

International Human Rights

International Human Rights

Law, Policy, and Process

FIFTH EDITION

David Weissbrodt

FREDRIKSON & BYRON PROFESSOR OF LAW
UNIVERSITY OF MINNESOTA
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Jena Martin

PROFESSOR
WEST VIRGINIA UNIVERSITY
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Preface to the 5th Edition

The aim of this casebook is to bridge the gap between the feelings evoked by witnessing the plights of humanity and the law that can help bring about positive changes for affected communities or individuals. To that end, we have made some significant changes for the 5th edition of the casebook. Chief among them is the organizational changes outlined below. We hope that by updating the organization of the casebook in this way, students can see how human rights theory (discussed in Section I) permeates the entirety of the International Human Right Law (IHRL) framework. We also hope that by providing an overview of select human rights, students can better understand the specific application of human rights law and principles across a multitude of issues.

Organization of the Book

This book proceeds in five sections:

- Section I, entitled “A Brief History of Human Rights Thought,” provides an overview of many of the issues and concepts that have defined the human rights debate.
- In Section II, we move from the theoretical to the practical, focusing on the sources of IHRL.
- In Section III of this casebook, we move on to the issue of enforcement, discussing United Nations and regional mechanisms that are used to implement and enforce IHRL.
- Section IV—which takes up the bulk of this casebook—focuses on select human rights and how they are discussed and enforced in IHRL. Among the topics we discuss are the right to life (Chapter 12), the right to water (Chapter 15) and the protection of particularly vulnerable groups, including children (Chapter 20) and minorities (Chapter 19).
- Finally, in Section V, we discuss “International Human Rights Law at the Crossroads,” examining ways in which IHRL intersects with other fields of international law, including labor law (Chapter 23), criminal law (Chapter 22), and the growing field of business and human rights (BHR) (Chapter 24).

A Note on the Layout of the Book

There are three distinctive features of this casebook that we believe will enable you to consider and understand human rights norms as quickly and efficiently as possible.

First, in order to help guide and focus your reading, each Chapter begins with Student Learning Objectives—that is, essential information that we hope the material will help illuminate. We also think the student learning objectives provide a good conceptual framework to help you as you outline for the course, enabling you to home in on the most important points.

Second, at the beginning of most Chapters, we provide you with a “Framing the Problem” scenario—a hypothetical that, we think, captures many of the salient issues that we will discuss in that Chapter. Think of these scenarios as the source material for a typical law school exam, except—in this instance—the materials guide you to the answer. In this way, the “Framing the Problems”: (1) make esoteric concepts concrete; and (2) assess how well you can spot some of the legal challenges that arise in IHRL. We strove to make the Framing the Problems realistic, basing them on real-life examples that we have encountered in our research or practice. In this way, we hope to give you a realistic understanding of the issues lawyers face in this practice area.

Finally, we have added Chapter summaries at the end of most Chapters to help you catch, at a glance, the key points from that Chapter. The summaries **should not be used as a substitute for reading the Chapter**. Many of the concepts that we discuss in detail in the readings will fall flat if you have not done the work of reading the Chapter first. Rather, think of the Chapter summaries as a quick self-assessment and memory aide, to see if what you thought you needed to take away from the active learning process aligns with the summaries.

One editorial point: You will notice both footnotes and endnotes in the casebook. The endnotes are citations to our research or our expressed opinions, while the footnotes are part of excerpted material that we felt should not be cut from the original material.

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We trace the origins of this book to the first seminar on international human rights offered at the University of California Law School, Berkeley, during the summer of 1968. Thomas Buergethal, Frank Newman, Egon Schwelb, and Karel Vasak co-taught the course. Several of the participants became law teachers, including Dinah Shelton and Jon Van Dyke.

