

TO

Prosecutor's office of the International
Criminal Court

Lawsuit

Of Dimitrios Mantzanos of Panayiotis
and of Vasiliki, Born in Agrinio - Greece
on February 14, 1975, Identity Card
Number AK 062211, Residence Argyroupolis-
Attikis, 42 Kyprion agoniston street,
Postal code 16451, Tax ID Number 074315651
Telephone +30 6944952872,
Email: dimitrismantzanos@gmail.com

Against the municipal authority
of the municipality of Athens and nominally
against the mayor of Athens Nostas
bakogiannis, and against the Commander
of the sub-directorate measures of
order of Attica, Police Director Antonios Sgourdos

and against the director of the general Police Directorate of Attica subgeneral asterios mantziokas and against the commander of the traffic Police of Athens Police Director Ioannis Dimitrakopoulos and against the minister of Public Order and Protection of the Citizen notis mitarakis and against everyone else and in every way responsible

I submit the present lawsuit against the municipal authority of the municipality of Athens and nominally against the mayor of Athens Nostas Bakogiannis for the wretched condition of the road network in many areas and points of the city of the municipality of Athens and in particular for the "hidden" traps for vehicles and drivers which the same the municipal authority

of the municipality of athens has created on the streets of athens.

In one of these "hidden" traps for vehicles and drivers on Dramas street^(1,2,3,4) in the sepolia area of the municipality of athenians, I fell with the taxi car that I am legally working as driver on September 9, 2023 at about 11:00 P.m. 0'clock, with the result that my life was in mortal danger, the taxi car with registration number TAB 2243 brand Skoda which I was driving, suffered great damage, the right rear tire was damaged and deflated and from the hit broke the engine crankcase cover^(5,6) and all the oils of the engine spilled out. As a result I had to stop my work and used a roadside assistance crane to transport the car

to the workshop of Panagiotis Moira,
which is located on 3 Iandonos street in
the area Peristeri of attica, tel. +30 2103478366

This "hidden" trap concerns one of the grooves
that the municipal authority of the
municipality of athena has created in
the road surface on the drama street⁽⁷⁻¹³⁾,
which I did not notice as it does not
stand out with the artificial lighting
at night and there was no warning sign
with the result that I did not slow down
the speed which I was driving and the
taxi car that I was driving to suffer
damage, I had not developed a high
speed as I was moving in a residential
area where the maximum permitted
speed limit is (40) forty kilometers
per hour, but in this particular trap
no one vehicle should move at more than

(10) ten kilometers per hour in order to overcome it with some relative safety, I consider the practices and the attitudes of the municipal authority of the municipality of athens as murderous against me as a professional driver who am obliged by my job to drive many hours every day on the streets of athens, and I support that the specific accident that happened to me was and is fault of the municipality of athens, I blame the municipal authority of the municipality of athens for the incident and I believe that the municipal authority of the municipality of athens should cover the costs of the specific accident, not me. And I ask that they to cover the repair costs of the car, which amounting

to 100.00 euros , to cover for the (2) two days that the car was in the workshop for its repair, the money that I paid for my public insurance coverage (for medical treatment and pension) 12.00 euros per day , the money that I paid as rent to Zygojianni - Halvantzis office from which I rent the taxi car 45.00 euros per day (12.00 euros per day for the insurance and 45.00 euros per day for the rental , total 57.00 euros per day) the car was in the workshop (2) days total 114.00 euros , my mine daily wages 140.00 euros per day , (2) two days 280.00 euros , and I ask an additional compensation of 20.000 euros for the upset that caused to me this particular incident and for the reason that I might and unfairly

be characterized as a bad driver who does not pay attention the cars and get kicked out of my job and to not find a job for a long time.

In my job as taxi driver, I do not receive no one fixed salary from the office from which I rent the taxi car, nor any fixed daily wage, I pay 50.00 euros per day in rent in order to have the taxi at my disposal for 24 hours (the office increased my rent by (s) five euros per day) and the money for the public insurance 12.00 euros every day, a total of 62.00 euros to start the daily work, in the continue, depending from how many hours I will work and which those hours will be (there are hours when there is more work and hours when there is less work), and from how many working

kilometers I will drive and depending from the number of leased routes that I will do and from what these routes will happen to be (long distance routes are better paid, short distance routes are less paid), I do the day's money collection, at the end of each working day from the cash register I issue the total daily receipt (the daily z) where the total money collection is shown and pay to the office from where I rent the taxi and the tax corresponding to the total day money collection I have made, I refill the car with the fuel (diesel) which I have consumed and the remaining amount of the total day money collection is the day compensation for my work as a taxi driver that goes into my wallet, it is not the same amount

every day, but an average amount is 140.00 euros per day. I do not know if the other taxi drivers in Athens earn more or less money, I did not ask. The money that each taxi driver collects so and the money which remain in the wallet of each taxi driver depends from the driving skills of the driver, the ability to drive efficiently over a long period of time, and the psychology (it needs victorious psychology and hunting instincts). The name of the office from which I rent the taxi car is Zygiannis-Halvatzis and it is located on Lenorman street at the number 77 in the Metaxourgio area of the municipality of Athens and the telephone number is +30 210 5145621 and +30 210 5145676, the details of the

taxi car is brand name Skoda, type Octavia 5 model 2004, and license plate number TAB 2243. If the municipal authorities of the municipality of Athens try to claim, as some have said, that they are making "hidden" gutters in the streets to allow rainwater to pass, let me remind you that underground sewers are made for rainwater in the streets where vehicles pass and no overground "hidden" channels without adequate lighting to be distinguished at night and without warning signs, (traps for vehicles and drivers) above the road surface. The municipal authority of the municipality of Athens has filled the streets of Athens with all with all the kinds of poor workmanship and "hidden" traps for vehicles and drivers, the road network of the city of Athens is in a very bad

state⁽¹⁴⁾ "the situation is tragic". I will have to work as taxi driver for (2) two more months, and these shoddy workmanships and "hidden" traps on the streets of athens are not going to disappear I consider that the crimes committed by the municipal authority of the municipality of athens against me as professional driver are daily, continuously and repeatedly, so my present lawsuit which I am submitting has the character of urgency and must be examined by you immediately.

I also want to add that the named defendants as well as the defendants for whom I do not mention their names but are included in the defendants (and against everyone else and in any way responsables) with the machines that they have in the

"unknown" (I call it as "unknown" because the only that I know about is that it exists but I do not know neither the points where these machines are located nor what kind of machines they have in these points and I do not know the people who operate these machines) they make more difficult and more dangerous for my life the already difficult and dangerous conditions under which I live and work ^(15, 26, 17), and they are trying with the machines that they have in the "unknown" Perpetrating, since many years ago, daily, continuously and repeatedly crimes with these machines against me to make my life difficult and they are trying with these machines and with their actions to negatively affect my driving skills and my physical endurance to negatively affect my senses and to

reduce the amount of money which I earn working as taxi driver and try to cause me financial loss in any way.

I have every legal right and every legality to live and to work completely undisturbed as mother nature created me ^(18,19,20,21,22), without to being forced to endure no one inconvenience from no one with no one way and without no one illegally to standing obstacle in my way and without no one placing illegal obstacles in my path, which obstacles I lose some time to overcome them legally (which time I could take advantage and to earn more money from my job).

And of course with my Present lawsuit I am asking the criminal Prosecution of all the defendants and of all the Guilties and because, as I mentioned

the crimes that they are perpetrating against me are daily, continuously and repeatedly, my present lawsuit that I am submitting is urgent and I repeat must be examined by you immediately.

I also ask the prosecution of the international criminal court to conduct a relevant investigation (you have the legal right and the possibilities, interpol-eurocol) and to inform me in writing and with validity about the real identity details of these illegals and criminals who operate these machines that they have in the "unknown" and the identity details of those illegals and criminals who have placed them in these machines and who support them, because I want to submit a lawsuit and by name against all them. I know you that I am working as taxi driver in order to gather some money

that I need to carry out a sacred and legal Purpose, to complete my journey to justice in the courtroom of the international criminal court and to justification for myself and for the souls of premeditatedly murdered^(23,24) my own unborn (babies) embryos, the genocide that have be perpetrated against my genus and which maybe to continue to be Perpetrate against my genus, and no human being and no obstacle can stop my course, I will overcome by fighting with everything lawful way and with my legal and honorable job as a legal taxi driver and with my mental and physical endurance as a straight man that I am any obstacle that will come in my way.

I also want to add that I did not accept illegal financing never and I am not accept illegal financing, I have never made

compromises and I do not make compromises, I have always been and I am unmoved in my right positions and always I remain unmoved in my right positions, I did not make neither one step back never.

I drafted the present lawsuit that I am submitting and the complaint by myself because as much as I tried and in the past but also and now in the limited free time that I have from my job I could not find lawyer to provide me with legal advices, some lawyers are involved with the guilties but the most lawyers I have the impression that they are afraid to take on the case because the whole issue is huge, has a global scope and has many extensions and even more extensions will arise. So I am forced to proceed alone against all the guilties, I do not know

if I will find allies in my route, but I am obliged first at all to myself to move always forward.

As well as I want to add that some bad girls without balls and some some bad girls with pussies started saying again bad words and slanders against me when they are inside the taxi I drive and when they get off, like they did and some years ago when I was working again as taxi driver, and some started again as without balls carnivals that they are to circulate around the taxi I am driving (and with their motorcycles and as pedestrians) from where I pass by in taxi working as a driver and to say bad words and slanders against me, in their efforts

to prevent, as years now they are doing, the women from coming to me and having children with me, because then these criminal machines that they have in the "unknown" will not be able to operate, and they are trying to force me to stop to working so that I do not have any income and I will be in financial need so that they can, as they have been doing for years now, to avoid the rightful and objective trial at the international criminal court because they are guilty of thousands of premeditated unholy and heinous crimes and they are trying to overturn the programing that I have done and in which I am included and to immigrate for work and permanent residence in other country no later than the beginning of 2024, in an other country

where I hope to be given to me the opportunity to make children, in my planning I have to immigrate to the Netherlands where the International criminal court is also located (and where I have the impression that in the future a legal always cooperation will develop between me and the prosecution of the International criminal court). And they even tried to threaten me, these without balls carnivals that are the greek People, saying that if I submit my Present lawsuit, the complaint and the informative note that I am submitting, then they will not stop going around me and saying bad words and insults as without balls carnivals that they are and that then I will lose my job, and that they illegally will imprison me

for fifth time in Psychiatric institution. However, I am a straight man, I never accepted being threatened, I did not make neither one step back in my life never, I can not be threatened with no one way never.

All they are included to defendants in the phrase "and against everyone else and in every way responsables".

This lawsuit is consisted from (10) ten sheets, (20) twenty pages handwritten text (from my own always hand), and (24) twenty four attachments.

Friday, October 6, 2023

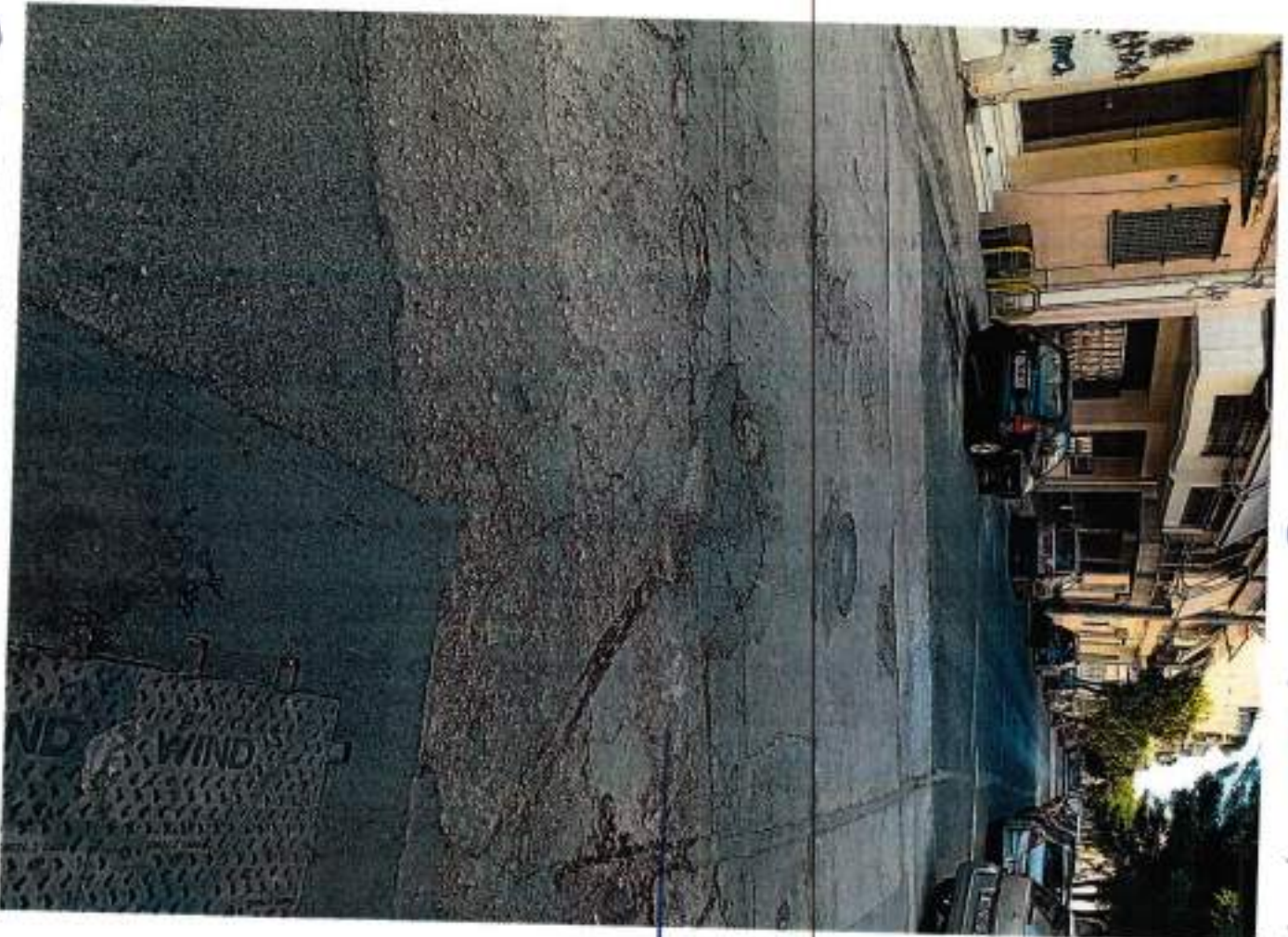
The Plaintiff

Dimitrios Mantzanas



L, attachment L (is consisted from one page)

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Must be the Point where the
crankcase cover of the engine
was hit and broken

September 11, 2003, morning time.

2, attachment 2 (is consisted from one page)

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— Must be the point where
the crankcase cover of the
engine was hit and broken

September 11, 2023, morning time.

5, attachment 3 Lis consisted from one page)

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41, attachment 4 (is consisted from one page)

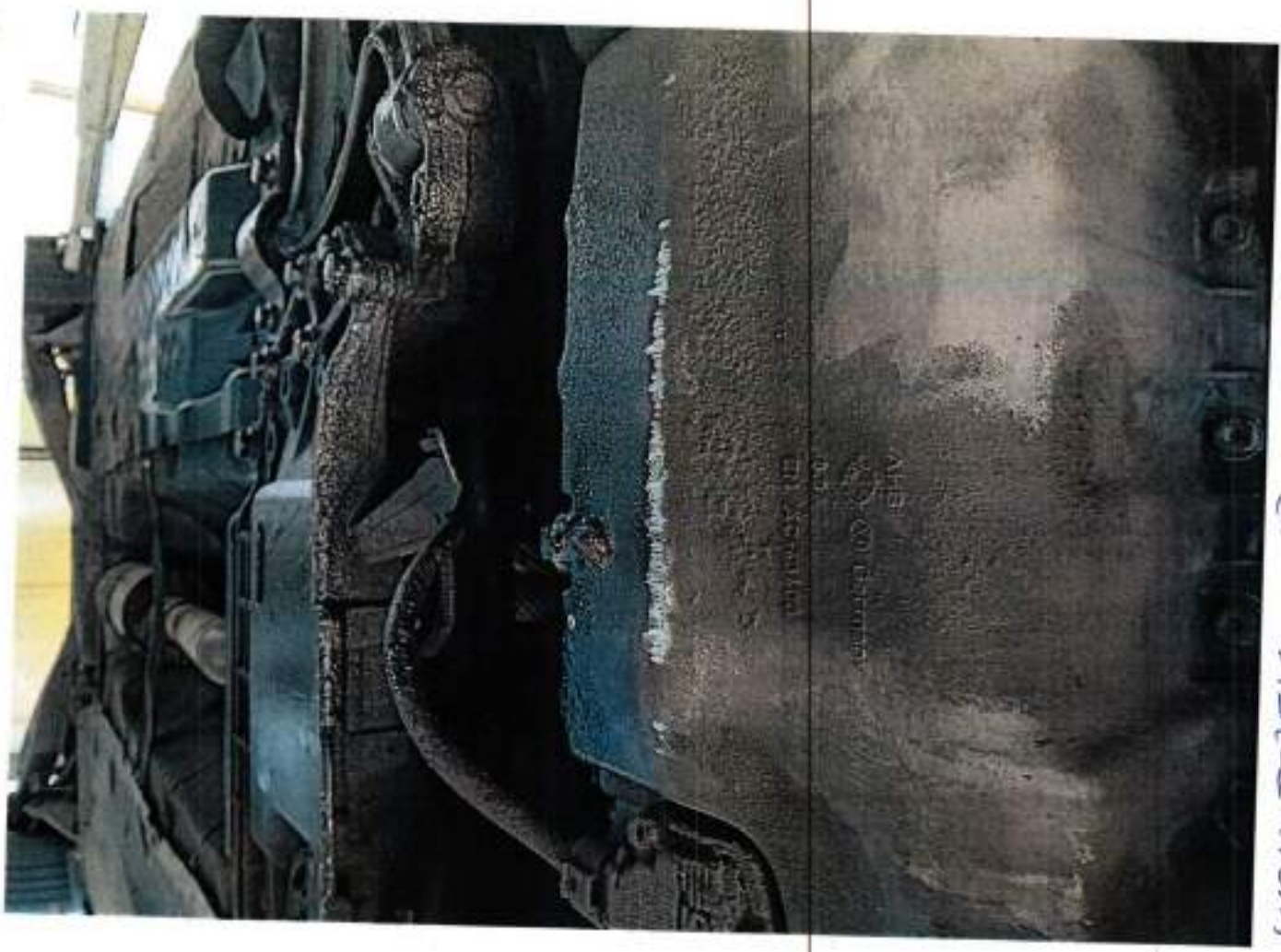
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September 11, 2023 morning time

Athens among the worst cities to drive: Traffic, poor road quality, expensive fuel



Athens is one of the worst cities to drive in, according to a survey by the British Mister Auto website, with the Greek capital occupying 90th place among 100 cities around the world.

According to the survey, Athens has the lowest score after Moscow, Rio de Janeiro, Mexico, Sao Paulo, Bogotá, Karachi, Lagos, Calcutta, Ulaanbaatar and Mumbai.

"Given that drivers waste more than 200 hours per year in America alone, we decided to delve into the multiple factors that affect motorists every day," explain the research analysts and continue "to determine a city's infrastructure we looked at, among other factors such as the number of cars per inhabitant, traffic congestion, road quality, etc.

The safety of each location was analyzed based on the fatality rate from a traffic accident, as well as conducting a poll, which focused on the degree of aggressiveness and general driving culture of motorists.

Finally, we looked at the costs associated with driving in each city, including the price of fuel."

The best and worst cities for drivers

According to the website, the top 10 cities for the best driving are Calgary, Dubai, Ottawa, Bern, El Paso, Vancouver, Gothenburg, Dusseldorf, Basel and Dortmund.

Conversely, the worst include Mumbai, Ulaanbaatar, Kolkata, Lagos, Karachi, Bogota, Sao Paulo, Mexico City, Rio de Janeiro and Moscow.

The Greek "reality"

According to the survey, the majority of Greeks prefer the LX, since it corresponds to 0.77 cars/inhabitant.

This score is among the highest, with Seattle ranking 2nd at 0.68/capita and Pakistan in last at 0.05/capita.

The large access to cars is, according to the website, one of the reasons why the congestion rate on Athens' roads is one of the highest (89.21 points out of 100, ranking 78th out of 100 cities), which creates driver problems.

In terms of road quality, Athens achieves the 12th worst score, compared to Switzerland, whose four cities occupy the first positions with the best road network.

Also, Athens ranks 3rd worst, after Kolkata and Mumbai, in terms of vehicle age (at 15 years compared to around five in Dubai).

Regarding the cost of fuel, our country has the 6th most expensive gasoline, with the average price being 1.79 euros/liter (data 12/8/2019), after Tel Aviv, Utrecht, Rotterdam, Amsterdam and Oslo.

According to analysts, "the lower the cost, the more attractive city driving."

Regarding the parking space, drivers in Athens pay an average of 6.61 euros for 2 hours , a cost that ranks it 57th in the relevant list of Mister Auto.

15, attachment 15 (is consisted from two pages)

517 traffic accidents in January in Attica

Wednesday, February 1, 2023 19:16



Where are they due according to the Attica Traffic Directorate

517 traffic accidents occurred in January in Attica, resulting in 22 people being found dead and 578 injured (13 serious, 565 minor).

The Attica Traffic Directorate reported that the main causes that led to the accidents were driving without prudence and caution, the violation of regulatory signs and the violation of traffic rules by pedestrians, while the non-use of protective helmets by the drivers and passengers of the two-wheelers aggravated, in many cases, the severity of their injury.

At the same time, in the same period of time, as part of the targeted actions implemented by the Attica Traffic Directorate for traffic policing and the upgrading of the road safety level, 19,503 violations were confirmed, of which 780 were misdemeanors.

Indicatively confirmed:

- 345 drunk driving violations, of which 43 were misdemeanors
- 1,574 speed limit violations
- 176 offenses for running a red light
- 387 offenses for mobile phone use
- 930 offenses for not wearing a seat belt
- 532 offenses for not wearing a protective helmet and
- 38 offenses for dangerous maneuvers.

16, attachment 16 (is consisted from two pages)

The 494 traffic accidents and accidents in April in Attica claimed the lives of twelve people

At the same time, 578 were seriously or slightly injured



Newsroom

The **traffic accidents and accidents** that occurred in April in Attica amounted to **494**. In these, **twelve people lost their lives, while 578 were injured** (14 seriously, 564 slightly).

According to the **Attica Traffic Directorate**, the **main causes** of these **traffic accidents** were driving without prudence and caution, the violation of regulatory signs and the violation of traffic rules by pedestrians, while the non-use of protective helmets by drivers and passengers of two-wheelers aggravated, in in many cases, the severity of their injury.

At the same time, in the same period of time as part of the targeted actions implemented by the Attica Traffic Directorate for **traffic policing** and upgrading the level of road safety, **16,273 violations were confirmed, of which 722 were misdemeanors.**

Indicatively confirmed:

- 407 violations for driving under the influence of alcohol, of which 35 were misdemeanors,
- 1,637 speed limit violations,
- 128 offenses for breaking a red light,
- 313 offenses for mobile phone use,

- 643 offenses for not using a seat belt,
- 588 offenses for not wearing a protective helmet and,
- 41 offenses for dangerous maneuvers.

17, attachment 17 (is consisted from two pages)

Attica: How many traffic accidents occurred in June

The main causes of traffic accidents were driving without prudence and attention, the violation of regulatory signs and the violation of traffic rules by pedestrians



NEWSROOM

JULY 1, 2023 - 20:14

Seventeen people lost their lives and 661 were injured (15 seriously, 646 slightly) in **553 [road accidents and accidents](#)**, which occurred in June, in the **[region of Attica](#)**.

According to the Attica Traffic Directorate, **the main causes of these traffic accidents were driving**

without prudence and caution, the violation of regulatory signs and the violation of traffic rules by pedestrians, while the non-use of protective helmets by the drivers and passengers of the two-wheelers aggravated, in in many cases, the severity of their injury.

At the same time, in the same period of time as part of the targeted actions implemented by the Attica Traffic Directorate for traffic policing and upgrading the level of road safety, 21,179 violations were confirmed, of which 1,029 were misdemeanors.

Indicatively confirmed:

- **592 offenses** for driving under the influence of alcohol, of which 39 were misdemeanors,
- **2,067 speed limit violations**,
- 196 offenses for breaking a red light,
- 421 offenses for mobile phone use,
- 916 offenses for not using a seat belt,
- 1,896 offenses for not wearing a protective helmet and,
- 44 violations for dangerous maneuvers.

18, attachment 18 (is consisted from 27 pages)

United Nations Charter (full text)

Preamble

WE THE PEOPLES OF THE UNITED NATIONS DETERMINED

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

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

to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained, and

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

AND FOR THESE ENDS

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

to unite our strength to maintain international peace and security, and

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

to employ international machinery for the promotion of the economic and social advancement of all peoples,

HAVE RESOLVED TO COMBINE OUR EFFORTS TO ACCOMPLISH THESE AIMS.

Accordingly, our respective Governments, through representatives assembled in the city of San Francisco, who have exhibited their full powers found to be in good and due form, have agreed to the present Charter of the United Nations and do hereby establish an international organization to be known as the United Nations.

Chapter I: Purposes and Principles

Article 1

The Purposes of the United Nations are:

1. To maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to

the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace;

2. 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;
3. 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; and
4. To be a centre for harmonizing the actions of nations in the attainment of these common ends.

Article 2

The Organization and its Members, in pursuit of the Purposes stated in Article 1, shall act in accordance with the following Principles.

1. The Organization is based on the principle of the sovereign equality of all its Members.
2. All Members, in order to ensure to all of them the rights and benefits resulting from membership, shall fulfill in good faith the obligations assumed by them in accordance with the present Charter.
3. All Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered.
4. All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.
5. All Members shall give the United Nations every assistance in any action it takes in accordance with the present Charter, and shall refrain from giving assistance to any state against which the United Nations is taking preventive or enforcement action.
6. The Organization shall ensure that states which are not Members of the United Nations act in accordance with these Principles so far as may be necessary for the maintenance of international peace and security.
7. Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII.

Chapter II: Membership

Article 3

The original Members of the United Nations shall be the states which, having participated in the United Nations Conference on International Organization at San Francisco, or having previously signed the Declaration by United Nations of 1 January 1942, sign the present Charter and ratify it in accordance with Article 110.

Article 4

1. Membership in the United Nations is open to all other peace-loving states which accept the obligations contained in the present Charter and, in the judgment of the Organization, are able and willing to carry out these obligations.
2. The admission of any such state to membership in the United Nations will be effected by a decision of the General Assembly upon the recommendation of the Security Council.

Article 5

A Member of the United Nations against which preventive or enforcement action has been taken by the Security Council may be suspended from the exercise of the rights and privileges of membership by the General Assembly upon the recommendation of the Security Council. The exercise of these rights and privileges may be restored by the Security Council.

Article 6

A Member of the United Nations which has persistently violated the Principles contained in the present Charter may be expelled from the Organization by the General Assembly upon the recommendation of the Security Council.

Chapter III: Organs

Article 7

1. There are established as principal organs of the United Nations: a General Assembly, a Security Council, an Economic and Social Council, a Trusteeship Council, an International Court of Justice and a Secretariat.
2. Such subsidiary organs as may be found necessary may be established in accordance with the present Charter.

Article 8

The United Nations shall place no restrictions on the eligibility of men and women to participate in any capacity and under conditions of equality in its principal and subsidiary organs.

Chapter IV: The General Assembly

COMPOSITION

Article 9

1. The General Assembly shall consist of all the Members of the United Nations.
2. Each Member shall have not more than five representatives in the General Assembly.

FUNCTIONS AND POWERS

Article 10

The General Assembly may discuss any questions or any matters within the scope of the present Charter or relating to the powers and functions of any organs provided for in the present Charter, and, except as provided in Article 12, may make recommendations to the Members of the United Nations or to the Security Council or to both on any such questions or matters.

Article 11

1. The General Assembly may consider the general principles of co-operation in the maintenance of international peace and security, including the principles governing disarmament and the regulation of armaments, and may make recommendations with regard to such principles to the Members or to the Security Council or to both.
2. The General Assembly may discuss any questions relating to the maintenance of international peace and security brought before it by any Member of the United Nations, or by the Security Council, or by a state which is not a Member of the United Nations in accordance with Article 35, paragraph 2, and, except as provided in Article 12, may make recommendations with regard to any such questions to the state or states concerned or to the Security Council or to both. Any such question on which action is necessary shall be referred to the Security Council by the General Assembly either before or after discussion.
3. The General Assembly may call the attention of the Security Council to situations which are likely to endanger international peace and security.
4. The powers of the General Assembly set forth in this Article shall not limit the general scope of Article 10.

Article 12

1. While the Security Council is exercising in respect of any dispute or situation the functions assigned to it in the present Charter, the General Assembly shall not make any recommendation with regard to that dispute or situation unless the Security Council so requests.
2. The Secretary-General, with the consent of the Security Council, shall notify the General Assembly at each session of any matters relative to the maintenance of international peace and security which are being dealt with by the Security Council and shall similarly notify the General Assembly, or the Members of the United Nations if the General Assembly is not in

session, immediately the Security Council ceases to deal with such matters.

Article 13

1. The General Assembly shall initiate studies and make recommendations for the purpose of:
 1. promoting international co-operation in the political field and encouraging the progressive development of international law and its codification;
 2. promoting international co-operation in the economic, social, cultural, educational, and health fields, and assisting in the realization of human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.
2. The further responsibilities, functions and powers of the General Assembly with respect to matters mentioned in paragraph 1 (b) above are set forth in Chapters IX and X.

Article 14

Subject to the provisions of Article 12, the General Assembly may recommend measures for the peaceful adjustment of any situation, regardless of origin, which it deems likely to impair the general welfare or friendly relations among nations, including situations resulting from a violation of the provisions of the present Charter setting forth the Purposes and Principles of the United Nations.

Article 15

1. The General Assembly shall receive and consider annual and special reports from the Security Council; these reports shall include an account of the measures that the Security Council has decided upon or taken to maintain international peace and security.
2. The General Assembly shall receive and consider reports from the other organs of the United Nations.

Article 16

The General Assembly shall perform such functions with respect to the international trusteeship system as are assigned to it under Chapters XII and XIII, including the approval of the trusteeship agreements for areas not designated as strategic.

Article 17

1. The General Assembly shall consider and approve the budget of the Organization.
2. The expenses of the Organization shall be borne by the Members as apportioned by the General Assembly.

3. The General Assembly shall consider and approve any financial and budgetary arrangements with specialized agencies referred to in Article 57 and shall examine the administrative budgets of such specialized agencies with a view to making recommendations to the agencies concerned.

VOTING

Article 18

1. Each member of the General Assembly shall have one vote.
2. Decisions of the General Assembly on important questions shall be made by a two-thirds majority of the members present and voting. These questions shall include: recommendations with respect to the maintenance of international peace and security, the election of the non-permanent members of the Security Council, the election of the members of the Economic and Social Council, the election of members of the Trusteeship Council in accordance with paragraph 1 (c) of Article 86, the admission of new Members to the United Nations, the suspension of the rights and privileges of membership, the expulsion of Members, questions relating to the operation of the trusteeship system, and budgetary questions.
3. Decisions on other questions, including the determination of additional categories of questions to be decided by a two-thirds majority, shall be made by a majority of the members present and voting.

Article 19

A Member of the United Nations which is in arrears in the payment of its financial contributions to the Organization shall have no vote in the General Assembly if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years. The General Assembly may, nevertheless, permit such a Member to vote if it is satisfied that the failure to pay is due to conditions beyond the control of the Member.

PROCEDURE

Article 20

The General Assembly shall meet in regular annual sessions and in such special sessions as occasion may require. Special sessions shall be convoked by the Secretary-General at the request of the Security Council or of a majority of the Members of the United Nations.

Article 21

The General Assembly shall adopt its own rules of procedure. It shall elect its President for each session.

Article 22

The General Assembly may establish such subsidiary organs as it deems necessary for the performance of its functions.

Chapter V: The Security Council

COMPOSITION

Article 23

1. The Security Council shall consist of fifteen Members of the United Nations. The Republic of China, France, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America shall be permanent members of the Security Council. The General Assembly shall elect ten other Members of the United Nations to be non-permanent members of the Security Council, due regard being specially paid, in the first instance to the contribution of Members of the United Nations to the maintenance of international peace and security and to the other purposes of the Organization, and also to equitable geographical distribution.
2. The non-permanent members of the Security Council shall be elected for a term of two years. In the first election of the non-permanent members after the increase of the membership of the Security Council from eleven to fifteen, two of the four additional members shall be chosen for a term of one year. A retiring member shall not be eligible for immediate re-election.
3. Each member of the Security Council shall have one representative.

FUNCTIONS AND POWERS

Article 24

1. In order to ensure prompt and effective action by the United Nations, its Members confer on the Security Council primary responsibility for the maintenance of international peace and security, and agree that in carrying out its duties under this responsibility the Security Council acts on their behalf.
2. In discharging these duties the Security Council shall act in accordance with the Purposes and Principles of the United Nations. The specific powers granted to the Security Council for the discharge of these duties are laid down in Chapters VI, VII, VIII, and XII.
3. The Security Council shall submit annual and, when necessary, special reports to the General Assembly for its consideration.

Article 25

The Members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present Charter.

Article 26

In order to promote the establishment and maintenance of international peace and security with the least diversion for armaments of the world's human and economic resources, the Security Council shall be responsible for formulating, with the assistance of the Military Staff Committee referred to in Article 47, plans to be submitted to the Members of the United Nations for the establishment of a system for the regulation of armaments.

VOTING

Article 27

1. Each member of the Security Council shall have one vote.
2. Decisions of the Security Council on procedural matters shall be made by an affirmative vote of nine members.
3. Decisions of the Security Council on all other matters shall be made by an affirmative vote of nine members including the concurring votes of the permanent members; provided that, in decisions under Chapter VI, and under paragraph 3 of Article 52, a party to a dispute shall abstain from voting.

PROCEDURE

Article 28

1. The Security Council shall be so organized as to be able to function continuously. Each member of the Security Council shall for this purpose be represented at all times at the seat of the Organization.
2. The Security Council shall hold periodic meetings at which each of its members may, if it so desires, be represented by a member of the government or by some other specially designated representative.
3. The Security Council may hold meetings at such places other than the seat of the Organization as in its judgment will best facilitate its work.

Article 29

The Security Council may establish such subsidiary organs as it deems necessary for the performance of its functions.

Article 30

The Security Council shall adopt its own rules of procedure, including the method of selecting its President.

Article 31

Any Member of the United Nations which is not a member of the Security Council may participate, without vote, in the discussion of any question brought before the Security Council whenever the latter considers that the interests of that Member are specially affected.

Article 32

Any Member of the United Nations which is not a member of the Security Council or any state which is not a Member of the United Nations, if it is a party to a dispute under consideration by the Security Council, shall be invited to participate, without vote, in the discussion relating to the dispute. The Security Council shall lay down such conditions as it deems just for the participation of a state which is not a Member of the United Nations.

Chapter VI: Pacific Settlement of Disputes

Article 33

1. The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.
2. The Security Council shall, when it deems necessary, call upon the parties to settle their dispute by such means.

Article 34

The Security Council may investigate any dispute, or any situation which might lead to international friction or give rise to a dispute, in order to determine whether the continuance of the dispute or situation is likely to endanger the maintenance of international peace and security.

