



UN HUMAN RIGHTS COMMITTEE

PARTICIPATION IN THE REPORTING PROCESS

GUIDELINES FOR NON GOVERNMENTAL ORGANISATIONS (NGOs)

CHAPTER V

Guidelines on the Reporting Process to the UN Human Rights Committee

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This is a draft version. Feedback and comments to improve the guidelines are welcome.

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Documents of reference:

- “A Guide for NGO Reporting to the Committee of the Rights of the Child (CRC)”, (2006), NGO Group for CRC - www.childrightsnet.org
 - “Civil and Political Rights: The Human Rights Committee” (2005), Office of the United Nations High Commissioner for Human Rights.
 - “The Treaty Bodies – Bringing Human Rights Home”, DVD (2006), Office of the United Nations High Commissioner for Human Rights and Association for the Prevention of Torture (APT).
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Part V: Overview of the substantive provisions of the ICCPR and related issues raised by the HR Committee

This part presents the different provisions set out in the ICCPR and the related General Comments. Additionally, under each provision, the main issues and questions raised by the HR Committee in the framework of the reporting process are also indicated. The aim of this part is to give an overview of the different aspects of each ICCPR provision, and the way they are addressed by the HR Committee. Information about each of these issues is therefore welcome in the NGO reports, although not all aspects may be relevant in every State.

Article 1 (Right of Peoples to Self-determination)

1. All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

2. All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.

3. The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations.

This article is rarely addressed by the HR Committee and only in the context of specific situations. When the issues concern indigenous peoples it is also sometimes linked to article 27 (the rights of minorities).

Issues addressed under in this article include:

- Legislation (including draft legislation) on the right of non-self-governing territories to succeed
- Organisation of referenda on self-governance or secession in non-self-governing territories
- Representation of indigenous peoples in government (article 27)
- The State's relationship and agreements with indigenous peoples (article 27)
- Self-governance agreements with indigenous peoples
- Indigenous land rights, and consultation with indigenous peoples on the use of tribal land (article 27)

General Comment 12 explains in greater detail what they consider the State's obligations, including reporting obligations, under article 1 to be.

Article 2 (Non-Discrimination, Constitutional and Legal Framework within which the Covenant is Implemented and Access to Remedies)

1. Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, 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.

2. Where not already provided for by existing legislative or other measures, each State Party to the present Covenant undertakes to take the necessary steps, in accordance with its constitutional processes and with the provisions of the present Covenant, to adopt such laws or other measures as may be necessary to give effect to the rights recognized in the present Covenant.

3. Each State Party to the present Covenant undertakes:

(a) To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity;

(b) To ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy;

(c) To ensure that the competent authorities shall enforce such remedies when granted.

Article 2 paragraph 1 is clearly linked with articles 3 (equal rights of men and women) and 26 (equality before the law) and these three articles are often mentioned together when dealing with discrimination. The three articles differ slightly in their scope and implications: article 3 is limited to discrimination on grounds of gender; article 2 only covers the rights guaranteed in the Covenant, but requires positive measures to guarantee these rights as well as respect for them without discrimination; and article 26 requires an protection against any discrimination (not limited to the rights in the Covenant), but does not include the positive aspects of the other two articles. **General Comment 18** lays out the connections and differences between these and the other provisions dealing with non-discrimination as well as providing the HR Committee's working definition of discrimination. These articles are linked with a wide range of other articles depending on the rights affected by discrimination.

Counter-terrorism legislation is mentioned under article 2 paragraph 2 as well as under numerous other provisions, reflecting the complexity of the issues and wide reaching scope of some counter-terrorism laws.

Article 2 paragraph 3 is closely linked with article 14 (judicial guarantees) as the guarantees and procedures provided for in that article are a necessary part of providing effective remedies.

Issues addressed under in this article include:

2.1 (non-discrimination):

- Implementation of the Covenant throughout the State (including overseas territories)
- Implementation in areas under the State's jurisdiction when troops or law enforcement personnel are deployed abroad
- Legislation prohibiting discrimination
 - Practical implementation of non-discrimination legislation
 - Training of police and law enforcement personnel and judges
- Legislation allowing discrimination or exceptions to non-discrimination provisions
- Equality between members of the National Church and other religions (article 18)
- Equal pay for equal work
- Representation and participation of minorities in public affairs (articles 25 and 27)
- Specific groups mentioned in the context of discrimination include:
 - women (article 3)
 - homosexuals

- trans-gender (including the right to have the new gender recognised)
- ethnic or national minorities, including particularly the Roma (article 27)
- illegal migrants and undocumented immigrants
- refugees and asylum seekers
- non-citizens/nationals
- indigenous peoples (article 27)
- persons with disabilities
- children born out of wedlock

2.2 (constitutional and legal framework within which the Covenant is implemented):

- Reservations and Interpretive Declarations. The HR Committee routinely asks States Parties to review and consider withdrawing any reservations or interpretive declarations
- The incorporation of the Covenant into domestic legislation
- The status of the Covenant in domestic legislation (its precedence over domestic legislation, including the Constitution)
- Case law on the invocation and use of the Covenant in domestic courts, including customary courts
- Existing or potential restrictions of the rights guaranteed in the Covenant due to a state of emergency or to “public welfare” (article 4)
- Compatibility of counter-terrorism legislation with the Covenant (articles 4, 9, 10, and 14)
- Compatibility of customary law with the Covenant
- Measures to ensure that new legislation is compatible with the Covenant and to revise non-compatible legislation
- The establishment and/or mandate of an independent National Human Rights Institution in accordance with the Paris Principles
- Dissemination and training on the Covenant
- Implementation of previous Concluding Observations

2.3 (Access to Effective Remedies)

- Ratification of the First Optional Protocol to the Covenant
- Follow-up to the HR Committee's views on Communications
- Ability of the National Human Rights Institution to investigate individual human rights violations
- independence of the judiciary (article 14)
- Measures to ensure access to judicial processes for all (articles 14 and 27)
- Measures to enforce judgements (article 14)
- Procedures and cost of judicial remedies (article 14)
- Suspension of sentence for those condemned to death while appeals, including appeals to intergovernmental mechanisms, are heard (articles 6 and 14)
- Domestic mechanisms and/or cooperation with regional and/or international mechanisms for trying war crimes
- Investigations and prosecutions of those responsible and compensation for victims of human rights violations during disturbed periods (armed conflict/coup d'état/military dictatorships/etc.)
- Impunity or amnesty laws covering human rights violations
- Accountability of the armed forces and law enforcement personnel within the State and if deployed abroad

General Comment 31 (on the legal obligation imposed on States) elaborates the Committee's understanding of the obligations of the States in implementing the Covenant.

