Tribunal for the former Yugoslavia (1993) and the International Criminal Tribunal for Rwanda (1994).

The ICC is not competent for judging States but persons suspected of committing the most serious of crimes on an international scale. Unlike the international criminal tribunals whose competence is above national courts, the competence of the ICC is complementary with respect to the latter. It may exercise its competence only if the States concerned do not wish to or are unable to bring persons presumed guilty of the aforementioned crimes to justice.

All persons are subject to the competence of the ICC: The Statute specifies clearly that status as a head of State or government, a member of a government or a parliament or any other official title is "in no case exempt... from criminal responsibility under this Statute, nor shall it, in and of itself, constitute a ground for reduction of sentence." Crimes falling under the competence of the ICC are genocide, crimes against humanity, war crimes and crimes of aggression. With respect to the latter, the competence of the Court is subject to the term's definition which subsequently comes into play. Only crimes committed after the Statute went into force (1 July 2002) may be referred to the Court.

The ICC includes a prosecution and examination section (Office of the Prosecutor) as well as a judicial section divided into three divisions: the Pre-Trial Division, the Trials Division and the Appeals Division.

There are three ways by which cases may be submitted to the ICC:

-any State party to the Statute may submit a case to the Office of the Prosecutor when one or many crimes falling under the competence of the ICC appear to have been committed;

-the Office of the Prosecutor may initiate an inquiry on crimes falling under the competence of the ICC through its own initiative, but only after authorization from the Pre-Trial division;

-the UN Security Council may refer a case to the ICC in which crimes falling under its competence appear to have been committed.

In all cases, the UN Security Council may request that prosecution and inquiries be suspended for a renewable period of 12 months. Such a request may not be denied.

Proceedings before the ICC are guided by the general principles of criminal law, such as *nulla poena sine lege* (no penalty without law), *ex post facto* laws (no retroactivity), presumption of innocence, *audi alteram partem* (allowing each side to present its case), double degree of jurisdiction, etc. The Court also hands down prison sentences in addition to possible fines and/or confiscation of materials associated with the committed crime.

● See also : *Crimes against Humanity; Genocide; International Committee of the Red Cross; International Criminal Tribunal; International Humanitarian Law; Jurisdiction; United Nations Security Council; War Crimes.*

76.

International Criminal Tribunal (ICT)

Currently, there are two international criminal tribunals, which were established by the UN Security Council in 1993 and 1994, respectively. The former is the International Criminal Tribunal for the Former Yugoslavia (www.icty.org/), and the latter is the International Criminal Tribunal for Rwanda (www.icttr.org/). Both are competent to judge persons, regardless of their status, presumed to be guilty of crimes against humanity, genocide and serious violations of the Geneva Conventions. Both tribunals take precedence over national jurisdictions and may only issue prison sentences.

The International Criminal Tribunal for the Former Yugoslavia is competent for all violations committed within the former Yugoslavia since 1991, regardless of the nationality of the person presumed guilty. The International Criminal Tribunal for Rwanda is competent for violations committed within Rwanda, regardless of the person's nationality. It is also competent for violations committed by Rwandese citizens within the territory of neighboring States. Its competence is limited to violations committed in 1994 alone.

Other jurisdictions made up of national and international judges were implemented with the same or similar aims, including the ones in Kosovo, Sierra Leone (<http://www.sc-sl.org/>), East Timor, Cambodia and Lebanon.

- ◉ *Voir. Crimes against Humanity; Custom; Genocide; International Criminal Court; International Humanitarian Law; International Law; Jurisdiction; United Nations Organization; United Nations Security Council; War Crimes.*

77.

International Humanitarian Law

The concept of “international humanitarian law” refers to the collection of laws arising from customs and international treaties which aim to protect human persons during armed conflicts. The main texts pertaining to this field are the four Geneva Conventions adopted in 1949 through the initiative of the International Committee of the Red Cross (ICRC). These four Conventions address: the amelioration of the condition of the wounded and sick in armed forces in the field; the amelioration of the condition of wounded, sick and shipwrecked members of armed forces at sea; the treatment of prisoners of war and the protection of civilian persons in times of war. These Conventions were enhanced by two additional Protocols adopted in 1977.

- ◉ *See also : Custom; International Committee of the Red Cross; International Court of Justice; International Criminal Court; International Criminal Tribunal; United Nations Security Council; Universal Competence; War Crimes.*

78.

International Labour Office (ILO)

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CH-1211 Geneva 22
Telephone: +41 (0) 22 799 6111
Fax: +41 (0) 22 798 8685
www.ilo.org
E-mail: ilo@ilo.org

Better known by its abbreviation ILO, the International Labour Office is the permanent secretariat of the International Labour Organization. It is headed by a Director-General who is appointed by the Governing Body. The International Labour Office organises the meetings and projects of the ILO’s main organs, such as the International Labour Conference and the Governing Body. It also gathers and distributes information in the fields of labour and social relations.

- ◉ *See also : Committee of Experts of the International Labour Organization (ILO); Committee on the Freedom of Association (ILO); Fact-finding and Conciliation Commission (ILO); International Labour Organization.*

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The ILO is one of the oldest international organizations. Established after World War I, it works in the area of labour, social security and social relations as a whole. Its main organs are the International Labour Conference and the Governing Body, which is headed by an elected Director-General. Through the International Labour Office, it has a permanent administration based in Geneva. The composition of the two main organs (the Conference and the Governing Body) is governed by the principle of tripartism, which refers to the State delegations being made up of government delegates, representatives of workers and representatives of employers.

The ILO has adopted international labour standards that include recommendations and conventions. Naturally, the latter are binding once they are ratified by States. However, recommendations are not binding but States are nonetheless tied to a group of obligations, such as submitting recommendations to national authorities as a basis for making laws, as well as drawing up a report in the event that recommendations are not followed.

In 1998, the ILO reminded all State Members through its Declaration on Fundamental Principles and Rights at Work that they are obliged to respect a certain number of principles and rights, even if they have not ratified the appropriate conventions. In fact, these obligations result from simply joining the organization. They are:

- freedom of association and effective recognition of the right to collective bargaining;
- elimination of all forms of forced or compulsory labour;
- effective abolition of child labour;
- elimination of discrimination in employment and occupation.

In order to ensure that States respect the obligations they have taken on through the sole fact of joining the organization and ratifying conventions, the ILO is endowed with a group of relatively significant procedures, including reports, complaints and claims.

The ILO as well as the institutions implemented by it may be called upon to

hear cases related to education. Such is the case for child labour but also teachers, who are considered employees on an equal footing with all others. In the past, the ILO has also teamed up with UNESCO to draft numerous texts.

● See also : *Committee of Experts of the International Labour Organization (ILO); Committee on Freedom of Association (ILO); Committee on Migrant Workers; Fact-Finding and Conciliation Commission (ILO); International Organization; Migrant Worker; Teacher; Teacher (Higher Education).*

80.

International Law

The “international law” is the collection of norms and institutions that govern international society. The term “international”, as it pertains to relations between States, is not a realistic depiction because it essentially involves laws between different nations. The main laws comprising international law are formed through international treaties and customs.

● See also : *Custom; International Court of Justice; International Humanitarian Law; Treaty.*

81.

International Organization

An international organization is an association among States which gives rise to a new entity. In addition to having its own international legal status, this entity is usually made of several organs that set it apart from others. The treaty giving birth to an international organization assigns more or less specific missions to it, generally with the aim of fostering cooperation among Members States in one or more areas. An international organization is said to be “universal” in scope when membership is open to all of the nations of the world. It is known as a “regional” organization when only a select group of States may become members, regardless of whether the criteria are geographical, political, linguistic or religious. The most appropriate expression for labelling such entities would be “inter-governmental organization” which allows them to be set apart from non-governmental organization that are international in scope but not created by States.

● See also : *African Union; Council of Europe; International Committee of the Red Cross; International Labour Organization; League of Arab States; Non-Governmental Organization; Organization of African Unity; Organization of American States; UNESCO; United Nations Organization.*

Interpretation is a process that consists of searching for the true meaning of a legal text with a view to enforcing it. With respect to human rights, this task is carried out by organs responsible for overseeing the treaty in question. They do so when an appeal, a communication or a claim is referred to them, through judgments, rulings, comments, conclusions, etc. or through acts adopted by them outside of any seizure of jurisdiction and which aims to clarify the specifications of a treaty. This is especially the case for general comments and general recommendations adopted by different committees of the United Nations system

◉ *See also : General Comment; General Recommendation; Jurisdiction; Jurisprudence.*

Jurisdiction has two meanings. The first one refers to the mission of establishing the law and handing down a ruling. This mission consists of the right and the duty to render justice by enforcing the law. In French, this term has come to designate an organ qualified to exercise this power. In this context, English-speaking countries prefer the word "court." International human rights courts are not all that common. They are limited to the European Court of Human Rights, the Inter-American Court of Human Rights as well as international criminal tribunals and the International Criminal Court.

In human rights treaties, the term "jurisdiction" often has a broader meaning, especially whenever it is used in the expression "placed under the jurisdiction of the State." In this case, it means placed under the authority of a particular State, which does not necessarily mean a citizen of the State in question. It may also refer to a foreigner residing within this State.