Article 35

1. Any Member of the United Nations may bring any dispute, or any situation of the nature referred to in Article 34, to the attention of the Security Council or of the General Assembly.
2. A state which is not a Member of the United Nations may bring to the attention of the Security Council or of the General Assembly any dispute to which it is a party if it accepts in advance, for the purposes of the dispute, the obligations of pacific settlement provided in the present Charter.
3. The proceedings of the General Assembly in respect of matters brought to its attention under this Article will be subject to the provisions of Articles 11 and 12.

Article 36

1. The Security Council may, at any stage of a dispute of the nature referred to in Article 33 or of a situation of like nature, recommend appropriate procedures or methods of adjustment.
2. The Security Council should take into consideration any procedures for the settlement of the dispute which have already been adopted by the parties.

3. In making recommendations under this Article the Security Council should also take into consideration that legal disputes should as a general rule be referred by the parties to the International Court of Justice in accordance with the provisions of the Statute of the Court.

Article 37

1. Should the parties to a dispute of the nature referred to in Article 33 fail to settle it by the means indicated in that Article, they shall refer it to the Security Council.
2. If the Security Council deems that the continuance of the dispute is in fact likely to endanger the maintenance of international peace and security, it shall decide whether to take action under Article 36 or to recommend such terms of settlement as it may consider appropriate.

Article 38

Without prejudice to the provisions of Articles 33 to 37, the Security Council may, if all the parties to any dispute so request, make recommendations to the parties with a view to a pacific settlement of the dispute.

Chapter VII: Action with Respect to Threats to the Peace, Breaches of the Peace, and Acts of Aggression

Article 39

The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security.

Article 40

In order to prevent an aggravation of the situation, the Security Council may, before making the recommendations or deciding upon the measures provided for in Article 39, call upon the parties concerned to comply with such provisional measures as it deems necessary or desirable. Such provisional measures shall be without prejudice to the rights, claims, or position of the parties concerned. The Security Council shall duly take account of failure to comply with such provisional measures.

Article 41

The Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions, and it may call upon the Members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal,

telegraphic, radio, and other means of communication, and the severance of diplomatic relations.

Article 42

Should the Security Council consider that measures provided for in Article 41 would be inadequate or have proved to be inadequate, it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations.

Article 43

1. All Members of the United Nations, in order to contribute to the maintenance of international peace and security, undertake to make available to the Security Council, on its call and in accordance with a special agreement or agreements, armed forces, assistance, and facilities, including rights of passage, necessary for the purpose of maintaining international peace and security.
2. Such agreement or agreements shall govern the numbers and types of forces, their degree of readiness and general location, and the nature of the facilities and assistance to be provided.
3. The agreement or agreements shall be negotiated as soon as possible on the initiative of the Security Council. They shall be concluded between the Security Council and Members or between the Security Council and groups of Members and shall be subject to ratification by the signatory states in accordance with their respective constitutional processes.

Article 44

When the Security Council has decided to use force it shall, before calling upon a Member not represented on it to provide armed forces in fulfilment of the obligations assumed under Article 43, invite that Member, if the Member so desires, to participate in the decisions of the Security Council concerning the employment of contingents of that Member's armed forces.

Article 45

In order to enable the United Nations to take urgent military measures, Members shall hold immediately available national air-force contingents for combined international enforcement action. The strength and degree of readiness of these contingents and plans for their combined action shall be determined within the limits laid down in the special agreement or agreements referred to in Article 43, by the Security Council with the assistance of the Military Staff Committee.

Article 46

Plans for the application of armed force shall be made by the Security Council with the assistance of the Military Staff Committee.

Article 47

1. There shall be established a Military Staff Committee to advise and assist the Security Council on all questions relating to the Security Council's military requirements for the maintenance of international peace and security, the employment and command of forces placed at its disposal, the regulation of armaments, and possible disarmament.
2. The Military Staff Committee shall consist of the Chiefs of Staff of the permanent members of the Security Council or their representatives. Any Member of the United Nations not permanently represented on the Committee shall be invited by the Committee to be associated with it when the efficient discharge of the Committee's responsibilities requires the participation of that Member in its work.
3. The Military Staff Committee shall be responsible under the Security Council for the strategic direction of any armed forces placed at the disposal of the Security Council. Questions relating to the command of such forces shall be worked out subsequently.
4. The Military Staff Committee, with the authorization of the Security Council and after consultation with appropriate regional agencies, may establish regional sub-committees.

Article 48

1. The action required to carry out the decisions of the Security Council for the maintenance of international peace and security shall be taken by all the Members of the United Nations or by some of them, as the Security Council may determine.
2. Such decisions shall be carried out by the Members of the United Nations directly and through their action in the appropriate international agencies of which they are members.

Article 49

The Members of the United Nations shall join in affording mutual assistance in carrying out the measures decided upon by the Security Council.

Article 50

If preventive or enforcement measures against any state are taken by the Security Council, any other state, whether a Member of the United Nations or not, which finds itself confronted with special economic problems arising from the carrying out of those measures shall have the right to consult the Security Council with regard to a solution of those problems.

Article 51

Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain

international peace and security. Measures taken by Members in the exercise of this right of self-defence shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security.

Chapter VIII: Regional Arrangements

Article 52

1. Nothing in the present Charter precludes the existence of regional arrangements or agencies for dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action provided that such arrangements or agencies and their activities are consistent with the Purposes and Principles of the United Nations.
2. The Members of the United Nations entering into such arrangements or constituting such agencies shall make every effort to achieve pacific settlement of local disputes through such regional arrangements or by such regional agencies before referring them to the Security Council.
3. The Security Council shall encourage the development of pacific settlement of local disputes through such regional arrangements or by such regional agencies either on the initiative of the states concerned or by reference from the Security Council.
4. This Article in no way impairs the application of Articles 34 and 35.

Article 53

1. The Security Council shall, where appropriate, utilize such regional arrangements or agencies for enforcement action under its authority. But no enforcement action shall be taken under regional arrangements or by regional agencies without the authorization of the Security Council, with the exception of measures against any enemy state, as defined in paragraph 2 of this Article, provided for pursuant to Article 107 or in regional arrangements directed against renewal of aggressive policy on the part of any such state, until such time as the Organization may, on request of the Governments concerned, be charged with the responsibility for preventing further aggression by such a state.
2. The term enemy state as used in paragraph 1 of this Article applies to any state which during the Second World War has been an enemy of any signatory of the present Charter.

Article 54

The Security Council shall at all times be kept fully informed of activities undertaken or in contemplation under regional arrangements or by regional agencies for the maintenance of international peace and security.

Chapter IX: International Economic and Social Cooperation

Article 55

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:

1. higher standards of living, full employment, and conditions of economic and social progress and development;
2. solutions of international economic, social, health, and related problems; and international cultural and educational cooperation; and
3. universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.

Article 56

All Members pledge themselves to take joint and separate action in co-operation with the Organization for the achievement of the purposes set forth in Article 55.

Article 57

1. The various specialized agencies, established by intergovernmental agreement and having wide international responsibilities, as defined in their basic instruments, in economic, social, cultural, educational, health, and related fields, shall be brought into relationship with the United Nations in accordance with the provisions of Article 63.
2. Such agencies thus brought into relationship with the United Nations are hereinafter referred to as specialized agencies.

Article 58

The Organization shall make recommendations for the co-ordination of the policies and activities of the specialized agencies.

Article 59

The Organization shall, where appropriate, initiate negotiations among the states concerned for the creation of any new specialized agencies required for the accomplishment of the purposes set forth in Article 55.

Article 60

Responsibility for the discharge of the functions of the Organization set forth in this Chapter shall be vested in the General Assembly and, under the authority of

the General Assembly, in the Economic and Social Council, which shall have for this purpose the powers set forth in Chapter X.

Chapter X: The Economic and Social Council

COMPOSITION

Article 61

1. The Economic and Social Council shall consist of fifty-four Members of the United Nations elected by the General Assembly.
2. Subject to the provisions of paragraph 3, eighteen members of the Economic and Social Council shall be elected each year for a term of three years. A retiring member shall be eligible for immediate re-election.
3. At the first election after the increase in the membership of the Economic and Social Council from twenty-seven to fifty-four members, in addition to the members elected in place of the nine members whose term of office expires at the end of that year, twenty-seven additional members shall be elected. Of these twenty-seven additional members, the term of office of nine members so elected shall expire at the end of one year, and of nine other members at the end of two years, in accordance with arrangements made by the General Assembly.
4. Each member of the Economic and Social Council shall have one representative.

FUNCTIONS AND POWERS

Article 62

1. The Economic and Social Council may make or initiate studies and reports with respect to international economic, social, cultural, educational, health, and related matters and may make recommendations with respect to any such matters to the General Assembly to the Members of the United Nations, and to the specialized agencies concerned.
2. It may make recommendations for the purpose of promoting respect for, and observance of, human rights and fundamental freedoms for all.
3. It may prepare draft conventions for submission to the General Assembly, with respect to matters falling within its competence.
4. It may call, in accordance with the rules prescribed by the United Nations, international conferences on matters falling within its competence.

Article 63

1. The Economic and Social Council may enter into agreements with any of the agencies referred to in Article 57, defining the terms on which the agency concerned shall be brought into relationship with the United Nations. Such agreements shall be subject to approval by the General Assembly.

2. It may co-ordinate the activities of the specialized agencies through consultation with and recommendations to such agencies and through recommendations to the General Assembly and to the Members of the United Nations.

Article 64

1. The Economic and Social Council may take appropriate steps to obtain regular reports from the specialized agencies. It may make arrangements with the Members of the United Nations and with the specialized agencies to obtain reports on the steps taken to give effect to its own recommendations and to recommendations on matters falling within its competence made by the General Assembly.
2. It may communicate its observations on these reports to the General Assembly.

Article 65

The Economic and Social Council may furnish information to the Security Council and shall assist the Security Council upon its request.

Article 66

1. The Economic and Social Council shall perform such functions as fall within its competence in connection with the carrying out of the recommendations of the General Assembly.
2. It may, with the approval of the General Assembly, perform services at the request of Members of the United Nations and at the request of specialized agencies.
3. It shall perform such other functions as are specified elsewhere in the present Charter or as may be assigned to it by the General Assembly.

VOTING

Article 67

1. Each member of the Economic and Social Council shall have one vote.
2. Decisions of the Economic and Social Council shall be made by a majority of the members present and voting.

PROCEDURE

Article 68

The Economic and Social Council shall set up commissions in economic and social fields and for the promotion of human rights, and such other commissions as may be required for the performance of its functions.

Article 69

The Economic and Social Council shall invite any Member of the United Nations to participate, without vote, in its deliberations on any matter of particular concern to that Member.

Article 70

The Economic and Social Council may make arrangements for representatives of the specialized agencies to participate, without vote, in its deliberations and in those of the commissions established by it, and for its representatives to participate in the deliberations of the specialized agencies.

Article 71

The Economic and Social Council may make suitable arrangements for consultation with non-governmental organizations which are concerned with matters within its competence. Such arrangements may be made with international organizations and, where appropriate, with national organizations after consultation with the Member of the United Nations concerned.

Article 72

1. The Economic and Social Council shall adopt its own rules of procedure, including the method of selecting its President.
2. The Economic and Social Council shall meet as required in accordance with its rules, which shall include provision for the convening of meetings on the request of a majority of its members.

Chapter XI: Declaration Regarding Non-Self-Governing Territories

Article 73

Members of the United Nations which have or assume responsibilities for the administration of territories whose peoples have not yet attained a full measure of self-government recognize the principle that the interests of the inhabitants of these territories are paramount, and accept as a sacred trust the obligation to promote to the utmost, within the system of international peace and security established by the present Charter, the well-being of the inhabitants of these territories, and, to this end:

1. to ensure, with due respect for the culture of the peoples concerned, their political, economic, social, and educational advancement, their just treatment, and their protection against abuses;
2. to develop self-government, to take due account of the political aspirations of the peoples, and to assist them in the progressive development of their free political institutions, according to the particular circumstances of each territory and its peoples and their varying stages of advancement;
3. to further international peace and security;

4. to promote constructive measures of development, to encourage research, and to co-operate with one another and, when and where appropriate, with specialized international bodies with a view to the practical achievement of the social, economic, and scientific purposes set forth in this Article; and
5. to transmit regularly to the Secretary-General for information purposes, subject to such limitation as security and constitutional considerations may require, statistical and other information of a technical nature relating to economic, social, and educational conditions in the territories for which they are respectively responsible other than those territories to which Chapters XII and XIII apply.

Article 74

Members of the United Nations also agree that their policy in respect of the territories to which this Chapter applies, no less than in respect of their metropolitan areas, must be based on the general principle of good-neighbourliness, due account being taken of the interests and well-being of the rest of the world, in social, economic, and commercial matters.

Chapter XII: International Trusteeship System

Article 75

The United Nations shall establish under its authority an international trusteeship system for the administration and supervision of such territories as may be placed thereunder by subsequent individual agreements. These territories are hereinafter referred to as trust territories.

Article 76

The basic objectives of the trusteeship system, in accordance with the Purposes of the United Nations laid down in Article 1 of the present Charter, shall be:

1. to further international peace and security;
2. to promote the political, economic, social, and educational advancement of the inhabitants of the trust territories, and their progressive development towards self-government or independence as may be appropriate to the particular circumstances of each territory and its peoples and the freely expressed wishes of the peoples concerned, and as may be provided by the terms of each trusteeship agreement;
3. to encourage respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion, and to encourage recognition of the interdependence of the peoples of the world; and
4. to ensure equal treatment in social, economic, and commercial matters for all Members of the United Nations and their nationals, and also equal treatment for the latter in the administration of justice, without prejudice to the attainment of the foregoing objectives and subject to the provisions of Article 80.

Article 77

1. The trusteeship system shall apply to such territories in the following categories as may be placed thereunder by means of trusteeship agreements:
 1. territories now held under mandate;
 2. territories which may be detached from enemy states as a result of the Second World War; and
 3. territories voluntarily placed under the system by states responsible for their administration.
2. It will be a matter for subsequent agreement as to which territories in the foregoing categories will be brought under the trusteeship system and upon what terms.

Article 78

The trusteeship system shall not apply to territories which have become Members of the United Nations, relationship among which shall be based on respect for the principle of sovereign equality.

Article 79

The terms of trusteeship for each territory to be placed under the trusteeship system, including any alteration or amendment, shall be agreed upon by the states directly concerned, including the mandatory power in the case of territories held under mandate by a Member of the United Nations, and shall be approved as provided for in Articles 83 and 85.

Article 80

1. Except as may be agreed upon in individual trusteeship agreements, made under Articles 77, 79, and 81, placing each territory under the trusteeship system, and until such agreements have been concluded, nothing in this Chapter shall be construed in or of itself to alter in any manner the rights whatsoever of any states or any peoples or the terms of existing international instruments to which Members of the United Nations may respectively be parties.
2. Paragraph 1 of this Article shall not be interpreted as giving grounds for delay or postponement of the negotiation and conclusion of agreements for placing mandated and other territories under the trusteeship system as provided for in Article 77.

Article 81

The trusteeship agreement shall in each case include the terms under which the trust territory will be administered and designate the authority which will exercise the administration of the trust territory. Such authority, hereinafter called the administering authority, may be one or more states or the Organization itself.

Article 82

There may be designated, in any trusteeship agreement, a strategic area or areas which may include part or all of the trust territory to which the agreement applies, without prejudice to any special agreement or agreements made under Article 43.

Article 83

1. All functions of the United Nations relating to strategic areas, including the approval of the terms of the trusteeship agreements and of their alteration or amendment shall be exercised by the Security Council.
2. The basic objectives set forth in Article 76 shall be applicable to the people of each strategic area.
3. The Security Council shall, subject to the provisions of the trusteeship agreements and without prejudice to security considerations, avail itself of the assistance of the Trusteeship Council to perform those functions of the United Nations under the trusteeship system relating to political, economic, social, and educational matters in the strategic areas.

Article 84

It shall be the duty of the administering authority to ensure that the trust territory shall play its part in the maintenance of international peace and security. To this end the administering authority may make use of volunteer forces, facilities, and assistance from the trust territory in carrying out the obligations towards the Security Council undertaken in this regard by the administering authority, as well as for local defence and the maintenance of law and order within the trust territory.

Article 85

1. The functions of the United Nations with regard to trusteeship agreements for all areas not designated as strategic, including the approval of the terms of the trusteeship agreements and of their alteration or amendment, shall be exercised by the General Assembly.
2. The Trusteeship Council, operating under the authority of the General Assembly shall assist the General Assembly in carrying out these functions.

Chapter XIII: The Trusteeship Council

COMPOSITION

Article 86

1. The Trusteeship Council shall consist of the following Members of the United Nations:
 1. those Members administering trust territories;
 2. such of those Members mentioned by name in Article 23 as are not administering trust territories; and

3. as many other Members elected for three-year terms by the General Assembly as may be necessary to ensure that the total number of members of the Trusteeship Council is equally divided between those Members of the United Nations which administer trust territories and those which do not.
2. Each member of the Trusteeship Council shall designate one specially qualified person to represent it therein.

FUNCTIONS AND POWERS

Article 87

The General Assembly and, under its authority, the Trusteeship Council, in carrying out their functions, may:

1. consider reports submitted by the administering authority;
2. accept petitions and examine them in consultation with the administering authority;
3. provide for periodic visits to the respective trust territories at times agreed upon with the administering authority; and
4. take these and other actions in conformity with the terms of the trusteeship agreements.

Article 88

The Trusteeship Council shall formulate a questionnaire on the political, economic, social, and educational advancement of the inhabitants of each trust territory, and the administering authority for each trust territory within the competence of the General Assembly shall make an annual report to the General Assembly upon the basis of such questionnaire.

VOTING

Article 89

1. Each member of the Trusteeship Council shall have one vote.
2. Decisions of the Trusteeship Council shall be made by a majority of the members present and voting.

PROCEDURE

Article 90

1. The Trusteeship Council shall adopt its own rules of procedure, including the method of selecting its President.
2. The Trusteeship Council shall meet as required in accordance with its rules, which shall include provision for the convening of meetings on the request of a majority of its members.

Article 91

The Trusteeship Council shall, when appropriate, avail itself of the assistance of the Economic and Social Council and of the specialized agencies in regard to matters with which they are respectively concerned.

Chapter XIV: The International Court of Justice

Article 92

The International Court of Justice shall be the principal judicial organ of the United Nations. It shall function in accordance with the annexed Statute, which is based upon the Statute of the Permanent Court of International Justice and forms an integral part of the present Charter.

Article 93

1. All Members of the United Nations are ipso facto parties to the Statute of the International Court of Justice.
2. A state which is not a Member of the United Nations may become a party to the Statute of the International Court of Justice on conditions to be determined in each case by the General Assembly upon the recommendation of the Security Council.

Article 94

1. Each Member of the United Nations undertakes to comply with the decision of the International Court of Justice in any case to which it is a party.
2. If any party to a case fails to perform the obligations incumbent upon it under a judgment rendered by the Court, the other party may have recourse to the Security Council, which may, if it deems necessary, make recommendations or decide upon measures to be taken to give effect to the judgment.

Article 95

Nothing in the present Charter shall prevent Members of the United Nations from entrusting the solution of their differences to other tribunals by virtue of agreements already in existence or which may be concluded in the future.

Article 96

1. The General Assembly or the Security Council may request the International Court of Justice to give an advisory opinion on any legal question.
2. Other organs of the United Nations and specialized agencies, which may at any time be so authorized by the General Assembly, may also request advisory opinions of the Court on legal questions arising within the scope of their activities.

Chapter XV: The Secretariat

Article 97

The Secretariat shall comprise a Secretary-General and such staff as the Organization may require. The Secretary-General shall be appointed by the General Assembly upon the recommendation of the Security Council. He shall be the chief administrative officer of the Organization.

Article 98

The Secretary-General shall act in that capacity in all meetings of the General Assembly, of the Security Council, of the Economic and Social Council, and of the Trusteeship Council, and shall perform such other functions as are entrusted to him by these organs. The Secretary-General shall make an annual report to the General Assembly on the work of the Organization.

Article 99

The Secretary-General may bring to the attention of the Security Council any matter which in his opinion may threaten the maintenance of international peace and security.

Article 100

1. In the performance of their duties the Secretary-General and the staff shall not seek or receive instructions from any government or from any other authority external to the Organization. They shall refrain from any action which might reflect on their position as international officials responsible only to the Organization.
2. Each Member of the United Nations undertakes to respect the exclusively international character of the responsibilities of the Secretary-General and the staff and not to seek to influence them in the discharge of their responsibilities.

Article 101

1. The staff shall be appointed by the Secretary-General under regulations established by the General Assembly.
2. Appropriate staffs shall be permanently assigned to the Economic and Social Council, the Trusteeship Council, and, as required, to other organs of the United Nations. These staffs shall form a part of the Secretariat.
3. The paramount consideration in the employment of the staff and in the determination of the conditions of service shall be the necessity of securing the highest standards of efficiency, competence, and integrity. Due regard shall be paid to the importance of recruiting the staff on as wide a geographical basis as possible.

Chapter XVI: Miscellaneous Provisions

Article 102

1. Every treaty and every international agreement entered into by any Member of the United Nations after the present Charter comes into force shall as soon as possible be registered with the Secretariat and published by it.
2. No party to any such treaty or international agreement which has not been registered in accordance with the provisions of paragraph 1 of this Article may invoke that treaty or agreement before any organ of the United Nations.

Article 103

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.

Article 104

The Organization shall enjoy in the territory of each of its Members such legal capacity as may be necessary for the exercise of its functions and the fulfilment of its purposes.

Article 105

1. The Organization shall enjoy in the territory of each of its Members such privileges and immunities as are necessary for the fulfilment of its purposes.
2. Representatives of the Members of the United Nations and officials of the Organization shall similarly enjoy such privileges and immunities as are necessary for the independent exercise of their functions in connection with the Organization.
3. The General Assembly may make recommendations with a view to determining the details of the application of paragraphs 1 and 2 of this Article or may propose conventions to the Members of the United Nations for this purpose.

Chapter XVII: Transitional Security Arrangements

Article 106

Pending the coming into force of such special agreements referred to in Article 43 as in the opinion of the Security Council enable it to begin the exercise of its responsibilities under Article 42, the parties to the Four-Nation Declaration, signed at Moscow, 30 October 1943, and France, shall, in accordance with the provisions of paragraph 5 of that Declaration, consult with one another and as

occasion requires with other Members of the United Nations with a view to such joint action on behalf of the Organization as may be necessary for the purpose of maintaining international peace and security.

Article 107

Nothing in the present Charter shall invalidate or preclude action, in relation to any state which during the Second World War has been an enemy of any signatory to the present Charter, taken or authorized as a result of that war by the Governments having responsibility for such action.

Chapter XVIII: Amendments

Article 108

Amendments to the present Charter shall come into force for all Members of the United Nations when they have been adopted by a vote of two thirds of the members of the General Assembly and ratified in accordance with their respective constitutional processes by two thirds of the Members of the United Nations, including all the permanent members of the Security Council.

Article 109

1. A General Conference of the Members of the United Nations for the purpose of reviewing the present Charter may be held at a date and place to be fixed by a two-thirds vote of the members of the General Assembly and by a vote of any nine members of the Security Council. Each Member of the United Nations shall have one vote in the conference.
2. Any alteration of the present Charter recommended by a two-thirds vote of the conference shall take effect when ratified in accordance with their respective constitutional processes by two thirds of the Members of the United Nations including all the permanent members of the Security Council.
3. If such a conference has not been held before the tenth annual session of the General Assembly following the coming into force of the present Charter, the proposal to call such a conference shall be placed on the agenda of that session of the General Assembly, and the conference shall be held if so decided by a majority vote of the members of the General Assembly and by a vote of any seven members of the Security Council.

Chapter XIX: Ratification and Signature

Article 110

1. The present Charter shall be ratified by the signatory states in accordance with their respective constitutional processes.
2. The ratifications shall be deposited with the Government of the United States of America, which shall notify all the signatory states of each deposit

- as well as the Secretary-General of the Organization when he has been appointed.
3. The present Charter shall come into force upon the deposit of ratifications by the Republic of China, France, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America, and by a majority of the other signatory states. A protocol of the ratifications deposited shall thereupon be drawn up by the Government of the United States of America which shall communicate copies thereof to all the signatory states.
 4. The states signatory to the present Charter which ratify it after it has come into force will become original Members of the United Nations on the date of the deposit of their respective ratifications.

Article 111

The present Charter, of which the Chinese, French, Russian, English, and Spanish texts are equally authentic, shall remain deposited in the archives of the Government of the United States of America. Duly certified copies thereof shall be transmitted by that Government to the Governments of the other signatory states.

In Faith Whereof the representatives of the Governments of the United Nations have signed the present Charter. DONE at the city of San Francisco the twenty-sixth day of June, one thousand nine hundred and forty-five.

Note on Amendments to Articles 23, 27, 61, 109

Amendments to Articles 23, 27 and 61 of the Charter were adopted by the General Assembly on 17 December 1963 and came into force on 31 August 1965. A further amendment to Article 61 was adopted by the General Assembly on 20 December 1971, and came into force on 24 September 1973. An amendment to Article 109, adopted by the General Assembly on 20 December 1965, came into force on 12 June 1968.

The amendment to Article 23 enlarges the membership of the Security Council from eleven to fifteen. The amended Article 27 provides that decisions of the Security Council on procedural matters shall be made by an affirmative vote of nine members (formerly seven) and on all other matters by an affirmative vote of nine members (formerly seven), including the concurring votes of the five permanent members of the Security Council.

The amendment to Article 61, which entered into force on 31 August 1965, enlarged the membership of the Economic and Social Council from eighteen to twenty-seven. The subsequent amendment to that Article, which entered into force on 24 September 1973, further increased the membership of the Council from twenty-seven to fifty-four.

The amendment to Article 109, which relates to the first paragraph of that Article, provides that a General Conference of Member States for the purpose of

reviewing the Charter may be held at a date and place to be fixed by a two-thirds vote of the members of the General Assembly and by a vote of any nine members (formerly seven) of the Security Council. Paragraph 3 of Article 109, which deals with the consideration of a possible review conference during the tenth regular session of the General Assembly, has been retained in its original form in its reference to a "vote, of any seven members of the Security Council", the paragraph having been acted upon in 1955 by the General Assembly, at its tenth regular session, and by the Security Council.

19, attachment 19 (is consisted from 38 pages)

Human Rights



From Wikipedia, the free encyclopedia



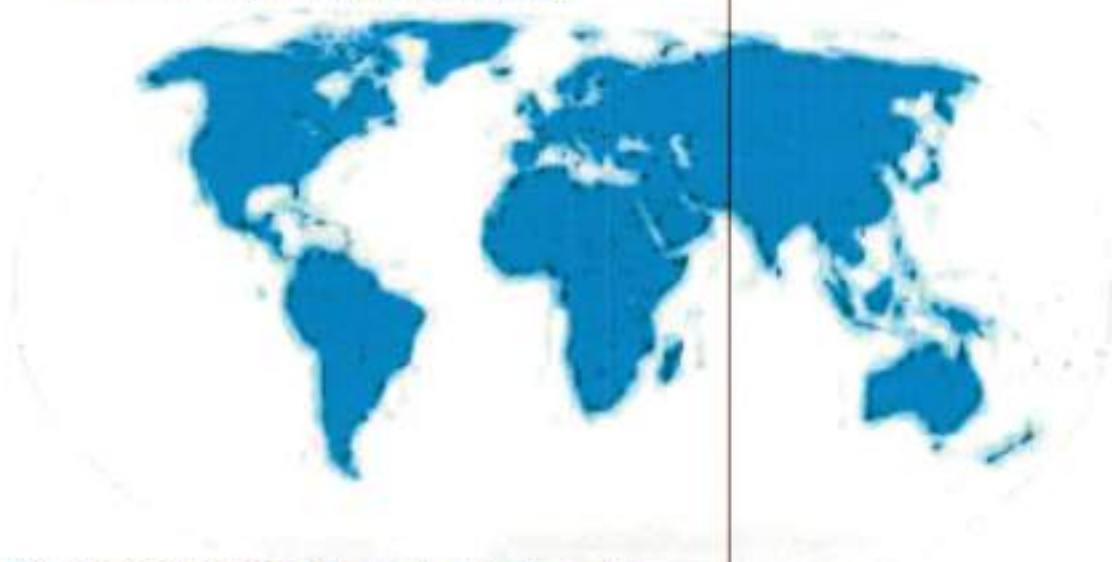
Human rights are the same for all [people](#).^[1]

Human **rights** are [moral principles](#) that set specific standards [of human](#) behavior and are usually protected as [legal rights](#) under [national](#) and [international law](#). They are considered as "commonly understood inalienable fundamental rights to which every person is entitled from the moment of birth, simply because he is a human being"^[2]. These include civil and political rights such as the [right to life](#) and [liberty](#), [freedom of thought](#) and [expression](#), and [equality before the law](#).^[3] Human rights also include economic, social and cultural rights, such as the [right to work](#), the [right to health](#), the [right to food](#), the [right to housing](#), [medical care](#), [education](#) and the [right to participate in culture](#).

Human rights, therefore, are considered international (applied and valid everywhere) and protect [equality](#) (they apply the same to everyone). The [doctrine](#) of human rights has obviously influenced international law as well as national [constitutions](#), [state policies](#) and the action of [non-governmental organizations](#) and they are the cornerstone of public order around the world. According to the [idea](#) of human rights, "if peacetime public discourse in the world community has a common moral language, it is that of human rights"^[4]. The strong claims of human rights doctrine continue to cause great [skepticism](#) and disagreement about the content, nature and rationale of human rights even today. Indeed, the question of what constitutes a "right" is itself controversial and the subject of ongoing [philosophical](#) debate.

Many of the key ideas that sparked the human rights movement were shaped in the aftermath of [World War II](#) and the atrocities of the [Holocaust](#), and

escalated with the adoption of the [Universal Declaration of Human Rights](#) in [Paris](#) by the [United Nations General Assembly](#) in 1948 . Two years later, the celebration of [World Human Rights Day](#) on December 10 was established. The [ancient world](#) it did not include the concept of international human rights. The real forerunner of the human rights debate was the concept of natural rights, which formed part of the medieval tradition of [Natural Law](#) espoused during the [Enlightenment](#) by philosophers such as [John Locke](#) , [Francis Hutcheson](#) and [Jean-Jacques Burlamaqui](#) , while dominating the [English Bill of Rights](#) on Rights and the political ideals of the [American](#) and [French Revolutions](#) .



[The member states of the United Nations](#) . ^[5]

These were the foundations from which modern human rights arguments emerged in the second half of the 20th century ^[6] .

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

— 1st sentence of the Preamble of the [Universal Declaration of Human Rights](#) of the [UN](#) . ^{[7][8]}

All men are born free and equal in dignity and rights. They are endowed with reason and conscience, and ought to treat each other in a spirit of brotherhood.

— Article 1 of the [UN Universal Declaration of Human Rights](#) . ^[8]

History of the concept of human rights [[Edit](#) | [edit code](#)]

Although ideas of rights and freedom have existed in some form for much of human history, they do not resemble the modern conception of human rights. According to Jack Donnelly, in ancient times "traditional societies usually had elaborate and detailed systems of division of duties [...] conceptions of justice, political legitimacy, human well-being that sought to realize human dignity, as well as well-being entirely independent of human rights. These institutions and practices are more alternatives than different

formulations of human rights"^[9]. The modern concept of human rights can be considered to have been born in [Europe Renaissance](#) and the [Protestant Reformation](#), alongside the disappearance of [feudal absolutism](#) and the [religious conservatism](#) that dominated the [Middle Ages](#). One theory is that human rights developed as a theory during the early modern period, alongside the European [secularization](#) of [Judeo - Christian](#) ethics. The most widely held view now is that the concept of human rights was born and developed in the [West](#) and that, while earlier cultures had important moral concepts, the concept of human rights generally did not. For example, McIntyre argues that there is no word conveying the meaning "right" in any language before [1400](#)^[10].



Column with the [Code of Hammurabi](#).

Antiquity [[Edit](#) | [edit code](#)]

In ancient [Mesopotamia](#) they are witnessed from [2350 BC](#), about the earliest legal codes which included to some extent the concept of right. The oldest surviving legal code is the Neo-[Sumerian Code of Ur-Nammu](#) (c. [2050 BCE](#)). The best-known set of laws, the [Code of Hammurabi](#) (c. [1780 BCE](#)), contained rules—and penalties for breaking the rules—that regulated a range of issues such as the rights of women, children, and [slaves](#)^[11]. In the prologues of these codices the Mesopotamia are invoked [gods](#) for the purpose of divine validation.

The origin of human rights in societies often went from religious [sacred texts](#). The [Vedas](#), the [Bible](#), the [Tao Te Ching](#) of [Lao Tzu](#), the [Analects of Confucius](#), the [teachings](#) of the [Buddha](#)^[12] and the [Qur'an](#) are among the ancient written sources that deal with issues such as the duties, rights and obligations of the individual. Similarly, a variety of [philosophical](#) ideas included

notions of what could be considered human rights, culminating in the establishment of democratic polity in ancient [Athens](#) (see [Athenian democracy](#)) ^[13], the polity known in political history as the polity of equality ^[14]. Then, for the first time in the history of humanity, concepts such as equality, equity, equality and freedom of speech were practically applied among all (free) citizens ^[14]. It took more than two millennia for these concepts to be projected again, to all people this time, by the American and French Revolutions ^{[14][15]}.

A notable place in the history of human rights is the [Cyrus Scroll](#) of 539 BC., which has been described as "the first declaration of human rights" in history ^[16], while the oldest legal code in Europe is the [Gortyna Inscription](#). The [Edicts \(Decrees\)](#) of Emperor [Ashoka](#) of [India](#) (272 - 231 BC) are social and moral applications of [Buddhist](#) principles. The [Constitution of Medina](#) of 622 AD, which was compiled by [Muhammad](#), was a formal agreement between the tribes living in [Medina](#) and included [Muslims](#), [Jews](#) and [pagans](#) ^[17].



The [Magna Carta stipulated the monarch](#)'s respect for certain legal rights of the people.

Middle Ages [[Edit](#) | [edit code](#)]

The English [Magna Carta](#) of 1215 ^[18], a medieval charter of liberty, played a particularly important role in the history of English law, but also in modern [international](#) and [constitutional law](#). But the Magna Carta was not a charter of human rights, but rather only a foundation of them and was a form of limited politically and legally binding agreement to deal with special political conditions. In the case of Magna Carta, this was later recognized during early modern debates about rights.

One of the earliest historical records of human rights is the [Statute of Kalisz](#) (Kalisz) in 1264, which granted privileges to the Jewish minority in the Kingdom of Poland, such as protection from discrimination and hate speech.

16th-18th century [[Edit](#) | [edit code](#)]

Many of the modern laws and most of the modern interpretations of human rights come from relatively recent history. The first conception of human rights is credited to ideas about natural rights deriving from natural law. In particular, the issue of universal rights was introduced by Spanish clerics such as Francisco [de Vitoria](#) and [Bartholomew de las Casas](#) considering the possibility of extending the rights of indigenous peoples. In the debate held in [Valladolid](#), [Juan Gínez de Sepúlveda](#), who supported the Aristotelian view of humanity being divided into different class categories of different value, disagreed with Las Casas, who advocated equal rights to freedom from slavery for all people, regardless of race or religion their.



The [Declaration of the Rights of Man and of the Citizen](#), which was ratified by the French National Assembly on [August 26, 1789](#).

The 17th-century English philosopher John Locke mentioned natural rights in his work, defining them as rights "to life, liberty, and property (real)," and argued that these fundamental rights cannot be waived from the social [contract](#). In Britain in 1689, the [English Bill of Rights](#) ^[19] and the corresponding Scottish Bill of Rights outlawed a number of oppressive government actions, while the Virginia [Bill of Rights](#) of 1776 codified into law a number of fundamental individual rights and civil liberties influencing later proclamations. Two major revolutions during the 18th century, one in the [United States](#) ([1776](#)) and one in [France](#) ([1789](#)), led to the adoption of the [Declaration of Independence of the United States of America](#) and the French [Declaration of the Rights of Man and of the Citizen](#), respectively, on the basis of which specific legal rights were granted. These two declarations were the main source of modern individual liberties ^{[20][21]}.