General Comment 18 (on non-discrimination) emphasises the positive aspects of the non-discrimination provisions, stating that “the principle of equality sometimes requires States parties to take affirmative action in order to diminish or eliminate conditions which cause or help to perpetuate discrimination” and that the “enjoyment of rights and freedoms on an equal footing, however, does not mean identical treatment in every instance”.

Article 3 (Equal Rights of Men and Women)

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

Article 3 is routinely linked with articles 2 (non-discrimination) and 26 (equality before the law), and these three articles are often mentioned together when dealing with discrimination. The three articles differ slightly in their scope and implications: article 3 is limited to discrimination on grounds of gender; article 2 only covers the rights guaranteed in the Covenant, but requires positive measures to guarantee these rights as well as respect for them without discrimination; and article 26 requires an protection against any discrimination (not limited to the rights in the Covenant), but does not include the positive aspects of the other two articles. **General Comment 18** lays out the connections and differences between these and the other provisions dealing with non-discrimination as well as providing the HR Committee's working definition of discrimination.

This article is often associated with articles 23 (right to a family) and 24 (rights of the child) in so far as it deals with issues around marriage and family life. It is commonly linked with article 7 (prohibition on torture) when dealing with domestic violence and with article 8 (prohibition on slavery) when dealing with trafficking.

Issues addressed under in this article include:

- Discrimination between men and women in legislation
- Status of women under customary or tribal law
- Steps to eliminate stereotypes which discriminate against women
- Equal pay for equal work
- Discrimination in minimum age for marriage and the marriage arrangements (article 23)
- Unequal rights and privileges within marriage (article 23)
- Equality in divorce/separation arrangements, including on custody of children (article 23)
- Transmission of nationality to children (articles 16 and 24)
- School attendance by girls (article 24)
- Female Genital Mutilation (article 7)
- Proportion of women in positions of responsibility in all levels of government and in private companies (article 25)
 - Measures to address the under-representation of women in these positions
- Legislation on sexual harassment
- Legislation on rape (article 7)
 - Definition of rape, including spousal rape
- Domestic violence (article 7)
 - Statistics on cases, penalties and compensation
 - Encouragement for women to report
 - Training for law enforcement officers not to dismiss it as a private matter
- Protection and assistance for victims of gender based violence
- Measures to enhance access to justice

- Trafficking (article 8)

The relationship between article 3 and articles 2 and 26 is discussed in **General Comment 18** on non-discrimination as well as more general considerations on the definition of discrimination and the State's obligation to take affirmative action where this is necessary for the principle of equality. **General Comment 28** deals specifically with article 3 (replacing General Comment 4).

This also stresses the obligation to take “positive measures in all areas so as to achieve the effective and equal empowerment of women” and the need to consider traditional, historical, religious and cultural attitudes which may jeopardise the equality of the sexes. This General Comment goes on to discuss in detail some factors which may affect the enjoyment of the rights guaranteed in the Covenant by women.

Article 4 (Derogations)

1. In time of public emergency which threatens the life of the nation and the existence of which is officially proclaimed, the States Parties to the present Covenant may take measures derogating from their obligations under the present Covenant to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with their other obligations under international law and do not involve discrimination solely on the ground of race, colour, sex, language, religion or social origin.

2. No derogation from articles 6, 7, 8 (paragraphs 1 and 2), 11, 15, 16 and 18 may be made under this provision.

3. Any State Party to the present Covenant availing itself of the right of derogation shall immediately inform the other States Parties to the present Covenant, through the intermediary of the Secretary-General of the United Nations, of the provisions from which it has derogated and of the reasons by which it was actuated. A further communication shall be made, through the same intermediary, on the date on which it terminates such derogation.

Article 4 is discussed alone or in connection with article 2 (constitutional and legal framework for the implementation of the Covenant) in the context of domestic legislation to guarantee non-derogable rights even in a state of emergency. When addressing States in which a state of emergency has been (or may have been) declared the HR Committee asks more specific questions about the protection of rights and links these questions to the relevant articles. This is one of the many articles where counter-terrorism legislation is mentioned.

Issues addressed under in this article include:

- Constitutional or other legal measures to limit potential derogations to those permissible under article 4
- Impact of counter-terrorism legislation on the rights guaranteed under the Covenant, including the definition of terrorism and terrorist acts
- Necessary conditions and the process for declaring a state of emergency
- Limits and controls on the powers of the head of state in an emergency
- Occasions on which an emergency has been declared

When a state of emergency has been declared the HR Committee may ask about:

- The scope of any derogations
- Safeguards to protect the rights guaranteed under the Covenant
- Cases where non-derogable (or non-derogated) rights had been violated and the investigation into these violations and punishment of the perpetrators.
- Measures to protect specific rights

General Comment 29 (replacing General Comment 5) elaborates the HR Committee's understanding of the conditions in which a state of emergency may be declared and stresses that any derogations and the measures taken following the derogations have to be justified as strictly required by the exigencies of the situation and only to the extent necessary. It also highlights the restrictions permitted by certain articles of the Covenant which make it possible to limit these rights when necessary without derogating from them.