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Something happened on the way to publishing this current edition—namely, the global COVID-19 pandemic that upended our final production schedule and caused so much fear and uncertainty. Despite these challenges, we had the opportunity to have Professor Martin’s Spring 2020 and Fall 2020 international human rights students “field test” this book by using it in class. The students provided us with valuable comments and feedback, both individually and in focus groups. Thanks to their enthusiasm, engagement, and thoughtfulness, we now have an even better book. For their assistance, we are incredibly grateful to: Isabella Anderson, Rachel Armstrong, Peri Bailey, Abigail Cadle, Eliza Cercone, Andrew Cook, Steven Davis, Daja Elliot, Alexa Fox, Darwin Harris, Andrew Higgins, Courtney Hill, Dylan Hughes, Mackenzie Iverson, Jaylin Johnson, Gabrielle Karr, Jennifer Kenel, Eric Lasky, Brianna Light, Matthew Miller, Colton Murphy, Krista Rearick, Jess Reed, Kendra Ricer, Isa-

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David Weissbrodt and Jena Martin
December 2020

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List of Acronyms

AU	African Union (Ch. 9, Ch. 11)
BHR	Business and Human Rights (Ch. 24)
CAT	Committee against Torture (Ch. 7, Ch. 16)
CED	Committee on Enforced Disappearances (Ch. 7)
CEDAW	refers to both the Convention and the Committee for the Elimination of Discrimination against Women (Ch. 7, Ch. 18) all Chapters where acronym is used regardless of context: (Ch. 2, 9, 12, 18, 23)
CERD	Committee on the Elimination of all Forms of Racial Discrimination (Ch. 7, Ch. 13, Ch. 19)
CESCR	Committee on Economic, Social and Cultural Rights (Ch. 7, Ch. 14, Ch. 15, Ch. 18)
CMW	Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families (Ch. 7)
CRC	refers to both the Convention and Committee on the Rights of the Child (Ch. 7, Ch. 12, Ch. 20)
CRPD	Committee on the Rights of Persons with Disabilities (Ch. 7)
CSW	The Commission on the Status of Women (Ch. 7)
ECHR	European Court of Human Rights (Ch. 10, Ch. 19, Ch. 23)
ECJ	European Court of Justice (Ch. 11)
ECOSOC	The United Nations Economic and Social Council (Ch. 8)
EU	European Union (Ch. 11)
FAO	The Food and Agriculture Organization (Ch. 7, Ch. 15)
FGM	Female Genital Mutilation (Ch. 3, Ch.9)
IACHR	The Inter-American Commission on Human Rights (Ch. 89)
IACtHR	The Inter-American Court of Human Rights (Ch. 8)
ICCPR	International Covenant on Civil and Political Rights (Ch. 2, Ch. 6, Ch. 7, Ch. 11, Ch. 13, Ch. 16 Ch. 17, Ch. 18, Ch. 19, Ch. 23)
ICC	International Criminal Court (Ch. 7, 9, Ch. 11, Ch. 22)
ICERD	International Convention on the Elimination of all Forms of Racial Discrimination (Ch 2., Ch. 6, Ch. 13, Ch. 19)

ICESCR	International Covenant on Economic, Social and Cultural Rights (Ch. 2, Ch. 5, Ch. 6, Ch. 14, Ch. 15, Ch. 17, Ch. 23)
ICJ	The International Court of Justice (Ch. 7, Ch. 12) (“ICJ” may also refer to the NGO the International Commission of Jurists)
ICRC	International Committee of the Red Cross (found in Ch. 1, Ch. 21)
ICTR	International Criminal Tribunal for Rwanda (Ch. 7, Ch. 22)
ICTY	International Criminal Tribunal for the former Yugoslavia (Ch. 7, Ch. 22)
IHRL	International Human Rights Law (in passim)
ILO	The International Labor Organization (Ch. 6, Ch. 7, Ch. 17, Ch. 20, Ch. 23, Ch. 24)
IMF	The International Monetary Fund (Ch. 7, Ch. 9)
IMT	Charter of the International Military Tribunal (Ch. 22)
IMTFE	International Military Tribunal for the Far East (Ch. 22)
IRMCT	International Residual Mechanism for Criminal Tribunals (Ch. 22)
NGO	Non-governmental Organizations (Ch. 1, Ch. 7, Ch. 9, Ch. 11)
NLRA	National Labor Relations Act (Ch. 11, Ch. 23)
NLRB	National Labor Relations Board (Ch. 11, Ch. 23)
OAU	Organization of African Unity (Ch. 9)
OAS	Organization of American States (Ch. 8, Ch. 17, Ch. 23)
OECD	Organization for Economic Cooperation and Development (Ch. 24)
OHCHR	UN Office of the High Commissioner for Human Rights (Ch. 6, Ch. 7, Ch. 20)
OSCE	Organization for Security and Cooperation in Europe (Ch. 10)
SDG	Sustainable Development Goals (Ch. 9)
SPT	Subcommittee on the Prevention of Torture (Ch. 7)
TRC	Truth and Reconciliation Commission (Ch. 22)
TVPA	may refer to the Torture Victims Protection Act (Ch.11) or the Trafficking Victims Protection Act (Ch. 23)
UDHR	Universal Declaration of Human Rights (Ch. 2, Ch. 6, Ch. 12)
UNCAT	United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Ch. 16)
UNESCO	UN Educational, Scientific and Cultural Organization (Ch. 7)
UNHCR	UN High Commissioner for Refugees (Ch. 7, Ch. 18)
UNICEF	the United Nations Children’s Fund (Ch. 7, Ch. 14, Ch. 15, Ch. 20)
WHO	the World Health Organization (Ch. 7, Ch. 14, Ch. 15)
WTO	World Trade Organization (Ch. 7, Ch. 9, Ch. 14)