We accept the following truths as self-evident, that all men are created equal, and are endowed by their Creator with certain inviolable Rights, among which are the right to Life, the right to Liberty, and the right to the pursuit of Happiness.

— US Declaration of Independence, July 4, 1776 ^[22]

The law should be the same for everyone, regardless of whether it protects or punishes. Since all citizens are equal before the law, they can all participate equally in public offices, positions and services according to their abilities and without any other distinction than that which springs from their virtue and talent.

— Declaration of the Rights of Man and of the Citizen, August 26, 1789 ^[23]

This was followed by advances in the philosophy of human rights by [philosophers](#) such as the American [Thomas Paine](#), the English [John Stuart Mill](#), and the German [Georg Hegel](#) during the [18th](#) and [19th centuries](#). The term "human rights" probably came into being in the period between Paine's *Rights of Man* and [William Lloyd Garrison](#)'s writings in *The Liberator* newspaper, who wrote that he was trying to enlist his readers "in the great struggle of human rights" ^[24]. However, the term had been used by at least one writer as early as [1742](#) ^[25].

19th century [\[Edit \]](#) [edit code](#)

In the nineteenth century human rights became a central issue with the issue of [slavery](#). A number of reformers, particularly [William Wilberforce](#) in [Britain](#), worked to abolish slavery. This was made possible in the British Empire through the Slave Trade Legislation Act of 1807 and the Slavery Abolition Act of 1833. In the [US](#), all the northern states had abolished the institution of slavery between 1777 and 1804, even though the southern states clung tightly to the "peculiar institution." The conflict and controversy over the expansion of slavery into new territories was one of the causes for the secession of the southern states and the [American Civil War](#). During the Reconstruction period that followed the war, several amendments were made to the United [States Constitution](#). These include the 13th amendment abolishing slavery, the 14th amendment guaranteeing full citizenship and civil rights to all born in the [United States](#) and the 15th Amendment, which guaranteed African-Americans the right to vote.

20th century

Many groups and movements achieved profound social change during the 20th century, in the name of human rights, in [Europe](#) and [North America](#), labor unions pushed for laws that guaranteed workers the right to strike, established minimum working conditions, and banned or legislated child labor. The women's rights movement succeeded in securing the right to vote for many women. National independence movements in many countries succeeded in ousting colonial powers. [One of the most influential was Mahatma Gandhi](#)'s movement to liberate his native [India](#) from the British occupation. Movements by long-oppressed racial and religious minorities have succeeded in many parts of the world, including the African-American Civil Rights Movement and more recently various identity politics movements on behalf of women and various minorities in the United States.

The establishment of the International Committee of the [Red Cross](#), the Lieber Code of 1864 and the first of the [Geneva Conventions](#) also in 1864 laid

the foundations of international humanitarian law, which was further developed after the two world wars.



"I don't know with what weapons the 3rd world war will be fought, but the 4th will be fought with sticks and stones." — [Albert Einstein](#) . The two [world wars](#) cost the death of approximately 80,000,000 people.

World [wars](#) , the enormous loss of human life and the egregious human rights abuses that took place during them, were the driving force behind the development of modern human rights tools. The [League of Nations](#) was founded in [1919](#) , during the negotiations for the [Treaty of Versailles](#) that followed the end of the [First World War](#) . The goals of the League of Nations included disarmament, prevention of war through collective security, resolution of disputes between countries through negotiation and diplomacy, and improvement of world welfare. The charter provided the mandate to advance many of the rights later included in the [Universal Declaration of Human Rights](#) .

In the [1930s](#) and [1940s](#) , human rights were invoked mainly by conservative [Catholics](#) and [Protestants](#) ^[26] .

At the 1945 [Yalta Conference](#) , the Allied powers agreed to create a new body to replace the role of the League of Nations . This was to be the [United Nations](#) . The [U.N.](#) has played an important role in international human rights law since its inception. After the world wars the U.N. and its members developed much of the dialogue and legislatures that now constitute international humanitarian law and international human rights law.

In Greece [[Edit](#) | [edit code](#)]

In [Greece](#), human rights are protected according to the [Constitution](#) ([articles 4 to 25](#)), ^{[27][28]} but also in the [Civil Law](#) (articles 281-286).

Philosophy [[Edit](#) | [edit code](#)]

The philosophy of human rights tries to examine the underlying basis of the concept of human rights and looks critically at its content and justification. Multiple theoretical approaches have been developed in an attempt to explain how and why human rights have become part of social expectations. According to Stathis Balas, human rights are "humanity's greatest moral achievement and the insurmountable value horizon of modern liberal democracy" ^[29], while some believe that "human rights education is so fundamental to human dignity that soon will constitute the fourth main axis of elementary education in our culture, between reading, writing and numeracy" ^[30].

One of the oldest Western philosophies related to human rights is that they are part of a natural law and derive from different philosophical or theological bases. Other theories argue that human rights encode moral behavior, which is the product of a human social product that develops through a process of biological and social evolution (related to Hume []]). At the same time, human rights are also described as a sociological model of regulation (as seen in the sociological view and in the work of [Weber](#)). Such approaches include the idea that individuals in a society accept rules from a legitimate authority in return for advantages in security and economy (as Rawls claims []], i.e. a social contract. The two theories that dominate modern human rights debates are the interest theory and the will theory. Interest theory posits that the primary function of human rights is to protect and promote specific basic human interests, while will theory attempts to establish the validity of human rights based on the unique human capacity for freedom ^[31].



Friedrich [Nietzsche](#) is among the philosophers who have criticized the [idea](#) of human rights.

Review [[Edit](#) | [edit code](#)]

Claims about the universality of human rights have led to criticism. Philosophers who have been critical of human rights include [Jeremy Bentham](#), [Edmund Burke](#), [Friedrich Nietzsche](#) and [Karl Marx](#). Political philosophy professor Charles Blattberg argues that the discussion of human rights, being abstract, prevents individuals from upholding the values that rights are supposed to uphold ^[32]. The Internet Encyclopedia of *Philosophy* pays special attention to two types of criticism: one that questions the universality of human rights and one that rejects them for reasons of objectivity ^[33]. The internationally renowned legal scholar Alain Pellet criticizes the approach through human rights because it denies the principle of sovereignty and how it requires for human rights a privileged position among the branches of international law [34], while Alain de Benoist questions the conditions ^{of} human rights regarding the equality of people ^[35]. Jurist David Kennedy has listed realistic concerns and scathing accusations about human rights in 2002 in the Harvard Human Rights Journal ^[36].

Sort [[Edit](#) | [edit code](#)]

Human rights can be [classified](#) and organized in many different ways. In the international field, the most common way of categorizing them is to distinguish between civil and political rights as well as economic, social and cultural rights.

Civil and political rights are mentioned in articles 3 to 21 of the [Universal Declaration of Human Rights](#) ^[7] ([UDHR](#) , English: [UDHR](#)) and the [International Covenant on Civil and Political Rights](#) ^[37] ([ICCPR](#) , English: [ICCPR](#)). Economic, social and cultural rights are enshrined in articles 22 to 28 of the Universal Declaration of Human Rights and the [International Covenant on Economic, Social and Cultural Rights](#) ^[38] ([ICESCR](#) , English: [ICESCR](#)).

These two Covenants, together with the Universal Declaration of Human Rights, constitute the [International Covenant on Human Rights](#) ^[39] ([IHRC](#) , English: [IBHR](#)).

Indivisible [[Edit](#) | [edit code](#)]

The UDHR contains both economic, social and cultural, as well as civil and political rights, as it is based on the principle that the various rights can only exist successfully in combination:

The [ideal](#) of the [free](#) man, who enjoys civil and political freedom and is freed from [fear](#) and [misery](#) , can only be achieved if conditions are created under which every man can enjoy his civil and political rights, as well as economic , his social and cultural rights.

— International Covenant on Civil and Political Rights & International Covenant on Economic, Social and Cultural Rights, 1966

This is considered true because without civil and political rights, it is impossible for society to claim economic, social and cultural rights. At the same time, if it lacks a means of livelihood and a functioning framework, the public cannot claim or exercise civil or political rights (known as the *full belly theory*).

The indivisibility and interdependence of all human rights have been endorsed by the 1993 Vienna Declaration and Program of Action:

All human rights are universal, indivisible, interrelated and interdependent. The international community must treat human rights globally and in an equal and fair manner, in the same way and with the same emphasis.

— Vienna Declaration and Program of Action, World Conference on Human Rights, 14-25 June 1993, Vienna, Austria ^[40]

(The above statement was again adopted by the 2005 World Summit in New York. Paragraph 121 ^[41] .)

Although accepted by the signatories of the UNCLOS, in practice the majority do not give equal weight to the different types of rights. Some Western cultures have more often focused on civil and political rights, sometimes at the expense of economic and social rights, such as the right to work, education, health and housing. Similarly, Asian and former Soviet bloc countries tend to prioritize economic, social and cultural rights, but rarely provide civil and political rights.

Categorize [[Edit](#) | [edit code](#)]



"Poverty is the worst form of violence ." — Mahatma Gandhi . What are the non-negotiable rights of a human being? Prioritizing and classifying human rights is far from an easy task .

Opponents of the indivisibility of human rights argue that economic, social and cultural rights are fundamentally different from civil and political rights and therefore require entirely different approaches. It is argued that economic, social and cultural rights are:

- Aspirations or goals, as opposed to actual "legal" rights.
- Ideologically divisive/political, i.e. there is no consensus as to what should and should not be granted as a right.
- Non-conductive, i.e. their provision or violation cannot be judged by judicial authorities.
- Positive, that is, they require the active provision of rights by the state (as opposed to requiring the state to simply avoid rights violations).
- Progressively , meaning that enough time is required for their implementation.
- Resource intensive, i.e. they are expensive and difficult to provide.
- Socialist , as opposed to capitalist .
- Indefinite, i.e. they cannot be quantified, and it is difficult to judge whether they are adequately provided.

At the same time, civil and political rights are categorized as follows:

- Real "legal" rights.
- Non-ideological/non-political.
- Conductive.

- Negatively, that is, the state can simply protect them without taking action.
- Directly, i.e. they can be provided, if the state decides to do so.
- Without cost.
- Capitalist.
- Specifically, that is, their provision is easy to measure and judge.

Olivia Ball and Paul Greedy argue that one can easily find examples of civil, political, economic, social and cultural rights that do not fit the above categorization. Among many others, they highlight the fact that the maintenance of a judicial system, which is a fundamental requirement of the civil right to a fair trial before the law and other due process rights, is positive, resource-intensive, progressive, vague, while the social right to housing is concretely conductive and can be a real "legal" right ^[42].

Three generations [\[Edit | edit code \]](#)

Karel Vasak offers another view, that of three generations of human rights: first-generation civil and political rights (right to life and political participation), second-generation economic, social and cultural rights (right to maintenance) and third-generation solidarity rights (right to peace, right to a clean environment). Of these generations, the third is the one that is discussed the most and lacks legal and political recognition. This categorization is contrary to the indivisibility of rights, since it implicitly states that some rights can exist without others. The [hierarchy](#) of rights for practical reasons is, however, a widely accepted necessity. Human rights expert Philip Allston argues that "If every element of human rights is deemed essential or necessary, then nothing is to be treated as truly important" ^[43] and draws attention, along with others, to the prioritization of rights.

Inviolable human rights [\[Edit | edit code \]](#)

Some human rights are described as 'inalienable rights'. The term inalienable rights (or inalienable rights) refers to "a set of human rights that are of fundamental importance, are not granted by human authority, and cannot be surrendered."

International conferences classify as inviolable rights the [right to life](#), the [right to be free from slavery](#), the [right to be free from torture](#) and the [right to be free from retroactive application of criminal laws](#) ^[44].

Human Rights Defenders [\[Edit | edit code \]](#)

CHARTER OF THE UNITED NATIONS
AND
STATUTE OF THE
INTERNATIONAL COURT OF JUSTICE



SAN FRANCISCO - 1945

The [English](#) version of the [Charter of the United Nations](#) ^[45] and the Statute of the [International Court of Justice](#) ^[46] . [San Francisco](#) , [June 26, 1945](#) . The remaining, equally authentic, versions are [Arabic](#) , [French](#) , [Spanish](#) , [Chinese](#) and [Russian](#) ^[47] ^[48] .

A human rights defender is someone who individually or together with others acts to promote or defend human rights. Human rights defenders are those men and women who act peacefully to promote and protect human rights.

International protection [[Edit](#) | [edit code](#)]

In the wake of the atrocities of [World War II](#) , there was increasing concern about the social and legal protection of human rights as fundamental freedoms. The establishment of the United Nations and the provisions of its Charter provided a basis for a comprehensive system of international law and practice for the protection of human rights. Since then, international human rights [law has been characterized by an interconnected system of conventions](#) , [treaties](#) , organizations and political actors, rather than any single entity or set of laws ^[49] .

Map of the United Nations [[Edit](#) | [edit code](#)]

Main article: [Map of the United Nations](#)

The provisions of the United Nations Charter ^[45] provided a basis for the development of international protection of human rights ^[49] . The preamble of the Charter states that its members "reaffirm faith in fundamental human rights, in the equal rights of men and women" and Article 1.3 of the United Nations Charter states that one of the purposes of the United Nations is: "to achieve international co-operation in solving international problems of an economic, social, cultural and humanitarian nature, and in promoting and encouraging respect for human rights and fundamental freedoms for all,

without distinction as to race, sex, language, religion [50] ². Article 55 states that:

The United Nations shall promote: a) improvement of the standard of living, full employment and conditions of economic and social progress and development b) solutions of international economic, social, health, and related problems c) international cultural and educational cooperation d) universal respect and the observance of human rights and fundamental freedoms for all, without distinction as to race, sex, language, or religion.

Of particular importance is article 56 of the Charter: "All Members undertake to jointly and individually, in cooperation with the Organization, achieve the objectives set out in article 55 [51] ². This is a binding treaty provision that applies to both the Organization and its members and has been held to constitute a legal obligation for United Nations members [49]. In general, the references to human rights in the Charter are general and vague. The Charter does not contain specific legal rights, nor does it mandate any enforcement procedures to protect those rights [52]. Nevertheless, the importance of enshrining human rights within the United Nations Charter should not be underestimated. The importance of human rights in the international arena can be attributed to the importance of human rights in the context of the United Nations and the Charter of the United Nations can be seen as the starting point for the development of a wide range of mechanisms, declarations, treaties, implementation and enforcement mechanisms, United Nations bodies, committees and reports on the protection of human rights [52]. The rights adopted in the United Nations Charter would later be codified and finalized in the Universal Declaration of Human Rights, consisting of Universal Declaration of Human Rights [7], the International Covenant on Civil and Political Rights [37] and the International Covenant on Economic, Social and Cultural Rights [38].



"It is not a [convention](#) ... [In the future it may] become an international [Magna Carta](#)." ^[53] Eleanor [Roosevelt](#) with the Spanish text of the [Universal Declaration of Human Rights](#) in 1949.

Universal Declaration of Human Rights [\[Edit | edit code \]](#)

Main article: [Universal Declaration of Human Rights](#)

The Universal Declaration of Human Rights (**UDHR**) was adopted by the United Nations General Assembly ^[8] in [1948](#) , partly in response to the atrocities of World War II. Despite the fact that the UNCLOS was a non-binding [resolution](#) , it is now considered by some to have acquired the force of customary international law which can be invoked in appropriate circumstances by national and other judicial authorities ^[54] . The UDHR calls on member states to promote a range of human, civil, economic and social rights, considering these rights as part of the "foundations of [freedom](#) , [justice](#) and [peace](#) in the world". The declaration was the first international legal attempt to limit the conduct of states and to impose on them obligations towards their citizens according to the duality of [rights](#) and [duties](#) .

... the recognition of the inherent dignity and equal and inalienable rights of all members of the human family, is the foundation of freedom, justice and peace in the world... ^[55]

The OHCHR was flanked by members of the Commission on Human Rights, chaired by former First Lady [Eleanor Roosevelt](#) , which began discussing an International Bill of Rights in 1947. The Commission members did not immediately agree on the form of such a bill of rights, and if , or how, should be activated. The Commission proceeded to formulate the ODA and accompanying conventions, but the ODA soon became a priority ^[56] . Canadian law professor [John Humphrey](#) and French lawyer [Rene Cassin](#) were responsible for much of the transnational research and the structure of the document, respectively, where the articles of the declaration interpreted the general principles of the preamble. The document was structured by Casen in such a way as to include the basic principles of dignity, liberty and fraternity in the first two articles, followed in sequence by rights concerning individuals: rights of individuals in their relations with each other, in relation to groups, intellectual, public and political rights, economic, social and cultural rights. The last three articles place, according to Cassen, rights in the context of limits, obligations and the social and political order in which they are intended to be realized ^[56] . Humphrey and Cassen intended that the rights in the EULA should be enforceable in some way, as expressed in the third clause of the preamble ^[56] :

Because it is essential that human rights be protected by a regime of law, so that man is not forced to resort, as a last resort, to rebellion against tyranny and oppression ^[55] .

Part of the OHCHR was researched and drafted by a committee of international human rights experts, including representatives from all continents and all major religions, and based on consultations with leaders such as Mahatma Gandhi ^[57] ^[58] . The addition of civil, political, economic, social and cultural rights ^[56] ^[59] was based on the assumption that all human rights are indivisible and that different types of rights are inextricably

linked. No member state disagreed with this principle (the declaration was adopted unanimously). However, this principle later suffered significant challenges ^[59].

The Universal Declaration bifurcated into treaties, an international covenant on individual and political rights and another on economic, social and cultural rights, due to questions about the appropriateness and competence of economic and social provisions in human rights conventions. Both clauses begin with the right of people to self-determination and sovereignty over their natural resources ^[60]. This debate about whether civil rights are more fundamental than economic rights continues to this day.

The drafters of the Pacts originally planned only one instrument. The original plans included only civil and civil rights, but economic and social rights were also proposed. Disagreement over which rights were basic human rights led to the existence of two covenants. The debate was whether economic and social rights express expectation, as opposed to basic human rights, which all people have solely by virtue of being human, because economic and social rights depend on wealth and the availability of resources. Moreover, unlike basic human rights which are determined solely by the nature (mental and physical capacities) of people, the recognition of social and economic rights depends on ideology or economic theories. It was debated whether economic rights were appropriate subjects for binding obligations and whether the lack of consensus on these rights would diminish the validity of political rights. There was broad agreement and clear recognition that the means required to enforce or induce compliance with socio-economic enterprises differed from the means required for civil rights. ^[61]

This debate and the desire for the largest possible number of signatories to human rights law led to two treaties. The [Soviet](#) bloc and a number of [developing countries](#) supported the inclusion of all rights in a so-called Unity Resolution. Both treaties allow states to derogate from certain rights. Those in favor of a single treaty were unable to gain sufficient consensus ^{[62][63]}.

International Treaties [[Edit](#) | [edit code](#)]



"No child should be treated unfairly for any reason." ^[64]

In 1966, the [International Covenant on Civil and Political Rights](#) ^[37] (**ICCPR**) and the [International Covenant on Economic, Social and Cultural Rights](#) ^[38] (**ICESCR**) were adopted by the United Nations, transforming the rights contained in the convention of human rights in binding on all states that have signed the convention, creating human rights law.

Since then many other conventions (legislation) have been proposed at the international level. They are popularly known as declarations of human rights. Some of the most important, also known as (including the ICCPR and ICESCR) "the seven fundamental treaties", are:

- [Convention on the Elimination of All Forms of Discrimination Against Women](#) (**CEDAW** , adopted 1979, entry into force: 1981) ^[65] .
- [Convention on the Elimination of All Forms of Racial Discrimination](#) (**CERD** , adopted 1965, entry into force: 1969) ^[66] .
- [Convention on the Rights of Persons with Disabilities](#) (**CRPD** , adopted 2006, entry into force: 2008) ^[67] .
- [Convention on the Rights of the Child](#) (**CRC** , adopted 1989, entry into force: 1989). It is the first global, legally binding, children's rights code in history ^[68] .
- [United Nations Convention Against Torture](#) (**CAT** , adopted 1984, entry into force: 1987) ^[69] .
- [International Convention on the Protection of the Rights of Migrant Workers and Members of Their Families](#) (**ICRMW** or more commonly **MWC** , adopted 1990, entry into force: 2003) ^[70] .

Customary international law [[Edit](#) | [edit code](#)]

In addition to protection from international conventions, customary international law may protect some human rights such as the prohibition of torture, genocide [and](#) slavery, as well as the principle of non-discrimination ^[71].

International humanitarian law [[Edit](#) | [edit code](#)]

Main article: [Geneva Conventions](#)

The Geneva Conventions were formulated between 1864 and 1949 as a result of the efforts of [Henrique Dunant](#), founder of the International Committee of the [Red Cross](#). The conventions protected the rights of individuals involved in armed conflict, and based on the Hague Conventions of 1899 and 1907, were the first attempt by the international community to formalize the laws of war and war crimes through a secular international [law](#). The conventions were revised as a result of [World War II](#) and reissued by the international community in [1949](#).



Schematic structure of the [United Nations](#). ^{[72][73]}

United Nations System [[Edit](#) | [edit code](#)]

Main article: [United Nations](#)

The [United Nations Charter](#) and multilateral human rights treaties give the United Nations a mandate and international jurisdiction to implement universal human rights laws ^[74]. Human rights issues mainly concern the Security Council and the Human Rights Council, which are parts of the United Nations mechanism. There are also multiple committees within the UN to protect various human rights treaties. The Office of the High Commissioner for Human Rights is the highest body in the field of human rights. The UN has an international mandate:

To achieve international cooperation to solve international problems of an economic, social, cultural and humanitarian nature, and to develop and

encourage respect for human rights and fundamental freedoms for all, without distinction of race, sex, language or religion.

— Article 1.3 of the United Nations Charter

Political Bodies [[Edit](#) | [edit code](#)]

Security Council [[Edit](#) | [edit code](#)]

Main article: [United Nations Security Council](#)

The UN Security Council is primarily responsible for maintaining international peace and security and is the only UN body authorized to use force. He has been criticized for his inability to prevent human rights abuses such as the [Darfur crisis](#), the [Srebrenica massacre](#) and the [Rwandan genocide](#) ^[75]. The presence of non-democratic states in the Security Council, for example, has been for critics the reason for its failure to address these violations ^[76].

On [28 April 2006](#), the Security Council adopted Resolution 1674 which reaffirmed the responsibility to protect populations from [genocide](#), [war crimes](#), [ethnic cleansing](#) and [crimes against humanity](#), while at the same time committing its members to take action to protect civilian populations from armed conflict. ^{[77][78][79]}



The hall of the [UN General Assembly](#).

General Assembly [[Edit](#) | [edit code](#)]

Main article: [General Assembly of the United Nations](#)

The General Assembly of the United Nations has, according to Article 13 of the Charter of the United Nations, the power to initiate studies and make proposals on issues concerning human rights ^[80]. The General Assembly is therefore expected to adopt a number of human rights instruments, the first being the Universal Declaration of Human Rights in 1948 ^[80]. Several of its subsidiary bodies focus on specific human rights issues, such as the Special Commission on Decolonization and the Special Commission against [Apartheid](#) (now inactive). In addition, it has created several other subsidiary bodies that deal with human rights issues in some high-profile contexts, such as the United Nations Council on Namibia, the Special Commission to Investigate [Israeli](#) Practices in the Occupied Territories, and

the Commission on the Exercise of inalienable rights of the people of [Palestine](#) ^[81].

Human Rights Council [[Edit](#) | [edit code](#)]

The United Nations Human Rights Council, established at the 2005 World Summit to replace the United Nations Commission on Human Rights, is mandated to investigate human rights violations ^{[82][83]}. The Human Rights Council is an auxiliary body of the General Assembly ^[84], to which it reports directly. It ranks under the Security Council, which is empowered to interpret the United Nations Charter ^[85]. 47 of the 191 member states participate in the council and are elected by a simple majority in a secret ballot of the General Assembly. The term of office of the members lasts up to 6 years, but can be suspended in case of gross violation of human rights. The Council is based in [Geneva](#) and meets three times a year or more often to respond to urgent situations ^[86].

The Council maintains independent experts (rapporteurs) who investigate allegations of human rights violations and deliver reports to the Council.

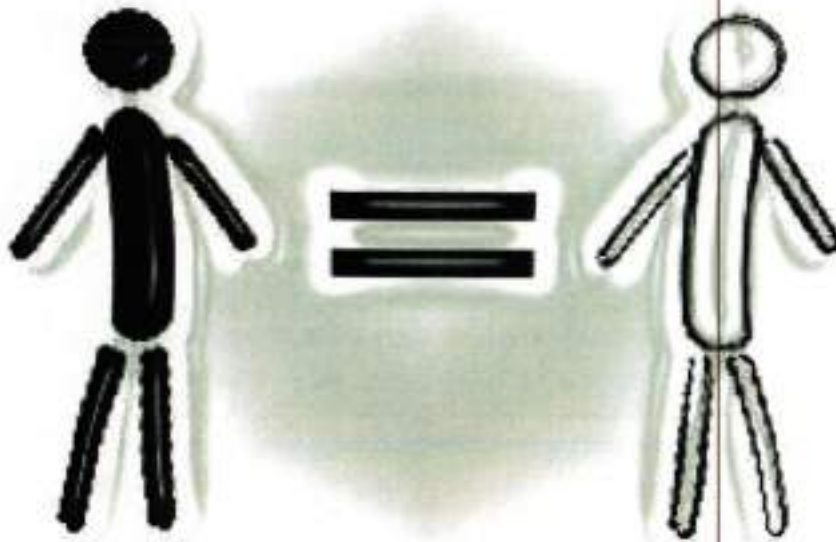
The Human Rights Council can call on the Security Council to act when such violations occur. This may involve direct action or sanctions, and the Security Council may also refer cases to the [International Criminal Court](#) (ICC) ^[87] even if these are outside the ICC's normal jurisdiction. For example, the Security Council referred human rights violations in [Sudan](#)'s [Darfur](#) to the ICC, despite the fact that Sudan had a functioning legal system.

Treaty Bodies [[Edit](#) | [edit code](#)]

In addition to political bodies, whose mandate derives from the [UN Charter](#), the UN has established a number of treaty-based bodies that include committees of independent experts that monitor compliance with human rights norms derived from core human rights treaties. They follow and are supported by the same condition that created them. In fact, with the exception of the Center for Economic and Social Rights established by the resolution of the [Economic and Social Council](#) to monitor functions originally assigned to this Covenant body, are theoretically autonomous bodies defined by the treaties that oversee and are accountable to the members who contributed to those treaties and not to the UN. In practice, however, they are closely intertwined with the United Nations system and are supported by the United Nations High Commissioner for Human Rights and the United Nations Center for Human Rights ^[88]:

- The *Human Rights Committee* promotes participation in the standards of the [International Covenant on Civil and Political Rights](#) ^[37]. The 18 members of the commission express opinions and judgments on individual complaints against states that have ratified an Optional Protocol to the treaty. Decisions, called "opinions" are not legally binding.
- The *Committee on Economic, Social and Cultural Rights* monitors the [International Covenant on Economic, Social and Cultural Rights](#) ^[38] and comments generally on the performance of states that have ratified it. It will be able to receive complaints against States parties to the Optional Protocol once it enters into force. It is worth noting that unlike

other treaty bodies, the economic committee is not an autonomous body responsible for the members of the treaty, but directly subordinate to the Economic and Social Committee and by extension to the General Assembly. This means that the Economic Commission faces particular difficulties as it has relatively "weak" means of enforcement in contrast to other treaty bodies ^[89]. Commentators note specific difficulties such as: alleged inactivity of treaty principles, relative lack of texts and decisions, reluctance of many states to consider economic, social and cultural rights, relatively few non-governmental organizations focused on the region, and problems in obtaining relevant information ^{[89] [190]}.



Racism has cost the lives of countless innocent people in the past. The United Nations is working towards its elimination: " ... *without discrimination of any kind, in particular as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or any other situation.* » ^[91]

- The *Committee on the Elimination of Racial Discrimination* monitors the Convention on the Elimination of Racial Discrimination ^[66] and organizes regular inspections of states on their performance. It can issue decisions on complaints against countries that allow racial discrimination, but these are not legally binding. It issues warnings in an attempt to prevent serious violations of the treaty.
- The Committee on the Elimination of Discrimination against Women monitors the Convention on the Elimination of All Forms of Discrimination against Women ^[65]. It receives reports from states on their performance, commenting on them, and issues decisions on complaints against countries participating in the 1999 Optional Protocol.
- The *Committee Against Torture* monitors the United Nations Convention against Torture ^[69] and every four years receives reports from states on their performance, commenting on them. Its sub-committee has the ability to visit and inspect countries participating in the Optional Protocol.
- The *Committee on the Rights of the Child* monitors the Convention on the Rights of the Child ^[68] and comments on reports submitted to it by states every five years. It does not have the ability to receive complaints.

- The *Committee on Migrant Workers* was established in 2004 and monitors the United Nations Convention on the Protection of the Rights of All Migrant Workers and Their Relatives ^[70] and comments on state reports every five years. If ten member states allow it, it can receive complaints.
- The *Committee on the Rights of Persons with Disabilities* was established in 2008 to monitor the Convention on the Rights of Persons with Disabilities ^[67]. It can receive complaints against States parties to the Optional Protocol to the Convention on the Rights of Persons with Disabilities.

Apart from the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) which is supported by the Department for the Advancement of Women, each treaty body receives secretariat support from the Human Rights Council as well as the Treaties Department of the Office of the High Commissioner on Human Rights in Geneva. The ECJ once met at UN headquarters in New York, but now meets more often in Geneva, like all other treaty bodies. The Human Rights Commission usually meets in New York in March.

Regional Human Rights Regimes [\[Edit | edit code \]](#)

International human rights regimes are, in many cases, 'nested' within multiple complex and overlapping local agreements. These regional regimes can be considered relatively autonomous coherent human rights sub-regimes ^[92]. Three main regional human rights instruments are evident: the [African Charter on Human and Peoples' Rights](#) ^[93], the [American Convention on Human Rights](#) ^[94] (North and South America) and the [European Convention on Human Rights](#) ^[95]. The latter has defined and ensured since 1950 human rights and fundamental freedoms in Europe ^[96]. All 47 member states of the [Council of Europe](#) have signed the Convention and are therefore subject to the jurisdiction of the [European Court of Human Rights](#) based in [Strasbourg](#) ^[96].

Non-governmental organizations [\[Edit | edit code \]](#)



Visitors to [Athens Pride](#) discuss with members of a human rights [non-governmental organization](#).

Main article: [non-governmental organization](#)

International non-governmental human rights organizations such as [Amnesty International](#), [Human Rights Watch](#), the [International Agency for Human Rights](#) and the [International Federation of Human Rights](#) monitor what they consider important human rights issues around the world and promote their opinion on them. Human rights organizations are seen as "turning complex international issues into activities for concerned citizens to undertake in their communities" ^[97]. Often these organizations are engaged in promoting interests on behalf of human rights which they defend by trying to persuade the United Nations, supranational bodies and national governments to adopt their human rights policies. Many human rights organizations, in fact, also have observer status in the various relevant bodies of the United Nations. A recent non-governmental conference on human rights was the Oslo Freedom Forum (2009) about which the [Economist](#) wrote that it is "on its way to becoming the equivalent of the Davos economic forum for human rights" while also noting that human rights advocates are increasingly divided over the definition of human rights, particularly in relation to the Middle East ^[98].

Criticism is leveled at human rights organizations that use their position but stray from their stated goals. Gerald Steinberg, for example, an Israeli academic, argues that NGOs take advantage of the so-called "halo effect" and are "given the status of impartial moral watchdogs" by governments and the media ^[99]. According to the above criticism, this can be seen at various levels of government, even when human rights groups testify before commissions of inquiry ^[100].

Greece [[Edit](#) | [edit code](#)]

The [National Commission for Human Rights](#) (HEDA) is an advisory body of the [Greek State](#) in matters of protection and promotion of Human Rights ^[101], while the [Hellenic Union for the Rights of Man and Citizen](#) (HEDAP), founded in 1936 and year of re-establishment in 1953, it is the oldest non-governmental human rights protection organization that exists in Greece ^[102].



The [dropping of the atomic bombs on Hiroshima and Nagasaki](#) resulted in the instantaneous death of over 100,000 people. In the following months, due to radiation, the number of victims doubled. In the photo a schoolgirl rings the Peace Bell ^[103] in [Hiroshima Peace Park](#) .

Violations [[Edit](#) | [edit code](#)]

Human rights violations occur when actions by state (or non-state) actors abuse, ignore or deny basic human rights (including civil, political, cultural, social and economic rights). In addition, human rights violations can occur when a state or non-state actor violates any part of the [Universal Declaration of Human Rights](#) or other international human rights law. With regard to human rights violations under [United Nations](#) law , Article 39 of the United Nations Charter designates the [United Nations Security Council](#)(or other authorized Authority) as the only court that can determine violations of UN human rights ^[85] .



Prisoners in a Nazi concentration camp

Human rights violations are monitored by United Nations committees, national organizations and governments, and by many independent non-governmental organizations, such as [Amnesty International](#) ^[104], the [International Federation of Human Rights](#) ^[105], [Human Rights Watch](#) ^[106], the [World Organization Against Torture](#) ^[107], the [Freedom House](#) organization ^[108], the [International Organization for the Exchange of Information on Freedom of Expression](#) ^[109] and the [International Organization Against Slavery](#) ^[110]. These organizations collect evidence and evidence of alleged human rights violations and lobby for the implementation of human rights laws.

[Aggressive wars](#), [war crimes](#) and [crimes against humanity](#), including [genocide](#), are violations of international humanitarian law and are among the most serious violations of human rights. ^{[87][111][112]}

In efforts to eliminate human rights violations, awareness-building and protest against inhumane treatment have often led to calls for action and sometimes improved situations. The United Nations Security Council has mediated with peacekeepers, and other states and treaties (such as [NATO](#)) have intervened in situations to protect human rights.

Multinational companies [\[Edit | edit code \]](#)

[Multinational corporations](#) play an ever-increasing role in the world and are responsible for many human rights abuses ^[113]. Although the legal and ethical framework surrounding the actions of governments is reasonably well developed, that surrounding the activity of multinational corporations is considered more controversial and not sufficiently clarified. The primary responsibility of multinational corporations is to their [shareholders](#), not to those affected by their actions. Such corporations can be larger than the economies of some of the states in which they operate and can wield

considerable economic and political power. There are no [international treaties](#) specifically covering the conduct of companies with regard to human rights and national laws vary considerably. Jean [Ziegler](#) , Special Rapporteur of the United Nations Human Rights Commission on the [right to food](#) , stated in a 2003 report:

The growing power of transnational corporations and the expansion of their power through privatization, deregulation and withdrawal of the State also means that it is time to develop binding legal rules that will hold corporations within the framework of human rights and prevent potential abuse of their position of power ^[114] .

In August 2003 the UN Human Rights Commission's sub-committee on the Promotion and Protection of Human Rights issued the draft " *Regulations on the Human Rights Responsibilities of Transnational Corporations and Other Enterprises* " ^[115] . These were taken into account by the Human Rights Commission in 2004, but are non-binding and unmonitored ^[116] .

In the Greek state [[Edit](#) | [edit code](#)]

Greece has been accused several times of human rights violations ^{[117][118][119]} .