This General Comment lists the provisions which the HR Committee considers effectively non-derogable due to the requirements of the non-derogable provisions or to their status as norms of international law. These include: non-discrimination (re-enforced by article 4 paragraph 1), that all persons deprived of their liberty shall be treated with humanity and respect for the inherent dignity of the human person (article 10), prohibitions on the taking of hostages, abduction or unacknowledged detention (article 9), protection of the rights of minorities (article 27), deportation or forcible transfer of population (article 12), propaganda for war or advocatation of national, racial or religious hatred (article 20), access to judicial or other remedies (article 2, paragraph 3), procedural and judicial guarantees (articles 14 and 15).

Article 5 (Savings Provision)

1. Nothing in the present Covenant may be interpreted as implying for any State, group or person any right to engage in any activity or perform any act aimed at the destruction of any of the rights and freedoms recognized herein or at their limitation to a greater extent than is provided for in the present Covenant.

2. There shall be no restriction upon or derogation from any of the fundamental human rights recognized or existing in any State Party to the present Covenant pursuant to law, conventions, regulations or custom on the pretext that the present Covenant does not recognize such rights or that it recognizes them to a lesser extent.

The HR Committee has not recently asked States about this article in the List of Issues. It is however touched upon in **General Comment 29**. Paragraph 3 deals with article 5, paragraph 1 and paragraph 9 with article 5, paragraph 2, explaining the impact of this article on derogations from the Covenant under article 4 and the State's continuing obligations during a state of emergency.

Article 6 (Right to Life)

1. Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.

2. In countries which have not abolished the death penalty, sentence of death may be imposed only for the most serious crimes in accordance with the law in force at the time of the commission of the crime and not contrary to the provisions of the present Covenant and to the Convention on the Prevention and Punishment of the Crime of Genocide. This penalty can only be carried out pursuant to a final judgment rendered by a competent court.

3. When deprivation of life constitutes the crime of genocide, it is understood that nothing in this article shall authorize any State Party to the present Covenant to derogate in any way from any obligation assumed under the provisions of the Convention on the Prevention and Punishment of the Crime of Genocide.

4. *Anyone sentenced to death shall have the right to seek pardon or commutation of the sentence. Amnesty, pardon or commutation of the sentence of death may be granted in all cases.*

5. *Sentence of death shall not be imposed for crimes committed by persons below eighteen years of age and shall not be carried out on pregnant women.*

6. *Nothing in this article shall be invoked to delay or to prevent the abolition of capital punishment by any State Party to the present Covenant.*

This article is frequently linked with articles 7 (prohibition on torture) and 9 (prohibition on arbitrary detention), since these abuses often occur together. Articles 9 and 10 are connected to this provision because the safeguards they provide are necessary for the effective implementation of extrajudicial executions. Article 14 (judicial guarantees) is mentioned in the context of the use of the death penalty. Article 26 (equality before the law) is mentioned when certain groups are more vulnerable to extrajudicial execution or are over-represented in the death sentences.

Issues addressed under in this article include:

- Extrajudicial executions
 - Investigations and their outcomes , including into deaths during past disturbances
 - Compensation for the families of victims
 - Particular vulnerability of street children
 - Practical measures to prevent extrajudicial executions
- Disappearances
 - Investigations and compensation
- Deaths in police custody (article 10)
 - Investigations into all deaths in custody (including suicides)
 - Outcome of investigations
- Excessive use of force by law enforcement personnel or armed forces
- Policing of blood feuds and vendetta violence
- Deportations or returns to countries where the returnee may face the death penalty
- Living conditions of vulnerable groups, including refugees, minorities and internally displaced persons
- Death Penalty (article 14)
 - Ratification of the Second Optional Protocol to the Covenant
 - Statistics on the number of death sentences (including those issued *in absentia*) disaggregated by age, gender, ethnicity and crime, the number carried out, the method of execution, number of sentences commuted or suspended and the number of convicts awaiting execution
 - Legislation on commuting death penalties
 - Crimes for which death can be the sentence
 - Possibility of imposing the death penalty for crimes committed under eighteen (article 24)
 - Authority of customary courts to impose the death penalty
- Abortions
 - Exceptions to a prohibition for abortions for medical reasons or when the pregnancy results from rape
 - The impact of a complete prohibition on the maternal mortality rate
 - Availability of contraceptives and sex education combat abortion and infectious disease

General Comment 6 stresses that the right to life should not be interpreted too narrowly. It asserts the State's "supreme duty to prevent wars, acts of genocide and other acts of mass violence causing arbitrary loss of life" (re-iterated in General Comment 14 which discusses article 6 in the context of nuclear weapons) connecting this with article 20.

It also emphasises the necessity of taking positive measures (for instance to reduce infant mortality and eliminate epidemics). This general comment also mentions the need to take specific and effective measures to prevent disappearances (since these are often associated with arbitrary deprivation of life). It highlights the extension of the prohibition on arbitrary deprivation of life to the State's security forces and the safeguards that this necessitates.

Article 7 (Prohibition on Torture)

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation.

This article is closely linked with articles 6 (right to life) and 9 (prohibition on arbitrary detention), since these abuses often occur together. Articles 9 and 10 are connected to this provision because the safeguards they provide are necessary for the effective implementation of a prohibition on torture. Articles 2 (non-discrimination) and 26 (equality before the law) are mentioned when there is an element of discrimination or targeting of one group.