Tables of Select Treaties

Table of International Human Rights Treaties & Other Relevant Instruments (Organized by Adoption Date)

FOUNDING CHARTERS		
TREATY NAME	DATE ADOPTED	ENTRY INTO FORCE
Charter of the United Nations (and Statute of the International Court of Justice)	June 26, 1945	October 24, 1945
Charter of the Organization of American States	April 30, 1948	December 13, 1951
Statute of the Council of Europe ("The Treaty of London")	May 5, 1949	August 3, 1949
Constitutive Act of the African Union	November 7, 2000	May 26, 2001

NO. STATES PARTIES (MAY 2020)	IS THE U.S. A STATE PARTY?	MAIN PURPOSE(S)
193	Yes (August 8, 1945)	Treaty establishing the United Nations. The UN's goals include "to reaffirm faith in fundamental human rights" (preamble). Also established the International Court of Justice for interstate legal disputes.
35*	Yes (June 15, 1951)	Treaty establishing the Organization of American States. Its goals include for member States to "proclaim the fundamental rights of the individual without distinction as to race, nationality, creed, or sex" (Article 3(1)).
47	No	Treaty establishing the Council of Europe. Its goals include to promote economic and social progress through "the maintenance and further realisation of human rights and fundamental freedoms" (Article 1(b)).
55	No	Treaty establishing the African Union as the successor body to the Organisation of African Union; preamble establishes that member states are "DETERMINED to promote and protect human and peoples' rights."

*Although Venezuelan President Nicolas Maduro denounced the OAS Charter in 2017, the OAS refused to recognize his new term in 2019, citing an unfair and corrupted electoral process. As of publication of this volume, the OAS recognizes Juan Guáido as the legitimate interim President of Venezuela and accepted his withdrawal of the denunciation in February 2019. As of May 2020, the OAS still considers Venezuela to be a member state.

CORE HUMAN RIGHTS TREATIES		
TREATY NAME	DATE ADOPTED	ENTRY INTO FORCE
International Convention on the Elimination of All Forms of Racial Discrimination	December 21, 1965	January 4, 1969
International Covenant on Civil and Political Rights	December 16, 1966	March 23, 1976
International Covenant on Economic, Social and Cultural Rights	December 16, 1966	January 3, 1976

NO. STATES PARTIES (MAY 2020)	IS THE U.S. A STATE PARTY?	MAIN PURPOSE(S)
182	Yes (October 21, 1994)	<p>“1. States Parties condemn racial discrimination and undertake to pursue by all appropriate means and without delay a policy of eliminating racial discrimination in all its forms and promoting understanding among all races, . . .</p> <p>2. States Parties shall, when the circumstances so warrant, take, in the social, economic, cultural and other fields, special and concrete measures to ensure the adequate development and protection of certain racial groups or individuals belonging to them, for the purpose of guaranteeing them the full and equal enjoyment of human rights and fundamental freedoms” (Article 2).</p>
173	Yes (June 8, 1992)	Treaty establishing key civil and political protections, including freedoms of speech and assembly; freedom from arbitrary deprivation of life; the right to due process of law; and prohibitions on discrimination on the basis of “race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status” (Article 2(1)).
170	No	Treaty establishing key economic, social, and cultural protections and entitlements, such as: the right to work; the right to an adequate standard of living; the right to food; the right to the highest attainable standard of health; the right to education; and the right to participate in cultural life. All rights in the treaty must be upheld with no discrimination on the basis of “race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status” (Article 2(1)).