Substantial Rights [[Edit](#) | [edit code](#)]

Right to life [[Edit](#) | [edit code](#)]

The right to life is inherent in man. This right must be protected by law. No one can be arbitrarily deprived of life ^[120] .

The right to life is the essential human right not to be killed by another human being. The concept of the right to life is central to the discussion of issues [of abortion](#) , [capital punishment](#) , [euthanasia](#) , [self-defense](#) and [war](#) . According to human rights [activists](#) , the death penalty is a violation of this right ^[121] . The United Nations has called on states that retain the death penalty to establish a tribunal to abolish it ^[122] . Any state that does not participate in this effort is under significant moral and political pressure.

Freedom from slavery [[Edit](#) | [edit code](#)]

Freedom from [slavery](#) is internationally recognized as a human right. Article 4 of the [Universal Declaration of Human Rights](#) dictates the following:

No one is allowed to live in total or partial slavery. Slavery and slave trade in any form is prohibited ^{[123][124]} .



In the literary work of the [Marquis de Sade](#), a wide variety of [torture](#) is presented .

Despite this, the number of slaves today is higher than at any other time in history ^[125] and is estimated at anywhere from 12 ^[126] to as many as 27 million ^{[127][128][129]} . Most are enslaved by debts owed to creditors, often even for generations ^[130] . Human trafficking occurs mainly for the export of women and children to sex industries ^[131] .

Groups such as the American [Anti-Slavery Group](#) , [Free the Slaves](#) and the British [Anti-Slavery International](#) are still working to eradicate slavery in the world.

Freedom from torture [[Edit](#) | [edit code](#)]

Torture has historically been used as a means of political re-education, interrogation, punishment and coercion . Beyond state torture, individuals or groups may be motivated to torture others for reasons similar to those of a state. But the motivation to torture may come from the need for [sadistic](#) gratification of the torturer, as in the case of [Moore's killers](#) .

Torture is prosecuted under international and domestic law in most countries in the 21st century. They are considered a violation of human rights, and have been declared impermissible by Article 5 of the Universal Declaration of Human Rights of the United Nations ^[132] . The signatories of the Geneva Conventions of 1949 and Additional Protocols I and II of June 8, 1977 formally agreed not to torture prisoners of war, whether international or domestic. Torture is also prohibited by the United Nations Convention Against Torture ^[69] , which has been ratified by 155 countries ^[133] .

States unanimously prohibit torture, internationally as well as in their territories, as it is immoral and impractical ^[134] . Despite these international conventions, organizations that monitor the abuse of human rights (eg

Amnesty International, International Council for the Rehabilitation of Torture Victims) denounce the widespread use of torture that is ignored by states in many regions of the world [135]. Amnesty International estimates that at least 81 governments practice torture, some even openly [136].

Right to a fair trial [[Edit](#) | [edit code](#)]

Every person has a full right to a fair and public hearing by an independent and impartial tribunal, for the determination of his rights and obligations and of any charge against him [137].

The right to a fair trial has been defined by numerous local and international human rights [organizations](#). It is one of the most widespread human rights and all human rights organizations enshrine it in more than one article [138]. The right to a fair trial is one of the most litigated and there is significant [jurisprudence](#) on the interpretation of this human right [139]. Despite the differences in wording and positioning of the various rights to a fair trial, international human rights organizations define the right to a fair trial in broadly the same terms [140]. The aim of the right is to preserve the correct administration of justice. As minimum requirements, the right to a fair trial includes the following individual rights during [civil](#) and [criminal](#) hearings [141]:

- The right to a trial by a competent, independent and impartial tribunal.
- The right to a public hearing.
- The right to a reasonable hearing.
- The right of defence.
- The right of interpretation [141].

Right to privacy [[Edit](#) | [edit code](#)]

According to article 12 of the Universal Declaration of Human Rights: "No one shall be subjected to arbitrary interference with his private life, family, home or correspondence, nor to insults to his honor and reputation. Everyone has the right to be protected by the laws from interventions and insults of this kind [142]." According to [Article 9](#) of the Greek Constitution: "The private and family life of the individual is inviolable."

The right to private life is a fundamental human right, because it is directly related to human dignity [143], while it is also a decisive factor for other fundamental human rights, such as the [right to freedom of thought, conscience and religion](#) and the [right to freedom of speech](#) [144][145][146].

Right of movement [[Edit](#) | [edit code](#)]

Freedom of movement guarantees that the citizen of a state in which that citizen is located has the freedom to travel, reside, and/or work in any part of the state he chooses, within the limits of respect for the freedom and rights of others, and to leave and re-enter this State at any time.



According to human rights every person is [free](#) to [believe](#) in any [religion](#) they want, or not believe in any.

Freedom of thought, conscience and religion [[Edit](#) | [edit code](#)]

Everyone has the right to freedom of thought, conscience and religion. This right includes freedom to change one's religion and belief and freedom to manifest one's religion or belief, individually or in community with others, in public or in private through worship, observance, practice and teaching.

— Article 18 of the International Covenant on Civil and Political Rights

Freedom [of thought](#) , [conscience](#) and [religion](#) are closely related rights that protect the freedom of an individual or community, in public or private, to think and hold their ideological beliefs freely and to manifest their religion or beliefs, individually or in association with others , through worship, ritual acts, practice and teaching. The concept is generally recognized to also include one's freedom to convert or to believe in no religion ^[147] . One's freedom to leave or cease membership in a religion or religious group – in religious terms the so-called "[apostasy](#)" – is also a fundamental part of religious freedom, as covered by article 18 of the Universal Declaration of Human Rights ^[148] .

Human rights organizations, such as [Amnesty International](#) , campaign to protect those arrested and/or imprisoned as prisoners of conscience because of their ideological beliefs, particularly with regard to intellectual, political and artistic freedom of expression and association ^[149] . In law, the conscience clause is a provision of law that exempts a healthcare professional from complying with legislation (eg surgical or medical abortion) if it is inconsistent with their religious or ideological beliefs ^[150] .

Freedom of speech [[Edit](#) | [edit code](#)]

Main article: [Freedom of speech](#)

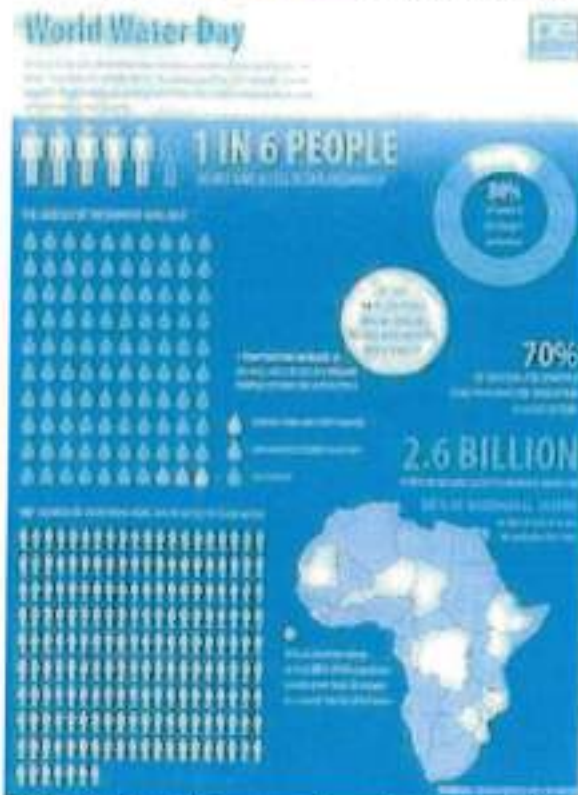
Freedom of speech is to speak freely without being [censored](#) . The term [freedom of expression](#) is sometimes used as a synonym, but it includes any act of seeking, receiving and transmitting information or ideas, regardless of the medium used. In practice, the right to freedom of speech is not absolute

in any country and various manifestations of it are subject to restrictions, such as libel, slander, obscenity, incitement to [criminal acts](#), etc.

Freedom of expression is recognized as a human right in Article 19 of the Universal Declaration of Human Rights and recognized in international human rights law and the International Covenant [on Civil and Political Rights](#) (ICCPR). Article 19 of this International Covenant states that "everyone has the right to hold an opinion uninfluenced" and "everyone has the right to freedom of expression. This right includes the freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of works of art, or through any other medium of his choice" [151].

Rights to public debate [[Edit](#) | [edit code](#)]

Events and new possibilities can affect existing rights or create the need for new ones. Advances in [technology](#), [medicine](#), and [philosophy](#) continually challenge the [status quo](#) of human rights logic [152].



187 [children](#) die every hour because they do not have access to clean [water](#).

Access to water [[Edit](#) | [edit code](#)]

The [right to water](#) [153] [154] [155] has been recognized in a wide range of international instruments, including treaties, declarations and other standards. For example, the 1979 [Convention on the Elimination of All Forms of Discrimination Against Women](#) (CEDAW) requires member states to ensure for women the right "To enjoy adequate living conditions, in particular [...] the provision of [...] of water" [156]. The 1989 [Convention on the Rights of the Child](#) (CRC) requires states parties to combat disease and malnutrition "both by providing nutritious food and clean drinking water" [157].

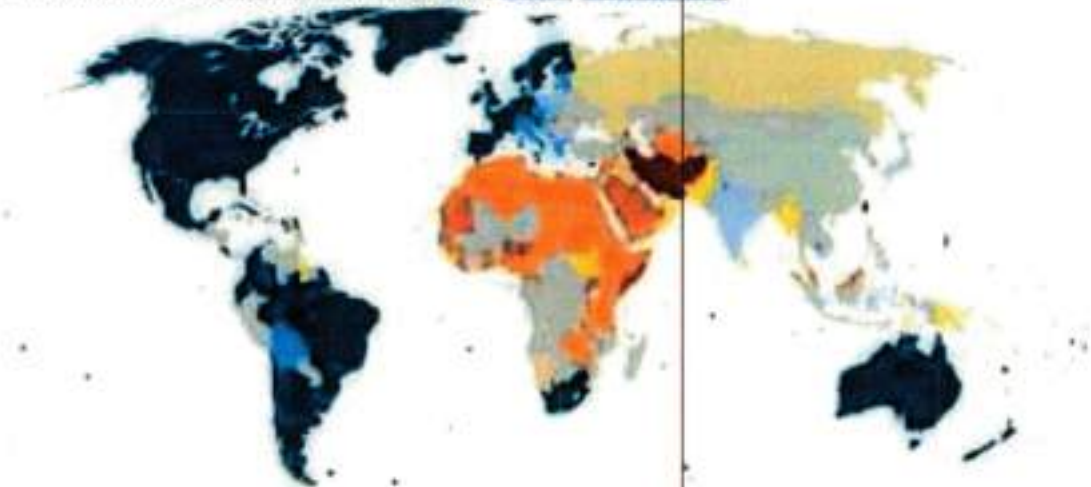
The clearest definition of the Human Right to Water has been given by the UN Commission on Economic, Social and Cultural Rights. This body interpreted the legal obligations of a State party to the [International Covenant on Economic, Social and Cultural Rights](#) (ICESCR) by issuing in [2002](#) a non-binding interpretation confirming that access to water was a prerequisite for the right to an adequate standard of living and that it is intertwined with the right to the attainment of the highest attainable standard of health (see ICESCR Article 11 & 12 ^[158]), and is therefore a human right:

The human right to water provides everyone with the right to sufficient, safe, acceptable, physically and economically accessible water for personal and domestic use ^{[159] [160]}.

On [July 28, 2010](#), the [United Nations General Assembly](#) declared water and sanitation as human rights ^[161]. Today, all States have ratified at least one human rights convention that directly or indirectly recognizes the right, and all have signed at least one political declaration that recognizes this right.

[March 22](#) is designated as [World Water Day](#) ^[162].

Sexual orientation and gender identification [[Edit](#) | [edit code](#)]



[E](#) · [S](#) · [G](#)

Same-sex intercourse is illegal. Penalties:

Death penalty	Death penalty, not applicable
Imprisonment	Imprisonment, not applicable ¹
Death under militia	Detention without prosecution

Same-sex intercourse is legal. Identification of compounds:

Marriage ²	Extraterritorial marriage ³
Civil union or cohabitation agreement	Limited domestic recognition
Limited foreign recognition	Optional certification
Not at all	Limited expression

The rings indicate areas where they work on a case-by-case basis.

¹ There have been no arrests in the past 3 years or a moratorium on the legislation.

² For some jurisdictions the law may not apply.

³ Marriage is not available locally. Some jurisdictions apply other types of partnership.

Main article: [LGBT rights in the world](#)

Rights to [sexual orientation](#) and gender identity relate to the expression of sexual orientation and gender identity based on the [right to respect for private life](#) and the right not to be discriminated against because of "other status" as defined in various human rights conventions, such as article 17 and 26 of the [United Nations International Covenant on Civil and Political Rights](#) ^[163] and article 8 and 14 of the [European Convention on Human Rights](#) ^[164].

As of 2011, [homosexual](#) behavior is illegal in 76 countries and punishable by death in seven countries ^[165]. The criminalization of private, consensual, adult sexual relations, especially in countries where there is a corporal or [death penalty](#), is one of the main concerns of [LGBT human rights defenders](#) ^[166].

Other topics include: [government recognition](#) of same-sex relationships, LGBT adoption, sexual orientation and military service, immigrant equality, anti-discrimination laws, anti-LGBT violence hate crime legislation, sodomy laws, anti - lesbian [laws](#) and equal age of consent for same-sex sexual activity ^{[167] [168] [169] [170] [171] [172]}.

A global charter on sexual orientation and gender identity rights has been proposed in the form of the "Yogyakarta Principles", a set of 29 principles whose authors say they implement the International Human Rights Law statute, in line with past relevant experiences of LGBT people ^[173]. The principles of the world map were presented at a United Nations event in New York on November 7, 2007, which was co-sponsored by [Argentina](#), [Brazil](#) and [Uruguay](#).

The principles have been recognized and influenced France's proposed UN declaration on sexual orientation and gender identity, which focuses on ending violence, criminalization and the death penalty and does not include a dialogue on same-sex marriage or right of an individual to start a family ^{[174] [175]}.

This proposal was supported by 67 of the 192 countries then members of the United Nations, including all EU member states and the United States. An alternative statement opposing the proposal was initiated by Syria and has been signed by 57 member states, including all 27 Arab [League](#) nations, as well as [Iran](#) and [North Korea](#) ^{[176] [177]}.

Copyright [[Edit](#) | [edit code](#)]

Reproductive [rights](#) are the rights related to reproduction and reproductive health ^[178]. The [World Health Organization](#) defines reproductive rights as follows:

Reproductive rights are based on the recognition of the fundamental right of all couples and individuals to decide freely and responsibly the number, spacing and timing of their children and to have the information and means to do so, as well as the right achieve the highest level of sexual and reproductive health. They also include everyone's right to make reproductive decisions free from discrimination, coercion and violence.

— World Health Organization ^[179]

Reproductive rights were first established as a subset of human rights in the [1968](#) United Nations International Conference on Human Rights [\[180\]](#). The sixteenth article of the resulting Tehran Declaration states: "Parents have a basic human right, to freely and responsibly determine the number and spacing of the births of their children [\[180\]](#) [\[181\]](#) [L](#)".



More and more people around the world are accessing the [Internet](#) [\[182\]](#). In the photo [Mark Zuckerberg](#), creator of [Facebook](#).

Reproductive rights may include some or all of the following rights: the right to legal or safe [abortion](#), the right of each individual to control their personal reproductive functions, the right to quality reproductive health care, and the right to education and access, in order for (individuals) to make reproductive choices without coercion, discrimination and violence [\[183\]](#).

Reproductive rights can also be understood to include education about [contraception](#) and [sexually transmitted infections](#), and freedom from compulsory sterilization and contraception, protection from gender-based practices such as [female genital mutilation \(clitoridectomy\)](#) and men ([circumcision](#)) [\[178\]](#)[\[180\]](#)[\[183\]](#)[\[184\]](#).

Information and telecommunications technologies [[Edit](#) | [edit code](#)]

In October 2009, the Ministry of Transport and Communications of [Finland](#) announced that every person in the country would have the legal [right to access the Internet](#) [\[185\]](#). Since July 2010, the government has required telecommunications companies by law to offer broadband Internet access [to](#) every permanent home and office. The connection must be "reasonably priced" and have a download speed of at least 1 Mbit/s [\[186\]](#).

In March 2010, the [BBC](#), having commissioned a relevant [poll](#), reported that "almost four in five people around the world believe that access to the Internet

is a fundamental right ^[187] ". The poll, conducted by polling firm GlobeScan for the [BBC World Service](#) , gathered the responses of 27,973 adult citizens from 26 countries and found that 79% of adults agreed, either "strongly" or "somewhat", with the statement: "the access to the internet should be a fundamental right of all people ^[188] ".

Trade [[Edit](#) | [edit code](#)]

Although both the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Educational Rights emphasize the importance of the right [to work](#) , neither of these documents explicitly mentions free [trade](#) as a mechanism to ensure this of the fundamental right. And yet trade plays a key role in providing jobs ^[189] .

Some experts argue that trade is inherent in human nature and that when governments impede international trade they directly impede the right to work and the other indirect benefits, such as the right to education, that are aided by increased work and [investment](#) ^[190] . Others have argued that the ability to trade does not affect everyone equally, often groups such as poor villagers, indigenous people and women are less likely to access the benefits of increased trade ^[191] .

On the other hand, others believe that it is no longer primarily individuals, but corporations [that](#) trade, and therefore cannot be guaranteed as a human right ^[192] ^[193] . Furthermore, by trying to include so many concepts under the umbrella of what can be considered a human right there is the possibility of diluting its importance. Finally, it is difficult to define the [right to trade](#) as either "fair" ^[194] or "just" the fact that the current trade regime creates winners and losers, but reforming it is likely to produce (different) winners and losers ^[195] .



One of the human rights in public debate is the right to [bear arms](#) .

Right to bear arms [[Edit](#) | [edit code](#)]

The right [to keep](#) and [bear arms](#) for [defense](#) is described in the philosophical and political writings of [Aristotle](#) , [Cicero](#) , [Machiavelli](#) , [John Locke](#) , the [English Whigs](#) and others ^[196] . In countries with an English common law

tradition, the long-standing common law right to keep and bear arms has long been recognized as pre-existing at common law, even before the creation of national constitutions [197¹].

Future generations [[Edit](#) | [edit code](#)]

In 1997, [UNESCO](#) adopted the "Declaration on the Responsibilities of the Present Generation to Future Generations". The Declaration begins with the words:

Considering the will of the peoples, formally defined in the Charter of the United Nations, to "save future generations from the scourge of war" and to defend the values and principles enshrined in the Universal Declaration of Human Rights, as well as in other relevant acts of international law.

— Declaration on the responsibilities of the present generation to the future generation

Article 1 of the declaration states that "present generations have the obligation to ensure that the needs and interests of present and future generations are fully guaranteed". The preamble to the declaration states that "at this point in history, the very existence of humanity and its environment are threatened" and the declaration covers a variety of issues, including environmental protection, the human [genome](#) , [biodiversity](#) , [cultural](#) heritage , peace, development and education.

The preamble recalls that the obligations of present generations towards future generations have been referred to in various international instruments, including the Convention for the Protection of the World Cultural and Natural Heritage (UNESCO 1972), the United Nations Framework Convention on Climate Change and the Convention on Biological Diversity (Rio de Janeiro, 1992), the Rio Declaration on Environment and Development (United Nations Conference on Environment and Development, 1992), the Vienna Declaration and Program of Action (World Conference on Human Rights, 1993) and a series of United Nations General Assembly resolutions on the protection of the global climate for present and future generations issued since 1990 [198¹].

Relation to other topics [[Edit](#) | [edit code](#)]

The environment [[Edit](#) | [edit code](#)]

There are two basic conceptions of environmental human rights in the current human rights system. The first is that the right to a healthy or suitable [environment](#) is itself a human right (as seen in article 24 of the [African Charter on Human and Peoples' Rights](#) , and article 11 of the [San Salvador Protocol to the American Convention on human rights](#)) [199] [200] . The second conception is the idea that environmental human rights can be derived from other human rights, usually the [right to life](#) , the [right to health](#) , the [right to private and family life](#) and the [right to property](#) (among many others). This second theory enjoys more extensive use in human rights courts around the world, as these rights are contained in many human rights instruments.

The onset of various environmental issues, particularly [climate change](#) , has created potential conflicts between various human rights. Human rights

fundamentally require a functioning [ecosystem and a healthy environment](#), but securing some rights to individuals can harm them. Such as the conflict between the right to decide the number of one's offspring and the common need for a healthy environment, as noted in the "[tragedy of the commons](#)" ^[201]. In the field of environmental rights, the [responsibilities of multinational organizations](#), which so far have not been addressed by human rights legislation, need to be studied. ^{[202] [203]}

Environmental [rights](#) primarily revolve around the idea of the right to a sustainable environment for both present and future generations.



Protest by [Amnesty International](#) for [Guantanamo](#), which has been described as "[the Gulag of our time](#)". ^[204]

National Security [[Edit](#) | [edit code](#)]

With the exception of [inviolable human rights](#) (international conventions classify as inviolable rights the [right to life](#), the [right to be free from slavery](#), the [right to be free from torture](#) and the [right to be free from retroactive application of criminal laws](#) ^[44]), the United Nations recognizes that human rights may be limited or even set aside in times of national emergency, although:

... the emergency must be real, affect the entire population, and threaten the very existence of the nation. The declaration of emergency should also be a last resort and a temporary measure.

— United Nations ^[44]

Rights that cannot be taken away under any circumstances for reasons of national security are known as [peremptory rules or jus cogens](#). The obligations of the United Nations Charter are binding on all Member States and cannot be modified by Treaty.

Examples of national security invocations used to justify [human rights abuses](#) include the [persecution of Japanese Americans during World War](#)

II ^[205], Stalin's [Great Purge](#) ^[206] and abuses of the rights of [terror](#) suspects by some countries, often in the name of the [War on Terror](#) ^[207]^[208].

Relevance and universality [[Edit](#) | [edit code](#)]



No [man](#) is superior to you. Or your inferior. All people are [equal](#).

UDHR enshrines universal rights that apply to all people equally, regardless of location, country, race or culture. There is, however, within academic circles, disagreement over moral relativity and moral universality ^[209]. Scholars who support relativity are not against human rights, but recognize that they are socially constructed and that their form depends on cultural and environmental contexts. Universalist scholars, on the other hand, claim that human rights have always existed and apply to all regardless of gender, race, or religion.

More specifically, those in favor of cultural relativism advocate the acceptance of different cultures, which may have practices contrary to human rights. Relativists warn that universalism can be used as a kind of cultural, economic and political [imperialism](#). An example of imperialism and the destruction of local cultures justified by the desire to spread Eurocentric values is the "White Man's Burden" ^[210]. In particular, it is often said that the idea of human rights is based on the foundations of [liberalism](#) which, although generally accepted in the states of Europe, North America and Japan, is not necessarily the model elsewhere. ^[211]^[212].

Opponents of relativism claim that there are customs that violate all the rules of human civilizations. [Female genital mutilation](#), found in various Asian, African, and South American cultures, ^[213] is a common example cited by

opponents of relativism. No religion explicitly mandates this, but it has become a tradition in many cultural groups. It is considered by a large part of the international community to be a violation of the rights of women and girls, while it has been outlawed in some countries.

Former [Singaporean Prime Minister Lee Kuan Yew](#) and his [Malaysian](#) counterpart [Mahadir bin Mohamad](#) argued in the 1990s that Asian values differ significantly from Western ones and include a sense of loyalty and a surrender of individual liberties for the sake of social stability and prosperity, and therefore authoritarian governments are better suited to Asia than [democracy](#). Lee Kuan Yew argued that "What Asians value is not necessarily what Europeans or Americans value. Westerners value individual freedoms. As an Asian of Chinese descent, my own values support a government with honesty, effectiveness and efficiency." ^[214]

In response to this, some critics have highlighted the potential of cultural relativism to justify authoritarianism. The [Iranian](#) representative to the United Nations [Said Rajaei-Khorasani](#), for example, in 1981 expressed his country's position on the Universal Declaration of Human Rights, saying that the UDHR is a "secular conception of the Judeo-Christian [tradition](#)" which does not it can be applied to [Muslims](#) without violating Islamic law ^[215]. The Asian values argument was criticized by his former deputy Mahadir [Anwar Ibrahim](#) who said that "To say that freedom is Western or un-Asian is an insult to our traditions as well as to our ancestors, who sacrificed themselves in the struggle against tyranny and injustice" as well as by Singapore Democratic Party leader Chee [Soon Chuan](#), who states that it is [racist](#) to argue that Asians do not want human rights. ^[216]

Proponents of moral universalism claim that the relativists' arguments ignore the fact that modern human rights are new to all cultures, and did not occur before the 1948 UNCRC. They state that the UNCRC was designed by culturally diverse people among whom, among others, an American [Roman Catholic](#), a Chinese [Confucian](#) philosopher, a French [Zionist](#) and a representative of the [Arab League](#), and drew on thinkers such as [Gandhi](#) ^[59]. Michael [Ignatieff](#) has referred to cultural relativism as an argument used exclusively by those who exercise power in cultures that violate human rights ^[217]. This reflects the fact that the difficulty in judging universality versus relativism lies in who claims to represent a particular culture. Although the debate on universality or relativity is far from over, it is an academic debate that focuses on whether international human rights bodies adhere to the principle that human rights have universal validity. In 2005 at the World Summit, this principle was reaffirmed by the international community:

The universal character of human rights and freedoms is beyond dispute.

— 2005 World Summit, paragraph 120 ^[41].

20, attachment 20 (is consisted from 19 pages)

Universal Declaration of Human Rights

160 languages

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Universal Declaration of Human Rights



[Eleanor Roosevelt](#) holding the English language version of the Universal Declaration of Human Rights



The human rights adopted by the [United Nations General Assembly](#) of its 183rd meeting, held in Paris on 10 December 1948

Created 1948

[Ratified](#) 10 December 1948

Location	Palais de Chaillot, Paris
Author(s)	Draft Committee²¹
Purpose	Human rights
Official Website	
	un.org/odhr
Full Text	
 Universal Declaration of Human Rights at Wikisource	

Rights



Theoretical distinctions

- [Claim rights and liberty rights](#)
- [Individual and group rights](#)
- [Natural rights and legal rights](#)
- [Negative and positive rights](#)

Human rights

- [Civil and political](#)
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Rights by beneficiary

- [Accused](#)
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- [Consumers](#)
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 - [Patients](#)
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 - [States](#)
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 - [Victims](#)
 - [Women](#)
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Other groups of rights

- [Assembly](#)
- [Association](#)
- [Asylum](#)
- [Civil liberties](#)
 - [Digital](#)
 - [Education](#)
 - [Fair trial](#)
 - [Food](#)
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[Universal Declaration of Human Rights](#)

The **Universal Declaration of Human Rights (UDHR)** is an international document adopted by the [United Nations General Assembly](#) that enshrines the [rights and freedoms of all human beings](#). Drafted by a UN [committee](#) chaired by [Eleanor Roosevelt](#), it was accepted by the General Assembly as [Resolution 217](#) during [its third session](#) on 10 December 1948 at the [Palais de Chaillot](#) in Paris, France.^[1] Of the 58 members of the [United Nations](#) at the time, 48 voted in favour, none against, eight [abstained](#), and two did not vote.^[2]

A foundational text in the [history of human and civil rights](#), the Declaration consists of 30 articles detailing an individual's "basic [rights](#) and fundamental freedoms" and affirming their universal character as inherent, inalienable, and applicable to all human beings.^[3] Adopted as a "common standard of achievement for all peoples and all nations", the UDHR commits nations to recognize all humans as being "born free and equal in dignity and rights" regardless of "nationality, place of residence, sex, national or ethnic origin, colour, religion, language, or any other status".^[4]

The Declaration is considered a "milestone document" for its "[universalist language](#)", which makes no reference to a particular culture, political system, or religion.^{[5][6]} It directly inspired the development of [international human rights law](#), and was the first step in the formulation of the [International Bill of Human Rights](#), which was completed in 1966 and came into force in 1976.

Although [not legally binding](#), the contents of the UDHR have been elaborated and incorporated into subsequent [international treaties](#), regional [human rights](#) instruments, and national [constitutions](#) and legal codes.^{[6][7][8]}

All 193 member states of the United Nations have ratified at least one of the nine binding treaties influenced by the Declaration, with the vast majority

ratifying four or more.^[1] While there is a wide consensus that the declaration itself is non-binding and not part of [customary international law](#), there is also a consensus that many of its provisions are binding and have passed into [customary international law](#),^[2] although courts in some nations have been more restrictive on its legal effect.^[3] Nevertheless, the UDHR has influenced legal, political, and social developments on both the global and national levels, with its significance partly evidenced by its 530 translations, the most of any document in history.^[4]

Structure and content^[edit]

The underlying structure of the Universal Declaration was influenced by the [Code Napoléon](#), including a [preamble](#) and introductory general principles.^[5] Its final structure took form in the second draft prepared by French jurist [René Cassin](#), who worked on the initial draft prepared by Canadian legal scholar [John Peters Humphrey](#).

The Declaration consists of the following:

- The preamble sets out the historical and social causes that led to the necessity of drafting the Declaration.
- Articles 1–2 establish the basic concepts of dignity, liberty, and equality.
- Articles 3–5 establish other individual rights, such as the [right to life](#) and the prohibition of [slavery](#) and [torture](#).
- Articles 6–11 refer to the fundamental legality of human rights with specific remedies cited for their defence when violated.
- 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 sanction the so-called "constitutional liberties" and spiritual, public, and political freedoms, such as [freedom of thought](#), opinion, expression, [religion](#) and [conscience](#), word, [peaceful association](#) of the individual, and receiving and imparting information and ideas through any media.
- Articles 22–27 sanction an individual's economic, social and cultural rights, including [healthcare](#). It upholds an expansive [right to an adequate standard of living](#), and makes special mention of care given to those in motherhood or childhood.
- Articles 28–30 establish the general means of exercising these rights, the areas in which the rights of the individual cannot be applied, the duty of the individual to society, and the prohibition of the use of rights in contravention of the purposes of the United Nations Organization.^[6]

Cassin compared the Declaration to the [portico](#) of a Greek temple, with a foundation, steps, four columns, and a [pediment](#).^[7] Articles 1 and 2—with their principles of dignity, liberty, equality and brotherhood—served as the foundation blocks. The seven paragraphs of the preamble, setting out the reasons for the Declaration, represent the steps leading up to the temple. The main body of the Declaration forms the four columns. The first column (articles 3–11) constitutes rights of the individual, such as the right to life and the prohibition of slavery. The second column (articles 12–17) constitutes the

rights of the individual in civil and political society. The third column (articles 18–21) is concerned with spiritual, public, and political freedoms, such as freedom of religion and freedom of association. The fourth column (articles 22–27) sets out social, economic, and cultural rights. Finally, the last three articles provide the pediment which binds the structure together, as they emphasize the mutual duties of every individual to one another and to society.^[10]

History^[edit]

Background^[edit]

Main article: [History of human rights](#)

During [World War II](#), the [Allies](#)—known formally as the [United Nations](#)—adopted as their basic war aims the [Four Freedoms](#): [freedom of speech](#), [freedom of religion](#), [freedom from fear](#), and [freedom from want](#).^{[17][18]} Towards the end of the war, the [United Nations Charter](#) was debated, drafted, and ratified to reaffirm "faith in [fundamental human rights](#), and dignity and worth of the human person" and commit all member states to promote "universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion".^[19] When the atrocities committed by [Nazi Germany](#) became fully apparent after the war, the consensus within the world community was that the [UN Charter](#) did not sufficiently define the rights to which it referred.^{[20][21]} It was deemed necessary to create a universal declaration that specified the rights of individuals so as to give effect to the Charter's provisions on [human rights](#).^[22]

The drafting committee^[edit]

In June 1946, the [Economic and Social Council](#) (ECOSOC)—a [principal organ](#) of the newly founded United Nations that is responsible for promoting human rights, created the [Commission on Human Rights](#) (CHR)—a standing body within the United Nations that was tasked with preparing what was initially conceived as an [International Bill of Rights](#).^[23] It had 18 members from various national, religious, and political backgrounds, so as to be representative of humanity.^[24] In February 1947, the Commission established a special [Universal Declaration of Human Rights Drafting Committee](#), chaired by [Eleanor Roosevelt](#) of the United States, to write the articles of the Declaration. Roosevelt, in her position, was key to the U.S. effort to encourage the General Assembly's adoption of a Universal Declaration of Human Rights.^[25] The Committee met in two sessions over the course of two years.

Canadian [John Peters Humphrey](#), the newly appointed Director of the Division of Human Rights within the United Nations Secretariat, was called upon by the [UN Secretary-General](#) to work on the project, becoming the Declaration's principal drafter.^{[26][27]} Other prominent members of the Drafting Committee included Vice-Chairman [P.C. Chang](#) of the [Republic of China](#), [René Cassin](#) of France; and its Committee Rapporteur [Charles Malik](#) of [Lebanon](#).^[28] A month after its creation, the Drafting Committee was expanded to include representatives of Australia, Chile, France, the Soviet Union, and the [United](#)

[Kingdom](#), in addition to the inaugural members from [China](#), [France](#), [Lebanon](#), and the [United States](#).^[20]

Creation and drafting^[edit]

Main article: [Drafting of the Universal Declaration of Human Rights](#)

Humphrey is credited with devising the "blueprint" for the Declaration, while Cassin composed the first draft.^[21] Both received considerable input from other members, each of whom reflected different professional and ideological backgrounds. The Declaration's pro-family phrases allegedly derived from Cassin and Malik, who were influenced by the [Christian Democracy movement](#).^[21] Malik, a Christian theologian, was known for appealing across religious lines, and cited the [Summa Theologica](#), and studied the different Christian sects.^[22] Chang urged removing all references to religion to make the document more universal, and used aspects of Confucianism to settle stalemates in negotiations.^[22] [Hernán Santa Cruz](#) of Chile, an educator and judge, strongly supported the inclusion of socioeconomic rights, which had been opposed by some Western nations.^[23] The members agreed that the philosophical debate centered between the opposing opinions of Chang and Malik, with Malik later singling out Chang when thanking the members, saying that there were too many to mention, but Chang's ideas impacted his own opinions in the making of the draft.^{[23][24]}

In her memoirs, Roosevelt commented on the debates and discussions that informed the UDHR, describing one such exchange during the Drafting Committee's first session in June 1947:

Dr. Chang was a pluralist and held forth in charming fashion on the proposition that there is more than one kind of ultimate reality. The Declaration, he said, should reflect more than simply Western ideas and Dr. Humphrey would have to be eclectic in his approach. His remark, though addressed to Dr. Humphrey, was really directed at Dr. Malik, from whom it drew a prompt retort as he expounded at some length the philosophy of [Thomas Aquinas](#). Dr. Humphrey joined enthusiastically in the discussion, and I remember that at one point Dr. Chang suggested that the Secretariat might well spend a few months studying the fundamentals of Confucianism!^[25]

In May 1948, roughly a year after its creation, the Drafting Committee held its second and final session, where it considered the comments and suggestions of member states and international bodies, principally the United Nations Conference on Freedom of Information, which took place the prior March and April; the Commission on the Status of Women, a body within ECOSOC that reported on the state of women's rights worldwide; and the Ninth International Conference of American States, held in Bogota, Colombia from March to May of 1948, which adopted the South American-based [American Declaration of the Rights and Duties of Man](#), the world's first general [international human rights instrument](#).^[26] Delegates and consultants from several United Nations bodies, international organizations, and nongovernmental organizations also attended and submitted suggestions.^[27] It was also hoped that an International Bill of Human Rights with legal force could be drafted and submitted for adoption alongside the Declaration.^[28]

The final draft^[edit]

Upon the session's conclusion on 21 May 1948, the Committee submitted to the Commission on Human Rights a redrafted text of the "International Declaration of Human Rights" and the "International Covenant of Human Rights", which together would form an International Bill of Rights.^[46] The redrafted Declaration was further examined and discussed by the Commission on Human Rights in its third session in Geneva 21 May through 18 June 1948.^[47] The so-called "Geneva text" was circulated among member states and subject to several proposed amendments; for example, [Hansa Mehta](#) of India notably suggested that the Declaration assert that "all human beings are created equal", instead of "all men are created equal", to better reflect gender equality.^[48] [Charles Theodore Te Water](#) of South Africa fought very hard to have the word dignity removed from the declaration, saying that "dignity had no universal standard and that it was not a 'right'".^[49] Te Water believed correctly as it turned out that listing human dignity as a universal human right would lead to criticism of the *apartheid* system that had just been introduced by the new National Party government of South Africa.^[50] Malik in response stated it was Prime Minister [Jan Smuts](#) of South Africa who had played an important role in drafting the United Nations Charter in 1945 and it was Smuts who inserted the word dignity as a universal human right into the charter.^[51] Despite Te Water's efforts, the word dignity was included in the declaration as a universal human right.^[52]

Approval^[edit]

With a vote of 12 in favour, none opposed, and four abstaining, the CHR approved the proposed Declaration, though was unable to examine the contents and implementation of the proposed Covenant.^[53] The Commission forwarded the approved text of the Declaration, as well as the Covenant, to the [Economic and Social Council](#) for its review and approval during its seventh session in July and August 1948.^[54] The Council adopted Resolution 151(VII) of 26 August 1948, transmitting the draft International Declaration of Human Rights to the UN General Assembly.^[55]

The Third Committee of the [General Assembly](#), which convened from 30 September to 7 December 1948 during the [third session of the United Nations General Assembly](#), held 81 meetings concerning the draft Declaration, including debating and resolving 168 proposals for amendments by United Nations member states.^[56] On its 178th meeting on 6 December, the Third Committee adopted the Declaration with 29 votes in favour, none opposed and seven abstentions.^[57] The document was subsequently submitted to the wider General Assembly for its consideration on 9 and 10 December 1948.