Issues addressed under in this article include:

- Legislation specifically prohibiting torture
- Availability of rehabilitation and compensation for victims
- Prohibition on the use of statements obtained through torture or ill-treatment in judicial processes (articles 10 and 14)
- Torture or ill-treatment of detainees (article 10)
 - Statistics on the number of incidents, disaggregated by age, gender, and ethnic origin of the victims and resulting prosecutions and punishment of perpetrators
 - Independent investigations into all allegations of torture and ill-treatment of detainees
 - Problems which discourage victims from reporting torture and ill-treatment and measures to address these problems and encourage reporting
 - Use of solitary confinement for extended periods
 - Interrogations procedures including the permissible duration
 - Indefinite detention
- Guarantees against deportation to a country where the deportee may be exposed to violations of article 7, including by non-state actors
 - Reliance on diplomatic assurances when returning suspected terrorists to states where torture is alleged to occur
- Controls on excessive use of force by law enforcement personnel and armed forces
- Domestic violence (article 3)
 - Legislation
 - Training so that it is not dismissed as a purely private matter
 - Measures to encourage reporting of violence
- Measures to protect and assist victims of gender based violence
- Corporal punishment
- Female Genital Mutilation
- Coercive sterilisation
- Ill-treatment of elderly people in some long term care homes
- Non-therapeutic experimentation on mentally ill persons or persons with impaired decision making capacity, including minors
- Exceptions to the requirement of informed prior consent for the use of experimental drugs

Article 8 (Prohibition on Slavery)

1. *No one shall be held in slavery; slavery and the slave-trade in all their forms shall be prohibited.*
2. *No one shall be held in servitude.*
3.
 - (a) *No one shall be required to perform forced or compulsory labour;*
 - (b) *Paragraph 3 (a) shall not be held to preclude, in countries where imprisonment with hard labour may be imposed as a punishment for a crime, the performance of hard labour in pursuance of a sentence to such punishment by a competent court;*
 - (c) *For the purpose of this paragraph the term "forced or compulsory labour" shall not include:*
 - (i) *Any work or service, not referred to in subparagraph (b), normally required of a person who is under detention in consequence of a lawful order of a court, or of a person during conditional release from such detention;*
 - (ii) *Any service of a military character and, in countries where conscientious objection is recognized, any national service required by law of conscientious objectors;*
 - (iii) *Any service exacted in cases of emergency or calamity threatening the life or well-being of the community;*
 - (iv) *Any work or service which forms part of normal civil obligations.*

This article is associated with article 24 (rights of the child) when dealing with child labour and with article 3 (equal rights of men and women) when dealing with trafficking. Other articles are mentioned more rarely.

Issues addressed under in this article include:

- Legislation prohibiting slavery or forced labour
- Trafficking (article 3)
 - Legislation
 - Prosecutions and penalties and compensation for victims
 - Criminalisation of victims
 - Identification of victims
 - Protection and assistance, including rehabilitation for victims
 - Targeting of those using the services of trafficked persons as well as the traffickers
 - Involvement of authorities in trafficking
- Sexual exploitation and abuse of children (article 24)
- Labour performed by detainees (article 10)
 - Types of labour permitted and conditions of work
 - Hiring out of prisoners to private enterprises for labour. Measures to ensure this work is voluntary and that prisoners receive compensation
- Working conditions of domestic labourers
- Child labour
 - Minimum age for employment
 - Measures to prevent the recruitment of children into the armed forces
 - Demobilisation of children recruited by warring parties
- Measures to end the abduction of women and children
 - Return and reintegration of abducted children (article 24)
- Measures to ensure women engaged in prostitution are not subjected to contemporary forms of slavery including debt bondage

Article 9 (Prohibition of Arbitrary Detention)

1. Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.

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

3. Anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release. It shall not be the general rule that persons awaiting trial shall be detained in custody, but release may be subject to guarantees to appear for trial, at any other stage of the judicial proceedings, and, should occasion arise, for execution of the judgement.

4. Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that that court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful.

5. Anyone who has been the victim of unlawful arrest or detention shall have an enforceable right to compensation.

This article is commonly linked with articles 10 (conditions of detention), 6 (right to life) and 7 (prohibition on torture) since arbitrary detention is often associated with incommunicado or secret detention and facilitates the perpetration of the abuses mentioned in those articles. It is also linked with article 14 (judicial guarantees) as those guarantees are necessary for the effective implementation of the remedies mentioned here. It may also be linked to articles 12 (freedom of movement), 13 (expulsion of aliens) and 26 (equality before the law) when issues around the detention of foreigners, particularly asylum seekers and refugees are discussed.

Issues addressed under in this article include:

- Legal prohibition on arbitrary detention and safeguards (including for detention by security forces)
- Guarantees for suspects under counter-terrorism legislation
- Access to judicial review of the lawfulness of detention for all
- Case law on granting compensation for unlawful detention
- Independent investigation of detention centres and complaints
- Informing detainees of their rights
- Access to a lawyer
- Access to doctors and family
- Incommunicado detention
- Disappearances
- National register of persons detained, including details of where they are held, accessible to relatives and lawyers
- Secret places of detention or detention centres not under the jurisdiction on civil prosecution services
- Pre-trial detention
 - Limits on the duration of pre-trial detention and procedures for extending the period
 - Transfer of suspects from one police station to another to extend the period before they must be brought before a judge
 - Alternatives to pre-trial detention/police custody
- Limits on the duration of detention without charges, including under counter-terrorism legislation

- Possibility of continued detention after a sentence has been served
- Detention of asylum seekers and irregular migrants
 - Prompt informing of reasons for detention
 - Prompt informing of rights
 - Access to legal aid

Article 10 (Conditions of Detention)

1. All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.

2.

(a) Accused persons shall, save in exceptional circumstances, be segregated from convicted persons and shall be subject to separate treatment appropriate to their status as unconvicted persons;

(b) Accused juvenile persons shall be separated from adults and brought as speedily as possible for adjudication.

3. The penitentiary system shall comprise treatment of prisoners the essential aim of which shall be their reformation and social rehabilitation. Juvenile offenders shall be segregated from adults and be accorded treatment appropriate to their age and legal status.

This article is frequently grouped with articles 6 (right to life), 7 (prohibition on torture) and/or 9 (arbitrary detention) as the safeguards of article 10 are an important element in preventing those abuses. It is also linked with article 14 (judicial guarantees) as an impartial judiciary and judicial oversight are necessary to guarantee all these rights.