CORE HUMAN RIGHTS TREATIES (CONTINUED)		
TREATY NAME	DATE ADOPTED	ENTRY INTO FORCE
Convention on the Elimination of All Forms of Discrimination Against Women	December 18, 1979	September 3, 1981
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	December 10, 1984	June 26, 1987

NO. STATES PARTIES (MAY 2020)	IS THE U.S. A STATE PARTY?	MAIN PURPOSE(S)
189	No	<p>“States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women” (Article 2); “States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women , for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men” (Article 3).</p>
169	Yes (October 21, 1994)	<p>“1. Each State Party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction.</p> <p>2. No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture.</p> <p>3. An order from a superior officer or a public authority may not be invoked as a justification of torture” (Article 2).</p>

CORE HUMAN RIGHTS TREATIES (CONTINUED)		
TREATY NAME	DATE ADOPTED	ENTRY INTO FORCE
Convention on the Rights of the Child	November 20, 1989	September 2, 1990
International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	December 18, 1990	July 1, 2003
Convention on the Rights of Persons with Disabilities	December 13, 2006	May 3, 2008

NO. STATES PARTIES (MAY 2020)	IS THE U.S. A STATE PARTY?	MAIN PURPOSE(S)
196	No	<p>“1. States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child’s or his or her parent’s or legal guardian’s race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.</p> <p>2. States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child’s parents, legal guardians, or family members” (Article 2).</p>
55	No	Treaty establishing, expanding, or reaffirming key rights protections for migrant workers, including: the right to life; freedom of movement; freedom from slavery or forced labor; freedom of expression; the right to due process; and freedom from discrimination.
181	No	<p>“The purpose of the present Convention is to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity.</p> <p>Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others” (Article 1).</p>

CORE HUMAN RIGHTS TREATIES (CONTINUED)		
TREATY NAME	DATE ADOPTED	ENTRY INTO FORCE
International Convention for the Protection of All Persons from Enforced Disappearance	December 20, 2006	December 23, 2010
PROTOCOLS TO THE CORE HUMAN RIGHTS TREATIES		
TREATY NAME	DATE ADOPTED	ENTRY INTO FORCE
Optional Protocol to the International Covenant on Civil and Political Rights	December 16, 1966	March 23, 1976
Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty	December 15, 1989	July 11, 1991
Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women	October 6, 1999	December 22, 2000
Optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict	May 25, 2000	February 12, 2002

NO. STATES PARTIES (MAY 2020)	IS THE U.S. A STATE PARTY?	MAIN PURPOSE(S)
62	No	Treaty establishing and expanding on international legal prohibitions on enforced disappearances of persons, with “enforced disappearance” defined as “the arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law” (Article 2).

NO. STATES PARTIES (MAY 2020)	IS THE U.S. A STATE PARTY?	MAIN PURPOSE(S)
116	No	Protocol establishing an individual complaint mechanism for alleged violations of the International Covenant on Civil and Political Rights.
88	No	Protocol to the International Covenant on Civil and Political Rights with the goal of abolishing the use of the death penalty.
114	No	Protocol establishing an individual complaint mechanism for alleged violations of the Convention on the Elimination of All Forms of Discrimination Against Women.
170	Yes (December 23, 2002)	Protocol to the Convention on the Rights of the Child expanding existing prohibitions on the recruitment and use of child soldiers, including by increasing the minimum age of military recruitment above that established in the Convention.

PROTOCOLS TO THE CORE HUMAN RIGHTS TREATIES (CONTINUED)		
TREATY NAME	DATE ADOPTED	ENTRY INTO FORCE
Optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography	May 25, 2000	January 18, 2002
Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	December 18, 2002	June 22, 2006
Optional Protocol to the Convention on the Rights of Persons with Disabilities	December 13, 2006	May 3, 2008
Optional Protocol to the Covenant on Economic, Social and Cultural Rights	December 10, 2008	May 5, 2013
Optional Protocol to the Convention on the Rights of the Child on a communications procedure	December 19, 2011	April 14, 2014