Adoption^[edit]

The Universal Declaration was adopted by the [General Assembly](#) as [UN Resolution A/RES/217\(III\)\(A\)](#) on 10 December 1948 in Palais de Chaillot, Paris.^[58] Of the 58 United Nations members at the time,^[59] 48 voted in favour, none against, eight [abstained](#),^[60] and [Honduras](#) and [Yemen](#) failed to vote or abstain.^[61]

Eleanor Roosevelt is credited with having been instrumental in mustering support for the Declaration's adoption, both in her native U.S. and across the

world, owing to her ability to appeal to different and often opposing political blocs.^[50]

The meeting record provides firsthand insight into the debate on the Declaration's adoption.^[51] [South Africa's](#) position can be seen as an attempt to protect [its system of apartheid](#), which clearly violated several articles in the Declaration.^[52] [Saudi Arabia's](#) abstention was prompted primarily by two of the Declaration's articles: [Article 18](#), which states that everyone has the right "to change his religion or belief", and Article 16, on equal marriage rights.^[53] The abstentions by the six communist nations were explained by their claim that the Declaration did not go far enough in condemning fascism and national-socialism.^[54] Although, [Eleanor Roosevelt](#) felt that the reason for the abstentions was Article 13, which provided the [right of citizens to leave their countries](#).^[55] Other observers pin the Soviet bloc's opposition to the Declaration's "[negative rights](#)", such as provisions calling on governments not to violate certain civil and political rights.^[56]

The [British](#) delegation, while voting in favour of the Declaration, expressed frustration that the proposed document had moral obligations but lacked legal force;^[57] it would not be until 1976 that the [International Covenant on Civil and Political Rights](#) came into force, giving a legal status to most of the Declaration.



Voting in the plenary session:

Green countries: voted in favour;

Orange countries: abstained;

Black countries: failed to abstain or vote;

Grey countries: were not part of the UN at time of voting

The 48 countries that voted in favour of the Declaration are:^[58]

-  [Afghanistan](#)
-  [Argentina](#)
-  [Australia](#)
-  [Belgium](#)
-  [Bolivia](#)
-  [Brazil](#)
-  [Burma](#)
-  [Canada](#)^[59]
-  [Chile](#)
-  [China](#)
-  [Colombia](#)
-  [Costa Rica](#)
-  [Cuba](#)
-  [Denmark](#)
-  [Dominican Republic](#)

-  [Ecuador](#)
-  [Egypt](#)
-  [El Salvador](#)
-  [Ethiopia](#)
-  [France](#)
-  [Greece](#)
-  [Guatemala](#)
-  [Haiti](#)
-  [Iceland](#)
-  [India](#)
-  [Iran](#)
-  [Iraq](#)
-  [Lebanon](#)
-  [Liberia](#)
-  [Luxembourg](#)
-  [Mexico](#)
-  [Netherlands](#)
-  [New Zealand](#)
-  [Nicaragua](#)
-  [Norway](#)
-  [Pakistan](#)
-  [Panama](#)
-  [Paraguay](#)
-  [Peru](#)
-  [Philippines](#)
-  [Siam](#)
-  [Sweden](#)
-  [Syria](#)
-  [Turkey](#)
-  [United Kingdom](#)
-  [United States](#)
-  [Uruguay](#)
-  [Venezuela](#)

a. ^ Despite the central role played by the Canadian John Peters Humphrey, the Canadian Government at first abstained from voting on the Declaration's draft, but later voted in favour of the final draft in the General Assembly.¹⁰⁰

Eight countries abstained:¹⁰⁰

-  [Czechoslovakia](#)
-  [Poland](#)
-  [Saudi Arabia](#)
-  [Soviet Union](#)
-  [Byelorussian SSR](#)
-  [Ukrainian SSR](#)
-  [South Africa](#)
-  [Yugoslavia](#)

Two countries did not vote:

-  [Honduras](#)
-  [Yemen](#)

The majority of [current UN member states](#) gained sovereignty and joined the organization later, which accounts for the relatively small number of states entitled to the historical vote.^[k]

International Human Rights Day^[edit]



Former-Foreign Office Minister [Baroness Anelay](#) speaking at the Commemorating Human Rights Day event in London, 8 December 2016.

Main article: [Human Rights Day](#)

10 December, the anniversary of the adoption of the Universal Declaration, is celebrated annually as [World Human Rights Day](#) or International Human Rights Day. The commemoration is observed by individuals, community and religious groups, human rights organizations, parliaments, governments, and the [United Nations](#). [Decadal](#) commemorations are often accompanied by campaigns to promote awareness of the Declaration and of human rights in general. 2008 marked the 60th anniversary of the Declaration, and was accompanied by year-long activities around the theme "Dignity and justice for all of us".^[m] Likewise, the 70th anniversary in 2018 was marked by the global [#StandUpForHumanRights](#) campaign, which targeted youth.^[n]

Impact^[edit]

Significance^[edit]



At the time of the Declaration's significance by the General Assembly in 1948, Eleanor Roosevelt said:^[10]

In giving our approval to the declaration today, it is of primary importance that we keep clearly in mind the basic character of the document. It is not a treaty; it is not an international agreement. It is not and does not purport to be a statement of law or of legal obligation. It is a declaration of basic principles of human rights and freedoms, to be stamped with the approval of the General Assembly by formal vote of its members, and to serve as a common standard of achievement for all peoples of all nations.

The UDHR is considered groundbreaking for providing a comprehensive and universal set of principles in a secular, apolitical document that explicitly transcends cultures, religions, legal systems, and political ideologies.^[11] Its claim to universality has been described as "boundlessly idealistic" and the "most ambitious feature".^[12]

The Declaration was officially adopted as a bilingual document in [English](#) and [French](#), with official translations in [Chinese](#), [Russian](#) and [Spanish](#), all of which are [official working languages of the UN](#).^[13] Due to its inherently universalist nature, the United Nations has made a concerted effort to translate the document into as many languages as possible, in collaboration with private and public entities and individuals.^[14] In 1999, the [Guinness Book of Records](#) described the Declaration as the world's "Most Translated Document", with 298 translations; the record was once again certified a decade later when the text reached 370 different languages and dialects.^[15] The UDHR achieved a milestone of over 500 translations in

2016, and as of 2021, has been translated into 530 languages,^[62] remaining the most translated document.^[63]

In its preamble, governments commit themselves and their people to progressive measures that secure the universal and effective recognition and observance of the human rights set out in the Declaration. [Eleanor Roosevelt](#) supported the adoption of the text as a declaration, rather than as a treaty, because she believed that it would have the same kind of influence on global society as the [United States Declaration of Independence](#) had within the United States.^[64] Even though it is not legally binding, the Declaration has been incorporated into or influenced most national constitutions since 1948. It has also served as the foundation for a growing number of national laws, international laws, and treaties, as well as for a growing number of regional, subnational, and national institutions protecting and promoting human rights.

The Declaration's all-encompassing provisions serve as a "yardstick" and point of reference by which countries' commitments to human rights are judged, such as through the treaty bodies and other mechanisms of various human rights treaties that monitor implementation.^[65]

Legal effect^[edit]

In international law, a declaration is distinct from a treaty in that it generally states aspirations or understandings among the parties, rather than binding obligations.^[66] The Declaration was explicitly adopted to reflect and elaborate on the customary international law reflected in the "[fundamental freedoms](#)" and "human rights" referenced in the United Nations Charter, which is binding on all member states.^[67] 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 United Nations Charter.

Nevertheless, the status of the Declaration as a legally enforceable document varies widely around the world: some countries have incorporated it into their domestic laws, while other countries consider it merely a statement of ideals, with no binding provisions.^[68]

Many international lawyers believe that the Declaration forms part of [customary international law](#) and is a powerful tool in applying diplomatic and moral pressure to governments that violate its articles.^{[69][70][71][72][73]} One prominent international jurist described the UDHR as being "universally regarded as expounding generally accepted norms."^[74] Other legal scholars have further argued that the Declaration constitutes [jus cogens](#), fundamental principles of international law from which no state may deviate or [derogate](#).^[75] The 1968 United Nations International Conference on Human Rights advised that the Declaration "constitutes an obligation for the members of the international community" to all persons.^[76]

The Declaration has served as the foundation for two binding United Nations human rights covenants: the [International Covenant on Civil and Political Rights](#) and the [International Covenant on Economic, Social and Cultural Rights](#). The principles of the Declaration are elaborated in other binding international treaties such as the [International Convention on the](#)

[Elimination of All Forms of Racial Discrimination](#), the [International Convention on the Elimination of Discrimination Against Women](#), the [United Nations Convention on the Rights of the Child](#), the [United Nations Convention Against Torture](#), and many more. The Declaration continues to be widely cited by governments, academics, advocates, and constitutional courts, and by individuals who appeal to its principles for the protection of their recognized human rights.^[85]

National law [\[edit\]](#)

According to a 2022 study, the UDHR "significantly accelerated the adoption of a particular set of [national] constitutional rights."^[86] One scholar estimates that at least 90 national constitutions drafted since the Declaration's adoption in 1948 "contain statements of fundamental rights which, where they do not faithfully reproduce the provisions of the Universal Declaration, are at least inspired by it."^[87] At least 20 African nations that attained independence [in the decades](#) immediately following 1948 explicitly referenced the UDHR in their constitutions.^[88] As of 2014, the constitutions that still directly cite the Declaration are those of Afghanistan, Benin, Bosnia-Herzegovina, Burkina Faso, Burundi, Cambodia, Chad, Comoros, Côte d'Ivoire, Equatorial Guinea, Ethiopia, Democratic Republic of the Congo, Gabon, Guinea, Haiti, Mali, Mauritania, Nicaragua, Niger, Portugal, Romania, Rwanda, São Tomé and Príncipe, Senegal, Somalia, Spain, Togo, and Yemen.^[89] Moreover, the constitutions of [Portugal](#), [Romania](#), [São Tomé](#) and Príncipe, and [Spain](#) compel their courts to "interpret" constitutional norms consistently with the Universal Declaration.^[90]

Judicial and political figures in many nations have directly invoked the UDHR as an influence or inspiration on their courts, constitutions, or legal codes. Indian courts have ruled the [Indian Constitution](#) "[embodies] most of the articles contained in the Declaration".^[91] Nations as diverse as Antigua, Chad, Chile, Kazakhstan, Saint Vincent and the Grenadines, and Zimbabwe have derived constitutional and legal provisions from the Declaration.^[92] In some cases, specific provisions of the UDHR are incorporated or otherwise reflected in national law. The right to health or to protection of health is found in the constitutions of Belgium, Kyrgyzstan, Paraguay, [Peru](#), [Thailand](#), and Togo; constitutional obligations on the government to provide health services exist in [Armenia](#), [Cambodia](#), [Ethiopia](#), [Finland](#), [South Korea](#), Kyrgyzstan, Paraguay, Thailand, and Yemen.^[93]

A survey of U.S. cases through 1988 found five references to the Declaration by the United States Supreme Court; sixteen references by [federal courts of appeal](#); twenty-four references by [federal district courts](#); one reference by a [bankruptcy court](#); and several references by five state courts.^[94] Likewise, research conducted in 1994 identified 94 references to the Declaration by federal and state courts across the U.S.^[95]

In 2004, the [U.S. Supreme Court](#) ruled in [Sosa v. Alvarez-Machain](#) that the Declaration "does not of its own force impose obligations as a matter of international law", and that the political branches of the U.S. federal government can "scrutinize" the nation's obligations to international

instruments and their enforceability.^[12] However, U.S. courts and legislatures may still use the Declaration to inform or interpret laws concerned with human rights,^[13] a position shared by the courts of Belgium, the Netherlands, India, and Sri Lanka.^[14]

Reaction^[edit]

Praise and support^[edit]

The Universal Declaration has received praise from a number of notable activists, jurists, and political leaders. [Lebanese](#) philosopher and diplomat [Charles Malik](#) called it "an international document of the first order of importance",^[15] while [Eleanor Roosevelt](#)—first chairperson of the [Commission on Human Rights](#) (CHR) that helped draft the Declaration—stated that it "may well become the international [Magna Carta](#) of all men everywhere."^[16] At the 1993 United Nations [World Conference on Human Rights](#), one of the largest international gatherings on human rights,^[17] diplomats and officials representing 100 nations reaffirmed their governments' "commitment to the purposes and principles contained in the Charter of the United Nations and the Universal Declaration of Human Rights" and emphasized that the Declaration as "the source of inspiration and has been the basis for the United Nations in making advances in standard setting as contained in the existing international human rights instruments."^[18] In a speech on 5 October 1995, Pope [John Paul II](#) called the Declaration "one of the highest expressions of the human conscience of our time", despite the Vatican never adopting it.^[19] In a statement on 10 December 2003 on behalf of the [European Union](#), [Marcello Spatafora](#) said that the Declaration "placed human rights at the centre of the framework of principles and obligations shaping relations within the international community".^[20]

As a pillar of international human rights, the UDHR enjoys widespread support among international and nongovernmental organizations. The [International Federation for Human Rights](#) (FIDH), one of the oldest human rights organizations, has as its core mandate the promotion of the respect for all rights set out in the Declaration, the [International Covenant on Civil and Political Rights](#), and the [International Covenant on Economic, Social and Cultural Rights](#).^{[21][22]} [Amnesty International](#), the third oldest international human rights organization,^[23] has regularly observed Human Rights Day and organized worldwide events to bring awareness and support of the UDHR.^[24] Some organizations, such as the [Quaker United Nations Office](#) and the [American Friends Service Committee](#) have developed curriculum or programmes to educate young people on the UDHR.^{[25][26]}

Specific provisions of the UDHR are cited or elaborated by [interest groups](#) in relation to their specific area of focus. In 1997, the council of the [American Library Association](#) (ALA) endorsed Articles 18 through 20 concerning freedoms of thought, opinion, and expression,^[27] which were codified in the ALA Universal Right to Free Expression and the [Library Bill of Rights](#).^[28] The Declaration formed the basis of the ALA's claim

that [censorship](#), [invasion of privacy](#), and interference of opinions are human rights violations.^[102]

Criticism^[edit]

Muslim-majority countries^[edit]

Further information: [Cairo Declaration of Human Rights in Islam](#)



Distribution map of [Islam by country](#)

Most [Muslim-majority countries](#) that were then members of the United Nations signed the Declaration in 1948, including the kingdoms of [Afghanistan](#), [Egypt](#), and [Iraq](#), [Pahlavi Iran](#), and the [First Syrian Republic](#); the [Republic of Turkey](#), which had an [overwhelmingly Muslim population](#) but an [officially secular government](#), also voted in favour.^[103] [Saudi Arabia](#) was the sole abstainer on the Declaration among Muslim-majority countries, claiming that it violated the [Islamic law](#) (*shari'a*).^{[104][105]} [Pakistan](#), officially an [Islamic state](#), signed the declaration and critiqued the Saudi position,^[106] strongly arguing in favour of including [freedom of religion](#) as a fundamental human right of the UDHR.^[107]

Moreover, some Muslim diplomats would later help draft other United Nations human rights treaties. For example, [Iraq's](#) representative to the United Nations, [Bedi'a Afnan](#)'s insistence on wording that recognized gender equality resulted in Article 3 within the [ICCPR](#) and [ICESCR](#), which, together with the UDHR, form the International Bill of Rights. Pakistani diplomat [Shaista Suhrawardy Ikramullah](#) influenced the drafting of the Declaration, especially with respect to [women's rights](#), and played a role in the preparation of the 1951 Genocide Convention.^[108]

In 1982, the [Iranian](#) diplomat to the United Nations, who represented the country's [newly installed Islamic republic](#), stated that the Declaration was "a [secular](#) understanding of the [Judeo-Christian](#) tradition" that could not be implemented by Muslims without conflict with *shari'a* law.^[109]

On 30 June 2000, member states of the [Organisation of Islamic Cooperation](#), which represents most of the Muslim world,^[110] officially resolved to support the [Cairo Declaration on Human Rights in Islam](#),^{[111][112]} an alternative document that says people have "freedom and right to a dignified life in accordance with the Islamic Shari'ah", without any discrimination on grounds of "race, colour, language, sex, religious belief, political affiliation, social status or other considerations". The Cairo Declaration is widely acknowledged to be a response to the UDHR, and uses similar universalist language, albeit derived solely from [Islamic jurisprudence](#) (*fiqh*).^[113]

Regarding the promulgation of the Cairo Declaration on Human Rights in Islam, T. Jeremy Gunn, Professor of Law and Political Science at the [International University of Rabat](#) in [Morocco](#), has stated:

the twenty-two-member [League of Arab States](#) (Arab League)—each of whose members also belongs to the OIC and is majority-Muslim—created its own human rights instruments and institutions (based in Cairo) that set it apart from the international human rights regime. While the term "Arab" denotes an ethnicity and "Muslim" references a religion, all majority-Arab countries are also majority-Muslim countries, though the opposite does not hold. Indeed, the preponderance of Muslim-majority countries is not Arab. It has long been recognized that the Muslim-majority Arab world ranks particularly poorly with respect to human rights. According to the [2009 Arab Human Development Report](#), written by Arab experts for the [United Nations Development Programme](#) Regional Bureau for Arab States, "Arab states seem content to ratify certain international human rights treaties, but do not go so far as to recognize the role of international mechanisms in making human rights effective." [...] The resistance to implementation of international human rights standards in parts of the Muslim and Arab worlds is perhaps most salient with the panoply of rights related to religion. In terms of the UDHR, the core of the resistance is centered on issues of the right to freedom of thought, conscience, and religion (Article 18), prohibition of discrimination on the basis of religion (Article 2), and the prohibition of discrimination against women (preamble, Article 2, Article 16). The same resistance to universal standards, already present in the UDHR, continued in subsequent elaborations of human rights, including the [International Covenant on Civil and Political Rights](#) (ICCPR), the [Convention on the Elimination of All Forms of Discrimination Against Women](#), the [Convention on the Rights of the Child](#), and the 1981 [Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief](#).¹¹⁸⁵

A number of scholars in different fields have expressed concerns with the Declaration's alleged [Western](#) and [secularist](#) bias.¹¹⁸⁶ [Abdulaziz Sachedina](#) observes that Muslims broadly agree with the Declaration's universalist premise, which is shared by Islam, but differ on specific contents, which many find "insensitive to particular Muslim cultural values, especially when it comes to speaking about individual rights in the context of collective and family values in Muslim society".^{1112:50-61} However, he notes that most [Muslim scholars](#), while opposing the inherently secular framework of the document, do respect and acknowledge some of its "foundations".^{1112:50-61} Sachedina further argues that many Christians similarly criticized the Declaration for allegedly reflecting a secular and [liberal](#) bias in opposition to certain religious values.^{1112:50-61}

Kazakh [religious scholars](#) Galym Zhussipbek and Zhanar Nagayeva have argued that the rejection or failed implementation of human rights in Muslim-majority countries and their seeming incompatibility with *shari'a* law originates from the current "epistemological crisis of conservative Islamic scholarship and Muslim mind", rooted in the centuries-old confinement of a role for [reason](#) within strict limits, and in the

disappearance of [rationalistic discursive Islamic theology](#) (*kalām*) as a dynamic science from the Muslim world.^[111] Furthermore, they affirm the necessity of undertaking an epistemological reform in Islamic scholarship, which denotes the incorporation of international standards of human rights and justice into the epistemology and methodology of Islamic jurisprudence (*usul al-fiqh*).^[112]

[Riffat Hassan](#), a Pakistani-born American [Islamic feminist](#) scholar and [Muslim theologian](#), has argued:

What needs to be pointed out to those who uphold the Universal Declaration of Human Rights to be the highest, or sole, model, of a charter of equality and liberty for all human beings, is that given the Western origin and orientation of this Declaration, the "universality" of the assumptions on which it is based is—at the very least—problematic and subject to questioning. Furthermore, the alleged incompatibility between the concept of human rights and religion in general, or particular religions such as Islam, needs to be examined in an unbiased way.^[113]

[Faisal Kutty](#), a Muslim Canadian human rights activist, opines that a "strong argument can be made that the current formulation of international human rights constitutes a cultural structure in which western society finds itself easily at home [...]. It is important to acknowledge and appreciate that other societies may have equally valid alternative conceptions of human rights."^[114] Irene Oh, director of the peace studies programme at [Georgetown University](#), has argued that Muslim reservations towards some provisions of the UDHR, and the broader debate about the document's secular and Western bias, could be resolved through mutual dialogue grounded in [comparative descriptive ethics](#).^[115]

"The Right to Refuse to Kill"[\[edit\]](#)

Groups such as [Amnesty International](#)^[116] and [War Resisters International](#)^[117] have advocated for "The Right to Refuse to Kill" to be added to the Universal Declaration, as has [Seán MacBride](#), a former Assistant [Secretary-General of the United Nations](#) and [Nobel Peace Prize](#) laureate.^[118] War Resisters International has stated that the right to [conscientious objection](#) to military service is primarily derived from Article 18 of the UDHR, which preserves the right to freedom of thought, conscience, and religion.^[119] Some [steps have been taken within the UN](#) to make the right more explicit, with the Human Rights Council repeatedly affirming that Article 18 enshrines "the right of everyone to have conscientious objection to military service as a legitimate exercise of the right to freedom of thought, conscience and religion".^{[120][121]}

[American Anthropological Association](#)[\[edit\]](#)

The [American Anthropological Association](#) criticized the UDHR during its drafting process, warning that its definition of universal rights reflected a [Western](#) paradigm that was unfair to non-Western nations. They further argued that the West's history of [colonialism](#) and [evangelism](#) made them a problematic moral representative for the rest of the world. They proposed three notes for consideration with underlying themes of [cultural relativism](#):

1. The individual realizes his personality through his culture, hence respect for individual differences entails a respect for cultural differences.
2. Respect for differences between cultures is validated by the scientific fact that no technique of qualitatively evaluating cultures has been discovered.
3. Standards and values are relative to the culture from which they derive so that any attempt to formulate postulates that grow out of the beliefs or moral codes of one culture must to that extent detract from the applicability of any Declaration of Human Rights to mankind as a whole.⁽¹²¹⁾

Bangkok Declaration[\[edit\]](#)

During the lead-up to the [World Conference on Human Rights](#) that was held in 1993, ministers from several Asian states adopted the Bangkok Declaration, which reaffirms their governments' commitment to the principles of the United Nations Charter and the Universal Declaration of Human Rights. They stated their belief that human rights are interdependent and indivisible, and stressed the need for universality, [objectivity](#), and non-selectivity of human rights. However, at the same time, they emphasized the principles of [sovereignty](#) and non-interference, calling for greater emphasis upon economic, social, and cultural rights, and in particular, the right to economic development by establishing international collaboration directives between the signatories. The Bangkok Declaration is considered to be a landmark expression of [Asian values](#) with respect to human rights, which offers an extended critique of human rights [universalism](#).⁽¹²²⁾

21, attachment 21 (is consisted from 11 pages)

Charter of Fundamental Rights of the European Union

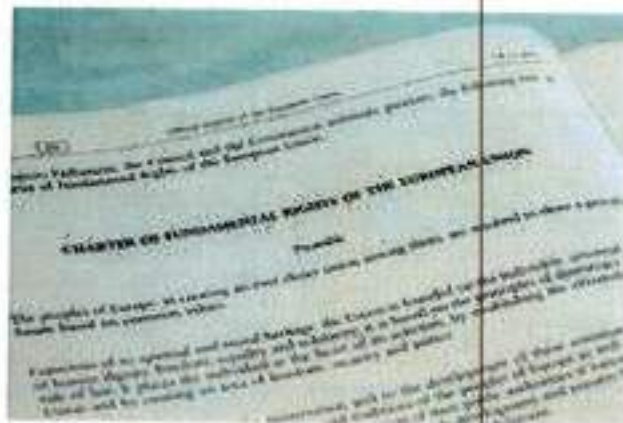
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From Wikipedia, the free encyclopedia

Not to be confused with [European Convention on Human Rights](#).

Charter of Fundamental Rights of the European Union



The preamble of the Charter

Created 2 October 2000

[Ratified](#) 7 December 2000

Author(s) [European Convention](#)

Signatories Institutions and member states of the European Union

Purpose Consolidate and enshrine the broad array of rights afforded to citizens of the European Union

Official Website

www.europarl.europa.eu/charter/default_en.htm

Full Text



[Charter of Fundamental Rights of the European Union](#) at Wikisource

The **Charter of Fundamental Rights of the European Union (CFR)** enshrines certain [political, social, and economic rights](#) for [European Union](#) (EU) [citizens](#) and residents into [EU law](#). It was drafted by the [European Convention](#) and solemnly proclaimed on 7 December 2000 by the [European Parliament](#), the [Council of Ministers](#) and the [European Commission](#). However, its then legal status was uncertain and it did not have full legal effect³ until the entry into force of the [Treaty of Lisbon](#) on 1 December 2009.

The Charter forms part of the [area of freedom, security and justice](#) (AFSJ) policy domain of the EU. It applies to all the [bodies of the European Union and the Euratom](#) which must act and legislate in accordance with its provisions, as the [EU's courts](#) will invalidate any EU legislation or ruling assessed as non-compliant with the Charter.

The [EU member states](#) are also bound by the Charter when engaged in implementation of the European Union law. However, Poland has been granted a partial opt-out from enforcement of the CFR in spite of participating in the AFSJ; in contrast, Denmark and Ireland have fully adopted the Charter, in spite of having been granted opt-outs from the AFSJ (a general and a partial one, respectively).

Background[\[edit\]](#)

This article is part of a [series](#) on

[Politics of the European Union](#)




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[Member states \(27\)](#)

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<u>Treaties and Declarations</u>	
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The [Treaty establishing the European Economic Community \(Treaty of Rome\)](#) did not include any reference to fundamental or human rights. The EEC Treaty was written a few years after the failure of the [European Defence Community Treaty](#) and the [European Political Community Treaty](#). The latter treaty had included rights provisions and Craig and [de Búrca](#) argue that, in light of that failure, the drafters of the EEC Treaty wished to eschew any implicitly political elements.¹⁰ However, the idea that the purely economic end of the new EEC Treaty would be unlikely to have any implications for fundamental rights was soon to be tested.

Court cases^[edit]

Soon after the entry into force of the EEC Treaty, the Community established itself as a major political entity with policy ramifications beyond its economic aims. In 1964, the [European Court of Justice](#) handed down its decision

in [Costa v ENEL](#), in which the Court decided that Union law should take precedence over conflicting national law. This meant that national governments could not escape what they had agreed to at a European level by enacting conflicting domestic measures, but it also potentially meant that the EEC legislator could legislate unhindered by the restrictions imposed by fundamental rights provisions enshrined in the constitutions of member states. This issue came to a head in 1970 in the [Internationale Handelsgesellschaft](#) case when a German court ruled that a piece of EEC legislation infringed the [German Basic Law](#). On a reference from the German court, the ECJ ruled that whilst the application of Union law could not depend on its consistency with national constitutions, fundamental rights did form an "integral part of the general principles of [European Community] law" and that inconsistency with fundamental rights could form the basis of a successful challenge to a European law.^[1]

In ruling as it did in *Internationale Handelsgesellschaft* the ECJ had in effect created a doctrine of unwritten rights which bound the Community institutions. While the court's fundamental rights jurisprudence was approved by the institutions in 1977^[2] and a statement to that effect was inserted into the [Maastricht Treaty](#).^[3] It was only in 1999 that the [European Council](#) formally went about the initiating the process of drafting a codified catalogue of fundamental rights for the EU.

Proclamation^[edit]

In 1999 the [European Council](#) proposed that a "body composed of representatives of the Heads of State and Government and of the President of the Commission as well as of members of the European Parliament and national parliaments" should be formed to draft a fundamental rights charter.^[4] On being constituted in December of that year the "body" entitled itself the [European Convention](#).^[5]

The Convention adopted the draft on 2 October 2000 and it was solemnly proclaimed by the European Parliament, the Council of Ministers and the European Commission on 7 December 2000. It was at the same time, however, decided to defer making a decision on the Charter's legal status.^[6] However, it did come with the political weight of having been approved by three powerful institutions and as such was regularly cited by the ECJ as a source of fundamental rights.

Legal force^[edit]

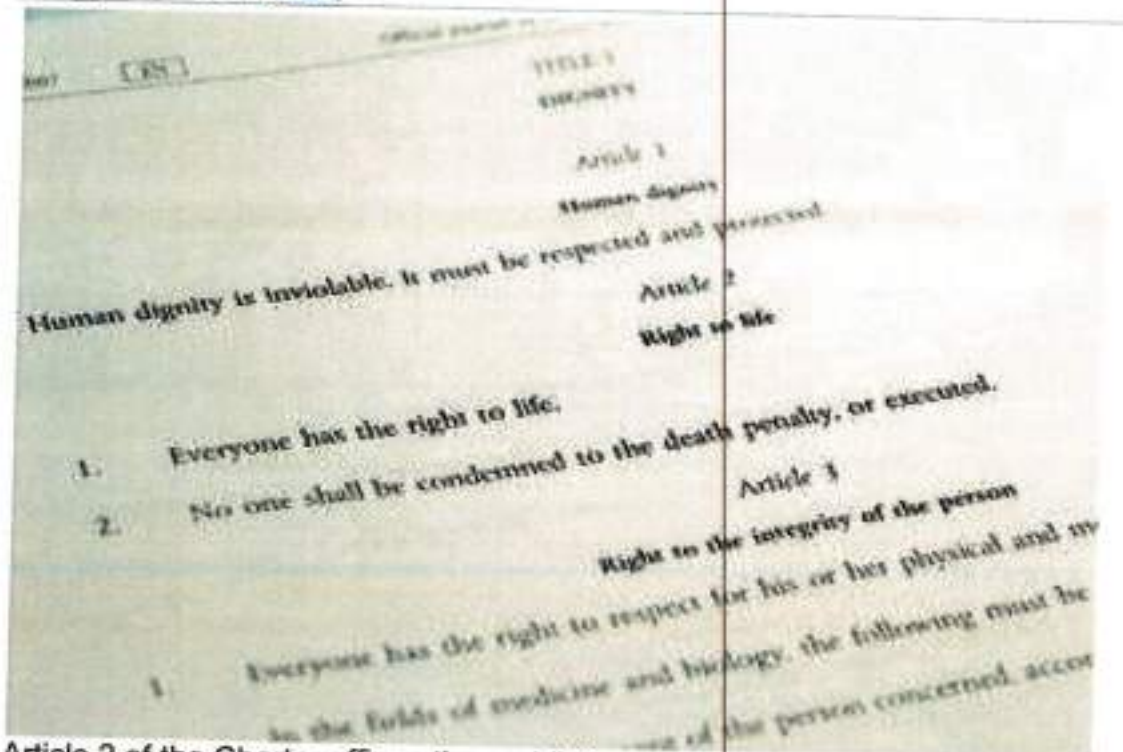
A modified Charter formed part of the defunct [European Constitution](#) (2004). After that treaty's failure, its replacement, the [Lisbon Treaty](#) (2007), also gave force to the Charter albeit by referencing it as an independent document rather than by incorporating it into the treaty itself. However, both the version included in the Constitution and the one referenced in the Lisbon Treaty were amended versions of the Charter.

On the coming into force of the Lisbon Treaty on 1 December 2009, Justice Commissioner [Viviane Reding](#) proposed that Commissioners should swear to uphold all EU treaties and the Charter. On 3 May 2010, the European Commission swore a solemn declaration at the European Court of Justice in Luxembourg, pledging to respect the EU Treaties and to be completely

independent in carrying out their duties during their mandate. For the first time, the Commissioners also explicitly pledged to respect the new Charter of Fundamental Rights.^[3]

Several states insisted upon an opt-out from national application of the charter (see below for details).

Legal status^[edit]



Article 2 of the Charter affirms the prohibition on capital punishment in the EU.

Following the entry into force of the [Lisbon Treaty](#) in 2009 the fundamental rights charter has the same legal value as the European Union treaties. The Charter referred to in the Treaty is an amended version of the 2000 document which was solemnly declared by the same three institutions a day before the signing of the Lisbon Treaty itself.

Article 51(1) of the Charter addresses the Charter to the EU's institutions, bodies established under EU law and, when implementing EU laws, the EU's member states. In addition both Article 6 of the amended Treaty of European Union and Article 51(2) of the Charter itself restrict the Charter from extending the competences of the EU. A consequence of this is that the EU will not be able to legislate to vindicate a right set out in the Charter unless the power to do such is set out in the Treaties proper. Furthermore, individuals will not be able to take a member state to court for failing to uphold the rights in the Charter unless the member state in question was implementing EU law. It is this last point that has been subject to the most debate.