◉ *See also : General Comment; General Recommendation; Jurisdiction; Jurisprudence.*

This refers to a group of rulings and decisions handed down by a court. For example, experts talk about the jurisprudence (or case law) of the European Court of Human Rights, that of the International Court of Justice and the Inter-American Court of Human Rights. This term may also be used with the more limited meaning of rulings and judgments handed down in regard to

a particular issue. This is what people mean when they talk about jurisprudence with respect to freedom of conscience.

Although theoretically reserved for courts, this word is frequently used to refer to acts carried out by entities other than the aforementioned. For example, it is commonplace to speak of the jurisprudence (or case law) of the Human Rights Committee.

● See also : *Interpretation; Jurisdiction.*

85.

League of Arab States

League of Arab States

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www.arableagueonline.org/las/index.jsp

The League of Arab States, often called the “Arab League”, is an international organization created by a treaty signed in Cairo on 22 March 1945. Currently, the number of Member States totals 22, located in North Africa and the Middle East. The issue over criteria to be considered for becoming a member has never been clarified and the debate resurfaces with each new candidacy. The main organs are the Summit for the Heads of State and different councils, where the ministers periodically meet according to the themes addressed. The headquarters of the League is in Cairo.

The treaty that created the Arab League, known as a covenant, provides for cooperation among Member States in numerous areas: economics, finance, communications, social programs and healthcare. The issue of human rights was not included and not a single specialized organ has been provided for in this domain. It was not until 1968 that an administrative organ known as the Arab Human Rights Committee was implemented. In 1994, the League of Arab States adopted the Arab Charter on Human Rights, which never entered into force. Another treaty of the same name entered into force in 2008.

● See also : *Arab Charter of Human Rights; Arab Human Rights Committee; International Organization.*

◉ See also : *Restrictions.*

In international law, matters related to labour and the social sphere fall under the competence of the International Labour Organization, which is in fact credited for numerous conventions among which several deal exclusively with migrant workers. However, they address only those aspects which fall under the organization's competence. These same issues also constitute a significant part of the Covenant on Economic, Social and Cultural Rights, which does not specifically address the status of migrant workers. The Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, adopted by the UN General Assembly on 18 December 1990, strives to define the twofold dimension of the migrant worker as both a worker and a human being entitled to rights and freedoms recognized by the main human rights treaties.

The Convention provides a broad definition of the notion of migrant worker. According to the Convention, a migrant worker is any person exercising a remunerated activity with proper documentation within the territory of a State of which they do not have citizenship. The Convention identifies different categories that apply special rules to migrant workers should the need arise: frontier workers, seasonal workers, seafarers, workers on an offshore installation, itinerant workers and project-tied workers, etc. The Convention reaffirms their civil and political rights in as compatible a manner as possible with respect to their status as foreigners. It also reaffirms their economic, social and cultural rights and specifies certain rules pertaining to their condition, such as the prohibition of group expulsions, the right to transfer their earnings and savings, the right to tax exemptions tied to the export or import of their personal belongings when arriving or departing, etc. However, under no circumstances does the Convention provide for the right to a regularization of persons who have entered a country illegally.

◉ See also : *Committee on Economic, Social and Cultural Rights; Committee on Migrant Workers; Economic, Social and Cultural Rights; International Labour Office; International Labour Organization.*

The notion of minorities is not defined under international law, nor is there a pertinent universal treaty in this domain. Nonetheless, the UN General Assembly adopted on 18 December 1992 the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. It is agreed that a “minority” is whenever a group of people is characterised by its own ethnic, religious or linguistic identity which is distinguishable from that of the majority of the population.

Generally speaking, the obligation to respect the rights of persons belonging to minorities stems directly from the universal principle on banning discrimination, which is enshrined in numerous international legal texts, the first one being the Universal Declaration of Human Rights. These persons are protected since human rights are recognized without distinction to race, colour, language, religion or national origin. In certain cases, discrimination against minorities may be considered racial discrimination. This is laid out under the Convention on the Elimination of All Forms of Racial Discrimination, according to which discrimination is defined as: “any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin.”

More precisely, the rights of persons belonging to minority groups are enshrined by two international treaties: the International Covenant on Civil and Political Rights and the Convention against Discrimination in Education, which was adopted by UNESCO on 14 December 1960. Article 27 of the former states that “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 to practice their own religion, or to use their own language.” According to the interpretation of this article by the Human Rights Committee (General Comment No. 23: Article 27 (Rights of Minorities)), the minorities in question may be alternatively or cumulatively ethnic, religious or linguistic in nature; furthermore, the recognition and respect of these rights are not dependent on the status of the national’s citizenship or even the status of permanent resident.

In the latter text, it is rather a question of “members of national minorities” for whom States agree to recognize “the right to carry on their own educational activities, including the maintenance of schools and (...) the use or the teaching of their own language...”. Nonetheless, this recognition is subject to certain conditions.

However, on a regional level, the Council of Europe has adopted two treaties pertaining to minorities: the European Charter for Regional or Minority

Languages on 5 November 1992 and the Framework Convention for the Protection of National Minorities on 10 November 1994. In all cases, the rights listed therein are recognized to the benefit of persons belonging to these minorities and not to the minorities themselves.

● See also : *Council of Europe; Discrimination; Freedom of Education; General Comment; Human Rights Committee; International Covenant on Civil and Political Rights; Non-Discrimination; Positive Discrimination; Universality.*

89.

National Human Rights Institutions

www.nhri.net/

When we use the term "national human rights institutions", we are referring to a group of organs on a State level which are neither parliamentary institutions, nor administrative bodies, nor courts, nor non-governmental organizations. Their name, their composition and their responsibilities may differ from one country to another, but they all share the common task of overseeing the promotion and/or protection of human rights.

The general provisions intended to govern them were established through a resolution of the General Assembly on 20 December 1993. These provisions are known as the "Paris Principles." Naturally, States cannot be bound to this resolution but, to the extent that it mentions these principles in various human rights acts, it is still useful to be familiar with its content.

The statute and the composition of these institutions, regardless of their name, must be conceived in a manner that guarantees their independence and pluralistic character. Thus, they must be open to representatives of social forces concerned with promoting and protecting human rights, including NGOs, trade unions, socio-professional organizations, philosophical and religious schools of thought, academics and specialists, parliamentary representatives, etc. Moreover, they must have sufficient financial means at their disposal and not be subordinate to outside influences that could compromise their independence.

The responsibilities of these institutions were conceived as broadly as possible: providing opinions, recommendations and suggestions on issues of human rights, encourage the ratification of different treaties, contribute to the development of periodical reports, co-operate with the United Nations, contribute to the development of educational and research programmes in the field of human rights and raise awareness of human rights. They may also be expected to receive complaints and individual requests, either to forward

them to the competent bodies in order to find an amicable settlement or to issue binding decisions.

In order to ensure that the "Paris Principles" are respected, an accreditation procedure has been implemented that allows institutions to participate, at varying degrees, in international procedures pertaining to human rights.

◉ *See also : Amicable Settlement; United Nations General Assembly, United Nations Organization.*

90.

Non-discrimination

The principle of non-discrimination is stated under article 2 of the Universal Declaration of Human Rights: "Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status." Therefore, this principle is a direct consequence of the principle of equality established by article 1: "All human beings are born free and equal in dignity and rights."

The same terminology of this principle was also adopted in article 2.2 of the International Covenant on Economic, Social and Cultural Rights and article 2.1 of the International Covenant on Civil and Political Rights. Other treaties have implemented provisions in order to fight against specific types of discrimination, such as that against women or the convention adopted under the ILO framework in regard to workplace discrimination. It is understandable that the Human Rights Committee states that "non-discrimination constitutes a basic and general principle relating to the protection of human rights..." (General Comment 18, Non-discrimination, 37th Session, 1989).

In the area of education, in addition to the texts cited above that are obviously enforceable, the issue is also the subject of a specific text adopted by UNESCO. This text is known as the Convention against Discrimination in Education and was adopted on 14 December 1960. According to the terms of this Convention, it is forbidden to restrict access of a person or a group to education, to limit the education of a person or group to an inferior level or to place a person or group in a situation incompatible with human dignity on the basis of the criteria of race, colour, sex, language, religion, political opinion or any other belief, national or social origin, economic status or birth.

This prohibition encompasses different educational types and cycles. It concerns not only access to education but also its level, its quality, and the conditions in which it is provided and, finally, the preparation for the teaching profession.

However, a certain number of situations are not considered discriminatory.

For example, it is permissible to maintain separate educational systems for boys and girls provided that both are treated equally with respect to teacher qualifications, facilities, equipment and programs. To the same degree, it is permitted to create or maintain separate establishments for language or religious motives provided that attending them is optional and that programs are in line with established norms. The creation of private establishments is also not considered discriminatory as long as their aim is not to exclude a group and that their educational programs are in line with those established by public authorities.

A protocol dated 10 December 1962 created a commission in charge of settling disputes arising as a result of enforcing this convention.

◉ *See also : Committee on Economic, Social and Cultural Rights; Disabled Persons; Discrimination; Equality; Freedom of Education; General Comment; Gratuitousness; Human Rights; Interpretation; Positive Discrimination; Primary Education; Teacher; Teacher (Higher Education); Technical and Vocational Education; Universal Declaration of Human Rights; Universality.*

91.

