

The ICCPR currently has 115 state parties. Singapore is not a party.

Economic, Social, and Cultural Rights

The International Covenant on Economic, Social, and Cultural Rights (ICESCR) charges state parties to “take steps,” whether individually or through international cooperation, to the extent of its available resources to achieve “progressively” the full realization of a wide range of economic, social, and cultural rights.

There are 112 parties to the ICESCR. Singapore is not a party.

The Rights:

The ICESCR is the foundational treaty on economic, social, and cultural rights.

Among the rights it recognizes are:

Self-determination (art. 1);

- Equality of rights without discrimination (art. 2 and 3);
- Rest and leisure (art. 7);
- Work under favourable conditions (arts. 6 and 7);
- Form and join trade unions (art. 8);
- Social security (art. 9);
- Protection of the family, mothers, and children (art. 10);
- An adequate standard of living, including adequate food, clothing and housing (art. 11);
- The highest attainable level of health and health care (art. 12);
- Education (art. 13);
- Free and compulsory primary education (art. 14);
- Take part in cultural life; benefit from scientific progress: and benefit from the protection of scientific, literary or artistic production of which one is the author (art. 15).

Universal Human Rights

International debate has raged about whether there is or should be a hierarchy of human rights, i.e. whether civil and political rights are paramount to social, economic, and cultural rights or vice versa.

Generally, the dispute juxtaposes the principle of universal, indivisible, and interdependent human rights against arguments forwarding an order of priority between categories of rights.

21.Explain the importance and provisions of the universal declaration of human rights.

Introduction:

The Universal Declaration of Human Rights (UDHR) is an international document adopted by the United Nations General Assembly (UNGA). It establishes the rights and freedoms of all members of the human race.

It was accepted by the UNGA as per Resolution 217 during the session on December 10, 1948. Among the United Nations members at the time, 48 voted in favour, none against, 8 abstained and 2 did not vote.

Importance:

- The UDHR is widely regarded as a ground breaking document that provides a comprehensive and universal set of principles in a secular, apolitical document that is beyond cultural, religious and political ideologies. The Declaration was the first instrument of international law to use the phrase “rule of law”, thereby establishing the principle that all members of all societies are equally bound by the law regardless of the jurisdiction or political system.
- In International law, a declaration is different from a treaty in the sense that it generally states aspiration or understanding among the parties, rather than binding obligations. For this reason, the Universal Declaration of Human Rights is a fundamental constitutive document of the United Nations and, by extension, all 193 parties of the UN Charter.

Provisions.

Articles 1 – 2	The basic concepts of dignity, liberty and equality are established.
Articles 3 – 5	Details of individual rights, such as the right to life and prohibition of slavery are explained in detail.
Articles 6 – 11	Refers to the fundamental rights as well as the remedies for their violation.

Articles 12 – 17	Set forth the rights of the individual towards the community, including freedom of movement and residence within each state, the right of property and the right to a nationality.
Articles 18 – 21	These sets of articles refer to the rights of the individual towards the community, including freedom of movement, thought, opinion, expression, religion, peaceful association and ideas through any media.
Articles 22 – 27	Sanctions an individual's economic, social and cultural rights including healthcare. It also upholds the right to a better standard of living and makes a special mention of care given to motherhood or childhood.
Articles 28 – 30	It establishes the general means of exercising these rights, the areas in which the rights of the individual cannot be applied.

22. Discuss the rights and freedom provided under the European convention on human rights.

Introduction:

The European Convention on Human Rights (ECHR) protects the human rights of people in countries that belong to the Council of Europe.

All 47 Member States of the Council, including the UK, have signed the Convention. Its full title is the 'Convention for the Protection of Human Rights and Fundamental Freedoms'.

The Council of Europe was founded after the Second World War to protect human rights and the rule of law, and to promote democracy. The Member States' first task was to draw up a treaty to secure basic rights for anyone within their borders, including their own citizens and people of other nationalities.

The Convention guarantees specific rights and freedoms and prohibits unfair and harmful practices.

The Convention secures:

- the right to life (Article 2)
- freedom from torture (Article 3)
- freedom from slavery (Article 4)
- the right to liberty (Article 5)

- the right to a fair trial (Article 6)
- the right not to be punished for something that wasn't against the law at the time (Article 7)
- the right to respect for family and private life (Article 8)
- freedom of thought, conscience and religion (Article 9)
- freedom of expression (Article 10)
- freedom of assembly (Article 11)
- the right to marry and start a family (Article 12)
- the right not to be discriminated against in respect of these rights (Article 14)
- the right to protection of property (Protocol 1, Article 1)
- the right to education (Protocol 1, Article 2)
- the right to participate in free elections (Protocol 1, Article 3)
- the abolition of the death penalty (Protocol 13)

23. Write a note on UN high commissioner of human rights.

Introduction:

The High Commissioner for Human Rights is the principal human rights official of the United Nations.