Issues addressed under in this article include:

- Living conditions in detention, including pre-trial detention
 - Overcrowding
 - Disease
 - Inadequate or obsolete structures
 - Insanitary conditions
 - Malnutrition
 - Violence by prisoners
- Detention conditions and guarantees for terrorist suspects
- Living conditions in immigration detention and for those awaiting deportation (article 9)
- Separation of accused persons from convicted persons
- Status of detainees awaiting the decision of an appeal
- Separation of juveniles from adult detainees, conditions in juvenile detention centres (article 24)
 - Education and rehabilitation facilities for juveniles
- Separation of detained asylum seekers from others
- Torture and ill-treatment of detainees (article 7)
 - Prohibition
 - Prohibition on the use of statements obtained by torture in judicial proceedings
 - Limits on admissible complaints on ill-treatment and evidence needed to prove torture
 - Corporal punishment
 - Criteria for imposing punishments or restraints on prisoners
- Use of solitary confinement, particularly for extended periods
- Independent inspections of detention centres and complaints mechanisms
- Independent investigation of all deaths in custody (article 6)
- Awareness of the complaints mechanism among detainees

- NGO access to detention centres
- Length of pre-trial detention (article 9)
- Centralised register of all detainees and their place of detention
- Contact with families
- Access to medical assistance
- Access to legal assistance
- Duration of interrogations and audio-visual recording of interrogations
- Alternatives to detention
- Training of guards on human rights obligations
- Protection of patients from abuse in residential health institutions, particularly those dealing with mental health
- Treatment of elderly in long term care homes

Article 11 (Imprisonment for Failure to Fulfil a Contractual Obligation)

No one shall be imprisoned merely on the ground of inability to fulfil a contractual obligation.

This article is rarely addressed and usually focuses on specific laws where this is a problem.

Issues addressed under in this article include:

- Legislation prohibiting imprisonment for inability to fulfil a contractual obligation
- Arbitrary arrests for failure to fulfil a contractual obligation (article 9)
- Imprisonment for debt
- Number of detainees covered by this provision (article 10)

Article 12 (Freedom of Movement)

1. Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence.

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

3. The above-mentioned rights shall not be subject to any restrictions except those which are provided by law, are necessary to protect national security, public order (ordre public), public health or morals or the rights and freedoms of others, and are consistent with the other rights recognized in the present Covenant.

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

This article is quite often associated with article 13 (right to remain in a territory), as both provisions are most often mentioned in relation to the rights of immigrants and asylum seekers who are often detained and deported. Articles 2 (non-discrimination) and 26 (equality before the law) are frequently mentioned as restrictions on movement are often applied to specific groups and so may be discriminatory.

Issues addressed under in this article include:

- Possibility and criteria for imposing restrictions on the right to leave the country
- Requirement of exit visas
- Requirement of local registration for access to rights
- Internally Displaced Persons (IDPs)
 - Efforts to create conditions for the voluntary, safe and dignified return of IDPs
 - Integration of IDPs
 - Humanitarian access to displaced persons

- Protection and assistance for those returning and to ensure sustainability of returns
- Equal return of minorities (articles 2, 26 and 27)
- Guarantees of security and freedom of movement for displaced
- Access to personal documents enabling them to seek employment
- Access to education and health or social services
- Discrimination against displaced minorities
- Forced displacement
- Restrictions on where refugees can stay and travel
- Integration of refugees

Article 13 (Right to Remain in a State)

An alien lawfully in the territory of a State Party to the present Covenant may be expelled therefrom only in pursuance of a decision reached in accordance with law and shall, except where compelling reasons of national security otherwise require, be allowed to submit the reasons against his expulsion and to have his case reviewed by, and be represented for the purpose before, the competent authority or a person or persons especially designated by the competent authority.

This article is most commonly associated with article 12 (freedom of movement), as both provisions are most often mentioned in relation to the rights of immigrants and asylum seekers who are often detained and deported. Articles 2 (non-discrimination) and 26 (equality before the law) are also mentioned when deportations have a discriminatory aspect. It is also connected with article 14 (judicial guarantees) as the safeguards of that article are necessary for the effective review of cases under this article.

Issues addressed under in this article include:

- Criteria under which a person may be deported
- Possible separation of families because of the deportation of non-national parents when a child has nationality (articles 23 and 24)
- Asylum and refugee applicants:
 - Access to effective and independent review of rejection of applications and deportation orders
 - Suspension of deportation orders during an appeal
 - Information on rights and the possibilities for appealing a decision
 - Access to legal assistance
 - Mass exportations
 - Conditions of those awaiting deportation or decision on asylum applications (article 10)
 - Discrimination in asylum proceedings
 - Guarantees against deportation to countries where rights guaranteed by the government, particularly articles 6 and 7, may be breached

Article 14 (Judicial Processes and Guarantees)

1. All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law. The press and the public may be excluded from all or part of a trial for reasons of morals, public order (ordre public) or national security in a democratic society, or when the interest of the private lives of the parties so requires, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice; but any judgement rendered in a criminal case or in a suit at law shall be

made public except where the interest of juvenile persons otherwise requires or the proceedings concern matrimonial disputes or the guardianship of children.

2. Everyone charged with a criminal offence shall have the right to be presumed innocent until proved guilty according to law.

3. In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality:

(a) To be informed promptly and in detail in a language which he understands of the nature and cause of the charge against him;

(b) To have adequate time and facilities for the preparation of his defence and to communicate with counsel of his own choosing;

(c) To be tried without undue delay;

(d) To be tried in his presence, and to defend himself in person or through legal assistance of his own choosing; to be informed, if he does not have legal assistance, of this right; and to have legal assistance assigned to him, in any case where the interests of justice so require, and without payment by him in any such case if he does not have sufficient means to pay for it;

(e) To examine, or have examined, the witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;

(f) To have the free assistance of an interpreter if he cannot understand or speak the language used in court;

(g) Not to be compelled to testify against himself or to confess guilt.

4. In the case of juvenile persons, the procedure shall be such as will take account of their age and the desirability of promoting their rehabilitation.

5. Everyone convicted of a crime shall have the right to his conviction and sentence being reviewed by a higher tribunal according to law.