Non-governmental Organization (NGO)

A non-governmental organization is an association of individuals as well as natural or legal persons, with different nationalities. Public figures may also join them. In contrast with an international or inter-governmental organization, both of which are created by a treaty among States and/or inter-governmental organizations, a non-governmental organization is created by a convention signed between individuals.

In addition to this condition for creating an NGO, other criteria are added: that it must be non-profit, which means that it must not seek to gain revenue for its members, it must be international in scope, which means that its members must come from several countries, and its aims must have a separate framework from that of an individual nation.

Many non-governmental organizations participate in the activities of organizations and organs responsible for promoting and protecting human rights. With respect to the United Nations, the terms of this collaboration are set by a resolution of the Economic and Social Council, which was adopted by enforcing article 71 of the United Nations Charter. Similar statutes were subsequently adopted by other international organizations, such as UNESCO, ILO and the Council of Europe.

◉ *See also : International Committee of the Red Cross; International Organization; United Nations Economic and Social Council.*

Created by the Charter of the Organization of African Unity, which was signed in Addis-Ababa, Ethiopia on 25 March 1963, the OAU no longer exists and was replaced by the African Union. In the preamble of the treaty, the State Parties reaffirm their adherence to the United Nations Charter as well as the Universal Declaration of Human Rights. The aims of the organization were to “promote the unity and solidarity of the African States; coordinate and intensify their cooperation and efforts to achieve a better life for the peoples of Africa; defend their sovereignty, their territorial integrity and independence; eradicate all forms of colonialism from Africa; promote international cooperation, having due regard to the Charter of the United Nations and the Declaration of Human Rights.”

Its main organs were the Assembly of Heads of State and Government, the Council of Ministers, the General Secretariat and the Commission of Mediation, Conciliation and Arbitration. It also provided the foundation for the African Charter of Human and Peoples’ Rights.

◉ *See also : African Charter of Human and Peoples’ Rights; African Commission on Human and Peoples’ Rights; African Court of Human and Peoples’ Rights; African Union; International Organization.*

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This regional organization is comprised of States in the whole American continent. It was formed through several conferences: Bogota (1948), Buenos Aires (1967) and Cartagena de Indias (1985). The OAS is made up of several organs, including the General Assembly as well as several councils, such as the Inter-American Council for Education, Science and Culture. It was under the auspices of the OAS that a system for the promotion and protection of human rights in the Americas was put into place: it adopted a Convention and created the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights to enforce its application.

☉ See also : *American Convention on Human Rights; Inter-American Commission on Human Rights; Inter-American Court of Human Rights; International Organization, Regional System.*

94.

Pact

Certain international treaties are entitled pacts, such as the Pact of the League of Nations, a universal organization that existed between the two World Wars and was the predecessor to the United Nations, and the Pact of the League of Arab States, which gave rise to a regional organization, the League of Arab States. With regard to human rights, the term "covenant" ("Pacte" in French) has been used as the title for two treaties adopted by the General Assembly, the first of which addresses economic, social and cultural rights and the second which addresses civil and political rights. This choice of terms bears no specific consequences since these types of text are in fact international treaties.

☉ See also : *Charter; Convention; Protocol; Treaty.*

95.

Party

This term in international law refers to States which have ratified or adhered to a treaty. It is also common to see the term "Contracting Party." In the past, the expression "High Contracting Party" was used.

☉ See also : *Adherence; Entry into Force; Ratification.*

96.

Peoples' Rights

Peoples' rights refer to a certain number of privileges belonging to different peoples, which may be exercised only by them. The first right is that of self-determination, which is enshrined by article 1 of the International Covenant on Economic, Social and Cultural Rights and by article 1 of the International Covenant on Civil and Political Rights. Some of these rights are also enshrined in the African Charter on Human and Peoples' Rights in its article 19 and following.

☉ See also : *African Charter on Human and Peoples' Rights; Minorities.*

Literally, a petition is a type of request or claim. This is the term chosen by the American Convention on Human Rights to refer to appeals submitted by individuals, groups of individuals and non-governmental organizations before the Inter-American Commission on Human Rights. In the same treaty, the term “communication” refers to appeals submitted by States.

◉ See also : *Appeal; Application; Communication; Complaint; Representation; Seizure of Jurisdiction.*

“Positive discrimination”, also known as affirmative action, is a way to fight discrimination, particularly indirect discrimination. It involves voluntary policies that aim to reduce, even eliminate, one or more types of ascertained discrimination. Awareness of such discrimination often arises from statistics showing that certain categories of persons, such as women and nomadic peoples, are underrepresented in particular fields, such as employment, political organizations and universities. Therefore, positive discrimination consists of taking measures that brush aside in equality between people in order to give an advantage to those belonging to disadvantaged groups. For example, this could involve establishing parity between men and women during elections as well as reserving certain administrative jobs for members of certain groups or minorities.

Under certain conditions, positive discrimination is permitted by numerous international human rights treaties, such as the ILO Discrimination Convention (Employment and Occupation), the Convention on the Elimination on All Forms of Discrimination against Women, or the Convention on the Elimination of All Forms of Racial Discrimination.

For instance, article 1.3 of the latter act states that “special measures taken for the purpose of securing adequate advancement of certain racial or ethnic groups or individuals requiring such protection as may be necessary in order to ensure such groups or individuals equal enjoyment or exercise of human rights and fundamental freedoms shall not be deemed racial discrimination...”. Nevertheless, the Convention subjects this category of measures to two conditions. First of all, the measure may not result in conferring a distinct status to different racial groups. Secondly, they must be temporary, which means they must be terminated as soon as the targeted objectives have been reached. In the absence of these conditions, the policy in question would be

tantamount to a discrimination, which in itself would not be positive.

● See also : *Apartheid; Discrimination; Equality; Non-discrimination.*

99.

Primary Education

Compared to other levels of education, the obligations of States are more restrictive in regard to primary education. In accordance with article 14 of the International Covenant on Economic, Social and Cultural Rights, States are bound to adopt within two (2) years a detailed plan for progressively implementing free and compulsory education for all children. This objective must be carried out "within a reasonable number of years", as stated by the Committee on Economic, Social and Cultural Rights. Furthermore, and according to the same Committee, this "plan must specifically set out a series of targeted implementation dates for each stage of the progressive implementation of the plan."

● See also : *Child; Committee on Economic, Social and Cultural Rights; Committee on the Rights of the Child; Economic, Social and Cultural Rights; Gratuitousness; Universal Declaration of Human Rights.*

100.

Protocol

A protocol is an international treaty. The term is commonly used to refer to an additional treaty attached to a main treaty. For example, this is the case for two protocols adopted to complement the International Covenant on Civil and Political Rights, numerous protocols adopted to complement the European Convention on Human Rights, and texts attached to the American Convention of Human Rights. In these cases, and as a general rule, ratification of a protocol entails the previous ratification of the convention which it complements.

● See also : *Charter; Convention; Pact; Treaty.*

101.

Ratification

This is the act through which a State confirms the signature that its representatives have affixed at the bottom of a treaty. When specified, this step is necessary for the treaty to enter into force for the State. The ratification process

is governed by each country's individual rules, which are generally found in the constitution. Ratification expresses the State's final consent to be bound by a treaty.

● See also : *Adherence; Entry into Force; Party.*

102.

Recommendation

The meaning of the word "recommendation" varies, depending on the context. It is used generically to describe any non-binding act issued by an international organization. For instance, resolutions adopted by the UN General Assembly contain recommendations, that is to say incentives to take a certain course of action.

In some cases, particularly within organizations active in the field of education, the term recommendation has a more precise meaning. At UNESCO for example, a recommendation is passed through a simple majority vote by the General Conference. These recommendations have no binding value. However, according to the terms of the constitutive treaty of UNESCO, Member States, including those that did not vote for the recommendation, are required to submit it to national authorities within a year after being adopted. States are also expected to provide a report on any follow-up procedures carried out for a particular recommendation.

In the case of the ILO, the recommendation procedure is even more detailed. The recommendation is effectively adopted by the International Labour Conference through a two-thirds majority vote. ILO Member States, regardless of whether they voted for it, are required to submit it to national authorities with the aim of incorporating it as a law within a year, which may be extended to eighteen (18) months. In the event that this recommendation is not incorporated into national legislation, States are required to provide an explanation through a periodical report sent to the organization.

● See also : *International Organization; International Labour Organization; Report; Resolution; UNESCO; United Nations General Assembly; United Nations Organization.*

The status of refugees is governed by the Geneva Convention of 28 July 1951, which was complemented by the Protocol of 16 December 1966. A "refugee" is understood as:

- any person found outside of his/her country of nationality;
- who fears persecution due to his/her race, religion, nationality, affiliation with a certain social group or political beliefs;
- and is unable to or does not wish to claim protection from his/her country of nationality.

The status of refugee may not be granted to a person found guilty of war crimes, crimes against humanity, serious crimes related to general law or acts contrary to the aims and principles of the United Nations. In the event that one or more of the criteria set forth as a condition for granting refugee status is discovered to be unmet, a person may be stripped of the aforementioned status.

