**CLASS NOTES**

***Prepared by: Dr Adidur Rahman***

***Asso. Prof. Deptt. of Pol.SC(HON)***

***HAAC***

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**TOPIC: International Covenant on Civil and Political Rights (ICCPR) & its significance**

The adoption of the Covenant on Civil and Political Rights is regarded as the pillar of success of modern democracy. The protection of these rights naturally would mean the protection of human rights. This reason led to the formulation of one single Covenant including both Civil and Political rights by the United Nations.

The International Covenant on Civil and Political Rights is a multilateral treaty adopted by the UN General Assembly on 16th December 1966. It came into force on 23rd March 1976. The Covenant consists of a Preamble and 53 Articles.

**Provisions of the ICCPR:**

The ICCPR is divided into six main parts. While in Parts I, II and III various rights and freedoms are enumerated, the other remaining three parts are devoted to the implementation procedures for effective realization of these rights. Here we will focus on some of the articles related to the Civil and Political rights of the Covenant:

**Part-I:**

**Article 1,** of the ICCPR refers to the rights of people to self-determination. Further, the Article states that the state parties shall promote the realization of the right of self-determination and shall respect that right.

**Part-II:**

**Article 2,** State party to the present Covenant undertakes to ensure the rights of the individuals recognised by the Covenant within its territory, irrespective of caste, colour, race, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

**Article 3,** it is the duty of the states parties to the Covenants to ensure the enjoyment of equal civil and political rights of men and women.

**Part-III,**

Mainly deals with the specific rights of the individuals and the obligations of the state parties. They are:

1. Art.6, everyone has the right to life.
2. Art.7, no one shall be subjected to torture, inhuman or degrading treatment.
3. Art. 8, no one shall be held in slavery, servitude and forced labour.
4. Art.9, everyone has the right to liberty and security.
5. Art.10, right to detenu to be treated with humanity.
6. Art.11, freedom from imprisonment for inability to fulfil a contractual obligation.
7. Art.12, everyone within the territory of his state has the right to freedom of movements and to choose his residence.
8. Art.13 provides right to freedom of expulsion of an aliens living unlawfully in the territory of a state party.
9. Atrt.14, all persons shall be equal before the courts of law and have the right to a fair trial.
10. Art.15, no one shall be held guilty of any criminal offence on account of any act or commission which did not constitute a criminal offence, under national or international law, at the time when it was committed.
11. Art. 16, right to recognition as a person before the law
12. Art.17, right to privacy, family, home.
13. Art. 18, provides the right to freedom of thought, conscience and religion.
14. Art.19, everyone shall have the right to freedom of opinion and expression.
15. Art. 20, prohibition of propaganda of any advocacy of national, racial or religious hatred that constitutes incitement at discrimination, hostility or violence.
16. Art.21, recognised right to peaceful assembly.
17. Art.22, right to freedom of association.
18. Art. 23, right of man and women to marry and found a family.
19. Art.24, every child shall have the right to protection as are required by his status as a minor.
20. Art.25, recognised right to take part in the conduct of public affairs, to vote and to be elected.
21. Art.26 provides that all persons are equal before the law.
22. Art. 27, provides that rights of ethnic, religious or linguistic minorities shall not be denied the right to enjoy their own culture, religion or to use their own language.

The above mentioned rights are set forth in the International Covenant Civil and Political Rights. However, these rights are not absolute and are subject to certain limitations imposed upon the rights enumerated. During the emergency, they are subject to derogation. Despite, it is stated that by and large the Covenant provided that rights should not be subjected to restrictions except those which were provided by law, and were necessary to protect national security, public order, public health or morals or the or freedoms of others.

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