The United Nations High Commissioner for Human Rights is accountable to the Secretary-General and is responsible for all the activities of OHCHR, as well as for its administration.

The High Commissioner:

- Carries out the functions specifically assigned to him or her by the General Assembly in its resolution 48/141 of 20 December 1993 and subsequent resolutions of policy-making bodies;
- Advises the Secretary-General on the policies of the United Nations in the area of human rights;
- Ensures that support is given to the projects, activities, organs and bodies of the human rights programme;
- Represents the Secretary-General at meetings of human rights organs and at other human rights events; and carries out special assignments as decided by the Secretary-General.

In accordance with General Assembly resolution 48/141, the United Nations High Commissioner for Human Rights is appointed by the Secretary-General of the United Nations and approved by the General Assembly, with due regard to

geographical rotation for a fixed term of four years with a possibility of one renewal for another fixed term of four years.

24. Write a note of rights of aged persons.

Introduction:

Human Rights are universal, and civil, political, economic, social and cultural rights belong to all human beings, including older people. The Human Rights of the Aged are explicitly set out in the Universal Declaration of Human Rights, the International Covenants, the Convention on the Elimination of All Forms of Discrimination Against Women, and other widely adhered to international human rights treaties and Declarations.

The Human Rights of the Aged include the following indivisible, interdependent and interrelated human rights:

- The human right to an adequate standard of living, including adequate food, shelter and clothing.
- The human right to adequate social security, assistance, and protection.
- The human right to freedom from discrimination based on age or any other status, in all aspects of life including employment and access to housing, health care, and social services.
- The human right to the highest possible standard of health.
- The human right to be treated with dignity.
- The human right to protection from neglect and all types of physical or mental abuse.
- The human right to full and active participation in all aspects of political, economic, social and cultural life of society.
- The human right to full and effective participate in decision-making concerning their well-being.

25. Explain the International bill of human rights.

Introduction:

The United Nations is an international organisation representing the body of States, established according to the United Nations Charter in 1945.¹ One of the purposes of the United Nations is to promote and encourage respect for human rights through international co-operation.

There are currently one hundred and ninety two

member States. Each has one vote in the United Nation's parliament, the General Assembly.

What is known as the International Bill of Human Rights is made up of:

- *Universal Declaration of Human Rights (1948)*
- *International Covenant on Civil and Political Rights (1966)*
- *International Covenant on Economic, Social and Cultural Rights (1966)*
- *Optional Protocol to the International Covenant on Civil and Political Rights*
- *Optional Protocol to the International Covenant on Economic, Social and Cultural Rights*

Universal Declaration of Human Rights (UDHR)

In 1948 the United Nations General Assembly adopted the UDHR. This was the first time that countries agreed on a comprehensive statement of inalienable human rights. The UDHR is not a treaty, so it does not directly create legal obligations for States. The Declaration has however, had a profound influence on the development of international human rights law. It is argued that because States have constantly invoked the Declaration over more than 50 years, it has become binding as a part of customary international law.

On the same day that it adopted the UDHR, the United Nations General Assembly asked its Commission on Human Rights to draft a covenant on human rights, which could become a binding treaty. After six years of drafting and debate, in 1952 the General Assembly requested that the Commission on Human Rights draft two covenants rather than one. The covenants, *International Covenant on Civil and Political Rights* and the *International Covenant on Economic, Social and Cultural Rights* were opened for signature in 1966 and entered into force in 1976.

International Covenant on Civil and Political Rights 1966 (ICCPR)

Civil and political rights include the right to freedom of

conscience and religion, the right to be free from torture, and the right to a fair trial.

Most of these rights are not absolute. Instead they are subject to reasonable limitations which are created for a legitimate purpose. For example, it may be legitimate to limit a right in order to protect national security, public order or the general welfare of a democratic society.

Some rights, such as the right not to be held in slavery and the right to be free from torture are absolute. Article 4 of the ICCPR identifies absolute rights which can not be infringed in any circumstances.

The ICCPR has two Optional Protocols. An optional protocol supplements the original convention with additional obligations.

Optional Protocol to the International Covenant on Civil and Political Rights 1966

On 25 September 1991, Australia agreed to be bound by the First Optional Protocol to the ICCPR. This means the United Nations Human Rights Committee can hear complaints from individuals who allege that the Australian Government has violated their rights under the ICCPR. However, the findings of the Human Rights Committee are not enforceable.

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

On 2 October 1990, Australia agreed to be bound by the Second Optional Protocol to the ICCPR. The purpose of this protocol is for States to eliminate the death penalty.

International Covenant on Economic, Social and Cultural Rights 1966 (ICESCR)

Economic, social and cultural rights include the right to an adequate standard of living, the right to education, the right to fair wages and the right to safe working conditions.