Without discriminating on the basis of race, religion or country of origin, State Parties to the Convention undertake to respect the rights of refugees in different domains, such as personal status, civil and political rights (insofar as they are compatible with their status as foreigners) and economic, social and cultural rights. Furthermore, the Convention prohibits expulsion or sending back (refoulement) to a nation where there are serious grounds to believe that an individual's life would be threatened due to their race, religion, nationality, affiliation with a certain social group or political beliefs. The Geneva Convention does not provide for any organs to monitor its enforcement, nor does it provide for reports or communications. Enforcement is left up to the good will of States.

◉ See also : *United Nations High Commissioner for Refugees*.

As opposed to a universal system such as the United Nations, a regional system refers to the collective whole built on a particular regional level by treaties protecting human rights as well as mechanisms implemented to ensure their enforcement. Therefore, one may speak of an American, African or European system.

◉ See also : *African Charter on Human and Peoples' Rights; American Convention on Human Rights; European Convention on Human Rights*.

Commonly used in international law, particularly with regard to procedures implemented by the United Nations concerning protection of human rights, the term report may mean many things.

First of all, documents which States are bound to send to different bodies in charge of protecting human rights or to international organizations in general are entitled "report". According to often precise criteria pertaining to form and content, States provide a progress report on enforcement of the treaty in question. The first sets of reports drawn up by States are known as initial reports. Those which follow at more-or-less regular intervals are known as periodical reports. These reports give rise to a review by the committee or the organization receiving them and are sometimes followed by debates and recommendations.

Education may be the subject of reports transmitted to the following institutions: UNESCO, ILO, the Human Rights Committee, the Committee of Economic, Social and Cultural Rights, the Committee of the Rights of the Child, the Committee against Racial Discrimination, the Committee against Discrimination against Women and the Human Rights Council.

Secondly, the term report may refer to a document by which a person known as a special rapporteur or an institution, such as a working group or a commission, fulfills the obligations of their mandate handed down by the organ that appointed them. As a general rule, they provide interim reports at more-or-less regular intervals throughout the mandate, which concludes by submitting a final report.

Finally, it should be mentioned that different UN Committees provide an account of their activities through reports, generally on an annual basis.

 See also : *Recommendation; Special Rapporteur.*

Generally, the word representation has the same meaning as communication, petition, complaint, appeal or inquiry. More specifically, this same term is used by the ILO Constitution to describe the act by which an organization of workers or an organization of employers submit a case against any State which may not have sufficiently executed a convention to which it is party. The review of a representation is entrusted to a tripartite Committee made up of representatives of States, employers' organizations and workers' orga-

nizations. Following the report of the Committee, the Governing Body may invite the accused State to issue a statement. It may also publicize the representation and the response of the State.

● *See also : Appeal; Application; Communication; Complaint; Petition; Seizure of Jurisdiction.*

107.

Reservation

A reservation is understood as a unilateral declaration, regardless of its wording, by which a State that becomes party to a treaty expresses its wish to exclude or modify the effect or effects that one or several provisions may have on the State itself (see Vienna Convention on the Law of Treaties). Reservations are always possible provided that they are not explicitly prohibited by the treaty itself (which is generally the case for conventions adopted under the ILO framework), and that a reservation is not incompatible with the subject or aim of the treaty. In certain cases, the treaty itself specifies the provisions for which it is possible to issue a reservation. In this case, reservations may only be issued with respect to these provisions. Generally, they may be withdrawn at any moment by the issuing State.

Reservations are common in international human rights law and are often issued as a “Declaration” or “Interpretative Declaration”, which alters nothing about their nature. Moreover, the right to issue reservations is often undermined by the fact that not a single mechanism has been developed to evaluate the validity of these reservations with respect to the subject and aim of a treaty. However, it should be noted that, following in this way the example of the European Court of Human Rights, the Human Rights Committee has affirmed its competence to proceed with such an evaluation (General Comment 24, 52nd Session, 1994).

● *See also : Competence; Entry into Force; Party; Treaty; Withdrawal.*

108.

Resolution

This is the term used to designate acts adopted within certain international organizations, such as the UN General Assembly, the UN Security Council, the Economic and Social Council, the late Commission on Human Rights and the Human Rights Council. The Universal Declaration was adopted through a resolution passed by the General Assembly.

See also : *Commission on Human Rights; Instrument; Recommendation; United Nations Economic and Social Council; United Nations General Assembly; United Nations Security Council.*

109.

Restrictions

This term, as well as the term “limitations”, refers to the possibility for States to restrict the exercise of human rights and fundamental freedoms. The legal framework for restrictions was established by the Universal Declaration of Human Rights. Article 29.2 states that “in the exercise of his rights and freedoms, everyone will be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order, and the general welfare in a democratic society.”

This possibility is also provided for under the main conventions that have been concluded in the domain of human rights. It is expressed either as a general clause authorizing these restrictions or under an article devoted to a right which lists possible limitations. However, the power to impose restrictions is not left to the free discretion of States but is subject to the following conditions:

- restrictions must have been provided for by the law and preferably by legislation;

- the aims of restrictions must be legitimate in scope (national security, territorial integrity, public security, rights and freedoms of others etc.)

- restrictions must be necessary, which means that without them, a pursued aim could not be met;

- restrictions must be proportionate, which means they must be in line with the pursued goal.

However, in all cases, these restrictions must not result in a right or rights in question being revoked


See also : *Inalienable Rights; Limitations; Universal Declaration of Human Rights.*

Article 26 of the Universal Declaration of Human Rights recognises that “everyone has the right to education”, and article 13 of the International Covenant on Economic, Social and Cultural Rights lays out the terms of this right. Before examining the latter, it is necessary to specify that, with respect to the rights recognised in this Covenant as a whole, States are not bound to provide results but simply to carry out certain measures. In fact, according to article 2, “each State Party to the present Covenant undertakes to take steps...to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant...”.

With respect to the nature of this right, the comments of the Committee on Economic, Social and Cultural Rights are of particular interest. Indeed, it notes that the right to education “...has been variously classified as an economic right, a social right and a cultural right. In fact, it is all of these.” Furthermore, the Committee states that “it is also, in many ways, a civil right and a political right, since it is central to the full and effective realization of those rights as well. In this respect, the right to education epitomizes the indivisibility and interdependence of all human rights” (General Comment no. 11, 1999, E/C.12/1999/4, §2). The Committee later revisited the issue of the right to education, noting that “education is both a human right in itself and an indispensable means of realizing other human rights” (General Comment no. 13, E/C.12/1999/10).

The different cycles of education are not approached in the same manner. Primary education must be compulsory, accessible to all and free. Furthermore, in accordance with article 14 of the International Covenant on Economic, Social and Cultural Rights, States which fail to guarantee this cycle must within two-years establish a plan to bring this right to fruition progressively. This obligation is also enshrined under General Comment no. 11 of the Committee on Economic, Social and Cultural Rights.

Secondary education, including technical and vocational secondary education, must be generally available and accessible to all with the progressive introduction of free education. Higher education, provided for “on the basis of capacity”, must also move in the direction of “progressive introduction of free education.” Finally, this same article provides for fundamental education, or that which is provided for persons “who have not received or completed the whole period of their primary education”, to be encouraged and intensified.

 See also : *Committee on Economic, Social and Cultural Rights; Content of Education; Economic, Social and Cultural Rights; General Comment; Human Rights Defender; Human Rights Education; Primary Education; Special Rapporteur on the Right to Education; Technical and Vocational Education.*

This is the term used to describe the action of bringing a case before a body which has competence over a particular matter. This is also the result of the appeal filed before it. The term has been generalized and extended to the collection of organs established in order to protect human rights. States or individuals may submit cases to these organs. For example, we talk about seizing the jurisdiction of the Committee on Human Rights, the Inter-American Commission of Human Rights, etc. Assumption of jurisdiction occurs whenever an organ may take up a particular case independently. Such is the case of a certain number of organs established under the framework of human rights treaties, including the Committee against Torture and the Committee on Enforced Disappearances.

👁 See also : *Appeal; Application; Assumption of Jurisdiction; Competence; Individual Communication; Petition; Representation; State Communication.*

Whenever a treaty is submitted for ratification, which is generally the case of those pertaining to human rights, the signature serves to authenticate the treaty, but does not render the signatory State party to the treaty, which only occurs once a State has ratified a treaty. However, certain treaties known as “simplified treaties” are not subject to ratification, since the signature of the State is enough to render it a party to the treaty.

👁 See also : *Denunciation; Entry into Force; Ratification; Treaty; Withdrawal.*

www2.ohchr.org/english/bodies/chr/special/index.htm

This is an institution established under the framework of the United Nations, or the Commission on Human Rights to be more specific. It was taken back on by the Human Rights Council. It involves confiding a person, generally an independent specialist, with the mission of monitoring a specific issue, such as a law or a particular country, from a human rights perspective. The special rapporteur carries out this mission through periodical reports submitted

to the body that commissioned it. In addition to the Special Rapporteur on the Right to Education, issues pertaining to education may also be addressed through the reports of other special rapporteurs, such as the Special Rapporteur on Contemporary Forms of Racism and the Special Rapporteur on Religious Intolerance.

● *See also : Commission on Human Rights; Human Rights Council; Special Rapporteur on the Right to Education; United Nations Organization.*

114.

