

**Europa-Institut of Saarland University (ed.)**

**International Human Rights Law  
Selected Documents**

Third revised and extended Edition

Europa-Institut of Saarland University  
Selected legal documents  
Edited by  
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**INTERNATIONAL HUMAN RIGHTS LAW  
SELECTED DOCUMENTS**

Third revised and extended Edition

**EUROPA-INSTITUT OF SAARLAND UNIVERSITY (ED.)**

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# Preface

The Europa-Institut, as the editor of this edition, is the second oldest institution of its kind in Europe. More than 5.000 students from all over the world have been educated in the fields of European and International Law at the Europa-Institut since its foundation in 1951. Each year students from over 30 countries enrol in the one-year postgraduate master programme “European and International Law” to study the legal, political, economic and cultural foundations of the European Union as well as various areas of public international law. The programme is characterized by five modules which provide students with greater freedom of choice with regard to the courses they wish to attend and which also allow for a high degree of specialization. The five modules are European Integration, European Economic Law, Foreign Trade and Investment, International Dispute Resolution and European and International Protection of Human Rights. The programme can be completed entirely in English, entirely in German or through a combination of the two languages and results in the attainment of the title “Master of Laws (LL.M.)”.

We decided to assemble our own collection series combining key documents for each respective field of the LL.M. programme after recognizing that existing collections do not comply with the specific requirements necessary for the successful performance of our students. In attempting to fill these gaps, we began with volume I covering the module “International Dispute Resolution”, followed by volume II covering the module “European Law”, volume III covering the module “International and European Trade Law”, volume IV covering “Public International Law”, volume V covering “International Human Rights Law” and volume VI covering “European Law” with a special focus on South Eastern Europe.

The specialization “European and International Protection of Human Rights” familiarizes students with the main features and developments in human rights protection in international treaties and other documents on the global as well as regional (mainly European) level and their respective interrelations. The study unit focuses on the relationship between the European Union and the European Convention on Human Rights as well as on the practice of the treaty- and Charter-based bodies of the United Nations, the European Court of Justice, the European Court of Human Rights and the Council of Europe. Moreover, the practical application of human rights law is of particular relevance and interest. Thus, the offered courses cover both closed and pending cases addressing current issues as well as more general questions such as those relating to the rights of individuals vis-à-vis the European Union and the questions of how and whether the accession of the European Union to the European Convention on Human Rights can be finalized.

The first and second editions of this volume already presented a comprehensive and unique selection of the essential treaties, protocols and other documents on the protection of human rights and fundamental freedoms on the global as well as regional level. With this third edition we have extended the content by including the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data and its amending Protocol, the Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law, the Interim Report to Committee of Ministers on the negotiations on the accession the European Union to the European Convention of Human Rights of the Council of Europe as well as the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa and the African Charter on Democracy and Governance.

The current volume is a comprehensive yet handy collection of the most relevant international documents divided in universal as well as regional instruments (Europe, America, Africa and Asia) and arranged in chronological order. It is addressed not only to the students in our LL.M. programme but to universities in general, practitioners, policy makers and international lawyers.

We thank Akad. Dir. Julia Legleitner LL.M. (programme director), Norah Kibaka-Vibila LL.M. (managing editor) and Uwe Loebens (art editor) who have made this book possible by designing the layout, formatting and proofreading the texts.

All documents are reprinted in their official version. We acknowledge the permission granted by the various institutions – the United Nations, the Council of Europe, the Organization of American States, the African Commission on Human and Peoples' Rights, the Arab League and the ASEAN Intergovernmental Commission on Human Rights – to reproduce these materials.

Finally, this publication would not have been possible without the financial support of the Alumni Association of the Europa-Institute's Law Section (EVER e.V.) which is gratefully acknowledged.

We hope that this selection of documents will prove a useful roadmap through the system of International Human Rights Law for the students in our LL.M. programme and beyond.

Professor Dr. Marc Bungenberg LL.M. (Lausanne)

Professor Dr. Thomas Giegerich LL.M. (University of Virginia)

Saarbrücken, August 2024

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## **I. Universal Instruments**



# Charter of the United Nations (Preamble, Articles 1, 13, 55 and 56)

Date 26 June 1945

In force 24 October 1945

Source 1 UNTS XVI

## 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.

[...]

## **Chapter IV**

### **The General Assembly**

[...]

#### **Article 13**

1. The General Assembly shall initiate studies and make recommendations for the purpose of:
  - a) promoting international co-operation in the political field and encouraging the progressive development of international law and its codification;
  - b) 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.

[...]

## **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:

- a) higher standards of living, full employment, and conditions of economic and social progress and development;
- b) solutions of international economic, social, health, and related problems; and international cultural and educational cooperation; and
- c) 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 cooperation with the Organization for the achievement of the purposes set forth in Article 55.

[...]



# Universal Declaration of Human Rights

Date 10 December 1948

Source General Assembly Resolution 217 A (III)

## Preamble

**Whereas** recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world, **Whereas** disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

**Whereas** it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

**Whereas** it is essential to promote the development of friendly relations between nations, **Whereas** the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

**Whereas** Member States have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

**Whereas** a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,

**Now, therefore** the General Assembly proclaims this Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

#### **Article 1**

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

#### **Article 2**

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

#### **Article 3**

Everyone has the right to life, liberty and security of person.

#### **Article 4**

No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

#### **Article 5**

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

#### **Article 6**

Everyone has the right to recognition everywhere as a person before the law.

#### **Article 7**

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

### **Article 8**

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

### **Article 9**

No one shall be subjected to arbitrary arrest, detention or exile.

### **Article 10**

Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

### **Article 11**

1. Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.
2. No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

### **Article 12**

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

### **Article 13**

1. Everyone has the right to freedom of movement and residence within the borders of each state.
2. Everyone has the right to leave any country, including his own, and to return to his country.

### **Article 14**

1. Everyone has the right to seek and to enjoy in other countries asylum from persecution.
2. This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

### **Article 15**

1. Everyone has the right to a nationality.
2. No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

### **Article 16**

1. Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.
2. Marriage shall be entered into only with the free and full consent of the intending spouses.
3. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

### **Article 17**

1. Everyone has the right to own property alone as well as in association with others.
2. No one shall be arbitrarily deprived of his property.

### **Article 18**

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

### **Article 19**

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

### **Article 20**

1. Everyone has the right to freedom of peaceful assembly and association.
2. No one may be compelled to belong to an association.

### **Article 21**

1. Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.
2. Everyone has the right of equal access to public service in his country.
3. The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

### **Article 22**

Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.