6. When a person has by a final decision been convicted of a criminal offence and when subsequently his conviction has been reversed or he has been pardoned on the ground that a new or newly discovered fact shows conclusively that there has been a miscarriage of justice, the person who has suffered punishment as a result of such conviction shall be compensated according to law, unless it is proved that the non-disclosure of the unknown fact in time is wholly or partly attributable to him.

7. No one shall be liable to be tried or punished again for an offence for which he has already been finally convicted or acquitted in accordance with the law and penal procedure of each country.

This article is often linked with articles 9 (prohibition on arbitrary detention) and 10 (conditions of detention) as the judicial guarantees of this article are necessary for and closely associated with the guarantees and oversight in those provisions. It is associated with article 7 (prohibition on torture) particularly when the use of evidence or confessions obtained through torture or ill-treatment is discussed.

Issues addressed under in this article include:

- Independence and impartiality of the judiciary
 - regulations governing the tenure, appointment, dismissal and disciplining of members of the judiciary
- Transparency and accountability of public institutions including the judiciary
- Prosecutions and convictions of judicial officials for corruption
- Processing time of cases
- Basing of convictions on confessions

- Lack of court translators and interpreters
- Guarantees of the 'equality of arms' of defence and prosecution in court, including access to relevant documentation and examination of witnesses
- Openness of court proceedings to the public, including local and international human rights monitors
- Enforcement of judicial decisions
- Trials in absentia (including informing suspect and the right to a re-trial)
- Combined trials
- Juvenile justice (article 24)
- Non-jury trials and special courts, including military courts
- Jurisdiction of customary courts
 - right to legal assistance in customary courts
 - right to have a cases transferred to standard court
- Prompt informing of their rights to detainees
- Awareness of the right to appeal and the mechanisms for doing so
- Legal guarantees of the presumption of innocence
- Length of detention without charge
- Guarantees of access to legal assistance and the implementation of this in practice
 - Discrimination in provision of legal aid
 - Legal assistance for non-citizens, including asylum seekers and immigrants
 - Length of detention without access to a lawyer
 - Restrictions on consultations with a lawyer
- Presence of a lawyer and audio-visual recording of interrogations
- Accessibility of justice system to all, including minorities
- Effect of counter-terrorism legislation and guarantees of terrorist suspects

Article 15 (Non-retroactivity of laws)

1 . No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal 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 when the criminal offence was committed. If, subsequent to the commission of the offence, provision is made by law for the imposition of the lighter penalty, the offender shall benefit thereby.

2. Nothing in this article shall prejudice the trial and punishment of any person for any act or omission which, at the time when it was committed, was criminal according to the general principles of law recognized by the community of nations.

The HR Committee rarely asks about this article except in the context of specific laws which appear to be retroactive.

Article 16 (Recognition as a Person before the Law)

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

This article is rarely addressed, but is sometimes connected with articles 24 (rights of the child) and 27 (rights of minorities) as birth registration and access to identity documents are sometimes mentioned under those articles and are necessary for the practical implementation of this article.

Issues addressed under in this article include:

- Birth registration (article 24)
- Inclusion of indigenous in the civil registry (articles 24 and 27)
- Access to personal identity documents, especially for Roma (articles 2 and 26)

Article 17 (Right to Privacy)

1. No one shall be subjected to arbitrary or unlawful interference with his privacy, family, or correspondence, nor to unlawful attacks on his honour and reputation.

2. Everyone has the right to the protection of the law against such interference or attacks.

This article is commonly linked with articles 18 (freedom of thought, conscience and religion), 19 (freedom of expression) and 21 (freedom of assembly), because the safeguards this article provides are necessary for the free exercise of those rights in practice.

Issues addressed under in this article include:

- Legislation on monitoring communications and the permitted duration of such measures
- Illegal monitoring of communications, shadowing and surveillance
- Remedies for misuse and abuse of monitoring of communications
- Judicial control and independent overview of monitoring communications
- Counter-terrorism powers affecting this article
- Possibility of searching without a warrant
- Right not to have data collected
- DNA testing to control and restrict family reunification (article 23)
- Consideration of the right to privacy and family life when the criminal conviction of an alien is accompanied by an expulsion order

Article 18 (Freedom of Thought, Conscience and Religion)

1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.

2. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.

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

4. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.

This article is frequently associated with articles 17 (right to privacy) and 19 (freedom of expression) because those provisions are related to the ability to manifest one's religion or belief. It is linked with

articles 2 (non-discrimination), 20 (incitement to discrimination or violence) and 26 (equality before the law) as these provide guarantees against discrimination or attacks on the grounds of religion.

Issues addressed under in this article include:

- Registration of religions (including any restrictions on the groups that can register)
- Status of religious groups
- Consequences of non-recognition of religions or places of worship
- Guarantees of the right to change religion
 - Restrictions or criminalising of conversions
- Measures discriminating against some religions or religious manifestations
- Religious ministers authorised to perform civil wedding ceremonies
- Requirement that judges make a declaration with religious references
- Promotion of religious tolerance
- Measures to combat of acts of religious intolerance
- Protection of places of worship
- Discrimination against children not attending religious classes
- Subsidising of a state religion
- Conscientious objection to military service
 - Imprisonment for failure to discharge compulsory military service (article 9)
 - Availability of a non-punitive alternative service
 - Taxation of conscientious objectors
 - Preferential treatment of specific religion

Article 19 (Freedom of Expression)

1. Everyone shall have the right to hold opinions without interference.

2. Everyone shall have the right to freedom of expression; this right shall include 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 art, or through any other media of his choice.

3. The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:

- (a) For respect of the rights or reputations of others;*
- (b) For the protection of national security or of public order (ordre public), or of public health or morals.*

This article is often associated with article 18 (freedom of thought conscience and religion) as it is linked to the expression or manifestation of those beliefs. It is also frequently linked with articles 21 (freedom of assembly) and 22 (freedom of association) as these too reflect the manifestation of beliefs and opinions and the guarantees of this article are necessary for the full exercise to those rights.