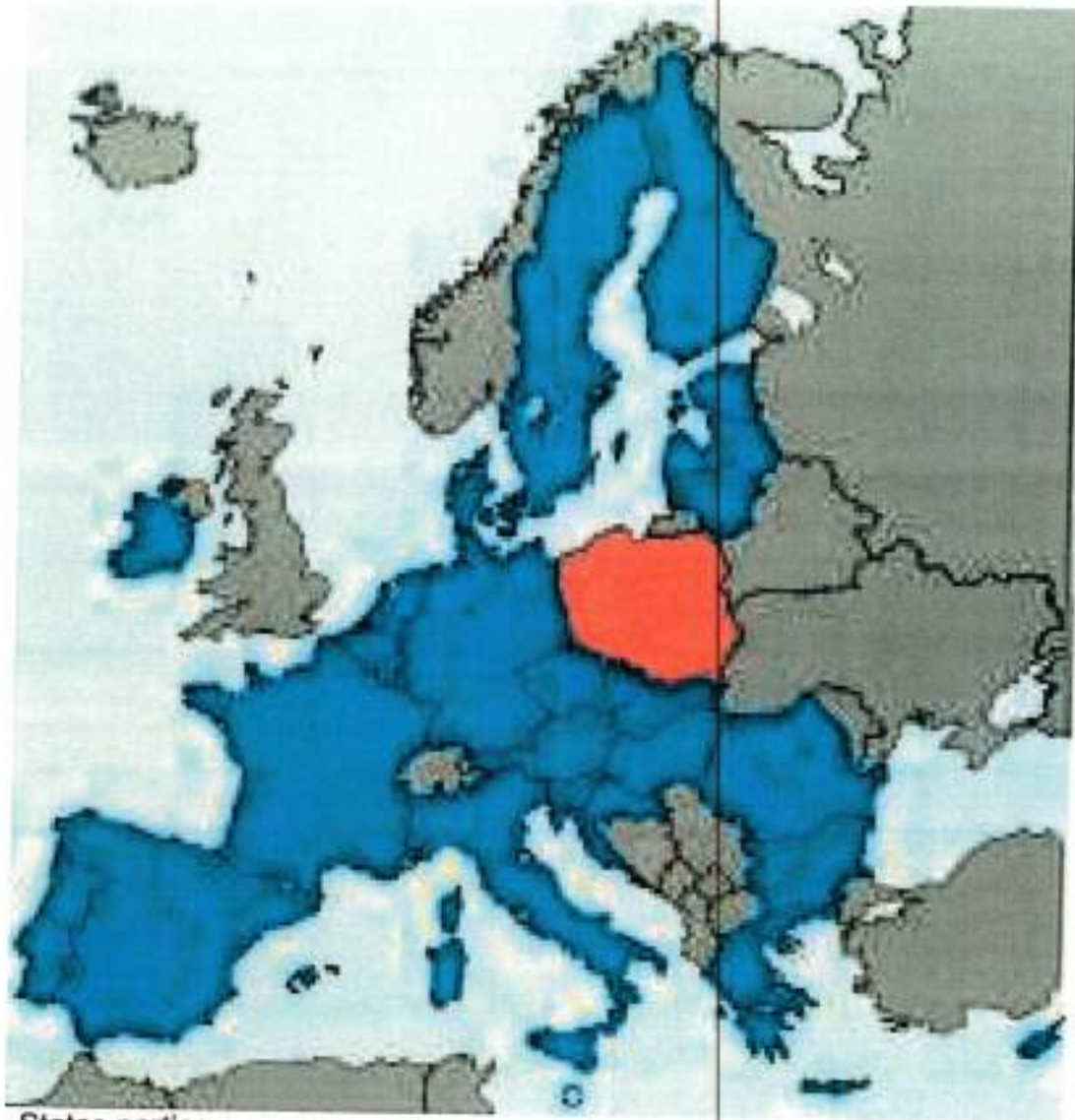
The Charter is not the first attempt to place human rights principles at the core of European Union law. All EU member states are, and candidate states are required to be ^[citation needed] signatories to the [Council of Europe's European Convention on Human Rights](#), so that many principles from the convention, such as the right to a fair trial, were taken as the baseline for European Court

of Justice jurisprudence even before their formal reiteration in Charter. In interpreting the human rights protections provided by the [general principles of EU law](#) (described in the [Court cases](#) section above), the ECJ had already dealt with the issue of whether the rights protected by those general principles applied to member states. Having ruled in [Johnston v Royal Ulster Constabulary](#)¹²¹ that a right to fair procedures was one of the general principles of EU law, in [Kremzow v Austria](#)¹²² the ECJ had to decide whether or not a member state was obliged to apply that principle in relation to a wrongful conviction for murder. Kremzow's lawyers argued that his case came within the scope of EU law on the grounds that his wrongful conviction and sentence had breached his right to free movement within the EU. The ECJ responded by saying that since the laws under which Kremzow had been convicted were not enacted to secure compliance with EU law, his predicament fell outside the scope of EU law.

The wording in *Kremzow v Austria*, referring to the "field of application of EU law", differs from the wording in the Charter which refers to the implementation of EU law.¹²³ However, the amended explanatory memorandum issued alongside the Charter in 2007 describes the wording used in the Charter as reflecting ECJ precedent.

In 2019, the German [Federal Constitutional Court](#) established in *Recht auf Vergessen II* that it applies the Charter as the standard of review for matters regarding EU law and its national implementation, under the premise that the Charter offers sufficiently effective protection of relevant fundamental rights when compared to the [Basic Law for the Federal Republic of Germany](#).¹²⁴

The British and Polish protocol[\[edit\]](#)



States parties

States with an opt-out

Further information: [Opt-outs in the European Union](#)

In the negotiations leading up to the signing of the [Lisbon Treaty](#), [Poland](#) and the [United Kingdom](#) secured a protocol to the treaty relating to the application of the Charter of the Fundamental Rights in their respective countries.

The [protocol](#), in article 1(1) states that the "Charter does not extend the ability of the Court of Justice of the European Union, or any court or tribunal of Poland or of the United Kingdom, to find that the laws, regulations or administrative provisions, practices or actions of Poland or of the United Kingdom are inconsistent with the fundamental rights, freedoms and principles that it reaffirms." Article 1(2) then says that the Title IV of the Charter, which contains economic and social rights, does not create justiciable rights, unless Poland and the UK have provided for such rights in their national laws.

Poland and the United Kingdom wanted the protocol for different reasons. The United Kingdom originally opposed a legally binding charter over concerns that it would result in a stream of British citizens going to the [European Court](#)

of Justice in attempts to enforce their Charter rights in the United Kingdom,^[13] and in increased costs for business.^[14] While the British accepted a legally binding rights charter during the negotiations of the failed [European Constitution](#), they negotiated a protocol during the Lisbon negotiations which, according to the then British Minister for Europe, would ensure that the Charter would not extend the powers of the European Court of Justice over United Kingdom law.^[15] Poland, on the other hand, disliked what it perceived as the Charter's liberal stance on social issues, and so in September 2007 the Polish government indicated that they wished to be included in the British protocol.^[16]

There is considerable debate concerning the legal effect of the protocol. One view, shared by Jan Jirásek,^[17] is that the protocol is an opt-out that excludes the application of the Charter to Poland and the United Kingdom. Another, shared by Ingolf Pernice, is that the protocol is only an interpretive one which will either have limited or no legal consequence.^[18] Craig and de Burca argue that the protocol is merely declaratory. It says that the "Charter does not extend the ability" of the ECJ or other court to overturn British or Polish law, but the ECJ already had the power to do this in any case. Accordingly, the Protocol is "unlikely that it will have any significant effect in practice."^[19]

In [NS v Home Secretary](#), the ECJ ruled that Article 1(1) of the protocol "explains Article 51 of the Charter with regard to the scope thereof and does not intend to exempt the Republic of Poland or the United Kingdom from the obligation to comply with the provisions of the Charter or to prevent a court of one of those Member States from ensuring compliance with those provisions."^[20]

Under section 5(4) of the [European Union \(Withdrawal\) Act 2018](#), the Charter of Fundamental Rights was not retained in British law after its [exit from the EU](#).^[21]

Proposed Czech protocol[\[edit\]](#)

During the [ratification of the Treaty of Lisbon](#), [Czech President Václav Klaus](#) expressed concern that the Charter would allow families of Germans who were expelled from territory in modern-day Czech Republic after the [Second World War](#) to challenge the expulsion before the EU's courts,^[22] though legal experts have suggested that the laws under which the Germans were expelled, the [Beneš decrees](#), did not fall under the jurisdiction of EU law.^[23] After Klaus refused to finalize the Czech Republic's ratification of the [Treaty of Lisbon](#) unless the country was excluded from the Charter, as Poland and the United Kingdom had been,^[24] EU leaders agreed in October 2009 to amend the protocol to include the Czech Republic at the time of the next accession treaty⁽²⁵⁾⁽²⁶⁾⁽²⁷⁾ in a measure designed to persuade Klaus to sign the treaty^[28] which he subsequently signed.

In September 2011, the Czech government formally submitted a request to the Council that the promised treaty revisions be made to extend the protocol to the Czech Republic,^[29] and a draft amendment to this effect was proposed by the [European Council](#).^[30] However, the [Czech Senate](#) passed a resolution in October 2011 opposing their accession to the protocol.^[31] When Croatia's [Treaty of Accession 2011](#) was signed in late 2011, the Czech

protocol amendment was not included. During the Czech Republic's parliamentary ratification of the accession treaty in the spring of 2012, the government attempted to combine the approval of the Charter opt-out with the ratification bill. However, with the Senate controlled by the opposition parties, their objections to the opt-out could have led to the accession treaty being rejected. As a result, the government decided to separate the proposed opt-out from the accession treaty bill.^[32]

A vote on a draft report by the European Parliament Constitutional Affairs Committee in January 2012 recommending against granting the Czech Republic's request to be added to Protocol 30 resulted in a tie.^[33] The report argued that Protocol 30 was not functioning as a general opt-out from the Charter, but only allowed the countries to limit the application of subsequent EU laws based solely on the charter. Thus, the Czech Republic would still be bound by the Charter even if they were added to the Protocol. In October 2012, the committee approved the report,^[34] and a third draft of the report was published on 11 December 2012.^[35] The report was tabled in Parliament during its session on 22 May 2013,^[36] and the Parliament voted in favour of calling on the European Council "not to examine the proposed amendment of the Treaties".^{[37][38]} The Parliament did, however, give its consent in advance that a treaty revision to add the Czech Republic to Protocol 30 would not require a new convention.^[39]

In January 2014, after [presidential](#) and [parliamentary](#) elections the previous year had resulted in new leadership in the country, new Czech Human Rights Minister [Jiří Dienstbier](#) said that he would attempt to have his country's request for an opt-out withdrawn.^[40] This was confirmed on 20 February 2014 by the new Prime Minister [Bohuslav Sobotka](#), who withdrew the request for an opt-out during a meeting with [President of the European Commission José Manuel Barroso](#)^{[41][42]} shortly after his newly elected government won the confidence of Parliament.^[43] In May 2014, the Council of the European Union formally withdrew their recommendation to hold an [Intergovernmental Conference](#) of member states to consider the proposed amendments to the treaties.^{[44][45]}

Content^[edit]

The Charter contains some 54 articles divided into seven titles. The first six titles deal with substantive rights under the headings: dignity, freedoms, equality, solidarity, citizens' rights and justice, while the last title deals with the interpretation and application of the Charter. Much of Charter is based on the [European Convention on Human Rights](#) (ECHR), [European Social Charter](#), the case-law of the [European Court of Justice](#) and pre-existing provisions of [European Union law](#).

- The first title (**Dignity**) guarantees the [right to life](#) and [personal integrity](#) and prohibits [torture](#), [slavery](#), the [death penalty](#), [eugenic practices](#) and [reproductive human cloning](#). Its provisions are mostly based on the ECHR, although Article 1 closely reflects Article 1 of the [German Basic Law](#).

- The second title (**Freedoms**) covers liberty, [privacy](#), protection of [personal data](#), marriage, [thought](#), [religion](#), [expression](#), [assembly](#), [education](#), [work](#), property and [asylum](#).
- The third title (**Equality**) covers [equality before the law](#), prohibition of all discrimination including on basis of [disability](#), age and [sexual orientation](#), [cultural](#), religious and [linguistic diversity](#), the [rights of children](#) and the [elderly](#).
- The fourth title (**Solidarity**) covers social and [workers' rights](#) including the [right to fair working conditions](#), protection against unjustified [dismissal](#), and [access to health care](#), [social](#) and [housing assistance](#), [environmental protection](#) and [consumer protection](#).
- The fifth title (**Citizen's Rights**) covers the rights of the EU citizens such as the [right to vote](#) in election to the [European Parliament](#) and to move freely within the EU. It also includes several administrative rights such as a right to good administration, to access documents and to petition the European Parliament.
- The sixth title (**Justice**) covers justice issues such as the [right to an effective remedy](#), a fair trial, to the [presumption of innocence](#), the [principle of legality](#), [non-retrospectivity](#) and [double jeopardy](#).
- The seventh title (**General Provisions**) concerns the interpretation and application of the Charter. These issues are dealt with [above](#).

Raising the Charter's profile^[edit]

The EU has attempted to raise the profile of the Charter so that citizens are more aware of their rights. For example, the EU [Fundamental Rights Agency](#) (FRA) has produced apps for iOS^[40] and Android^[41] with the text of the Charter in all EU languages and related information. It has also published mini-versions of the Charter in all EU languages.

In 2010, the FRA put out a tender for poets to turn the Charter into an 80-minute-long epic poem, with music, dance and multimedia elements. This was also to raise awareness and to simplify the legal text into more understandable language.^{[42][43]} However, [Viviane Reding](#), the [European Commissioner for Justice, Freedom & Security](#), wrote to the director of the FRA slamming the idea on cost and dignity grounds and instructing him to cancel the project.^[44]

22, attachment 22 (is consisted from 24 pages)

International Covenant on Civil and Political Rights and Optional Protocols

THE CONTRACTING STATES TO THIS AGREEMENT,

CONSIDERING that, in accordance with the principles of the Charter of the United Nations, recognition of the inherent dignity and equal and inalienable rights of all members of human society is the basis of freedom, justice and peace in the world,

RECOGNIZING that these rights derive from the inherent dignity of the individual,

RECOGNIZING that, in accordance with the Universal Declaration of Human Rights, the ideal of the free man, enjoying personal and political freedom and being freed from fear and misery, can only be achieved if conditions are created under which every person can to enjoy his individual and political rights, as well as his economic, social and cultural rights,

BEARING IN MIND that the Charter of the United Nations imposes on States the obligation to promote universal and effective respect for human rights and freedoms,

TAKING INTO ACCOUNT that the individual has duties towards other individuals and the social group to which he belongs and that he has an obligation to strive to promote and respect the rights recognized in this Covenant,

AGREE TO THE FOLLOWING:

FIRST PART

Article 1

1. All peoples have the right to self-determination. According to this right, they freely determine their political status and freely ensure their economic, social and educational development.

2. To achieve their purposes, all peoples may freely dispose of their wealth and natural resources, subject to the obligations arising from international economic cooperation, which is based on the principle of mutual interest and international law. Under no circumstances can a people be deprived of their means of survival.

3. The Contracting States to this Covenant, including the States which are responsible for the administration of territories which are not autonomous or which are under trusteeship status, have the obligation to facilitate the realization of the right of peoples to self-determination and to respect the right this, in accordance with the provisions of the United Nations Charter.

SECOND PART

Article 2

1. The Contracting States to this Agreement undertake to respect and guarantee to all persons within their territory and under their jurisdiction the rights recognized in this Covenant, without any distinction, in particular as to race, colour, sex, language, religion, political or other opinion, of national or social origin, property, birth or any other status.

2. The Contracting States to this Covenant undertake to create the necessary conditions, in accordance with their constitutional procedures and the provisions of this Covenant, which will allow the adoption of measures of a legislative or other nature, suitable for the realization of the rights recognized in this Agreement in cases where such provisions or measures have not already been provided for.

3. The Contracting States to this Agreement undertake:

(a) guarantee that any person whose rights and freedoms recognized in this Covenant are violated will have an adequate remedy available to him, even if the violation is committed by persons acting in their official state capacity;

b) guarantee that the competent judicial, administrative, legislative or any other competent authority in accordance with the law of the State will actually rule on the rights of the applicant and promote the possibility of judicial appeal;

c) to guarantee the execution, by the competent authorities, of any decision that has accepted the relevant appeal.

Article 3

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

Article 4

1. In the event of an extraordinary public danger, which threatens the existence of the nation and is recognized by an official act of state, the States Parties to this Covenant may take, to the extent that the circumstances so require, measures derogating from the obligations provided for in this Covenant, provided that such measures shall not be inconsistent with their other obligations under international law and shall not involve any discrimination based solely on race, colour, sex, language, religion or social origin.

2. The previous provision does not allow any deviation from the provisions of articles 6, 7, 8, (par. 1 and 2), 11, 15, 16 and 18.

3. The States Parties to this Covenant, which make use of the right of derogation, are obliged, through the Secretary-General of the United Nations, to notify the other States Parties immediately of the provisions

from which they have deviated, as well as the reasons that caused them this deviation. A new notification will be made in the same way, on the date on which these derogations will end.

Article 5

1. Nothing in this Covenant shall be interpreted as implying any right for a State, group or individual to engage in any activity or perform any act aimed at the abrogation of the rights and freedoms recognized in the Covenant or at limitations greater than those provided herein.
2. Any limitation or derogation from fundamental human rights recognized or applicable in any State Party to this Covenant pursuant to laws, conventions, regulations or customs, on the ground that this Covenant does not recognize such rights or recognizes them in smaller grade.

THIRD PART

Article 6

1. The right to life is inherent in man. This right must be protected by law. No one's life can be arbitrarily taken away.
2. In countries which have not abolished the death penalty, the death sentence may be imposed only for the most serious crimes, in accordance with the law in force at the time the crime was committed, which shall not be inconsistent with provisions of this Covenant nor with the Convention on the Prevention and Punishment of the Crime of Genocide. This sentence can only be enforced by virtue of a final decision issued by a competent court.
3. Where the taking of life constitutes the crime of genocide, it is understood that nothing in this article shall permit any State Party to the present Covenant to derogate in any way from any obligation it has undertaken under the provisions of the Convention to prevent and punishment of the crime of genocide.
4. Any person sentenced to death has the right to apply for pardon or commutation of the sentence. In all cases amnesty, pardon or commutation of the death sentence may be granted.
5. The death penalty shall not be imposed for crimes committed by persons under eighteen years of age and shall not be carried out in respect of pregnant women.
6. Nothing in this article may be invoked to delay or prevent the abolition of the death penalty by a State Party to this Covenant.

Article 7

No one shall be subjected to torture or to cruel, inhuman or degrading punishment or treatment. In particular, it is forbidden to submit a person, without their free consent, to a medical or scientific experiment.

Article 8

1. No one shall be subject to slavery. Slavery and slave trade in all its forms are prohibited.

2. No one is held in servitude.

3.a) No one is forced to perform forced or compulsory labour;

(b) Subsection (a) shall not be construed so as to prohibit in countries where certain crimes are punishable by imprisonment with hard labor the execution of a sentence of hard labor imposed by a court of competent jurisdiction

(c) For the purposes of this paragraph, the term "forced or compulsory labour" does not include:

i. Any work or service, not referred to in subsection (b), which is required of persons detained by lawful order of a court or of persons on parole;

ii. Any military service and, in countries where conscientious objectors are recognised, any national service provided for by the Conscientious Objectors Act;

iii. Any service required in an emergency or disaster threatening the life or welfare of the community;

iv. Any work or service that is part of the normal duties of a citizen.

Article 9

1. Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one is deprived of his liberty, except in the cases and in accordance with the procedure provided for by law.

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

3. Any person arrested or detained for a criminal offense shall be brought before a judge or other authority authorized by law to exercise judicial power as soon as possible, and shall be tried within a reasonable period of time or released from prison. Pretrial detention of defendants should not be the rule, but their release may be subject to guarantees for their appearance at trial, at any other stage of the proceedings, and possibly for execution of the judgment.

4. Anyone deprived of his liberty as a result of arrest or detention has the right to appeal to a court to decide without delay the lawfulness of his detention and to order his release if the detention is unlawful.

5. Every person, victim of illegal arrest or detention, has the right to compensation.

Article 10

1. Every person deprived of his liberty shall be treated with humanity and respect for inherent human dignity.

2.a) The accused, except in exceptional cases, are separated from the convicted and subject to different treatment, as befits their status as sub-litigants

b) Juvenile defendants are separated from adults and their case is judged as soon as possible.

3. The penitentiary system provides for the treatment of prisoners, the essential purpose of which is their improvement and social reintegration. Juvenile offenders are separated from adults and receive treatment commensurate with their age and legal status.

Article 11

No one is imprisoned solely because of their inability to fulfill a contractual obligation.

Article 12

1. Everyone who is lawfully present in the territory of a State has the right to freedom of movement and free choice of residence within the territory of that State.

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

3. The above-mentioned rights are not subject to limitations, with the exception of those limitations provided by law and which are necessary to protect national security, public order, public health, user morals or the rights and freedoms of others, and consistent with the other rights recognized in this Agreement.

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

Article 13

An alien who is lawfully present in the territory of a Contracting State to this Covenant may not be deported except in execution of a judgment rendered in accordance with law. The alien must have the possibility to invoke the reasons against his deportation, and to request the review of his case by the competent authority or by one or more persons specially authorized by this authority, as well as to be represented for the purpose him, unless imperative reasons of national security dictate otherwise.

Article 14

1. All are equal before the courts. Every person has the right to a fair and public trial by a competent, independent and impartial tribunal, established by law, which shall decide on the merits of any charge of criminal offense brought against him, and for disputes of civil rights and obligations. The holding of a trial in camera may be decided for all or part of it, either for the protection of morals, public order or national security in a democratic society or when the protection of the privacy of the parties so requires or

even to the extent which the court deems that such a thing is absolutely necessary given that, due to the special circumstances of the case, publicity would harm the proper administration of justice.

2. Every person charged with a criminal offense shall be presumed innocent until proven guilty according to law.

3. Every person accused of a criminal offense enjoys, in full equality, at least the following guarantees:

a) to be informed as soon as possible in a language he understands and in detail of the nature and grounds of the charge against him;

b) to have sufficient time and facilities to prepare his defense and to communicate with the lawyer of his choice;

(c) be tried without undue delay;

d) to attend the trial and defend himself in person or with the help of the advocate of his choice. If he does not have a lawyer, to be informed of his right and to appoint a lawyer ex officio in any case where this is required in the interest of justice, without the accused being burdened with his fee, if he cannot afford to pay it;

(e) examine or require the examination of prosecution witnesses and ensure the attendance and examination of defense witnesses on the same terms as prosecution witnesses;

f) have the free assistance of an interpreter, if he does not speak or understand the language used in the audience;

g) not to be compelled to testify against himself or to confess his guilt.

4. To determine the procedure applied to young people who are not yet adults from the point of view of criminal law, their age and the interest presented by their reformation are taken into account.

5. Every person found guilty of an offense shall have the right to have the decision of his guilt and sentence reviewed by a superior court, in accordance with law.

6. If a final criminal conviction is vacated by a superior court, or if pardon is granted because a new or newly discovered fact has arisen which proves the existence of a miscarriage of justice, the person punished by reason of that conviction shall be compensated according to law, unless it is shown that is equally responsible, in whole or in part, for the untimely disclosure of the unknown element.

7. No one shall be tried or punished for an offense for which he has already been acquitted or convicted by a final decision issued in accordance with the law and criminal procedure of each country.

Article 15

1. No one shall be punished for acts or omissions which were not criminal under domestic or international law at the time they were committed. Also,

a heavier penalty is not imposed than that provided for at the time of the commission of the criminal offence. If, after its commission, the law provides for the imposition of a lighter penalty, the offender benefits from it.

2. Nothing in this article shall prevent the trial and conviction of any person for acts or omissions which, at the time when they were committed, were criminal under the general principles of law recognized by the international community.

Article 16

Every person everywhere has the right to recognition of his legal personality.

Article 17

1. No one shall be subject to arbitrary or unlawful interference with his private life, family, home or correspondence, nor to unlawful insults to his honor and reputation.

2. Every person has the right to protection by law against such harassment or insult.

Article 18

1. Everyone has the right to freedom of thought, conscience and religion. This right includes freedom to have or practice the religion or belief of one's choice, as well as the freedom to manifest his religion or belief, individually or in community with others, in worship, observance, practice and teaching.

2. No one shall be subject to coercion, which could interfere with his freedom to have or adopt the religion or belief of his choice.

3. Freedom of expression of religion or belief may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order and health or morals or the fundamental rights and freedoms of others.

4. The Contracting States to this Covenant undertake to respect the freedom of parents or legal guardians, to provide for the religious and moral education of their children in accordance with their beliefs.

Article 19

1. No one should be discriminated against or harassed for their opinions.

2. Everyone has the right to freedom of expression. This right includes the freedom to seek, receive and impart information and opinions of any kind, regardless of frontiers, orally, in writing, in print, in any form of art or in any other medium of one's choice.

3. The exercise of the rights provided for in paragraph 2 of this article entails special duties and responsibilities. It may, therefore, be subject to certain limitations, but these must be clearly provided for by law and must be:

- a. To respect the rights or dignity of others
- b. To protect national security, public order, public health or user morals.

Article 20

1. All propaganda in favor of war is prohibited by law.
2. Any invocation of national, racial or religious hatred, which constitutes an incitement to discrimination, hostility or violence is prohibited by law.

Article 21

The right to peaceful assembly is recognized. The exercise of this right is not subject to restrictions other than those imposed by law and necessary in a democratic society in the interest of national security, public safety, public order or to protect the public health of users morals or the rights and freedoms of others.

Article 22

1. Everyone has the right to freedom of association, including the right to form and join trade unions for the protection of his interests.
2. The exercise of this right shall not be subject to restrictions other than those prescribed by law and necessary in a democratic society in the interest of national security, public safety, public order or for the protection of public health, of user morals or the rights and freedoms of others. This Article shall not prevent the imposition of lawful restrictions on the exercise of this right by members of the armed forces and the police.
3. Nothing in this article shall permit States Parties to the 1948 International Labor Organization Convention on Freedom of Association and Protection of the Right to Organize to adopt legislative measures which would oppose - or apply the law in a manner which would violate - guarantees provided by the above Agreement.

Article 23

1. The family is a natural and fundamental element of society, its members do not enjoy the protection of society and the State.
2. The right of men and women of marriageable age to marry and create a family is recognized.
3. No marriage can take place without the free and full consent of the future spouses.
4. The States Parties to this Covenant shall take the necessary measures to ensure the equality of rights and responsibilities of spouses in relation to marriage, during married life and at the dissolution of marriage. In case of dissolution of the marriage, measures are taken to ensure the necessary protection of the children.

Article 24

1. Every child, without distinction as to race, colour, sex, language, religion, national or social origin, property or birth, has the right, vis-à-vis his family, society and the State, to the measures of protection required by his status as a minor .
2. Every child must be registered immediately after birth at the Registry Office and given a name.
3. Every child has the right to acquire a nationality.

Article 25

1. Every citizen has the right and the possibility without any discrimination from those mentioned in article 2 and without excessive restrictions:
 - a. to participate in the exercise of public authority either directly or through freely chosen representatives
 - b. to be elected and to be elected, during periodic, fair elections, by universal, equal and secret ballot, which ensure the free expression of the will of the voters
 - c. to have access, under general conditions of equality, to the public offices of his country.

Article 26

All persons are equal before the law and have the right, without any discrimination, to equal protection of the law. In this regard, the law must prohibit all discrimination and guarantee to all persons equal and effective protection against any discrimination, in particular on grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Article 27

In States where ethnic, religious or linguistic minorities exist, the persons belonging to them cannot be deprived of the right to have, in common with other parts of their group, their own cultural life, to manifest and exercise their own religion or to use their own language.

FOURTH PART

Article 28

1. A Human Rights Commission (hereinafter referred to as "the Commission") is hereby established. The Committee consists of eighteen members and performs the duties specified below.
2. The Commission is composed of citizens of States Parties to this Covenant who must be persons of high moral character and have recognized involvement in the field of human rights. Their selection takes into account the usefulness of having certain persons with legal experience participate in the work of the Commission.

3. The members of the Committee are elected and participate in its work in their individual capacity.

Article 29

1. The members of the Commission shall be elected by secret ballot from a list of persons who meet the conditions laid down in article 28 and are nominated for that purpose by the States Parties to this Covenant.

2. Each State Party to this Covenant may nominate up to two candidates. These persons must have the citizenship of the State that proposes them.

3. The same person can be nominated again.

Article 30

1. The first elections will be held no later than six (6) months from the date on which this Agreement enters into force.

2. At least four (4) months before elections to the Commission, with the exception of an election held to fill a vacancy under Article 34, the Secretary-General of the United Nations shall send a written invitation to the States Parties to the present Covenant to designate, within three (3) months, the candidates they propose as members of the Committee.

3. The Secretary-General of the United Nations shall draw up an alphabetical list of all those so nominated, noting the States Parties which have nominated them, and shall communicate it to the States Parties to this Covenant not later than one (1) month before the date of election .

4. The members of the Commission are elected during a meeting of the States Parties to this Covenant, which is convened by the Secretary-General of the United Nations Organization at the Headquarters of the Organization. At this meeting, for the quorum of which two-thirds of the Contracting States in this Covenant are required, the candidates who gather the largest number of votes and the absolute majority of the votes of the representatives of the Contracting States present and voting are elected as members of the Committee.

Article 31

1. More than one citizen of the same State cannot participate in the Committee.

2. In the election of the members of the Commission, account shall be taken of the fair geographical distribution and representation of the various forms of culture and of the most important systems of law.

Article 32

1. The members of the Committee are elected for four (4) years, and have the right to re-election if they are nominated again as candidates. However, the term of nine of the members to be elected at the first election expires after two (2) years. Immediately after the first election,

the names of these nine members shall be chosen by lot by the Chairman of the meeting referred to in paragraph 4 of Article 30.

2. Elections at the end of the term shall be held in accordance with the provisions of the previous articles of this part of the Covenant.

Article 33

1. If, in the unanimous judgment of the other members, a member of the Commission has ceased to perform his duties for any reason other than temporary absence, the Chairman of the Commission shall inform the Secretary-General of the United Nations, who shall declare the office vacant. position held by this member.

2. In the event of the death or resignation of a member of the Commission, the President immediately informs the Secretary-General of the United Nations Organization, who declares the position vacant from the day of the death or from the day the resignation takes effect.

Article 34

1. When a post is declared vacant in accordance with article 33 and if the term of office of the member to be replaced does not expire within the next six (6) months from the date the post is declared vacant, the Secretary-General of the United Nations shall notify the Contracting States to this Covenant, which may, within two (2) months, nominate candidates, in accordance with the provisions of Article 29, to fill the vacancy.

2. The Secretary-General of the United Nations shall draw up an alphabetical list of those proposed in this manner, and shall notify it to the States Parties to this Covenant. The election to fill the vacancy shall then take place in accordance with the relevant provisions of this part of the Covenant.

3. Each member of the Commission elected to the vacant position in accordance with article 33 shall serve on the Commission until the normal date of expiry of the term of office of the member whose position was vacated in accordance with the provisions of the above article.

Article 35

The members of the Commission, with the approval of the General Assembly of the United Nations, shall receive compensation from the budget of the United Nations under such conditions as the General Assembly shall determine, taking into account the importance of the tasks of the Commission.

Article 36

The Secretary-General of the United Nations shall place at the disposal of the Commission such personnel and means as are necessary for the effective performance of the tasks assigned to it by this Covenant.

Article 37

1. The Secretary-General of the United Nations Organization convenes the members of the Commission, for the opening meeting, at the Headquarters of the Organization.

2. After its opening meeting, the Committee convenes as provided by its internal Regulations.

3. Meetings of the Committee shall normally be held at the Headquarters of the United Nations Organization or at the United Nations Office in Geneva.

Article 38

Each member of the Commission, before assuming his duties, undertakes a formal commitment in public meeting that he will perform his duties with full impartiality and conscientiousness.

Article 39

1. The Commission elects its chairman for a period of two (2) years. The members of the bureau are re-elected.

2. The Commission draws up its own internal regulations. However, this regulation must provide, inter alia, for the following provisions:

a. A quorum requires the presence of twelve members

b. The decisions of the Committee are taken by the majority of the members present.

Article 40

1. The States Parties to this Covenant undertake to submit reports on the measures they will have adopted to realize the rights recognized in this Covenant, as well as on the progress that will have been made in the enjoyment of these rights:

a. Within one year of the entry into force of this Agreement for the specific new Contracting State

b. Thereafter, whenever the Commission so requests.

2. All reports shall be submitted to the Secretary-General of the United Nations, who shall transmit them to the Committee for consideration. The reports must indicate the factors and difficulties, if any, affecting the implementation of the provisions of this Agreement.

3. The Secretary-General of the United Nations, after consultation with the Commission, may transmit to the specialized agencies concerned copies of all those parts of the reports which may relate to their sphere of competence.

4. The Committee studies the reports submitted by the States Parties to this Covenant. It addresses to the Contracting States its own reports and all general observations it deems appropriate. The Commission may also

transmit these observations to the Economic and Social Council, together with copies of the reports it has received from the States Parties to this Covenant.

5. The States Parties to this Covenant may submit to the Commission their comments on any observation made in accordance with paragraph 4 of this article.

Article 41

1. Any State Party to the present Covenant may, in accordance with this article, at any time declare that it recognizes the competence of the Commission to receive and examine reports in which a State Party alleges that another State Party is not fulfilling its obligations under this Agreement. Petitions submitted in accordance with this article may only be accepted and considered if they originate from a Contracting State which has submitted a declaration acknowledging the competence of the Commission over the same. No report shall be accepted by the Committee if it concerns a State Party which has not submitted such a declaration. The following procedure applies to petitions accepted under this article:

- a. If a State Party to this Covenant considers that another State Party to the Covenant is not applying its provisions, it may, by written notification, bring the matter to the attention of that State Party. Within three (3) months of receipt of the petition, the State that received it shall transmit to the State that sent the petition a written explanation or other written statement clarifying the issue, which must include - to the extent possible and useful - details of the applicable rules of procedure and remedies already used, pending or still offered.
- b. If the matter is not settled to the satisfaction of both Contracting States concerned within six (6) months of the receipt of the original report by the State to which it is addressed, then either State shall have the right to refer the matter to the Commission, by notification to the Commission and to the other State concerned.
- c. The Commission may consider a matter referred to it only after it is satisfied that all available domestic remedies have been exercised and exhausted, in accordance with generally accepted principles of international law. This rule does not apply in the event that the relevant procedures exceed the considered reasonable duration.
- d. The Committee meets behind closed doors when considering the reports provided for in this article.
- e. Subject to the provisions of subsection (c), the Commission places its good offices at the disposal of the States Parties concerned in order to reach an amicable settlement of the matter, based on respect for human rights and fundamental freedoms, as recognized herein Agreed.

f. The Commission may request the States Parties concerned, referred to in subsection (b), to provide any relevant information on any case referred to it.

g. The States Parties concerned, referred to in subsection (b), shall have the right to be represented during the consideration of the case before the Commission and to submit oral or written observations or both.

h. The Commission must draw up a report within twelve (12) months of receiving the notification provided for in subsection (b):

i. If a settlement has been reached under the terms of subsection (e), the Commission shall limit itself, in its report, to a brief statement of the facts and the settlement reached;

ii. If no solution has been reached in accordance with the terms of subsection (e), the Commission shall limit itself, in its report, to a brief statement of the facts. The written pleadings and the minutes of the oral pleadings submitted by the States Parties concerned are attached to the report.

For each case, the relevant report is communicated to the Contracting States concerned.

2. The provisions of this article shall enter into force when ten Contracting States to this Covenant shall have submitted the declaration provided for in paragraph 1 of this article. The declaration is submitted by the Contracting State to the Secretary-General of the United Nations Organization, who notifies a copy of it to the other Contracting States. The declaration may be revoked at any time by notice addressed to the Secretary-General. Its withdrawal shall not affect the consideration of any matter which is the subject of a petition already forwarded in accordance with this Article. Once the Secretary-General has received the notification of withdrawal of the declaration, no further report by a State Party shall be accepted, unless the State Party concerned submits a new declaration.

Article 42

1. a) If any matter referred to the Commission in accordance with article 41 is not resolved to the satisfaction of the States Parties concerned, then the Commission, with the prior consent of the States Parties concerned, may appoint an ad hoc Conciliation Commission. The Conciliation Commission places its good offices at the disposal of the interested Contracting States in order to reach an amicable settlement of the issue based on the respect of this Agreement.

b) The Conciliation Committee consists of five persons who are appointed with the agreement of the interested Contracting States. If the Contracting States concerned cannot agree within three (3) months on all or part of the composition of the Conciliation Commission, the members for whom no agreement has been reached shall be elected by secret ballot among the members of the Conciliation Commission, by a two-thirds majority of the members of the Conciliation Committee.