NO. STATES PARTIES (MAY 2020)	IS THE U.S. A STATE PARTY?	MAIN PURPOSE(S)
175	Yes (December 23, 2002)	Protocol to the Convention on the Rights of the Child expanding existing prohibitions on the sale or sexual exploitation of children.
90	No	Protocol to Convention Against Torture “to establish a system of regular visits undertaken by independent international and national bodies to places where people are deprived of their liberty, in order to prevent torture and other cruel, inhuman or degrading treatment or punishment” (Article 1).
96	No	Protocol to the Convention on the Rights of Persons with Disabilities establishing an individual complaint mechanism for alleged violations of the Convention.
24	No	Protocol to the Covenant on Economic, Social and Cultural Rights establishing an individual complaint mechanism for alleged violations of the Covenant.
46	No	Protocol to the Convention on the Rights of the Child establishing an individual complaint mechanism for alleged violations of the Convention.

SELECTED REGIONAL TREATIES & PROTOCOLS		
TREATY NAME	DATE ADOPTED	ENTRY INTO FORCE
European Convention on Human Rights ("Convention for the Protection of Human Rights and Fundamental Freedoms")	November 4, 1950	September 3, 1953
American Convention on Human Rights	November 22, 1969	July 18, 1978
African Charter on Human and Peoples' Rights ("Banjul Charter")	June 27, 1981	October 21, 1986

NO. STATES PARTIES (MAY 2020)	IS THE U.S. A STATE PARTY?	MAIN PURPOSE(S)
47	No	Council of Europe treaty establishing regional protections for civil and political rights, including: the right to life; prohibitions on torture, slavery, and forced labor; right to due process of law; freedom of thought, conscience, and religion; and prohibitions on discrimination. Also established the European Court of Human Rights.
25	No	Organization of American States treaty establishing regional protections for a number of rights, including: the right to life; the right to humane treatment; freedom from slavery; fair trial rights; the right to privacy; freedoms of conscience, religion, thought, and expression; the right to development; and prohibitions on discrimination. Also established the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights.
54	No	Organization of African Unity treaty (now the African Union) establishing key regional protections for a number of rights, including: equality before the law; the right to life; freedom from slavery, torture, and other ill treatment; the right to liberty and security of the person; the right to due process of law; freedom of conscience and religion; the right to education; the right to cultural participation; the right of peoples to self-determination; and the right to development. Also established the African Commission on Human and Peoples' Rights.

SELECTED REGIONAL TREATIES & PROTOCOLS (CONTINUED)		
TREATY NAME	DATE ADOPTED	ENTRY INTO FORCE
Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights (“Protocol of San Salvador”)	November 17, 1988	November 16, 1999
African Charter on the Rights and Welfare of the Child	July 1, 1990	November 29, 1999
European Social Charter (Revised)	May 3, 1996	July 1, 1999
Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa (“Maputo Protocol”)	July 1, 2003	November 25, 2005

NO. STATES PARTIES (MAY 2020)	IS THE U.S. A STATE PARTY?	MAIN PURPOSE(S)
16	No	Protocol to the American Convention on Human Rights establishing regional protections for key economic, social, and cultural rights, including: the right to work; the right to adequate working conditions; trade union rights; the right to health; the right to food; the right to education; and the right to cultural participation.
49	No	Organization of African Unity treaty (now the African Union) expanding or further articulating regional protections for children (defined as anyone under the age of 18), including: the rights to life and development; freedoms of association, expression, thought, conscience, and religion; the right to privacy; the right to education; the rights to recreation and leisure; the right to health; due process rights in juvenile justice; and protection against harmful cultural and social practices.
34	No	Council of Europe treaty replacing the initial European Social Charter of 1961, establishing key regional protections for economic, social, and cultural rights, including: labor and workers' rights (right to work, safe working conditions, fair compensation, right to collective bargaining, etc.); the right to health; the right to social security; protections for migrant laborers; and the right to housing.
42	No	Protocol to the African Charter on Human and Peoples' Rights establishing that "States Parties shall combat all forms of discrimination against women through appropriate legislative, institutional and other measures" (Article 1).