Special Rapporteur on the Right to Education

www2.ohchr.org/english/issues/education/rapporteur/annual.htm

Implemented in 1998 by the Commission on Human Rights, its mandate was renewed by the Human Rights Council. All of the reports may be accessed at the site mentioned above. These are periodical reports devoted to the right to education in specific situations, such as emergencies, or the right to education for specific categories of human beings, such as detained persons, girls and disabled persons. Reports are also written following the rapporteur's visits to different countries, such as Uganda, Turkey, the United Kingdom, the United States, Indonesia, Colombia, China, Botswana, Germany, Morocco, Bosnia-Herzegovina, Malaysia and Guatemala.

● *See also : Report; Right to Education; Special Rapporteur.*

115.

State Communication

This is a communication submitted by a State to a supervisory board, such as a committee or a commission, by which it alleges that another State, also party to the treaty, is not carrying out obligations incurred through the latter. The inclusion of such a clause, which is frequent but often with added conditions, is based on the idea that each State is responsible for making sure the treaty is enforced by all other States. While the idea is noble, experience has shown that in practice, especially with respect to the United Nations system, this measure has never been put into use.

The only case whereby the mere act of ratifying a convention allows for a State communication to be brought before the committee is the Convention on the Elimination of Racial Discrimination. In all other situations, State communications are contingent upon ratification as well as a declaration by

which the State accepts that claims therein may be submitted to the board in question. This is true for the Committee against Torture, the Committee on Forced Disappearances, the Human Rights Committee and the Committee on Migrant Workers. With regard to the Committee on Economic, Social and Cultural Rights, State communications are possible only if the State has ratified the Covenant as well as the Protocol attached to the Covenant, in addition to having declared its recognition of the Committee's competence in regard to this type of communication. Finally, State communications may not be brought before the following committees: Committee on the Rights of the Child, Committee on the Rights of Persons with Disabilities, Committee for the Elimination of Discrimination against Women.

In the majority of cases, the procedure for examining State communications is governed by similar, or even identical, rules. The first step occurs strictly between the States; a complaint may be submitted to the Committee only if the States involved were unable to come to an agreement. After having ruled on the admissibility of a complaint (in regard to its own competence and, particularly, the exhaustion of internal appeals), the Committee attempts to find an amicable settlement in line with the treaty. Under all circumstances, and within a certain timeframe, the Committee releases a report in which it establishes the facts and terms of the amicable settlement, failing which the report establishes the facts and observations of the State Parties. The procedure before the Committee against Racial Discrimination differs somewhat from the aforementioned one since, on the one hand, it provides for the implementation of a conciliation commission and, on the other hand, the possibility to draw up recommendations. It should be noted that sessions devoted to State communications are closed to the public throughout the entire procedure. This applies to all committees.

 See also : *Admissibility; Appeal; Application; Communication; Competence; Complaint; Declaration; Individual Communication; Petition; Representation; Seizure of Jurisdiction.*

116.

Sub-Commission on the Promotion and Protection of Human Rights

www2.ohchr.org/english/bodies/subcom/index.htm

Commonly known as just the Sub-Commission, it was established in 1947. It was made up of independent experts appointed by the Commission on Human Rights. It was responsible for leading studies on various subjects related to human rights. In order to do so, it could appoint rapporteurs or working groups. It also handled the preparatory work of the Commission on Human

Rights within the framework of the procedure set forth under Resolution 1503. In 2006, it was replaced by the Human Rights Council Advisory Committee.

● See also : *Commission on Human Rights; Human Rights Council; Human Rights Council Advisory Committee; United Nations Organization.*

117. Subcommittee on Prevention of Torture

www.ohchr.org/EN/HRBodies/Pages/HumanRightsBodies.aspx

The Subcommittee on Prevention of Torture is a part of the Committee of Torture and is made up of experts. It was established by the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment, which was adopted on 18 December 2002 and entered into force on 22 June 2006. Only States party to the Convention against Torture may become party to this treaty, but they are not obliged to do so. The Protocol aims to implement a national and international legal framework with a view to prevent torture in locations where persons are deprived of liberty, mainly through visits or interviews.

The Protocol contains a relatively broad notion of “deprivation of liberty”, that goes beyond imprisonment. In fact, it constitutes “any form of detention or imprisonment or the placement of a person in a public or private custodial setting which that person is not permitted to leave at will, by order of any judicial, administrative or other authority.” The same applies to the notion of “detention sites” which includes any site under the jurisdiction of the State or its authority “where persons are or may be deprived of their liberty, either by virtue of an order given by a public authority or at its instigation or with its consent or acquiescence.”

The main responsibilities of the Subcommittee are to collaborate with States in implementing national mechanisms to prevent torture, to collaborate with the latter once they are implemented and, above all, to carry out regular visits of detention sites in all States party to the Protocol. With this aim in mind, the Subcommittee may freely access information on the number of detained persons, detention sites, the treatment as well as the conditions of the detention. Just as the Subcommittee may freely choose the detention sites which it may access, it must also be able to meet in private with any detained person as well as any person likely to provide any information relevant to its mandate. At the end of their visit, the report of the Subcommittee, along with its comments and recommendations, may be publicized under certain conditions.


● See also : *Committee against Torture; Torture.*

The notion of teacher is briefly mentioned in the International Covenant on Economic, Social and Cultural Rights, whose article 13.2 stipulates that States undertake that "...the material conditions of teaching staff shall be continuously improved." A joint recommendation adopted by UNESCO and the ILO on 5 October 1966 devotes particular attention to the status of teachers. This recommendation is broad in scope and covers "all those persons in schools who are responsible for the education of pupils" regardless of:

- whether the establishment is public or private;
- the level of education (nursery, kindergarten, primary or secondary);
- the type of education (general, artistic, technical or vocational).

The only implicit exception is higher education, which was the subject of a UNESCO recommendation entitled Recommendation concerning the Status of Higher-Education Teaching Personnel, adopted on 11 November 1997.

The Recommendation recognises the "essential role of teachers in educational advancement" and recalls that a certain number of conventions adopted under the ILO framework apply to them, such as those on the freedom of association and the protection of the right to organize, on the right to organize and collective bargaining, on equal remuneration as well as the convention against discrimination in employment. The Recommendation then lays out guiding principles upon which States should base their policies, including preparation for the profession, further education, employment and career, rights and responsibilities, conditions, social security, etc.

 See also : *Committee on Freedom of Association (ILO); Human Rights Defender; International Labour Organization; Primary School Teacher; Recommendation; Teacher (Higher Education); Technical and Vocational Education; UNESCO; UNESCO Committee on Conventions and Recommendations.*

The status of higher-education teaching personnel was addressed in a recommendation adopted by UNESCO on 17 November 1997. It is a supplement to the one adopted on 5 October 1966, which pertains to teachers of all levels.


Higher education refers to study, training and research training programmes carried out at the postsecondary level within university or other certified establishments. Higher-education teaching personnel refer to "all those persons in institutions or programmes of higher education who are engaged to

teach and/or to undertake scholarship and/or to undertake research and/or to provide educational services to students or to the community at large.”

The Recommendation lists the guiding principles, objectives and policies of higher education. It also establishes the duties and responsibilities of establishments and places particular emphasis on their autonomy considered to be “a necessary condition” in order to fulfil their obligations. The Recommendation then lists the rights and freedoms of teachers, with special focus on academic freedom:

- “academic freedom and discussion without constriction by prescribed doctrine,
- freedom in carrying out research and disseminating and publishing the results thereof,
- freedom to express freely their opinion,
- freedom from institutional censorship,
- freedom to participate in professional or representative academic bodies.”

Finally, the Recommendation lists the duties of teachers and their employment conditions. The appendix contains a list of all international instruments directly or indirectly related to the status of the teacher.

 *See also : Human Rights Defender; Committee on the Freedom of Association (ILO); International Labour Organization; Recommendation; Teacher; UNESCO; UNESCO Committee on Conventions and Recommendations.*

120.

Technical and Vocational Education

Technical and Vocational Education is the subject of a Convention adopted by UNESCO on 10 November 1989. According to the Convention, technical and vocational education refers to “all forms and levels of the educational process involving, in addition to general knowledge, the study of technologies and related sciences and the acquisition of practical skills, know-how, attitudes and understanding relating to occupations in the various sectors of economic and social life.”

Furthermore, the Convention is applicable to all levels of technical and vocational education, both within educational establishments or in collaboration among these establishments and agricultural, industrial or commercial companies.

Among other obligations, States undertake to formulate and implement policies for technical and vocational education. In order to monitor commitments, the Convention provides for periodical reports which States must sub-

mit to UNESCO.

See also : *Child; Content of Education; Convention; Report; UNESCO; UNESCO Committee on Conventions and Recommendations.*

121.

Torture

Torture, as well as any cruel, inhuman or degrading treatment or punishment, is prohibited by the main human rights texts, such as the Universal Declaration of Human Rights, the Covenant on Civil and Political Rights, the Convention against Torture of 10 December 1984, as well as regional conventions for the protection of human rights.

The Convention against Torture defines torture as any act which:

- intentionally inflicts severe pain or suffering, whether physical or mental, on a person;
- involves a public official or other person acting in an official capacity or at the instigation of or with the consent, whether direct or indirect, of the aforementioned official;
- aims to obtain information or a confession from a person or third party, to punish him for an act he has committed or is suspected of having committed, or to intimidate or coerce him for any reason based on discrimination on any kind.