Article 2(1) of the ICESCR requires States to take steps, including legislative measures, to achieve the 'progressive realisation' of ICESCR rights. This requires that States only demonstrate in good faith the fulfilment of the rights over time within their capacities. For example, it is

assumed that where States have inadequate resources to ensure free education is provided, they will work towards achieving this goal.

The United Nations Committee on Economic Social and Cultural Rights (the CESCR) monitors compliance with the ICESCR.

An increasing number of countries, across all continents and legal systems, have incorporated judicial review of economic, social and cultural rights. These include South Africa, Finland, Argentina, Mauritius, Canada, Latvia, France, India, Bangladesh, Nigeria, and most countries in Central and Eastern Europe.

Optional Protocol to the International Covenant on Economic, Social and Cultural Rights

This Optional Protocol was adopted by the United Nations General Assembly on 10 December 2008. It will be open for signature for State Parties to the ICESCR from 24 September 2009.

There have been numerous other human rights treaties developed since 1966.

26. Explain the three main procedures for implementation of the African charter on human and people's rights.

Procedures:

Inadmissibility

Article 56 ACHPR. 'Communications relating to human and peoples' rights referred to in Article 55 received by the Commission shall be considered if they: (1) Indicate their authors even if the latter request anonymity, (2) Are compatible with the Charter of the Organization of African Unity or with the present Charter, (3) Are not written in disparaging or insulting language directed against the state concerned and its institutions or to the Organization of African Unity.

Interim measures

The Commission has developed a mechanism for adoption of provisional measures in its Rules of Procedure (Rule 111). '1. Before making its final views known to the Assembly on the communication, the Commission may inform

the State Party concerned of its views on the appropriateness of taking provisional measures to avoid irreparable damage being caused to the victim of the alleged violation. . 2. The Commission may indicate to the parties any interim measure, the adoption of which seems desirable in the interest of the parties or the proper conduct of the proceedings before it.'

Friendly settlement

Article 52 ACHPR. 'After having obtained all the information it deems necessary, and after having tried all appropriate means to reach an amicable settlement based on the respect of Human Rights and Peoples' Rights, the Commission shall prepare a report stating the facts and its findings.' Rule 98 Rules of Procedure. The Commission shall place its good offices at the disposal of the interested States Parties to the Charter so as to reach an amicable solution on the issue based on the respect of human rights and fundamental liberties, as recognized by the Charter.'

Procedure

Written procedure, official and working languages are set out in Rule 34 Rules of Procedure of the Commission. 'The working languages of the Commission and of all its institutions shall be those of the Organisation of African Unity.' 'The working languages of the Union and all its institutions shall be, if possible, African languages, Arabic, English, French and Portuguese.'

27.Explain the role united nations of children fund (UNICEF) in protecting the rights of children.

Introduction:

UNICEF is the driving force that helps build a world where the rights of every child are realized. The Agency has the global authority to influence decision-makers, and the variety of partners at grassroots level to turn the most innovative ideas into reality. That makes UNICEF unique among world organizations, and unique among those working with the young.

UNICEF believes that nurturing and caring for children are the cornerstones of human progress. UNICEF was created with this purpose in mind – to work with others to overcome the obstacles that poverty, violence, disease and discrimination place in a child's path. The agency believes that together, we can advance the cause of humanity.

UNICEF advocates for measures to give children the best start in life, because proper care at the youngest age forms the strongest foundation for a person's future.

UNICEF promotes girls' education – ensuring that they complete primary education as a minimum – because it benefits all children, both girls and boys. Girls who are educated grow up to become better thinkers, better citizens, and better parents to their own children.

UNICEF acts so that all children are immunized against common childhood diseases, and are well nourished, because it is wrong for a child to suffer or die from a preventable illness.

UNICEF works to prevent the spread of HIV/AIDS among young people because it is right to keep them from harm and enable them to protect others. It helps children and families affected by HIV/AIDS to live their lives with dignity.

UNICEF involves everyone in creating protective environments for children. The agency is present to relieve suffering during emergencies, and wherever children are threatened, because no child should be exposed to violence, abuse or exploitation.

UNICEF upholds the Convention on the Rights of the Child. The agency works to assure equality for those who are discriminated against, girls and women in particular. It also works for the Millennium Development Goals and for the progress promised in the United Nations Charter. It strives for peace and security, and work to hold everyone accountable to the promises made for children.

UNICEF is part of the Global Movement for Children – a broad coalition dedicated to improving the life of every child. Through this movement, and events such as the United Nations Special Session on Children, it encourages young people to speak out and participate in the decisions that affect their lives.

UNICEF is active in more than 190 countries and territories through country programmes and National Committees.

28.Explain the purposes for the establishment of united nations high commissioner for refugees.