

The Core International Human Rights Treaties

This publication focuses on the eight core international human rights treaties in force that set out international human rights standards and provide a comprehensive legal framework for states to meet their commitment to the promotion and protection of human rights.

- International Covenant on Civil and Political Rights (ICCPR)
- International Covenant on Economic, Social, and Cultural Rights (ICESCR)
- International Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)
- International Convention on the Elimination of All Forms of Racial Discrimination (CERD)
- Convention on the Rights of the Child (CRC)
- International Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)
- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (MWC)
- Convention on the Rights of Persons with Disabilities (CRPD)

These eight treaties are the product of 60 years of elaboration since the adoption of the Universal Declaration of Human Rights in 1948. Each treaty defines the substantive rights and freedoms in the area addressed by that document.

Countries become bound to a particular treaty through ratification or accession to it. Either of these two acts signals a country's concrete willingness to undertake the legal rights and obligations contained in a treaty. A country that has ratified or acceded to a treaty is often referred to as being 'party to' the treaty. Signature of a treaty by a country is an indication that the country intends to examine the treaty to determine its position towards it before ratification. While a signature does not bind a country to a treaty, it does result in an obligation to refrain from acts which might defeat the object and purpose of the treaty

The ICCPR and the ICESCR, together with the Universal Declaration of Human Rights (UDHR), make up the International Bill of Human Rights. Both the ICCPR and the ICESCR recognise the interdependence of all human rights – the principle that the human rights ideal can only be achieved if conditions are created whereby everyone may enjoy their civil, political, economic, social and cultural rights.

International Covenant on Civil and Political Rights *(came into force: 1976)*

The ICCPR elaborates upon and gives legal expression to the civil and political rights found in the UDHR such as the right to life, to freedom of expression and to freedom from torture. Article 2 of the ICCPR provides the basic duty imposed by the Covenant: countries party to the ICCPR must 'respect' the Covenant rights and 'ensure' that they are enjoyed by all persons on that country's territory without discrimination on any ground.

The International Covenant on Economic, Social and Cultural Rights

(came into force: 1976)

The ICESCR defines a range of economic, social, and cultural rights such as the right to decent work, to education and to health. The Covenant also specifies the steps required for the full realisation of these rights. The main difference between the ICESCR and the ICCPR is the concept of progressive realisation found in Article 2 of the ICESCR. This concept acknowledges the difficulties countries may face in realising these rights due to limited resources. The concept also restricts actions by states that worsen the enjoyment of these rights. The ICESCR places an immediate obligation on countries to take deliberate, concrete and targeted steps towards the full realisation of rights set out in the Covenant.

International Convention on the Elimination of All Forms of Discrimination Against Women *(came into force: 1981)*

CEDAW is the most comprehensive and significant international treaty dealing with the rights of women and it obliges countries to eliminate all discrimination based on gender. CEDAW acknowledges that women are a disadvantaged group and its main premise is achieving equality between women and men. CEDAW sets out internationally accepted principles on women's rights in a legally binding form.

International Convention on the Elimination of All Forms of Racial Discrimination *(came into force: 1969)*

CERD is one of the oldest international human rights treaties and it builds further upon the non-discrimination provisions in the UDHR. CERD stipulates the measures that a country agrees to carry out to eliminate all racial discrimination. Countries party to CERD must not engage in, defend or support racial discrimination in any form. They must prohibit racial discrimination by any persons or organisations and encourage means to eliminate barriers between races.

Convention on the Rights of the Child *(came into force: 1990)*

This Convention elaborates on the substantive rights found in the ICCPR and the ICESCR with a focus on the particular vulnerabilities and needs of children.

CRC is the only international human rights treaty that enjoys the support of every Commonwealth country.

International Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (*came into force: 1987*)

CAT formalises and restates the absolute prohibition of torture in international law. It requires that torture be made a domestic crime, that acts of torture be punished, that there be prompt and impartial investigations of any torture allegations, that statements made as a result of torture are not used as evidence in proceedings, and that an enforceable right to compensation and rehabilitation be in place for torture victims. CAT states explicitly that under no circumstances can torture be justified.

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (*came into force: 1990*)

The MWC is the most far-reaching and comprehensive international treaty promoting the human rights of migrants. The Convention aims to prevent and stop the exploitation of migrant workers, in particular workers secured through illegal recruitment or who have been trafficked. The Convention's provisions address the treatment, welfare and human rights of migrant workers and set out the obligations of both sending and receiving countries.

Convention on the Rights of Persons with Disabilities¹ (*came into force: 2008*)

The CRPD formalises the rights of persons with disabilities, emphasising empowerment and moving towards people with disabilities taking a greater role in making decisions that affect them. The Convention aims to ensure that people with disabilities enjoy the same civil, political, economic, social and cultural rights as others and have the same opportunities. The Convention allows for progressive implementation and stipulates minimum measures to respect human dignity.

Reservations to human rights treaties

At the time that a country adopts a treaty it can decline to accept a specific part of it. Statements that declare such exceptions are called reservations.² Reservations are invalid if their content is 'incompatible with the object and purpose of the treaty' (Article 19, Vienna Convention on the Law of Treaties (VCLT)).

The use of reservations is permitted but not encouraged. Their wording should be specific and narrow and subject to regular review to ensure that they either remain pertinent or are removed. The removal of reservations is encouraged. Entering a large number of reservations raises questions as to the commitment of the relevant state to the treaty concerned and to its implementation.

¹ At the time of writing the Committee on the Rights of Persons with Disabilities had not yet been elected. Accordingly reporting dates have not yet been allocated.

² In line with international treaty law, as codified in the Vienna Convention on the Law of Treaties (VCLT)

Monitoring the implementation of human rights treaties through reports

Each of the eight treaties has a corresponding body which monitors the implementation of that treaty.³ This monitoring is largely done through the review of reports submitted by each country to the relevant Committee. Ratification commits the relevant state to submit reports that are discussed with the Committee in a thorough and constructive dialogue on the state of human rights implementation in their country. Recommendations to the relevant state follow these discussions.

An initial report from each newly ratifying state is required within one or two years of the treaty coming into force for that country. After this initial report, the periodicity for reporting changes to every four to five years.

³ Please see footnote 1 on page 10.