2. The members of the Conciliation Committee participate in its work in their individual capacity. They must not have the nationality of the Contracting States concerned or of a State which is not a Contracting State to this Covenant or of a Contracting State which has not submitted the declaration of Article 41.
3. The Conciliation Committee elects its President and adopts its internal regulations.
4. Meetings of the Conciliation Commission shall normally be held at the headquarters of the United Nations Organization or at the United Nations Office in Geneva. They may, however, be held at any other suitable place to be determined by the Conciliation Committee in consultation with the Secretary-General of the United Nations and the States Parties concerned.
5. The secretariat provided for in article 36 also serves the committees, defined in accordance with this article.
6. The information received and processed by the Committee shall be made available to the Conciliation Committee, which may request the interested Contracting States to provide it with any additional information.
7. After examining the issue in all its aspects, but in any case within a period of twelve (12) months from its establishment, the Conciliation Commission submits a report to the President of the Commission, who communicates it to the Contracting States concerned:
 - a. If the Conciliation Commission is unable to complete its examination of the matter within twelve (12) months, it shall limit its report to a brief report on the course of the case;
 - b. If an amicable settlement of the matter is reached on the basis of respect for human rights as recognized in this Covenant, the Conciliation Commission shall limit its report to a brief statement of the facts and the solution reached;
 - c. If no solution is reached in accordance with the terms of subsection (b), the Conciliation Commission shall incorporate in the report its conclusions on all the facts relating to the question of concern to the Contracting States concerned and its findings on the possibilities of amicable settlement. The report also includes the written pleadings, as well as the minutes of the oral pleadings submitted by the States Parties concerned.
 - d. If the report of the Conciliation Commission is submitted in accordance with subsection (c), then the Contracting States concerned shall, within three (3) months of its receipt, inform the Chairman of the Commission whether or not they accept the contents of the report of the Conciliation Commission .
8. The provisions of this article do not affect the competences of the Commission in accordance with article 41.

9. The Contracting States concerned shall share equally the expenses of the members of the Conciliation Commission, in accordance with a budget drawn up by the Secretary-General of the United Nations.

10. The Secretary-General of the United Nations Organization is authorized, if necessary, to pay the expenses of the members of the Conciliation Commission before receiving their payment from the Contracting States concerned, in accordance with paragraph 9 of this article.

Article 43

The members of the Commission and the members of the ad hoc Conciliation Committees appointed in accordance with article 42 shall be entitled to the facilities, privileges and immunities of experts on mission to the United Nations as defined in the relevant chapters of Convention on the Privileges and Immunities of the United Nations.

Article 44

The provisions for the implementation of this Covenant are applied without prejudice to the procedures provided for in the field of human rights by the statutory texts and conventions of the United Nations and specialized agencies, and do not prevent the Contracting States from resorting to other procedures for the dispute resolution, in accordance with the general or specific international agreements that bind them.

Article 45

The Commission submits an annual report on its work to the General Assembly of the United Nations, through the Economic and Social Council.

FIFTH PART

Article 46

Nothing in this Covenant may be interpreted in a manner inconsistent with the provisions of the Charter of the United Nations and the statutes of the specialized agencies, which specify the responsibilities of the various organs of the United Nations and its specialized agencies in relation to the matters referred to in this Agreement.

Article 47

Nothing in this Covenant shall be construed to prejudice the right of all peoples to fully and freely enjoy and exploit their wealth and natural resources.

PART SIX

Article 48

1. This Covenant shall be open for signature by any State Member of the United Nations or member of any of its specialized agencies, by any State Party to the Statute of the International Court of Justice and by any other

State invited by the General Assembly of the United Nations to become a party to this Covenant.

2. This Covenant is subject to ratification, and instruments of ratification shall be deposited with the Secretary-General of the United Nations.

3. This Covenant is open for accession to any State referred to in paragraph 1 of this article.

4. Accession is effected by depositing an instrument of accession with the Secretary-General of the United Nations.

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

Article 49

1. This Agreement shall enter into force three (3) months after the date of deposit of the thirty-fifth instrument of ratification or accession.

2. For each State ratifying this Covenant or acceding to it after the deposit of its thirty-fifth instrument of ratification or accession, this Covenant shall enter into force three (3) months after the date of deposit of its own instrument of ratification or accession.

Article 50

The provisions of this Agreement apply without limitation or exception to all constituent units of the Federal States.

Article 51

1. Any Contracting State may propose an amendment and deposit its text with the Secretary-General of the United Nations. The Secretary-General shall transmit all proposed amendments to States Parties, requesting them to inform him whether they wish to convene a conference of States Parties to consider such proposals and put them to a vote. If at least one-third of the States wish to convene it, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment decided upon by a majority of States present and voting at the conference shall be submitted for approval to the United Nations General Assembly.

2. Amendments shall enter into force after they have been approved by the General Assembly of the United Nations and accepted, in accordance with their relevant constitutional rules, by a two-thirds majority of the States Parties to this Covenant.

3. From the moment these amendments enter into force they become binding on the Contracting States which have accepted them. The remaining Contracting States are bound by the provisions of this Agreement and by any previous amendment they have accepted.

Article 52

Regardless of the notifications provided for in paragraph 5 of article 48, the Secretary-General of the United Nations shall notify all States referred to in paragraph 1 of the same article:

- a. For the signatures affixed to this Covenant and for the instruments of ratification and accession deposited, in accordance with Article 48
- b. For the date from which the Agreement comes into force according to article 49 and for the date from which the amendments come into force according to article 51.

Article 53

1. This Agreement, the texts of which in

English, Chinese, Spanish, French, and Russian having equal force, shall be deposited in the archives of the United Nations.

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

IN WITNESS WHEREOF, the undersigned, being duly authorized by their respective Governments, have signed the present Covenant, opened for signature at New York, on the nineteenth day of December, nineteen sixty-six.

[THE SIGNATORY COUNTRIES]

OPTIONAL PROTOCOL

IN THE INTERNATIONAL COVENANT ON INDIVIDUAL AND CIVIL RIGHTS

THE CONTRACTING STATES TO THIS PROTOCOL,

CONSIDERING that in order to better ensure the fulfillment of the purposes of the International Covenant on Civil and Political Rights (hereinafter referred to as "the Covenant") and the implementation of its provisions, it would be appropriate to entrust the Commission on Human Rights, which it is provided in Part Four of the Covenant (hereinafter referred to as "the Commission") to receive and consider, as provided in this Protocol, petitions from persons who claim to be victims of a violation of any of the rights recognized in the Covenant,

AGREE TO THE FOLLOWING:

ARTICLE ONE

Each Contracting State to the Covenant, which becomes a Contracting Party to this Protocol, recognizes in the Commission the competence to receive and consider reports from persons, subject to its jurisdiction, who claim to be victims of a violation, on the part of that Contracting State, of any of the rights recognized in the Covenant. The Committee shall not accept any petition concerning a State Party to the Covenant which is not a Party to this Protocol.

ARTICLE 2

Subject to the provisions of the first article, any person who claims to be the victim of a violation of any of the rights recognized in the Covenant and who has exhausted all available domestic remedies may submit a written report to the Commission for consideration.

ARTICLE 3

The Committee declares inadmissible any report submitted under this Protocol which is anonymous or which it considers to be an abuse of the right to submit such reports or which is inconsistent with the provisions of the Covenant.

ARTICLE 4

1. Without prejudice to the provisions of article 3, the Commission shall bring any report submitted to it, in accordance with this Protocol, to the attention of the State Party to this Protocol which has possibly violated any of the provisions of the Covenant.

2. Within the following six months, the State in question shall submit to the Commission in writing explanations or statements clarifying the matter and indicating, where appropriate, the measures it has taken to remedy the situation.

ARTICLE 5

1. The Committee shall examine the reports it receives under this Protocol, taking into account all written information submitted to it by the individual and by the State Party concerned.

2. The Committee shall not consider any report of an individual without ascertaining that:

a) The same matter is not already under consideration by another international body of inquiry or resolution;

b) The person has exhausted all available internal means of protection. This rule does not apply if the relevant proceedings exceed a reasonable duration.

3. The Commission shall meet in camera when it examines the petitions provided for in this Protocol.

4. The Committee shall present its findings to the State Party concerned and to the individual.

ARTICLE 6

The Commission shall include in its annual report, which it prepares in accordance with Article 45 of the Covenant, a summary of its activities based on this Protocol.

ARTICLE 7

Pending the realization of the objectives of resolution 1514 (XV), adopted by the United Nations General Assembly on 14 December 1960,

concerning the Declaration on the Granting of Independence to Colonial Countries and Peoples, the provisions of this Protocol shall not limit the right of appeal granted to these peoples by the Charter of the United Nations and the other conventions and international instruments concluded under the auspices of the United Nations or its specialized agencies.

ARTICLE 8

1. This Protocol is open for signature by any State signatory to the Covenant.
2. This Protocol is subject to ratification by each State which has ratified the Covenant or acceded to it. The instruments of ratification shall be deposited with the Secretary-General of the United Nations.
3. This Protocol shall be open to accession by any State which has ratified the Covenant or acceded to it.
4. Accession shall be effected by depositing an instrument of accession with the Secretary-General of the United Nations.
5. The Secretary-General of the United Nations shall inform all States which have signed this Protocol or which have acceded to it of the deposit of any instrument of ratification or accession.

ARTICLE 9

1. Subject to the entry into force of the Covenant, this Protocol shall enter into force three months after the date of deposit with the Secretary-General of the United Nations of the tenth instrument of ratification or accession.
2. For each State ratifying this Protocol or acceding to it after the deposit of the tenth instrument of ratification or accession, the said Protocol shall enter into force three months after the deposit by each State of the instrument of ratification or accession.

ARTICLE 10

The provisions of this Protocol apply, without limitation or exception, to all the constituent units of the federal States.

ARTICLE 11

1. Any State Party to this Protocol may propose an amendment and deposit its text with the Secretary-General of the United Nations. The Secretary-General shall transmit all draft amendments to the States Parties to this Protocol asking them to indicate whether they wish a conference of the States Parties to be convened to consider such drafts and put them to a vote. If at least one-third of the States are in favor of this convening, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment approved by a majority of States present and voting at the conference shall be submitted for approval to the United Nations General Assembly.

2. These amendments shall enter into force after they have been approved by the General Assembly of the United Nations and accepted, in accordance with their respective constitutional rules, by a two-thirds majority of the States Parties to this Protocol.

3. After these amendments enter into force, they are binding on the Contracting States which have accepted them, and the remaining Contracting States remain bound by the provisions of this Protocol and by any previous amendment which they have accepted.

ARTICLE 12

1. Any State Party may, at any time, denounce this Protocol by written notification addressed to the Secretary-General of the United Nations. The denunciation shall take effect three months after the date on which the Secretary-General received the notice.

2. Denunciation shall not prevent the application of the provisions of this Protocol to any petition submitted under Article 2 before the date on which the denunciation takes effect.

ARTICLE 13

Notwithstanding the notifications provided for in paragraph 5 of article 8 of this Protocol, the Secretary-General of the United Nations shall inform all States referred to in paragraph 1 of article 48 of the Covenant of:

(a) The signatures affixed to this Protocol and the instruments of ratification and accession deposited in accordance with Article 8;

(b) The date on which this Protocol shall enter into force in accordance with article 9 and the date on which the amendments provided for in article 11 shall enter into force;

c) Complaints made in accordance with article 12.

ARTICLE 14

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

2. The Secretary-General of the United Nations shall transmit a certified copy of this Protocol to all States referred to in article 48 of the Covenant.

SECOND OPTIONAL PROTOCOL

IN THE INTERNATIONAL COVENANT ON INDIVIDUAL AND CIVIL RIGHTS RELATING TO THE ABOLITION OF THE DEATH PENALTY
THE CONTRACTING STATES TO THIS PROTOCOL,

CONVINCED that the abolition of the death penalty contributes to the promotion of human dignity and the progressive development of human rights,

RECALLING article 3 of the Universal Declaration of Human Rights adopted on 10 December 1948, as well as article 6 of the International Covenant on Civil and Political Rights adopted on 16 December 1966,

NOTING that article 6 of the International Covenant on Civil and Political Rights refers to the abolition of the death penalty in terms which leave no doubt that the abolition of the death penalty is desirable,

CONVINCED that all measures taken to abolish the death penalty must be seen as progress in the enjoyment of the right to life,

DESIRING to assume, by this Protocol, the international obligation to abolish the death penalty,

AGREE TO THE FOLLOWING:

ARTICLE ONE

1. No person subject to the jurisdiction of a Contracting State to this Protocol shall be executed.
2. Each State Party shall take all necessary measures to abolish the death penalty within the limits of its jurisdiction.

ARTICLE 2

1. No reservation shall be accepted to this Protocol, except a reservation to be made at the time of ratification or accession and which shall provide for the application of the death penalty in time of war upon conviction for a war crime of the highest importance committed during war.
2. A Contracting State, making such a reservation, shall communicate to the Secretary-General of the United Nations, upon ratification or accession, the relevant provisions of its domestic law applicable in time of war.
3. A Contracting State which has made such a reservation shall notify the Secretary-General of the United Nations of the declaration or lifting of a state of war in its territory.

ARTICLE 3

The States Parties to this Protocol shall list, in the reports they will present to the Human Rights Committee, pursuant to article 40 of the Covenant, the measures that will be taken to implement this Protocol.

ARTICLE 4

With respect to States Parties to the Covenant which have made the declaration provided for in article 41, the competence, recognized in the Human Rights Committee to receive and examine reports in which a State Party alleges that another State Party is not fulfilling the obligations of, extends to the provisions of this Protocol, provided that the Contracting State concerned has not made a contrary declaration at the time of ratification or accession.

ARTICLE 5

With respect to States Parties to the first optional Protocol relating to the International Covenant on Civil and Political Rights adopted on 16 December 1966, the competence conferred on the Human Rights Committee to receive and consider petitions from persons subject to the jurisdiction them, extends to the provisions of this Protocol, as long as the Contracting State concerned has not made a contrary declaration at the time of ratification or accession.

ARTICLE 6

1. The provisions of this Protocol apply as additional provisions to the Covenant.
2. Without prejudice to the possibility of formulating the reservation provided for in article 2 of this Protocol, the right guaranteed by paragraph 1 of the first article of this Protocol cannot be the subject of any of the derogations provided for in article 4 of the Covenant.

ARTICLE 7

1. This Protocol is open for signature by any State signatory to the Covenant.
2. This Protocol is subject to ratification by each State which has ratified the Covenant or acceded to it. The instruments of ratification shall be deposited with the Secretary-General of the United Nations.
3. This Protocol shall be open to accession by any State which has ratified the Covenant or acceded to it.
4. Accession shall be effected by depositing an instrument of accession with the Secretary-General of the United Nations.
5. The Secretary-General of the United Nations shall inform all States which have signed this Protocol or which have acceded to it of the deposit of any instrument of ratification or accession.

ARTICLE 8

1. This Protocol shall enter into force three months after the date of deposit with the Secretary-General of the United Nations of the tenth instrument of ratification or accession.
2. For each State ratifying this Protocol or acceding to it after the deposit of the tenth instrument of ratification or accession, the said Protocol shall enter into force three months after the deposit by each State of the instrument of ratification or accession.

ARTICLE 9

The provisions of this Protocol apply, without limitation or exception, to all the constituent units of the federal States.

ARTICLE 10

The Secretary-General of the United Nations shall inform all States referred to in paragraph 1 of article 48 of the Covenant of:

- a) Reservations, communications and notifications received pursuant to Article 2 of this Protocol;
- b) Declarations made pursuant to Articles 4 or 5 of this Protocol;
- (c) The signatures affixed to this Protocol and the instruments of ratification and accession deposited in accordance with Article 7 of this Protocol;
- d) The date on which this Protocol shall enter into force in accordance with Article 8 thereof.

ARTICLE 11

1. This Protocol, of which the English, Arabic, Chinese, Spanish, French and Russian texts are equally authentic, shall be deposited in the archives of the United Nations.
2. The Secretary-General of the United Nations shall transmit a certified copy of this Protocol to all States referred to in article 48 of the Covenant.

23. attachment 23 (is consisted from 5 pages)

Genocide



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Victims of the [Armenian Genocide](#)

Genocide (from the Greek words *genos* + *kteino* (=to kill)) is a term of international law that was established after the [Second World War](#) . It refers to the systematic persecution of a nation or race with the ultimate goal of their extinction.

This term literally refers to the concept that has existed since ancient times and more precisely to one of the most ancient mass crimes aimed at the systematic, mostly violent means, intended extermination of an entire race or part of it in a certain place.

Genocide can be pursued either by a series of mass murders of all or nearly all members of a tribe, or by systematic weakening of it (by various means) until the gradual extermination of the tribe. These violent means also include a series of prohibitive measures on national, religious, linguistic, moral, historical or other traditions in order to differentiate or alter the persecuted race with the certain loss of its national and racial characteristics over time. However, the attribution of the term for a specific action, of an organized nature, involves subjective criteria and in recent years has caused a difference of opinion several times.

According to Article 2 of the Convention on the Prevention and Suppression of the Crime of Genocide, Genocide is defined as

" ...any of the following acts aimed at the partial or total annihilation of a racial, ethnic or religious group, such as:

1. Killing team members
2. Causing serious physical or mental harm to team members
3. Deliberate imposition of living conditions aimed at the physical annihilation, total or partial, of members of the group

4. Imposing measures aimed at preventing births within the group
5. Forcibly transferring minor members of the group to another."

- Convention on the Prevention and Suppression of the Crime of Genocide, Article 2 ^[1]

It is worth noting that the term Genocide is used only when the above acts are the primary goal and core of the political decision. When the primary goal is different, but the above results as a result of policy, then the term Genocide is questioned and is often used as policy in international diplomacy. It is different from [ethnic cleansing](#) . ^[2]

Enter the term [\[Edit | edit code \]](#)

The term **genocide** (and by analogy the emerging Greek *genocide*) was first formulated by the Polish lawyer Raphael Lemkin in November 1944 ^[3] in his book "Axis Rule in Occupied Europe", referring to the crimes committed by Germany and its allies in then-occupied Europe. ^[4] Lemkin's interest in such crimes began with his studies of the Armenian massacres, and in 1933 he proposed to the International Congress of Criminal Law the use of the terms "vandalism" and "brutality", which was not accepted at the time. In 1944 Lemkin wrote that if his proposals had been accepted then, war crimes could have been punished (before the war ended). ^{[5][6]}

The horror and abhorrence caused throughout the world by the Nazis' systematic, barbaric attempt at the biological extermination of the Jewish race during World [War II](#) (from 1942 onwards) prompted the [UN General Assembly](#) to officially declare genocide as a crime punishable under [International Law](#) . Thus, this term became the main indictment term at the Nuremberg Trials.

A special convention, adopted by the assembly in December [1948](#) , stipulated that the perpetrators of such a crime (whether organs of a state, military or civil servants, or ordinary citizens) should be held personally and individually responsible for that crime and tried by the courts of the place where the crimes were committed or by the [international court](#) . This principle was applied in many criminal trials of war criminals, such as the trial of German colonel [Adolf Eichmann](#) held in the State of [Israel](#) .

N. Sarandakos claims that the first official use of the term was not in relation to the Holocaust of the Jews but in relation to the Greek Civil War. It was used for the first time on 7-3-1948 in a resolution of an international committee that denounced the kidnapping of Greek children by communists. But the next appearance of the word was again in relation to the same case by ESIEA in November 1948 when it refused to go to a conference in Budapest. ^[7]

Holocaust of the Jews (1938 - 1945) [\[Edit | edit code \]](#)

Main article: [Holocaust](#)

Although at various times warlike and conquering actions have resulted in the partial destruction of populations, never has [Europe](#) seen the application of so cold and brutal a plan for the systematic extermination of all those who

belonged to a certain race, as was the plan devised and carried out by [Hitler](#)'s Germany against the [Jewish race](#).

It should be clarified that racist ideology was not something that first appeared in Germany with the rise to power of Hitler (although he took it to its extreme consequences), but had deep roots and solid ideological foundations in certain currents of German [philosophy](#) and historical criticism of the 19th century, from the books of the English-born German author [Chamberlain to Maar](#)'s pamphlets, from [Stecker](#)'s theories to the racist campaigns of the magazine *Gartenlaube*, which had inspired the idea of the superiority of the German race in the people against the other European races. The [anti-Jewish](#) war until then was tolerated (if not overtly supported) by the governments of Imperial Germany themselves, if only for reasons of expediency, thus allowing racist theories to find the ground prepared.

Before the war even began, there were six concentration camps operated under the jurisdiction of [Heinrich Himmler](#) and guarded by the [SS](#) of the Nazi party (the term SS comes from the [German](#) word *Schutzstaffel* = protection department) and in which about 20,000 opponents of the regime. New camps were created in the two years [1940](#) - [1941](#) and the previous ones were expanded. These camps

were: [Auschwitz](#), [Belzen](#), [Buchenwald](#), [Dachau](#), [Foschenberg](#), [Mauthausen](#), [Nachsweiler](#), [Neuengame](#), [Ravensbrück](#), [Sachsenhausen](#), [Theresienstadt](#) etc., which left horrible memories. It is estimated that of the approximately 12 million people killed by the countries the Germans invaded, approximately 8 million died in the concentration camps (men, women and children). Organized genocide was carried out by various methods: extermination by intensive labor and malnutrition, shootings, hangings, injections of phenol and other poisonous substances, or mass extermination in gas chambers. There were no gas chambers in all concentration camps. In Buchenwald, for example, prisoners were (among other things) subjected to various experiments as if they were guinea pigs; in Dachau and Ravensbrück experiments and sterilizations were also carried out.

That the final solution of the Jewish question, which fascinated the Hitlerites, was not completed and that the genocidal plans for the [Gypsies](#), Slavs and other races considered by them to be inferior were only carried out to a limited extent, this is only because Hitler's Germany lost the war. From these crimes and the mentality that caused them remained the sad list of murderers, the innumerable testimonies and testimonies and, above all, the extermination camps, where even today the machinery of death is kept intact. The Gypsies ([Roma](#)), in fact, a people without a state organization or even a solid organization, had no way to denounce their own genocide during the Nazi atrocities.

Controversial allegations [[Edit](#) | [edit code](#)]

The Great Ukrainian Famine (1932 - 1933) [[Edit](#) | [edit code](#)]

After the dissolution of the USSR, Ukraine raised the issue of recognition of the Great Ukrainian Famine of 1932 - 1933 as genocide. On November 28, 2006, the Ukrainian parliament, chaired by Viktor Yushchenko, passed a law

(№ 376–V) recognizing the starvation of Ukrainians as a genocide by the USSR against the Ukrainian people, while public denial of it is prohibited. The [Holodomor](#) of 1932 - 1933 (en: Holodomor | ua: Голодомор) has been recognized as a Genocide by 14 states ^[8] while by the EU and UN authorities it is characterized as a tragedy or a crime against humanity without using the term Genocide.

Background: The two years 1932 - 1933 were named by the Soviet Union as "Agrarian Reform". The Communist Party of the Soviet Union, in cooperation with the administration of the Ukrainian SSR, under the pretext of collectivization, ordered to confiscate first all grain products from the fields and warehouses, and then all non-grain products and livestock. The movement of the rural population to the cities was prohibited. The result of the above was the death from starvation of seven to twelve million people during five hundred days. The official Ukrainian side talks about 3.9 million deaths. November 25 was designated as a day of remembrance for the victims of the Great Famine of Ukraine in the years 1932 - 1933.

Other genocides [[Edit](#) | [edit code](#)]

However, in recent years the issue of genocide has been pointed out by other peoples besides the Jews. Genocide, for example, is spoken of by the surviving indigenous people of the American continent, who were massacred by the European settlers in the early years of the formation of the French-British colonies in today's [USA](#) , [Canada](#) (mainly) and [Australia](#) .

Genocides of Armenians and Greeks [[Edit](#) | [edit code](#)]

However, there are also cases that have caused international confrontations. Of particular Greek interest are the complaints of [Armenians](#) and [Greeks](#) who lived in the [Ottoman Empire](#) and claim recognition of the mass massacres against them by the Ottoman government at the end of the 19th and the beginning of the 20th century. Armenians refer to their extermination by the army of the Young Turks at the beginning of the last century ([1915](#)) as genocide. The [Greek](#) state has officially recognized both cases as genocide, while the [Turkish state](#) government strongly reacts to the characterization, claiming that these were internal conflicts, with losses on both sides, which were actually due to the attempt to destroy Turkey's territorial integrity. In [2001](#) , however, the French National Assembly passed a resolution recognizing the genocide against the Armenians, prompting diplomatic protests from Turkey (remember that France [has](#) a large minority of Armenians). Also the Parliament of the Netherlands has recognized in a decision the genocides of Armenians, Greeks and Assyrians. ^[9]

Other complaints [[Edit](#) | [edit code](#)]

Moreover, in recent decades, allegations of genocide have been made in various cases of either civil or interstate conflicts in so-called third world countries (e.g. [Rwanda](#)), as the state formations that emerged post-war, with the end of colonialism, often included peoples with a completely different tribal composition and the rise to power of one or the other tribe entailed fierce conflicts for dominance. Finally, other complaints, such as the Palestinians in the occupied Israeli territories, the [Albanians](#) of [Kosovo](#) , the Kurds of Turkey

or the Chechens of [Russia](#), are rather exaggerated characterizations, since, even if there are massive attacks, the concept of total annihilation of the (civilian) population does not entail.

24, attachment 24 (is consisted from 24 pages)

Genocide



From Wikipedia, the free encyclopedia

For other uses, see [Genocide \(disambiguation\)](#).

Part of a series on

Genocide



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Genocide is the intentional destruction of a people^[a] in whole or in part. In 1948, the [United Nations Genocide Convention](#) defined genocide as any of five "acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group." These five acts were: killing members of the group, causing them serious bodily or mental harm, imposing living conditions intended to destroy the group, preventing births, and forcibly transferring children out of the group. Victims are targeted because of their real or perceived membership of a group, not randomly.^{[a][b]}

The [Political Instability Task Force](#) estimated that 43 genocides occurred between 1956 and 2016, resulting in about 50 million deaths.^[a] The [UNHCR](#) estimated that a further 50 million had been displaced by such episodes of violence up to 2008.^[a] Genocide, especially large-scale genocide, is widely considered to signify the epitome of human [evil](#).^[a] As a label, it is contentious because it is moralizing,^[a] and has been used as a type of moral category since the late 1990s.^[a]

Etymology



[Raphael Lemkin](#) coined the term *genocide* in 1944. His analysis of [atrocities inflicted on the Poles](#) were adopted by the [UN Genocide Convention](#) as its criteria for determining "[genocidal intent](#)"



Aftermath of the [1941 Odessa massacre](#), in which Jewish deportees were killed outside Brizula (now [Podilsk](#)) during [the Holocaust](#)



Members of the [Sonderkommando](#) burn corpses of Jews in pits at [Auschwitz II-Birkenau](#), an [extermination camp](#).

Polish lawyer [Raphael Lemkin](#) coined the term *genocide* in his 1944 book *"Axis Rule in Occupied Europe"*,^[10] combining the [Greek](#) word *γένος* (*genos*, "race, people") with the [Latin](#) suffix *-caedo* ("act of killing").^[11] In *"Axis rule"*, Lemkin documents his research of [Nazi occupation policies in Europe](#), and records a case study of the [occupation of Poland](#). Lemkin asserted that Nazi atrocities against Poles consisted of five policies which exposed their *"intent to destroy"* the Polish nation. These included i) mass-killings of Poles ii) inflicting "serious bodily or mental harm to members of the group" iii) planned deterioration of living conditions "calculated to bring about their destruction" iv) implementation of various "measures intended to prevent births within the group" such as promotion of [abortions](#), burdening pregnant women, etc. v) forced transfer of Polish children to German families. Each of these five markers, according to Lemkin, revealed the Nazi plan to eliminate the Polish identity with certainty. These five criteria were adopted by the [1948 Genocide Convention](#) as its proof for the concept of [genocidal intent](#).^[12]

Before the term was coined, there had been various ways of describing such events. Some languages already had words for such killings, including German (*Völkermord*, lit. 'murder of a people') and Polish (*ludobójstwo*, lit. 'killing of a people or nation').^{[13][14][15]} In 1941, when describing the "methodical, merciless butchery" of "scores of thousands" of Russians by Nazi troops during the [German invasion of the Soviet Union](#), [Winston Churchill](#) spoke of "a crime without a name".^[16] Lemkin's 1944 book *Axis Rule in Occupied Europe* describes the implementation of [Nazi](#) policies in [occupied Europe](#) and mentions earlier [mass killings](#).^[17] After reading about the 1921 [assassination of Talat Pasha](#), the main architect of the [Armenian genocide](#), by Armenian [Soghomon Tehlirian](#), Lemkin asked his professor why there was no law under which Talat could be charged.^{[18][19]} He later explained that "as a lawyer, I thought that a crime should not be punished by the victims, but should be punished by a court."^[20]

Lemkin defined genocide as follows:

New conceptions require new terms. By "genocide" we mean the destruction of a nation or of an ethnic group. This new word, coined by the author to denote an old practice in its modern development, is made from the ancient Greek word *genos* (race, tribe) and the Latin *cide* (killing), thus corresponding in its formation to such words as tyrannicide, homicide, infanticide, etc. Generally speaking, genocide does not necessarily mean the immediate destruction of a nation, except when accomplished by mass killings of all members of a nation. It is intended rather to signify a coordinated plan of different actions aiming at the destruction of essential foundations of the life of national groups, with the aim of annihilating the groups themselves. The objectives of such a plan would be disintegration of the political and social institutions, of culture, language, national feelings, religion, and the economic existence of national groups, and the destruction of the personal security, liberty, health, dignity, and even the lives of the individuals belonging to such groups. Genocide is directed against the national group as an entity, and the actions involved are directed against individuals, not in their individual capacity, but as members of the national group.^[21]

The preamble to the 1948 [Genocide Convention](#) (CPPCG) notes that instances of genocide have taken place throughout history;^[22] it was not until Lemkin coined the term and the prosecution of perpetrators of [the Holocaust](#) at the [Nuremberg Trials](#) that the United Nations defined the crime of genocide under [international law](#) in the Genocide Convention.^[23] It was several years before the term was widely adopted by

the international community. When the Nuremberg trials revealed the inadequacy of phrases like "Germanization", "crimes against humanity" and "mass murder", scholars of international law reached agreement that Lemkin's work provided a conceptual framework for Nazi crimes. A 1946 headline in *The New York Times* announced that "Genocide Is the New Name for the Crime Fastened on the Nazi Leaders";^[220] the word was used in indictments at the Nuremberg trials, held from 1945, but solely as a descriptive term, not yet as a formal legal term.^[221] The so-called Polish Genocide Trials of [Arthur Greiser](#) and [Amon Leopold Goth](#) in 1946 were the first trials in which judgments included the term.^[222]

Prohibited acts

The Genocide Convention establishes five prohibited acts that, when committed with the requisite intent, amount to genocide. Although massacre-style killings are the most commonly identified and punished as genocide, the range of violence that is contemplated by the law is significantly broader.^[223]

Killing members of the group

While mass killing is not necessary for genocide to have been committed, it has been present in almost [all recognized genocides](#). A near-uniform pattern has emerged throughout history in which men and adolescent boys are singled out for murder in the early stages,^[224] such as in the [genocide of the Yazidis by Daesh](#),^[225] the [Ottoman Turks' attack on the Armenians](#),^[226] and the [Burmese security forces' attacks on the Rohingya](#).^[227] Men and boys are typically subject to "fast" killings, such as by gunshot.^[228] Women and girls are more likely to die slower deaths by slashing, burning, or as a result of sexual violence.^[229] The jurisprudence of the [International Criminal Tribunal for Rwanda](#) (ICTR), among others, shows that both the initial executions and those that quickly follow other acts of extreme violence, such as [rape](#) and [torture](#), are recognized as falling under the first prohibited act.^[230]

A less settled discussion is whether deaths that are further removed from the initial acts of violence can be addressed under this provision of the Genocide Convention. Legal scholars have posited, for example, that deaths resulting from other genocidal acts including causing serious bodily or mental harm or the successful deliberate infliction of conditions of life calculated to bring about physical destruction should be considered genocidal killings.^[231]

Causing serious bodily or mental harm to members of the group *Article II(b)*

This second prohibited act can encompass a wide range of non-fatal genocidal acts.^[232] The ICTR and [International Criminal Tribunal for the former Yugoslavia](#) (ICTY) have held that rape and sexual violence may constitute the second prohibited act of genocide by causing both physical and mental harm. In its landmark [Akayesu](#) decision, the ICTR held that rapes and sexual violence resulted in "physical and psychological destruction".^[233] Sexual violence is a hallmark of genocidal violence, with most genocidal campaigns explicitly or implicitly sanctioning it.^[234] It is estimated that 250,000 to 500,000 women were raped in the three months of the Rwandan genocide, many of whom were subjected to multiple rapes or [gang rape](#).^[235] In Darfur, a systemic campaign of rape and often sexual mutilation was carried out^[236] and in Burma public mass rapes and gang rapes were inflicted on the Rohingya by

Burmese security forces.¹⁰¹ [Sexual slavery](#) was documented in the Armenian genocide by the Ottoman Turks and Daesh's genocide of the Yazidi.¹⁰²

Torture and other cruel, [inhuman, or degrading treatment](#) or punishment, when committed with the requisite intent, are also genocide by causing serious bodily or mental harm to members of the group. The ICTY found that both experiencing a failed execution and watching the murder of one's family members may constitute torture.¹⁰³ The [Syrian Commission of Inquiry \(COI\)](#) also found that enslavement, removal of one's children into indoctrination or sexual slavery, and acts of physical and sexual violence rise to the level of torture, as well. While it was subject to some debate, the ICTY and, later, the Syrian COI held that under some circumstances deportation and forcible transfer may also cause serious bodily or mental harm.¹⁰⁴

Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction



The U.S. federal government promoted [bison](#) hunting for various reasons, including as a way of destroying the means of survival of [Plains Indians](#) to pressure them to remain on [Indian reservations](#).¹⁰⁵

The third prohibited act is distinguished from the genocidal act of killing because the deaths are not immediate (or may not even come to pass), but rather create circumstances that do not support prolonged life.¹⁰⁶ Due to the longer period of time before the actual destruction would be achieved, the ICTR held that courts must consider the duration of time the conditions are imposed as an element of the act.¹⁰⁷ In the 19th century the United States federal government supported the [extermination of bison](#), which [Native Americans](#) in the [Great Plains](#) relied on as a source of food. This was done for various reasons, primarily to pressure them onto reservations during times of conflict. Some genocide experts describe this as an example of genocide that involves removing the means of survival.¹⁰⁸

The ICTR provided guidance into what constitutes a violation of the third act. In *Akayesu*, it identified "subjecting a group of people to a subsistence diet, systematic expulsion from homes and the reduction of essential medical services below minimum requirement"¹⁰⁹ as rising to genocide. In *Kayishema and Ruzindana*, it extended the list to include: "lack of proper housing, clothing, hygiene and medical care or excessive work or physical exertion" among the conditions.¹¹⁰ It further noted that, in addition to deprivation of necessary resources, rape could also fit within this prohibited act.¹¹¹

Imposing measures intended to prevent births within the group

See also: [Compulsory sterilization](#)

The fourth prohibited act is aimed at preventing the protected group from regenerating through [reproduction](#). It encompasses acts affecting reproduction and intimate relationships, such as [involuntary sterilization](#), [forced abortion](#), the prohibition of marriage, and long-term separation of men and women intended to prevent procreation.^[80] Rape has been found to violate the fourth prohibited act on two bases: where the rape was committed with the intent to impregnate a woman and thereby force her to carry a child of another group (in societies where group identity is determined by [patrilineal](#) identity) and where the person raped subsequently refuses to procreate as a result of the trauma.^[81] Accordingly, it can take into account both physical and mental measures imposed by the perpetrators.