The prohibition on torture is accompanied by a prohibition on expelling, sending back or extraditing a person to a State where there are serious reasons to believe that he is at risk of being subjected to torture. This same rule is provided for under the European Convention on Human Rights and the Inter-American Convention on Human Rights.

Furthermore, the prohibition on torture pertains to the rules for which derogations are not permissible under any circumstances, both in accordance with universal treaties (Covenant on Civil and Political Rights) and regional treaties (European and Inter-American Conventions, African Charter). Moreover, torture is tantamount to a crime against humanity or a war crime under certain circumstances. Torture falls under the competence of the Committee against Torture and the Human Rights Committee; it may also fall under the competence of various jurisdictions, such as international criminal tribunals, the International Criminal Court and regional jurisdictions established to protect human rights. Some of them even consider that the prohibition on torture has become an imperative standard in international law, which all States must respect, even those which are not party to any treaty that bans torture.

The Convention against Torture is also one of the few international treaties providing for universal competence. In fact, any State Party may prosecute any person suspected of having committed acts of torture as soon as he enters a State's territory, regardless of nationality or the territory where the acts of torture were allegedly committed.

- *See also: Committee against Torture; Crime against Humanity; Human Rights Committee; Inalienable Rights; International Criminal Court; International Criminal Tribunal; Subcommittee for the Prevention of Torture; Universal Competence; War Crime.*

122.

Treaty

According to the Vienna Convention on the Law of Treaties of 23 May 1969, a treaty is "an international agreement concluded between States in written form and governed by international law, whether embodied in a single instrument or in two or more related instruments and whatever its particular designation." A treaty may be bilateral (between two States) or multilateral (between more than two States). Treaties may carry several different designations which do not necessarily reflect a precise usage. For example, the following designations have been used: pact (Pact of the League of Nations, Pact of the League of Arab States); protocol (Optional Protocol to the Covenant on Civil and Political Rights); charter (United Nations Charter, Charter of the African Union); constitution, which was adopted to refer to the constitutive treaty of the ILO and should not be confused with a State's national constitution; convention (Convention against Racial Discrimination). States that ratify a treaty or adhere to it must respect it.

- *See also: Adherence; Charter; Constitution; Convention; Denunciation; Entry into Force; Pact; Protocol; Ratification; Reservation; Signature; Withdrawal.*

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UNESCO is the acronym for the United Nations Educational, Scientific and Cultural Organization. Established in 1945, its headquarters are in Paris. The State Parties declare in the preamble of its constitutive act:

“That, since wars begin in the minds of men, it is in the minds of men that the defences of peace must be constructed;

That ignorance of each other’s ways and lives has been a common cause, throughout the history of mankind, of suspicion and mistrust between the peoples of the world, through which their differences have all too often broken into war;

That the great and terrible war which has now ended was a war made possible by the denial of the democratic principles of the dignity, equality and mutual respect of men, and by the propagation, in their place, through ignorance and prejudice, of the doctrine of the inequality of men and races;

That the wide diffusion of culture, and the education of humanity for justice and liberty and peace are indispensable to the dignity of man and constitute a sacred duty which all the nations must fulfill in a spirit of mutual assistance and concern;

That a peace based exclusively upon the political and economic arrangements of governments would not be a peace which could secure the unanimous, lasting and sincere support of the peoples of the world, and that the peace must therefore be founded, if it is not to fail, upon the intellectual and moral solidarity of mankind.”

With this in mind, the organization aims “to contribute to peace and security by promoting collaboration among the nations through education, science and culture in order to further universal respect for justice, for the rule of law and for the human rights and fundamental freedoms which are affirmed for the peoples of the world, without distinction of race, sex, language or religion, by the Charter of the United Nations.”

Its main organs are the General Conference, which is made up of representatives from all Member States, the Executive Board, which is made up of representatives from 58 States elected by the General Conference, and the

Secretariat, which is headed by an elected director-general. In accordance with article IV 1, the delegation of each State to the General Conference must theoretically be put together after having consulted with the National Commission for UNESCO. In the event that this national commission does not exist, consultation occurs with educational, scientific and cultural institutions and bodies.

The General Conference adopts conventions and recommendations in areas that fall under the aegis of UNESCO. In all cases, States are required to submit acts adopted by UNESCO to their competent authorities. In 1978, the organization implemented a procedure to review human rights violations in areas falling under its competence, including education.

◉ *See also : Content of Education; Freedom of Education; Human Rights Education; International Bureau of Education; International Conference on Education; International Organization; Non-Discrimination; Primary Education; Recommendation; Right to Education; Teacher; Teacher (Higher Education); Technical and Vocational Education; UNESCO Committee on Conventions and Recommendations.*

124.

UNESCO Committee on Conventions and Recommendations

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Created in 1978 by the UNESCO Executive Board (Decision 104 EX/3.3), this Committee is responsible for reviewing complaints related to violations of human rights in the fields of competence of UNESCO, which are education, science, culture and information. Violations may be related to acts adopted within the framework of UNESCO as well as that of the United Nations.

Individuals, groups of individuals or non-governmental organizations, whether they have been victims of violations or have witnessed them, may submit complaints to the Committee. This includes students, teachers, researchers, artists, the parents of students, journalists, etc. Seizure of jurisdiction is not automatic. First, a letter is sent to the Director-General of UNESCO, who then refers the matter to the Committee. The complaint, or more precisely the communication, must then satisfy a certain number of conditions. The procedure is confidential and leans toward finding an amicable solution.

However, this amicable settlement must “encourage the promotion of human rights within the fields of competence of UNESCO.”

● See also : *Amicable Settlement; Communication; Human Rights; Seizure of Jurisdiction; UNESCO.*

125.

UNICEF

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UNICEF, which is the acronym for the United Nations Children’s Fund, was established in 1946 by the UN General Assembly. This fund is managed by an Executive Board of 36 members. The director-general is appointed by the Secretary General of the United Nations. UNICEF is responsible for defending the rights of children and bases itself largely on the International Convention on the Rights of the Child. In addition to its 1999 report entitled *The State of the World’s Children*, which is devoted to education, other issues tied to education are addressed in numerous publications of the institution.

● See also : *Child; Committee on the Rights of the Child; Content of Education; Human Rights Education; Primary Education; Right to Education; United Nations General Assembly.*

126.

United Nations Charter

The United Nations Charter was a treaty signed in San Francisco on 26 June 1945 and which gave birth to the United Nations. In the preamble, Member States express their resolve:

“to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind;

to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small;

to promote social progress and better standards of life in larger freedom;

to practice tolerance and live together in peace with one another as good

neighbours;

to ensure, by the acceptance of principles and the institution of methods, that armed force shall not be used, save in the common interest."

The issue of human rights is furthermore presented in numerous articles of the Charter:

"Article 1: The Purposes of the United Nations are:

(...)

To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace;

To achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion."


Human rights are also prominent in article 13, which lists the functions and powers of the General Assembly, and in article 62 on the Economic and Social Council. Particular focus must be given to article 55, which states:

"With a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, the United Nations shall promote:

(...)

c. universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion."


These specifications provided the foundation of the United Nations system for the protection of human rights, which was first implemented under the aegis of the Human Rights Commission, followed by the Human Rights Council. It is important to note that the United Nations Charter is a treaty which takes precedence over all other treaties. In fact, article 103 stipulates that "in the event of a conflict between the obligations of the Members of the United Nations under the present Charter and their obligations under any other international agreement, their obligations under the present Charter shall prevail."

 *See also : Human Rights Commission; Human Rights Council; International Court of Justice; Recommendation; Resolution; United Nations Organization; United Nations Economic and Social Council; United Nations General Assembly; United Nations High Commissioner for Human Rights; United Nations High Commissioner for Refugees; United Nations Security Council; Universal Declaration of Human Rights; Universality.*

127. United Nations Economic and Social Council

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This Council is one of the main organs of the United Nations Organization. It is made up of 54 members elected by the General Assembly. It is also the main UN organ with respect to economic and social activities. It may make recommendations with a view to ensuring that human rights and fundamental freedoms for all are truly respected (article 62.2 of the United Nations Charter). It may also create commissions for matters falling under its competence (article 71). This is how the Council was called on to create the Commission on Human Rights. It coordinates UN activities with its specialised institutions, especially the ILO and UNESCO. It receives reports from different organs implemented to monitor the enforcement of human rights conventions. Furthermore, it may consult non-governmental organizations that deal with matters falling under its competence.

 *See also : Commission on Human Rights; Non-Governmental Organization; Recommendation; Resolution; United Nations General Assembly; United Nations Organization.*

128. United Nations General Assembly

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The General Assembly is one of the main bodies of the United Nations. It is made up of the representatives of Member States, each of which has one vote. It holds an annual session in September in New York. It also adopts recommendations. Decisions are made on a case-by-case scenario through either a simple or two-thirds majority. Under article 13, paragraph 1, "The General Assembly shall initiate studies and make recommendations for the purpose

of (...) promoting international cooperation in the economic, social, cultural, educational and health fields, and assisting in the realization of human rights and fundamental freedoms without distinction as to race, sex, language, or religion.”