Issues addressed under in this article include:

- Implementation of legislation on freedom of expression
- Guarantees of freedom of expression, including judicial mechanisms
 - incidents of threats and attacks on journalists
 - Censorship of journalists, including self-censorship
 - Blocking of information critical to the government
- Restrictions on freedom of expression
 - Restrictions because of the fear of terrorism

- Definitions of crimes such as incitement to terrorism and case law for these offences
- The application (and consistency of application) of laws on incitement to racial hatred (article 20)
- Legislation on libel and defamation, including exceptions for public figures
- Existence of non-state controlled media
- Equal access to the media for opposition officials and those critical of the government
- Measures to protect places of worship belonging to minorities and to provide safe access to those places (articles 18 and 20)
- Arrest or harassment of demonstrators (articles 21 and 22)

Article 20 (Propaganda for War and Incitement to Discrimination or Violence)

1. Any propaganda for war shall be prohibited by law.

2. Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.

This article is associated with article 19 (freedom of expression) as it contains some of the limitations that may be imposed on an individual's freedom of expression. It is also sometimes linked with articles 2 (non-discrimination) and 26 (equality before the law) in so far as it deals with discrimination. It may also be linked with article 18 (freedom of thought, conscience and religion) in so far as it deals with attacks on religious grounds.

Issues addressed under in this article include:

- Legislation criminalising incitement to national, racial or religious hatred
- Racist motivation as an aggravating factor in offences
- Leniency of sentences for hate crimes and low number of prosecutions
- Combating hate speech in the media
- Measures to counter the spread of racism and xenophobia via the internet and in sports.
- Responses to religious or racially motivated attacks on places of worship (article 18)
- Protection of places of worship belonging to minorities and safe access to these (articles 18 and 19)

Article 21 (Freedom of Assembly)

The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others.

This article is commonly linked with article 19 (freedom of expression) as this right may be seen as a manifestation of freedom of expression and with article 22 (freedom of association) as the right to assembly is necessary for the effective exercise of the right to association, particularly where this concerns trade unions and the right to strike.

Issues addressed under in this article include:

- Restrictions on the freedom to assembly
 - Criteria for declaring a meeting illegal or a threat to public security
- Measures to guarantee the right to assembly to all those in the territory or jurisdiction of the

- State (including migrant workers)
- Conditions for the authorisation of a public assembly
 - Remedies if authorisation is refused
 - Statistics on the number of refusals and reasons for the refusal
- Prevention of the use of excessive force by law enforcement personnel when dispersing assemblies
- Statistics on penalties and arrests for holding unauthorised meetings

Article 22 (Freedom of Association)

1. Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests.

2. No restrictions may be placed on the exercise of this right other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others. This article shall not prevent the imposition of lawful restrictions on members of the armed forces and of the police in their exercise of this right.

3. Nothing in this article shall authorize States Parties to the International Labour Organisation Convention of 1948 concerning Freedom of Association and Protection of the Right to Organize to take legislative measures which would prejudice, or to apply the law in such a manner as to prejudice, the guarantees provided for in that Convention.

This article is often associated with articles 19 (freedom of expression) and 21 (freedom of assembly) as those rights are necessary if the right to form and join associations is to have its full force.

Issues addressed under in this article include:

- Legislation on freedom of association
 - Impact of counter-terrorism legislation on the freedom of association
- Requirements or restrictions on the recognition of associations, including political parties
 - Refusal to register certain types of organisations, such as human rights associations or political parties (article 25)
 - Appeal on refusals to register an organisation
 - Penalties imposed on members of prohibited organisations
 - Statistics on applications, refusals and reasons for the refusal of applications
- Trade Unions
 - Legislative guarantees of the right to strike
 - Attacks and threats to members of trade unions
 - Restrictions on forming and joining trade unions for certain categories of workers
 - Percentage of the workforce belonging to a trade union
 - Institutional frameworks for recognising unions and collective bargaining
- Exclusion of human rights organisations from discussions and decisions on welfare and human rights policy
- Measures to ensure the right to association to all those within the State
 - Restrictions on immigrant workers, undocumented workers or other groups
- Financial or other controls on NGOs

Article 23 (Right to a Family)

- 1. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.*
- 2. The right of men and women of marriageable age to marry and to found a family shall be recognized.*
- 3. No marriage shall be entered into without the free and full consent of the intending spouses.*
- 4. States Parties to the present Covenant shall take appropriate steps to ensure equality of rights and responsibilities of spouses as to marriage, during marriage and at its dissolution. In the case of dissolution, provision shall be made for the necessary protection of any children.*

This article is often linked with article 24 (rights of the child) as family life inevitably has an impact on the child. It is also linked with article 3 (equal rights of men and women) particularly paragraphs 3 and 4 as these reiterate the equality of spouses in a marriage.

Issues addressed under in this article include:

- Legislation discriminating between spouses
 - Right to choose the place of residence
 - Guardianship of the woman by the husband
 - Equal right of parents to claim child benefits
- Transmission of nationality to children
- Minimum age for marriage, including differences for men and women, or for foreigners
- Forced marriages
- Polygamy
- Religious ministers authorised to perform civil weddings, and religious ceremonies recognised as weddings (article 18)
- Restrictions on family reunification, including for families of immigrants
- Domestic violence (linked with articles 3 and 7)
- Status and activities of courts specialising in family law

Article 24 (Rights of the Child)

- 1. Every child shall have, without any discrimination as to race, colour, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as are required by his status as a minor, on the part of his family, society and the State.*
- 2. Every child shall be registered immediately after birth and shall have a name.*
- 3. Every child has the right to acquire a nationality.*

This article is associated at times with a wide range of articles, but most commonly with articles 2 (non-discrimination), 3 (equal rights of men and women) and 26 (equality before the law) as this article reiterates the principle of non-discrimination. It is also often associated with article 23 (right to a family) as the rights of the child are intimately associated with family life.