Forcibly transferring children of the group to another group

See also: [Forced assimilation](#)

The final prohibited act is the only prohibited act that does not lead to physical or biological destruction, but rather to destruction of the group as a cultural and social unit.^[82] It occurs when children of the protected group are transferred to the perpetrator group. Boys are typically taken into the group by changing their names to those common of the perpetrator group, converting their religion, and using them for labor or as soldiers.^[83] Girls who are transferred are not generally converted to the perpetrator group, but instead treated as [chattel](#), as played out in both the Yazidi and Armenian genocides.^[84]

Crime

Pre-criminalization view

Before genocide was made a crime against national law, it was considered a sovereign right.^[85] When Lemkin asked about a way to punish the perpetrators of the Armenian genocide, a law professor told him: "Consider the case of a farmer who owns a flock of chickens. He kills them and this is his business. If you interfere, you are trespassing."^[86] As late as 1959, many world leaders still "believed states had a right to commit genocide against people within their borders", according to political scientist [Douglas Irvin-Erickson](#).^[87]

International law



Human skulls at the [Murambi Genocide Memorial Centre](#) in [Rwanda](#)



Armenian genocide victims

After the Holocaust, which had been perpetrated by [Nazi Germany](#) prior to and during [World War II](#), Lemkin successfully campaigned for the universal acceptance of international laws defining and forbidding genocides. In 1946, the first session of the [United Nations General Assembly](#) adopted a [resolution](#) that affirmed genocide was a crime under international law and enumerated examples of such events (but did not provide a full legal definition of the crime). In 1948, the UN General Assembly adopted the [Convention on the Prevention and Punishment of the Crime of Genocide](#) (CPPCG) which defined the crime of genocide for the first time.¹⁰⁰

Genocide is a denial of the right of existence of entire human groups, as homicide is the denial of the right to live of individual human beings; such denial of the right of existence shocks the conscience of mankind, results in great losses to humanity in the form of cultural and other contributions represented by these human groups, and is contrary to moral law and the spirit and aims of the United Nations. Many instances of such crimes of genocide have occurred when racial, religious, political and other groups have been destroyed, entirely or in part.

—UN Resolution 96(1), 11 December 1946

The CPPCG was adopted by the UN General Assembly on 9 December 1948¹⁰¹ and came into effect on 12 January 1951 (Resolution 260 (III)). It contains an internationally recognized definition of genocide which has been incorporated into the national criminal legislation of many countries and was also adopted by the [Rome Statute of the International Criminal Court](#), which established the [International Criminal Court](#) (ICC). Article II of the Convention defines genocide as:

... any of the following acts committed with [intent to destroy, in whole or in part](#), a [national](#), [ethnic](#), [racial](#) or [religious](#) group, as such:

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

[Incitement to genocide](#) is recognized as a separate crime under international law and an [inchoate crime](#) which does not require genocide to have taken place to be prosecutable.¹⁰²

The first draft of the convention included political killings; these provisions were removed in a political and diplomatic compromise following objections from many diverse countries, and originally promoted by the [World Jewish Congress](#) and [Raphael Lemkin's](#) conception, with some scholars popularly emphasizing in literature the role of the [Soviet Union](#),^[10] a permanent [United Nations Security Council](#) member. The Soviets argued that the convention's definition should follow the etymology of the term,^{[11][12]} and [Joseph Stalin](#) in particular may have feared greater international scrutiny of the country's political killings, such as the [Great Purge](#).^[13] Lemkin, who coined *genocide*, approached the Soviet delegation as the resolution vote came close to reassure the Soviets that there was no conspiracy against them; none in the Soviet-led bloc opposed the resolution, which passed unanimously in December 1946.^[14] Other nations, including the [United States](#),^[15] feared that including political groups in the definition would invite international intervention in domestic politics.^[16]

By 1951, Lemkin was saying that the Soviet Union was the only state that could be indicted for genocide, his concept of genocide, as outlined in *Axis Rule in Occupied Europe*, covering [Stalinist](#) deportations as genocide by default, and differing in many ways from the adopted Genocide Convention. From a 21st-century perspective, it was such a broad coverage that it would include any grossly [human rights](#) violation as genocide, and that many events deemed by Lemkin genocidal did not amount to genocide. As the [Cold War](#) began, this change was the result of Lemkin's turn to [anti-communism](#) in an attempt to convince the United States to ratify the Genocide Convention.^[17]

Intent

Under international law, genocide has two mental (*mens rea*) elements: the general mental element and the element of specific intent (*dolus specialis*). The general element refers to whether the prohibited acts were committed with intent, knowledge, recklessness, or negligence. For most serious international crimes, including genocide, the requirement is that the perpetrator act with intent. The Rome Statute defines intent as meaning to engage in the conduct and, in relation to consequences, as meaning to cause that consequence or being "aware that it will occur in the ordinary course of events".^[18]

The specific intent element defines the purpose of committing the acts: "to destroy in whole or in part, a national, ethnical, racial or religious group, as such". The specific intent is a core factor distinguishing genocide from other international crimes, such as war crimes or crimes against humanity.^{[19][20][21]}

"Intent to destroy"

Main article: [Genocidal intent](#)

In 2007, the [European Court of Human Rights](#) (ECHR) noted in its judgement on *Jorgic v. Germany* case that, in 1992, the majority of legal scholars took the narrow view that "intent to destroy" in the CPPCG meant the intended physical-biological destruction of the protected group, and that this was still the majority opinion. But the ECHR also noted that a minority took a broader view, and did not consider biological-physical destruction to be necessary, as the intent to destroy a national, racial, religious or ethnic group as a social unit was enough to qualify as genocide.^[22]

In the same judgement, the ECHR reviewed the judgements of several international and municipal courts. It noted that the [International Criminal Tribunal for the former Yugoslavia](#) and the [International Court of Justice](#) had agreed with the narrow interpretation (that biological-physical destruction was necessary for an act to qualify as genocide). The ECHR also noted that at the time of its judgement, apart from courts in Germany (which had taken a broad view), that there had been few cases of genocide under other Convention states' [municipal laws](#), and that "There are no reported cases in which the courts of these States have defined the type of group destruction the perpetrator must have intended in order to be found guilty of genocide."¹⁰³

In the case of "Onesphore Rwabukombe", the German [Federal Court of Justice](#) adhered to its previous judgement, and did not follow the narrow interpretation of the ICTY and the ICJ.¹⁰⁴

"In whole or in part"

The phrase "in whole or in part" has been subject to much discussion by scholars of international humanitarian law.¹⁰⁵ In the Ruhashyankiko report of the United Nations it was once argued that the killing of only a single individual could be genocide if the intent to destroy the wider group was found in the murder,¹⁰⁶ yet official court rulings have since contradicted this. The International Criminal Tribunal for the Former Yugoslavia found in *Prosecutor v. Radislav Krstic – Trial Chamber I – Judgment – IT-98-33 (2001) ICTY8 (2 August 2001)*¹⁰⁷ that Genocide had been committed. In *Prosecutor v. Radislav Krstic – Appeals Chamber – Judgment – IT-98-33 (2004) ICTY 7 (19 April 2004)*¹⁰⁸ paragraphs 8, 9, 10, and 11 addressed the issue of *in part* and found that "the part must be a substantial part of that group. The aim of the Genocide Convention is to prevent the intentional destruction of entire human groups, and the part targeted must be significant enough to have an impact on the group as a whole." The Appeals Chamber goes into details of other cases and the opinions of respected commentators on the Genocide Convention to explain how they came to this conclusion.

The judges continue in paragraph 12, "The determination of when the targeted part is substantial enough to meet this requirement may involve a number of considerations. The numeric size of the targeted part of the group is the necessary and important starting point, though not in all cases the ending point of the inquiry. The number of individuals targeted should be evaluated not only in absolute terms but also in relation to the overall size of the entire group. In addition to the numeric size of the targeted portion, its prominence within the group can be a useful consideration. If a specific part of the group is emblematic of the overall group or is essential to its survival, that may support a finding that the part qualifies as substantial within the meaning of Article 4 [of the Tribunal's Statute]."¹⁰⁹

In paragraph 13 the judges raise the issue of the perpetrators' access to the victims: "The historical examples of genocide also suggest that the area of the perpetrators' activity and control, as well as the possible extent of their reach, should be considered. ... The intent to destroy formed by a perpetrator of genocide will always be limited by the opportunity presented to him. While this factor alone will not indicate whether the targeted group is substantial, it can—in combination with other factors—inform the analysis."¹¹⁰

"A national, ethnic, racial or religious group"

The drafters of the CPPCG chose not to include political or social groups among the protected groups. Instead, they opted to focus on "stable" identities, attributes that are historically understood as being born into and unable or unlikely to change over time. This definition conflicts with modern conceptions of race as a social construct rather than innate fact and the practice of changing religion, etc.^[80]

International criminal courts have typically applied a mix of objective and subjective markers for determining whether or not a targeted population is a distinct group. Differences in language, physical appearance, religion, and cultural practices are objective criteria that may show that the groups are distinct. However, in circumstances such as the [Rwandan genocide](#), [Hutus](#) and [Tutsis](#) were often physically indistinguishable.^[81]

In such a situation where a definitive answer based on objective markers is not clear, courts have turned to the subjective standard that "if a victim was perceived by a perpetrator as belonging to a protected group, the victim could be considered by the Chamber as a member of the protected group".^[82] Stigmatization of the group by the perpetrators through legal measures, such as withholding citizenship, requiring the group to be identified, or isolating them from the whole could show that the perpetrators viewed the victims as a protected group.

Convention on the Prevention and Punishment of the Crime of Genocide

The convention came into force as international law on 12 January 1951 after the minimum 20 countries became parties. At that time however, only two of the five permanent members of the [UN Security Council](#) were parties to the treaty: France and the [Republic of China](#). The Soviet Union ratified in 1954, the United Kingdom in 1970, the People's Republic of China in 1983 (having replaced the Taiwan-based Republic of China on the UNSC in 1971), and the United States in 1988.^[83]

[William Schabas](#) has suggested that a permanent body as recommended by the [Whitaker Report](#) to monitor the implementation of the Genocide Convention, and require states to issue reports on their compliance with the convention (such as were incorporated into the United Nations [Optional Protocol to the Convention against Torture](#)), would make the convention more effective.^[84]

UN Security Council Resolution 1674

[UN Security Council Resolution 1674](#), adopted by the United Nations Security Council on 28 April 2006, "reaffirms the provisions of paragraphs 138 and 139 of the 2005 [World Summit Outcome Document](#) regarding the responsibility to protect populations from genocide, war crimes, [ethnic cleansing](#) and crimes against humanity".^[85] The [resolution](#) committed the council to action to protect civilians in armed conflict.^[86]

In 2008 the UN Security Council adopted [resolution 1820](#), which noted that "rape and other forms of sexual violence can constitute war crimes, crimes against humanity or a constitutive act with respect to genocide".^[87]

Municipal law

Main article: [Genocide under municipal laws](#)

Since the Convention came into effect in January 1951 about 80 United Nations member states have passed legislation that incorporates the provisions of CPPCG into their [municipal law](#).^[3]

Other definitions of genocide

See also: [Genocide definitions](#)

Writing in 1998, Kurt Jonassohn and Karin Björnson stated that the CPPCG was a legal instrument resulting from a diplomatic compromise. As such the wording of the treaty is not intended to be a definition suitable as a research tool, and although it is used for this purpose, as it has international legal credibility that others lack, other [genocide definitions](#) have also been proposed. They go on to say that none of these alternative definitions have gained widespread support,^[4] they postulate that the major reason why no generally accepted genocide definition has emerged is because academics have adjusted their focus to emphasise different periods and have found it expedient to use slightly different definitions. For example, Frank Chalk and Kurt Jonassohn studied all human history, while [Leo Kuper](#) and [Rudolph Rummel](#) concentrated on the 20th century, and [Helen Fein](#), [Barbara Harff](#), and [Ted Gurr](#) looked at post-World War II events.^[5]

[Yehuda Bauer](#), has argued that the present definition is problematic, contending that many of what are usually called genocides were not racially motivated. Bauer gave the [Rwandan Genocide](#), where, Bauer argued, both the perpetrators and victims were of the same ethnicity, as an example. He argued that, because of this discrepancy, "clearly, the existing definition of genocide is inadequate and needs to be altered."^[6]

Political and social groups

The exclusion of social and political groups as targets of genocide in the CPPCG legal definition has been criticized by some historians and sociologists, for example, M. Hassan Kakar in his book *The Soviet Invasion and the Afghan Response, 1979–1982*^[7] argues that the international definition of genocide is too restricted,^[8] and that it should include political groups or any group so defined by the perpetrator and quotes Chalk and Jonassohn: "Genocide is a form of one-sided mass killing in which a state or other authority intends to destroy a group, as that group and membership in it are defined by the perpetrator."^[9] In turn some states such as [Ethiopia](#),^[10] [France](#),^[11] and [Spain](#)^[12] include political groups as legitimate genocide victims in their anti-genocide laws.

Some academics such as [Norman Naimark](#) and Anton Weiss-Wendt argue that the exclusion of political and social groups in the final 1948 version of the [Genocide Convention](#) was a consequence of Soviet lobbying. Though social and political groups were mentioned in initial drafts of the Convention, the [Soviet Union](#) would not agree to become a signatory, unless they were omitted.^[13] The United Nations Office on Genocide Prevention and the Responsibility to Protect states that the definition of genocide reached in the Convention was the "result of a negotiating process and reflects the compromise reached among United Nations Member States."^[14]

Harff and Gurr defined genocide as "the promotion and execution of policies by a state or its agents which result in the deaths of a substantial portion of a group ... [when] the victimized groups are defined primarily in terms of their communal characteristics, i.e., ethnicity, religion or nationality".^[15] Harff and Gurr also differentiate between genocides and [politicides](#) by the characteristics by which

members of a group are identified by the state. In genocides, the victimized groups are defined primarily in terms of their communal characteristics, i.e., ethnicity, religion or nationality. In politicides the victim groups are defined primarily in terms of their hierarchical position or political opposition to the regime and dominant groups.^[10] Daniel D. Polsby and Don B. Kates, Jr. state that "we follow Harff's distinction between genocides and 'pogroms', which she describes as 'short-lived outbursts by mobs, which, although often condoned by authorities, rarely persist'. If the violence persists for long enough, however, Harff argues, the distinction between condonation and complicity collapses."^[11]

According to Rummel, genocide has three different meanings. The ordinary meaning is murder by the government of people due to their national, ethnic, racial, or religious group membership. The legal meaning of genocide refers to the international treaty, the *Convention on the Prevention and Punishment of the Crime of Genocide* (CPPCG). This also includes non-killings that in the end eliminate the group, such as preventing births or forcibly transferring children out of the group to another group.

Highlighting the potential for state and non-state actors to commit genocide in the 21st century, for example, in failed states or as non-state actors acquiring weapons of mass destruction, Adrian Gallagher defined genocide as 'When a source of collective power (usually a state) intentionally uses its power base to implement a process of destruction in order to destroy a group (as defined by the perpetrator), in whole or in substantial part, dependent upon relative group size'.^[12] The definition upholds the centrality of intent, the multidimensional understanding of destroying, broadens the definition of group identity beyond that of the 1948 definition yet argues that a substantial part of a group has to be destroyed before it can be classified as genocide.

Other proposed definitions of genocide include social groups defined by gender, [sexual orientation](#),^[13] or [gender identity](#).^[14]

Democide

[Democide](#), a term devised by American political scientist [Rudolph Rummel](#), describes "the intentional killing of an unarmed or disarmed person by [government agents](#) acting in their [authoritative](#) capacity and pursuant to government policy or high command."^[15] This definition covers any [murder](#) of any number of persons by any government,^[16] including government mandated [forced labor](#), [concentration camps](#), [extrajudicial](#) summary killings, civil wars, and mass deaths due to government neglect such as government induced famines like [Holodomor](#).^[17] Rummel estimates that in the 20th century, democide resulted in over 262 million deaths.^[18]

Holocaust historian [Yehuda Bauer](#) agreed with Rummel that democide was a more appropriate term in more cases to describe mass atrocities than genocide due to the more inclusive definition of democide versus genocide.^[19]

Transgender genocide

Main article: [Transgender genocide](#)

In 2013 some international trans activists introduced the term 'transcide' to describe the elevated level of killings of trans people globally. A coalition of NGOs from South America and Europe started the "Stop [Trans Genocide](#)" campaign.^{[20][21]} The term "transcide" follows an earlier term, [gendercide](#).^[22] Legal scholars have argued that the definition of genocide should be expanded to cover transgender people, because

they are victims of institutional discrimination, persecution, and violence.^{[144][145]} Brian Kritz argued that existing law should be extended to protect transgender people.^[146] Similar arguments have been made regarding extending the legal definition of "crimes against humanity."^[147] Aside from legal studies, [transgender genocide](#) has been examined by scholars of [queer studies](#), hate studies, and other fields.^[148]

International prosecution

By *ad hoc* tribunals



[Nuon Chea](#), the Khmer Rouge's chief ideologist, before the [Cambodian Genocide Tribunal](#) on 5 December 2011

All signatories to the CPPCG are required to prevent and punish acts of genocide, both in peace and wartime, though some barriers make this enforcement difficult. In particular, some of the signatories—namely, [Bahrain](#), [Bangladesh](#), [India](#), [Malaysia](#), the [Philippines](#), [Singapore](#), the [United States](#), [Vietnam](#), [Yemen](#), and former [Yugoslavia](#)—signed with the proviso that no claim of genocide could be brought against them at the [International Court of Justice](#) without their consent.^[149] Despite official protests from other signatories (notably [Cyprus](#) and [Norway](#)) on the ethics and legal standing of these reservations, the [immunity from prosecution](#) they grant has been invoked from time to time, as when the United States refused to allow a charge of genocide brought against it by former Yugoslavia following the 1999 [Kosovo War](#).^[150]

It is commonly accepted that, at least since [World War II](#), genocide has been illegal under [customary international law](#) as a [peremptory norm](#), as well as under [conventional international law](#). Acts of genocide are generally difficult to establish for prosecution because a chain of accountability must be established. International criminal courts and tribunals function primarily because the states involved are incapable or unwilling to prosecute crimes of this magnitude themselves.^{[151][152]}

Nuremberg Tribunal (1945–1946)

Main article: [Nuremberg trials](#)



The Nazi leaders at the [Palace of Justice, Nuremberg](#)

The Nazi leaders who were prosecuted shortly after World War II for taking part in the Holocaust, and other mass murders, were charged under existing [international laws](#), such as [crimes against humanity](#), as the crime of 'genocide' was not formally defined until the 1948 *Convention on the Prevention and Punishment of the Crime of Genocide* (CPPCG). Nevertheless, the recently coined term^[10] appeared in the [indictment of the Nazi leaders](#), Count 3, which stated that those charged had "conducted deliberate and systematic genocide—namely, 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, particularly Jews, Poles, Gypsies and others."^[11]

[International Criminal Tribunal for the Former Yugoslavia \(1993–2017\)](#)

See also: [Bosnian genocide](#) and [List of Bosnian genocide prosecutions](#)



The cemetery at the [Srebrenica-Potočari Memorial and Cemetery to Genocide Victims](#)

The term *Bosnian genocide* is used to refer either to [the killings](#) committed by Serb forces in [Srebrenica](#) in 1995,^[12] or to ethnic cleansing that took place elsewhere during the 1992–1995 [Bosnian War](#).^[13]

In 2001, the [International Criminal Tribunal for the Former Yugoslavia](#) (ICTY) judged that the 1995 Srebrenica massacre was an act of genocide.^[14] On 26 February 2007, the [International Court of Justice](#) (ICJ), in the [Bosnian Genocide Case](#) upheld

the ICTY's earlier finding that the massacre in Srebrenica and Zepa constituted genocide, but found that the Serbian government had not participated in a wider genocide on the territory of Bosnia and Herzegovina during the war, as the Bosnian government had claimed.^[100]

On 12 July 2007, [European Court of Human Rights](#) when dismissing the appeal by [Nikola Jorgić](#) against his conviction for genocide by a German court (*Jorgić v. Germany*) noted that the German courts wider interpretation of genocide has since been rejected by international courts considering similar cases.^[101] The ECHR also noted that in the 21st century "Amongst scholars, the majority have taken the view that [ethnic cleansing](#), in the way in which it was carried out by the Serb forces in Bosnia and Herzegovina in order to expel Muslims and Croats from their homes, did not constitute genocide. However, there are also a considerable number of scholars who have suggested that these acts did amount to genocide, and the ICTY has found in the Momčilo Krajisnik case that the actus reus of genocide was met in Prijedor "With regard to the charge of genocide, the Chamber found that in spite of evidence of acts perpetrated in the municipalities which constituted the actus reus of genocide".^[102]

About 30 people have been indicted for participating in genocide or complicity in genocide during the early 1990s in [Bosnia](#). To date, after several [plea bargains](#) and some convictions that were successfully challenged on appeal two men, [Vujadin Popović](#) and [Ljubiša Beara](#), have been found guilty of committing genocide, [Zdravko Tolimir](#) has been found guilty of committing genocide and conspiracy to commit genocide, and two others, [Radislav Krstić](#) and Drago Nikolić, have been found guilty of aiding and abetting genocide. Three others have been found guilty of participating in genocides in Bosnia by German courts, one of whom Nikola Jorgić lost an appeal against his conviction in the [European Court of Human Rights](#). A further eight men, former members of the Bosnian Serb security forces were found guilty of genocide by the [State Court of Bosnia and Herzegovina](#) (See [List of Bosnian genocide prosecutions](#)).

[Slobodan Milošević](#), as the former President of Serbia and of Yugoslavia, was the most senior political figure to stand trial at the ICTY. He died on 11 March 2006 during his trial where he was accused of genocide or complicity in genocide in territories within Bosnia and Herzegovina, so no verdict was returned. In 1995, the ICTY issued a warrant for the arrest of Bosnian Serbs [Radovan Karadžić](#) and [Ratko Mladić](#) on several charges including genocide. On 21 July 2008, Karadžić was arrested in Belgrade, and later tried in The Hague accused of genocide among other crimes.^[103] On 24 March 2016, Karadžić was found guilty of genocide in Srebrenica, war crimes and crimes against humanity, 10 of the 11 charges in total, and sentenced to 40 years' imprisonment.^[104] Mladić was arrested on 26 May 2011 in Lazarevo, Serbia,^[105] and was [tried in The Hague](#). The verdict, delivered on 22 November 2017 found Mladić guilty of 10 of the 11 charges, including genocide and he was sentenced to life imprisonment.^[106]

International Criminal Tribunal for Rwanda (1994–present)

See also: [Rwandan genocide](#)



Photographs of Rwandan genocide victims displayed at the [Genocide Memorial Center in Kigali](#)

The [International Criminal Tribunal for Rwanda](#) (ICTR) is a court under the auspices of the United Nations for the prosecution of offenses committed in [Rwanda](#) during the [genocide which occurred there](#) during April 1994, commencing on 6 April. The ICTR was created on 8 November 1994 by the Security Council of the United Nations in order to judge those people responsible for the acts of genocide and other serious violations of the international law performed in the territory of Rwanda, or by Rwandan citizens in nearby states, between 1 January and 31 December 1994.

So far, the ICTR has finished nineteen trials and convicted twenty-seven accused persons. On 14 December 2009, two more men were accused and convicted for their crimes. Another twenty-five persons are still on trial. Twenty-one are awaiting trial in detention, two more added on 14 December 2009. Ten are still at large.^[10] The first trial, of [Jean-Paul Akayesu](#), began in 1997. Akayesu was the first person ever to be convicted of the crime of genocide. In October 1998, Akayesu was sentenced to life imprisonment. [Jean Kambanda](#), interim Prime Minister, pleaded guilty.

Trials for deeds committed during the Rwandan genocide have also occurred in national courts, including [Désiré Munyaneza](#), who in 2009 became the first man to be arrested and convicted in Canada on charges of war crimes and crimes against humanity,^[11] and [Yvonne Ntacyobatabara Basebya](#), who in 2013 became the first Dutch citizen to be convicted for incitement to genocide.^[12]

Extraordinary Chambers in the Courts of Cambodia (from 2003)

Main articles: [Khmer Rouge Tribunal](#) and [Cambodian genocide](#)



Rooms of the [Tuol Sleng Genocide Museum](#) contain thousands of photos taken by the Khmer Rouge of their victims.



Skulls in the [Choeung Ek](#)

The [Khmer Rouge](#), led by [Pol Pot](#), [Kang Kek Iew](#), [Ta Mok](#) and other leaders, organized the [mass killing](#) of ideologically suspect groups. The total number of victims is estimated at 1.7 million [Cambodians](#) between 1975 and 1979, including deaths from slave labour.^{[\[1\]](#)}

On 6 June 2003 the Cambodian government and the United Nations reached an agreement to set up the [Extraordinary Chambers in the Courts of Cambodia](#) (ECCC) which would focus exclusively on crimes committed by the most senior [Khmer Rouge](#) officials during the period of Khmer Rouge rule of 1975–1979.^{[\[2\]](#)} The judges were sworn in early July 2006.^{[\[3\]](#)}

The genocide charges related to killings of Cambodia's [Vietnamese](#) and [Cham](#) minorities, tens of thousand of whom are estimated to have been killed^{[\[4\]](#)}

The investigating judges were presented with the names of four suspects charged with genocide on 18 July 2007.^{[\[5\]](#)}

- [Nuon Chea](#), a former prime minister, was indicted on charges of genocide, war crimes, crimes against humanity on 15 September 2010. His trial started on 27 June 2011^{[148][15]} and ended on 7 August 2014, with a life sentence imposed for crimes against humanity.^[156]
- [Khieu Samphan](#), a former head of state, was indicted on charges of genocide, war crimes, crimes against humanity on 15 September 2010. His trial began on 27 June 2011^{[148][15]} and also ended on 7 August 2014, with a life sentence imposed for crimes against humanity.^[156]
- [Ieng Sary](#), a former foreign minister, was indicted on charges of genocide, war crimes, crimes against humanity on 15 September 2010. His trial started on 27 June 2011, and ended with his death on 14 March 2013. He was never convicted.^{[148][15]}
- [Ieng Thirith](#), a former minister for social affairs and wife of Ieng Sary, was indicted on charges of genocide, war crimes, crimes against humanity on 15 September 2010. Proceedings against her were suspended pending a health evaluation.^{[148][15]} In September 2012, she was released from prison due to advanced [Alzheimer's disease](#); she died on 22 August 2015 at the age of 83 from complications of the disease.^[156]

By the International Criminal Court

Since 2002, the International Criminal Court can exercise its jurisdiction if national courts are unwilling or unable to investigate or prosecute genocide, thus being a "court of last resort," leaving the primary responsibility to exercise jurisdiction over alleged criminals to individual states. Due to the [United States concerns over the ICC](#), the United States prefers to continue to use specially convened international tribunals for such investigations and potential prosecutions.^[151]

Darfur, Sudan

Main article: [War in Darfur](#)



A mother with her sick baby at Abu Shouk IDP camp in [North Darfur](#)

There has been much debate over categorizing the situation in Darfur as genocide.^[uu] The ongoing conflict in [Darfur](#), Sudan, which started in 2003, was declared a "genocide" by [United States Secretary of State Colin Powell](#) on 9 September 2004 in testimony before the [Senate Foreign Relations Committee](#).^[uu] Since that time however, no other permanent member of the UN Security Council has done so. In fact, in January 2005, an International Commission of Inquiry on Darfur, authorized by [UN Security Council Resolution 1564](#) of 2004, issued a report to the Secretary-General stating that "the Government of Sudan has not pursued a policy of genocide."^[uu] Nevertheless, the Commission cautioned that "The conclusion that no genocidal policy has been pursued and implemented in Darfur by the Government authorities, directly or through the militias under their control, should not be taken in any way as detracting from the gravity of the crimes perpetrated in that region. International offences such as the crimes against humanity and war crimes that have been committed in Darfur may be no less serious and heinous than genocide."^[uu]

In March 2005, the Security Council formally referred the situation in Darfur to the Prosecutor of the International Criminal Court, taking into account the Commission report but without mentioning any specific crimes.^[uu] Two permanent members of the Security Council, the United States and [China](#), abstained from the vote on the referral resolution.^[uu] As of his fourth report to the Security Council, the Prosecutor has found "reasonable grounds to believe that the individuals identified [in the [UN Security Council Resolution 1593](#)] have committed crimes against humanity and war crimes," but did not find sufficient evidence to prosecute for genocide.^[uu]

In April 2007, the Judges of the ICC issued arrest warrants against the former Minister of State for the Interior, [Ahmad Harun](#), and a Militia [Janjaweed](#) leader, [Ali Kushayb](#), for crimes against humanity and war crimes.^[uu]

On 14 July 2008, prosecutors at the [International Criminal Court](#) (ICC), filed ten charges of [war crimes](#) against Sudan's President [Omar al-Bashir](#): three counts of genocide, five of [crimes against humanity](#) and two of murder. The ICC's prosecutors claimed that al-Bashir "masterminded and implemented a plan to destroy in substantial part" three tribal groups in Darfur because of their ethnicity.

On 4 March 2009, the ICC issued a warrant of arrest for Omar Al Bashir, President of Sudan as the ICC Pre-Trial Chamber I concluded that his position as head of state does not grant him immunity against prosecution before the ICC. The warrant was for war crimes and crimes against humanity. It did not include the crime of genocide because the majority of the Chamber did not find that the prosecutors had provided enough evidence to include such a charge.^[uu] Later the decision was changed by the Appeals Panel and after issuing the second decision, charges against Omar al-Bashir include three counts of genocide.^[uu]

Examples

Main article: [Genocides in history](#)

For a more comprehensive list, see [List of genocides](#).



Naked [Soviet POWs](#) held by the Nazis in [Mauthausen concentration camp](#). Political scientist [Adam Jones](#) wrote: "[T]he murder of at least 3.3 million Soviet POWs is one of the least-known of modern genocides; there is still no full-length book on the subject in English."¹⁰⁰

The concept of genocide can be applied to [historical](#) events. The preamble of the [CPPCG](#) states that "at all periods of history genocide has inflicted great losses on humanity." [Revisionist attempts](#) to challenge or affirm claims of genocide are illegal in some countries. Several European countries ban the [denial of the Holocaust](#) and the [denial of the Armenian genocide](#), while in Turkey referring to the [Armenian genocide](#), [Greek genocide](#), and [Sayfo](#), and to the period of [mass starvation](#) during the [Great Famine of Mount Lebanon](#) affecting [Maronites](#), as genocides may be prosecuted under [Article 301](#).^[12]

Historian [William Rubinstein](#) argues that the origin of 20th-century genocides can be traced back to the collapse of the elite structure and normal modes of government in parts of Europe following World War I, commenting:

The 'Age of Totalitarianism' included nearly all of the infamous examples of genocide in modern history, headed by the Jewish Holocaust, but also comprising the mass murders and purges of the Communist world, other mass killings carried out by Nazi Germany and its allies, and also the Armenian genocide of 1915. All these slaughters, it is argued here, had a common origin, the collapse of the elite structure and normal modes of government of much of central, eastern and southern Europe as a result of the First World War, without which surely neither Communism nor Fascism would have existed except in the minds of unknown agitators and crackpots.¹⁰⁰

According to Esther Brito, the way in which states commit genocide has evolved in the 21st century and genocidal campaigns have attempted to circumvent international systems designed to prevent, mitigate, and prosecute genocide by adjusting the duration, intensity, and methodology of the genocide. Brito states that modern genocides often happen on a much longer time scale than traditional ones - taking years or decades - and that instead of traditional methods of beatings and executions less directly fatal tactics are used but with the same effect. Brito described the contemporary plights of the [Rohingya](#) and [Uyghurs](#) as examples of this newer form of genocide.^[10] The abuses against [West Papuans](#) in Indonesia have also been described as a slow-motion [genocide](#).^[11]

Stages, risk factors, and prevention

Main articles: [Ten stages of genocide](#), [Risk factors for genocide](#), and [Genocide prevention](#)

Study of the risk factors and prevention of genocide was underway before the 1982 [International Conference on the Holocaust and Genocide](#) during which multiple papers on the subject were presented.^[100] In 1996 [Gregory Stanton](#), the president of [Genocide Watch](#), presented a briefing paper called "[The 8 Stages of Genocide](#)" at the [United States Department of State](#).^[101] In it he suggested that genocide develops in eight stages that are "predictable but not inexorable".^{[102][103]}

The Stanton paper was presented to the State Department, shortly after the Rwandan Genocide and much of its analysis are based on why that genocide occurred. The preventative measures suggested, given the briefing paper's original target audience, were those that the United States could implement directly or indirectly by using its influence on other governments.^{[104][105]} In 2012, he added two additional stages, [discrimination](#) and [persecution](#).^[106]

Stage	Characteristics	Preventive measures
1. Classification	People are divided into "us and them".	"The main preventive measure at this early stage is to develop universalistic institutions that transcend ... divisions."
2. Symbolization	"When combined with hatred, symbols may be forced upon unwilling members of pariah groups..."	"To combat symbolization, hate symbols can be legally forbidden as can hate speech ".
3. Discrimination	"Law or cultural power excludes groups from full civil rights: segregation or apartheid laws, denial of voting rights".	"Pass and enforce laws prohibiting discrimination. Full citizenship and voting rights for all groups."
4. Dehumanization	"One group denies the humanity of the other group. Members of it are equated with animals, vermin, insects, or diseases."	"Local and international leaders should condemn the use of hate speech and make it culturally unacceptable. Leaders who incite genocide should be banned from international travel and have their foreign finances frozen."
5. Organization	"Genocide is always organized... Special army units or militias are often trained and armed..."	"The U.N. should impose arms embargoes on governments and citizens of countries involved in genocidal massacres , and create commissions to investigate violations"
6. Polarization	"Hate groups broadcast polarizing propaganda..."	"Prevention may mean security protection for moderate leaders or assistance to human rights groups...Coups d'état by extremists should be opposed by international sanctions."
7. Preparation	"Victims are identified and separated out because of their ethnic or religious identity..."	"At this stage, a Genocide Emergency must be declared. ..."
8. Persecution	"Expropriation, forced displacement, ghettos, concentration camps".	"Direct assistance to victim groups, targeted sanctions against persecutors, mobilization of humanitarian assistance or intervention, protection of refugees."

9. Extermination	"It is 'extermination' to the killers because they do not believe their victims to be fully human".	"At this stage, only rapid and overwhelming armed intervention can stop genocide. Real safe areas or refugee escape corridors should be established with heavily armed international protection."
10. Denial	"The perpetrators... deny that they committed any crimes..."	"The response to denial is punishment by an international tribunal or national courts"

Other authors have focused on the structural conditions leading up to genocide and the psychological and social processes that create an evolution toward genocide. [Ervin Staub](#) showed that economic deterioration and political confusion and disorganization were starting points of increasing discrimination and violence in many instances of genocides and mass killing. They lead to scapegoating a group and ideologies that identified that group as an enemy. A history of devaluation of the group that becomes the victim, past violence against the group that becomes the perpetrator leading to psychological wounds, [authoritarian](#) cultures and political systems, and the passivity of internal and external witnesses (bystanders) all contribute to the probability that the violence develops into genocide.^[106] Intense conflict between groups that is unresolved, becomes intractable and violent can also lead to genocide.^[106] In 2006, [Dirk Moses](#) criticised genocide studies due to its "rather poor record of ending genocide".^[104]