It may create bodies it deems necessary in order to carry out its functions. These bodies are referred to as subsidiary organs. This is how the Human Rights Council was created on 3 April 2006, replacing the Commission on Human Rights. The General Assembly has adopted numerous acts pertaining to human rights. These acts have been either declarations or conventions which it suggests for ratification by the Member States

● See also : *Commission on Human Rights; Convention; Declaration; Human Rights Council; International Court of Justice; International Organization; Recommendation; Resolution; United Nations Organization; United Nations Economic and Social Council; United Nations Security Council; Universal Declaration of Human Rights; Universality.*

129.

United Nations High Commissioner for Human Rights

Office of the High Commissioner for Human Rights

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It was created by the UN General Assembly in 1993 with the merging of two pre-existing organs, the Office of the UN High Commissioner for Human Rights and the Centre for Human Rights. The High Commissioner is appointed by and answers directly to the Secretary-General of the United Nations. He/she is responsible for promoting and protecting human rights, providing technical assistance to States in the field of human rights, maintaining dialogue with governments and coordinating UN activities in the domain of human rights.


● See also : *United Nations General Assembly; United Nations Organization.*

United Nations High Commissioner for Refugees

130.

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The United Nations High Commissioner for Refugees is an institution created by the General Assembly on 14 February 1950. It is a non-political, social, and humanitarian institution. Its main missions are to aim to ensure the rights of refugees, assist them in obtaining the right to asylum, assist them in returning to their countries of origin, etc. It is headed by a High Commissioner, who is assisted by an Executive Council made up of 78 UN Member States elected by the Economic and Social Council.

 *See also : Refugees; United Nations General Assembly; United Nations Organization.*

131.

United Nations Organization

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The United Nations Organization is the most important universal organization. Established by the United Nations Charter, which was signed on 26 June 1945 in San Francisco, it is made up of nearly all of the States of the world. Its founders assigned it two main missions upon which all of its activities are based. The first mission is to maintain peace through a collective security mechanism. The second is to work for economic and social progress for all peoples through cooperation and respect for human rights.

Its main organs are:

- the General Assembly;
- the Security Council;
- the Economic and Social Council;

- the International Court of Justice;
- the General Secretariat;
- the Trusteeship Council.

These organs may also create subsidiary organs, such as commissions, programmes and funds.

 See also: *Commission on Human Rights; Human Rights Council; International Court of Justice; International Organization; UNICEF; United Nations Charter; United Nations Economic and Social Council; United Nations General Assembly; United Nations High Commissioner for Human Rights; United Nations High Commissioner for Refugees; United Nations Security Council; Universal Declaration of Human Rights.*

132.

United Nations Security Council

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This is one of the main organs of the United Nations Organization and is in charge of matters pertaining to peace and international security. It is made up of 15 members, of which 5 have a permanent seat on the Council. They are China, France, Russia, the United Kingdom and the United States. All other members are elected by the General Assembly every two years. The Council makes its decisions through an affirmative vote of nine (9) members; these decisions are known as resolutions. When dealing with more important resolutions, the 5 permanent members have veto rights, which means a resolution may not be adopted if one of these members expresses its opposition. Since it is responsible for maintaining peace and international security, the Security Council has significant powers, such as mediating disputes between States as well as implementing measures which do not involve force (breaking off economic and diplomatic relations, communications, etc.) It may decide whether to use force to re-establish peace.

Although the issue of human rights does not fall under its competence, the Council may be called on to make decisions pertaining to this field whenever massive human rights violations pose a threat to peace and international security. Consequently, it was called on to implement the International Criminal Tribunal for the former Yugoslavia (ICTY) and the International Criminal

Tribunal for Rwanda (ICTR). It should be noted that the Statute of the International Criminal Court allows for the Security Council to address the Court in cases where crimes against humanity, war crimes, genocide or crimes of aggression appear to have been committed. The Council is also authorized to request that the Court suspend its inquiries and proceedings for a period of 12 months. This suspension is purely juridical and may be extended.

● *See also : Crimes against Humanity; Genocide; International Court of Justice; International Criminal Court; International Criminal Tribunal; International Humanitarian Law; Resolution; War Crimes; United Nations General Assembly; United Nations Organization.*

133.

Universal Competence

As a general rule, the jurisdictions within a State are competent for ruling on offences committed within their territory (territorial competence) or which concern nationals of this State, be they the perpetrators (active personality competence) or the victims (passive personality competence). Universal competence goes a step further. It consists of the recognised ability for jurisdictions of all States to rule on offences committed beyond national territory, irrespective of the location of the offence, the nationality of the perpetrators or the nationality of the victims.

Universal competence is not automatic insofar as human rights or international humanitarian law are concerned. It is provided only for the gravest offences, such as genocide, crimes against humanity, piracy, war crimes, apartheid, torture and enforced disappearances.

● *See also : Competence; Crimes against Humanity; Enforced Disappearances; Genocide; International Humanitarian Law; Torture; War Crimes.*

134.

Universal Declaration of Human Rights

The Universal Declaration of Human Rights (UDHR) was adopted on 10 December 1948 by the UN General Assembly. The job of preparing and drafting the Declaration was carried out by the United Nations Commission on Human Rights, which is made up of experts and political figures representing several nationalities, people from different faiths as well as from different parts of the world.

When the Declaration was adopted, a large part of the world's people, mainly in Africa and Asia, were under colonial rule. However, taking into account the

political forces during this era, the UDHR called on all States not to discriminate between their own citizens and the inhabitants of territories under colonial rule. The UDHR did so as much as possible and without directly calling into question the colonialist doctrine. This is clearly evident in the preamble as well as the second paragraph of article which stipulates that “furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.”

The Declaration is a relatively short text made up of a preamble and 30 articles. The preamble comes at the beginning and is divided into paragraphs. It aims to explain the reasons that caused the United Nations to adopt the Declaration as well as the Declaration’s fundamental principles and objectives. One of the first reasons cited is also the primary one, the Second World War: “Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind...” (paragraph 2). Among the second category of reasons, it is necessary to cite paragraph 1, which is particularly important: “Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world”. Finally, respect for human rights is the Declaration’s underlying goal. In fact, the General Assembly proclaimed the Declaration “as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction”.

The 30 articles within the Declaration are highly concise. Some of them are limited to 1 or 2 lines whereas the longest ones are barely more than 10 lines in length. Before examining the articles as a whole, it is important to underscore that according to the Declaration, human rights pre-exist States. In fact, each article systematically begins with “everyone”, “no one” or “all” rather than “States recognise...”. The latter formulation would have suggested that the rights existed only due to the fact that States recognised them.

Before laying out the various rights and freedoms, the Declaration establishes two complementary principles that are common to all of them. The first one is the principle of equality among all human beings due to the fact that they all belong to the human race (article 1). The second one correlates with the former. The recognised rights apply to everyone without distinction of race,

colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

The Declaration then enshrines what are known as political and civil rights or fundamental freedoms (article 3-6 and 8-21). These freedoms serve to protect the individual against abuses that he/she could suffer on behalf of States. These freedoms are essentially freedoms to take action. After civil and political rights, the Declaration addresses economic, social and cultural rights. Contrary to the first set of freedoms which call on States to exercise restraint, economic, social and cultural rights place States under the obligation to engage, or commit themselves to providing services to individuals, such as employment, health care, social security, education, a minimum standard of living, food, leisure activities, etc.

Finally, the Declaration addresses the issue of limitations to the rights for which it provides. These restrictions are limited (article 29), they must be provided for by the law and must function only to ensure the respect of the rights of others as well as the safeguard of legitimate interests, such as health, public order, etc. Moreover, no one may exercise the rights laid out in the Declaration with a view to undermining the goals and objectives of the United Nations or the rights and freedoms enshrined in the Declaration.

Originally, the Declaration was not a binding text but rather a collection of recommendations. Nonetheless, due to the adherence of a significant number of States, it is recognised that the Declaration contains obligations within its articles that must be respected by international society as a whole. This includes non-discrimination, prohibition of slavery and of torture. During the proceedings of the Universal Periodic Review, the Declaration stands among the texts through which the practices of States must be reviewed. Furthermore, the rights provided for by the Declaration have been adopted more precisely in a large number of binding international treaties.

Article 26 addresses the right to education. This is an important article, which states that "everyone has the right to education" and specifies that education "shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms." Article 26 states also that "it shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace."

👁 See also : *Civil and Political Rights; Commission on Human Rights; Content of Education; Custom; Economic, Social and Cultural Rights; International Law; Recommendation; Resolution; Right to Education; United Nations General Assembly; United Nations Organization; Universal Periodic Review; Universality.*

www.ohchr.org/EN/HRBodies/UPR/Pages/UPRMain.aspx

The Universal Periodic Review (UPR) is a new process implemented by the UN General Assembly through the same resolution that created the Human Rights Council, to which the Assembly also confided the responsibility of carrying out the review. This process is innovative from several standpoints. First of all, it is systematic in the sense that all States must adhere to it if at least 16 members of a Council session agree to do so. Moreover, the Review is based on a relatively substantial group of international instruments: the United Nations Charter, the Universal Declaration of Human Rights, human rights treaties to which a particular State is party as well as obligations and commitments accrued voluntarily by a State, particularly when it submits its candidacy to be elected to the Council. In addition, this review must take international humanitarian law into account. Among other things, the UPR strives for States to respect their obligations and commitments to human rights, to make concrete improvements in these same areas and to collaborate through common practices in this field.