Issues addressed under in this article include:

- Child Labour
 - Military recruitment
- Violence and abuse
 - Sexual abuse and exploitation
 - Rehabilitation facilities for abused children

- Corporal punishment
- Minimum age for sexual consent and child marriages
- Acquisition of nationality
 - Transmission from parents
 - Birth registration for all (article 16)
 - Measures to prevent statelessness
- Discrimination against children born out of wedlock
- Measures to ensure compliance with child support decisions and to protect children when support is not provided
- Children of minorities
 - Opportunities to receive education in of their language and about their culture
 - Roma in schools intended for children with mental disabilities
- Extrajudicial executions of street children (article 6)
- Treatment and return of unaccompanied minors entering the State
- Children in immigration detention (articles 9 and 13)
- Provisions for school attendance for refugee children or those awaiting refugee status
- Juvenile Justice System (article 14)
 - Length of pre-trial detention (articles 9 and 10)
 - Legal aid
 - Age of criminal responsibility
 - Separation from adults in detention
 - Investigations into ill-treatment and deaths in detention (articles 6, 7, and 10)
 - Disciplinary measures in detention (articles 7 and 10)
 - Life sentences without the possibility of parole
- Trafficking (article 8)
- Provision of child benefits to low income families
- Infant mortality rate
- Gender based inequalities in the education system
- Street children
- Measures to prevent the removal of children to third jurisdictions by parents or guardians in order to be subjected to practices otherwise contrary to their rights under the Covenant
- Return and reintegration of abducted children (article 8)

Article 25 (Electoral Rights)

Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions:

- (a) To take part in the conduct of public affairs, directly or through freely chosen representatives;*
- (b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;*
- (c) To have access, on general terms of equality, to public service in his country.*

This article is frequently linked with articles 2 (non-discrimination), 3 (equal rights of men and women), 26 (equality before the law) and 27 (rights of minorities) since the majority of the issues raised concern inequalities in the exercise of the rights mentioned in this article.

Issues addressed under in this article include:

- Participation of women in public life (article 3)
- Representation of minorities in public life (article 27)
- Representation of persons with disabilities in public life
- Right of convicted persons to vote and be elected

- Measures to ensure free and fair elections
 - Control of funding (public or private) for political parties
 - Equal access to the media (article 19)
 - Independent investigations into irregularities in elections
 - Violence against members of political parties
 - Registration of political parties/prohibition of certain parties (article 22)
- Use of minority languages in government and administration (article 27)
- Need for fluency in the majority language to access or be employed in public services (article 27)
- Acquisition of right to vote by foreigners
- Special voting arrangements for hospitalized, homebound or imprisoned citizens or citizens temporarily living abroad

Article 26 (Equality before the Law)

All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

This article is linked with a wide range of other articles, but most commonly with articles 2 (non-discrimination) and 3 (equal rights of men and women) and these three articles are often mentioned together when dealing with discrimination. The three articles differ slightly in their scope and implications: article 3 is limited to discrimination on grounds of gender; article 2 only covers the rights guaranteed in the Covenant, but requires positive measures to guarantee these rights as well as respect for them without discrimination; and article 26 requires an protection against any discrimination (not limited to the rights in the Covenant), but does not include the positive aspects of the other two articles. **General Comment 18** lays out the connections and differences between these and the other provisions dealing with non-discrimination as well as providing the HR Committee's working definition of discrimination.

It is linked with a wide range of other articles reflecting the different areas in which discrimination is faced.

Issues addressed under in this article include:

- Legislation on discrimination
- Legislation allowing discrimination or exceptions to the prohibition on discrimination
- Effective implementation of non-discrimination legislation and measures to combat discriminatory attitudes
- Discriminatory attitudes and stereotypes
- Discrimination, including against women, under customary law
- Traditional, historical, cultural and religious practices prevent the implementation of the Covenant
- Effective remedies for discrimination
- Specific groups mentioned as suffering discrimination:
 - Women (article 3)
 - Homosexuals
 - Persons with disabilities
 - Minorities (article 27)
 - Indigenous peoples (article 27)
 - Foreigners, immigrants and non citizens (article 13)
 - Citizens of foreign origin
 - Those living in the street, particularly street children (article 24)
 - Children born out of wedlock (article 24)

- Refugees and asylum seekers (articles 12 and 13)
- Internally displaced persons (article 12)
- Persons from minority religions (article 18)
- A wide range of specific rights and areas in which discrimination may occur are mentioned, including:
 - Representation in government (article 25)
 - Employment, including equal pay for equal work
 - Access to justice (article 14)
 - Education, including attendance, achievement and relevance of the syllabus (articles 3, 24 and 27)
 - Acquiring and transmitting nationality (articles 16 and 24)
 - Standard of living, including access to housing
 - Immigration laws and naturalisation (article 13)
 - Ability to acquire personal identification necessary for the exercise of rights (article 16)
 - Access to services
 - Equality in contracting, during and at separation of marriages
 - Requirement of fluency in the majority or official language to access services and be elected (articles 25 and 27)
 - Punitive nature of alternatives to military service (article 18)
- Discriminatory behaviour by law enforcement personnel, including violence, ill-treatment or extrajudicial executions targeting certain groups (articles 6, 7 and 10)
- Sexual harassment
- Domestic violence (articles 3, 6, 7)

Article 27 (Rights of Minorities)

In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.

Article 27 may be linked with a wide range of articles, but most commonly with articles 2 (non-discrimination) and 26 (equality before the law) as minorities often face discrimination and 25 (electoral rights) for the issues around representation and access to services.

Issues addressed under in this article include:

- General statistical information on the population, showing the existence of minorities
- Provisions ensuring the rights of minorities
- Minority languages (article 25)
 - Translation of official documents
 - Use in local administration
 - The necessity of fluency in the majority language for election to office
 - Availability of teaching (including textbooks) in minority languages (article 24)
 - Teaching of minority languages as a second language
- Inclusion of minority cultures and history in the education syllabus (article 24)
- Representation of minorities in governing and administrative bodies (article 25)
- Land rights of indigenous peoples, including compensation for displacement (article 1)
- Acquisition of nationality for all those born on its territory (articles 16 and 24)
- Discrimination, including by law enforcement personnel and in employment