The terms of the review were specified by the Human Rights Council. Firstly, it is based on a report submitted by the State in question. For this purpose, the State is invited and encouraged to proceed with consulting all national stakeholders. Secondly, it is based on a “compilation” established by the High Commissioner for Human Rights. This compilation must include information contained in the documents of different committees, special procedures (rapporteurs, panels etc.) and information contained in other official UN documents. Finally, the review is carried out based on a summary drawn up by the High Commissioner on information handed over by other stakeholders, such as international organizations and non-governmental organizations. After dialogue between the State under review and the Human Rights Council, the process is concluded with the adoption of recommendations.

● *See also : Human Rights Council; International Humanitarian Law; United Nations Charter; United Nations General Assembly; United Nations High Commissioner of Human Rights; Universal Declaration of Human Rights.*

The universal scope of human rights is an essential aspect of these rights and is based on the unity of the human species. The principles of the universal scope of human rights were laid out by the Universal Declaration of Human Rights, and it is not by chance that the Declaration is justifiably described as universal. The preamble invokes the “inherent dignity and the equal and inalienable rights of all members of the human family” and proclaims the Declaration as “a common standard of achievement for all peoples and all nations.”

It is in reference to this universality that the first two articles of the Declaration are understood. The first article lays down the principle of equality, whilst the second article addresses its corollary, or non-discrimination.

Article 1:

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

Article 2:

1. Everyone is entitled to all the rights and freedoms set forth in this Declaration without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

2. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

◉ See also : *Apartheid; Disabled Persons; Discrimination; Equality; Human Rights; Non-Discrimination; Positive Discrimination; United Nations Charter; United Nations General Assembly; Universal Declaration of Human Rights.*

According to the law, war crimes are serious violations of rules applied during armed conflicts, whether international or domestic, as codified in the four Geneva Conventions. Declared as imprescriptible by the Convention on the Imprescriptibility of War Crimes and Crimes against Humanity on 26 November 1968, these crimes may fall under the competence of international criminal jurisdictions as well as national jurisdictions.

The Statute of the International Criminal Court recognises this body's competence to prosecute crimes according to the different categories:

-grave violations of the Geneva Conventions against protected persons or property, such as wilful killing, torture, taking of hostages, destruction of property not justified by military necessity, etc.;

-other serious violations of laws and customs applicable in armed international conflict, such as intentionally directing attacks against the civilian population, employing weapons in a way that causes unnecessary suffering, conscripting children under the age of 15, etc.;

-grave acts committed against the civilian population or persons taking no active part in the hostilities, etc.;

-serious violations of the laws and customs applicable in armed conflicts not of an international character.

● *See also : Competence; Crimes against Humanity; Enforced Disappearance; Genocide; International Committee of the Red Cross; International Criminal Court; International Criminal Tribunal; International Humanitarian Law; Seizure of Jurisdiction; Torture; Universal Competence.*

138.

Withdrawal

In certain cases, the term "withdrawal" is used in the same way as denunciation. It refers to a State's power to withdraw from a treaty that no longer applies to it. The conditions for withdrawing, when permitted, are set forth by the treaty itself, especially with respect to form and timeframe. The term "withdrawal" is used more generally for constitutive treaties of international organizations. Under the conditions set forth by the treaty, exercising this power means that the State is expressing its desire to cease being a member of the organization in question.

This term is also used in human rights treaties to designate the act by which a State issues a declaration recognising the competence of a committee to receive individual and State communications directed against it. Such is the case of the two Covenants, the Convention against Torture and the Convention for the Elimination of Racial Discrimination. In this case, the committee in question is not competent to hear communications submitted after the withdrawal enters into force, but it can still hear those submitted before the withdrawal, even if a particular review is still in progress.

Thirdly, this term may also refer to the act by which a State withdraws a prior declaration which had previously denied an organ a specific competence,

such as its assumption of jurisdiction. The competence in question is once again possible but only for acts committed after the withdrawal enters into force.

Finally, the term withdrawal is used to designate the act by which a State terminates any prior reservations with respect to a treaty.

● *See also : Denunciation; Entry into Force; Reservation.*

Chronological Index of the Main Texts Cited in the Manual

1919

28 June: ILO Constitution

1945

22 March: Pact of the League of Arab States

26 June: United Nations Charter

8 August: Statute of the International Military Tribunal at Nuremberg

16 November: UNESCO Constitution

1948

30 August: Charter of the Organization of American States

9 December: Convention for the Prevention and Punishment of the Crime of Genocide

10 December: Universal Declaration of Human Rights

1949

5 May: Statute of the Council of Europe

12 August: Geneva Conventions

(I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field;

(II) for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea;

(III) relative to the Treatment of Prisoners of War;

(IV) relative to the Protection of Civilian Persons in Time of War.

1950

4 November: European Convention for the Protection of Human Rights and Fundamental Freedoms

1951

28 April: Convention relating to the Status of Refugees

1960

14 December: UNESCO Recommendation against Discrimination in Education

14 December: UNESCO Convention against Discrimination in Education

1961

18 October: European Social Charter

1963

25 March: Charter of the Organization of African Unity

1965

21 December: Convention on the Elimination of All Forms of Racial Discrimination

1966

5 October: ILO/UNESCO Recommendation concerning the Status of Teachers

16 December: International Covenant on Economic, Social and Cultural Rights

16 December: International Covenant on Civil and Political Rights

16 December: Optional Protocol to the International Covenant on Civil and Political Rights

16 December: Protocol on the Status of Refugees

1968

26 November: Convention on the Imprescriptibility of War Crimes and Crimes against Humanity

1969

23 May: Vienna Convention on the Law of Treaties

22 November: American Convention on Human Rights

1973

10 November: Convention on the Suppression and Punishment of the Crime of Apartheid

1974

19 November: UNESCO Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms

1977

- 14 April: General Recommendation no. 5 of the Committee against Racial Discrimination with respect to Article 7 of the Convention
- 8 June: First Additional Protocol to the Geneva Conventions of 12 August 1949, relating to the Protection of Victims of International Armed Conflicts
- 8 June: Second Additional Protocol to the Geneva Conventions of 12 August 1949, relating to the Protection of Victims of Non-International Armed Conflicts

1978

104 EX/3.3 Executive Board Decision of UNESCO establishing the Committee on Conventions and Recommendations

1979

- 18 December: Convention on the Elimination of All Forms of Discrimination against Women

1981

- 27 June: African Charter of Human and Peoples' Rights

1984

- 10 December: Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment

1985

- 10 December: International Convention against Apartheid in Sports

1989

- 10 November: UNESCO Convention on Technical and Vocational Education
- 20 November: Convention on the Rights of the Child
- 15 December: Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the Abolition of the Death Penalty

1990

- 18 December: International Convention on the Protection of All Migrant Workers and Members of Their Families

1993

- 25 May: Statute of the International Criminal Tribunal for the former Yugoslavia
- 30 July: General Comment no. 22 of the Human Rights Committee on Freedom of Thought, Conscience and Religion
- 20 December: Principles relating to the Status of National Institutions (Paris Principles)

1994

- 9 December: General Comment no. 5 of the Committee on Economic, Social and Cultural Rights, pertaining to Persons with Disabilities
- 8 November: Statute of the International Criminal Tribunal for Rwanda
- 10 November: Framework Convention of the Council of Europe for the Protection of National Minorities

1997

- 11 November: UNESCO Recommendation concerning the Status of Higher-Education Teaching Personnel

1998

- 9 June: Protocol to the African Charter of Human and Peoples' Rights establishing the African Court of Human and Peoples' Rights
- 17 July: Rome Statute of the International Criminal Court
- 9 December: UN General Assembly Declaration on Human Rights Defenders

1999

- 6 October: Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women
- 14 May: General Comment no. 11 of the Committee on Economic, Social and Cultural Rights, Plans of Action for Primary Education (Article 14)
- 3 December: General Comment no. 14 of the Committee on Economic, Social and Cultural Rights, The Right to Education (Article 13)

2000

- 25 May: Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography

- 25 May: Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict
- 11 July: Constitutive Act of the African Union

2001

- 17 April: General Comment no. 1 of the Committee on the Rights of the Child, Article 29.1: The Aims of Education

2002

- 18 December: Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

2004

- 23 May: Arab Charter of Human Rights

2006

- 13 December: Convention on the Rights of Disabled Persons
- 13 December: Optional Protocol to the Convention on the Rights of Disabled Persons
- 15 March: Resolution 60/251 of the UN General Assembly establishing the Human Rights Council
- 20 December: International Convention for the Protection of All Persons from Enforced Disappearances

2008

- 1 July: Sharm El Sheikh Protocol on the Statute of the African Court of Justice and Human Rights
- 10 December: Optional Protocol to the International Covenant on Economic, Social and Cultural Rights

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*The hundred and one words,
now hundred and thirty-eight,
tell the story of human rights.*

*But they do so in such a way
that everybody can understand.*

"A" for "Apartheid"

"D" for "Discrimination"

"F" for "Fundamental Freedoms"

"M" for "Minorities"

"U" for "Universal Periodic Review".

A few words among others

To tell and teach human rights.