OTHER TREATIES RELATED TO HUMAN RIGHTS		
TREATY NAME	DATE ADOPTED	ENTRY INTO FORCE
The Hague Convention: Convention (II) with Respect to the Laws and Customs of War on Land and its annex: Regulations concerning the Laws and Customs of War on Land.	July 29, 1899	September 4, 1900
The Hague Convention: Convention (IV) respecting the Laws and Customs of War on Land and its annex: Regulations concerning the Laws and Customs of War on Land.	October 18, 1907	January 26, 1910
ILO Convention No. 87: Freedom of Association and Protection of the Right to Organise Convention	July 9, 1948	July 4, 1950
Convention on the Prevention and Punishment of the Crime of Genocide (“Genocide Convention”)	December 9, 1948	January 12, 1951
ILO Convention No. 98: Right to Organise and Collective Bargaining Convention	July 1, 1949	July 18, 1951

NO. STATES PARTIES (MAY 2020)	IS THE U.S. A STATE PARTY?	MAIN PURPOSE(S)
51	Yes (April 9, 1902)	International treaty aimed at regulating the means and methods of warfare so as to minimize human suffering in the event of armed conflict.
38	Yes (November 27, 1909)	International treaty aimed at regulating the means and methods of warfare so as to minimize human suffering in the event of armed conflict.
155	No	Treaty of the International Labour Organisation establishing protections for workers' rights to freedom of association and the right to organize.
152	Yes (November 25, 1988)	International treaty outlawing the crime of genocide, which it defines as "any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: (a) Killing members of the group; (b) Causing serious bodily or mental harm to members of the group; (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) Imposing measures intended to prevent births within the group; (e) Forcibly transferring children of the group to another group" (Article II).
167	No	Treaty of the International Labour Organisation establishing key protections for workers' rights to organize and undertake collective bargaining with employers.

OTHER TREATIES RELATED TO HUMAN RIGHTS (CONTINUED)		
TREATY NAME	DATE ADOPTED	ENTRY INTO FORCE
Geneva Convention I: Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field	August 12, 1949	October 21, 1950
Geneva Convention II: Convention (II) for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea	August 12, 1949	October 21, 1950
Geneva Convention III: Convention (III) relative to the Treatment of Prisoners of War	August 12, 1949	October 21, 1950
Geneva Convention IV: Convention (IV) relative to the Protection of Civilian Persons in Time of War	August 12, 1949	October 21, 1950
Convention Relating to the Status of Refugees (“1951 Refugee Convention”)	July 28, 1951	April 22, 1954
Convention relating to the Status of Stateless Persons	September 28, 1954	June 6, 1960
ILO Convention No. 111: Discrimination (Employment and Occupation) Convention	June 25, 1958	June 15, 1960

NO. STATES PARTIES (MAY 2020)	IS THE U.S. A STATE PARTY?	MAIN PURPOSE(S)
196	Yes	International treaty establishing protections for members of armed forces on land who are wounded or become ill in the context of armed conflict; also provides for protection of medical personnel tending to the wounded and sick.
196	Yes	International treaty establishing protections for members of armed forces at sea who are wounded or become ill in the context of armed conflict; also provides for protection of medical personnel tending to the wounded and sick.
196	Yes	International treaty establishing protections for prisoners of war, including standards of humane treatment, access to medical care, and detention conditions.
196	Yes	International treaty establishing protections for civilians and other non-combatants during armed conflict.
146	No	International treaty establishing protections for refugees, as well as establishing the international legal definition of the term “refugee.”
94	No	International treaty establishing protections for stateless persons, defined as people who are “not considered as a national by any State under the operation of its law.”
175	No	Treaty of the International Labour Organisation establishing key protections against employment and occupational discrimination.

OTHER TREATIES RELATED TO HUMAN RIGHTS (CONTINUED)		
TREATY NAME	DATE ADOPTED	ENTRY INTO FORCE
ILO Convention No. 138: Minimum Age Convention	June 26, 1973	June 19, 1976
Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I)	June 8, 1977	December 7, 1978
Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II)	June 8, 1977	December 7, 1978
International Convention for the Suppression of Terrorist Bombing	December 15, 1997	May 23, 2001
Rome Statute of the International Criminal Court	July 17, 1998	July 1, 2002

NO. STATES PARTIES (MAY 2020)	IS THE U.S. A STATE PARTY?	MAIN PURPOSE(S)
172	No	Treaty of the International Labour Organisation establishing minimum age standards for work, calling on States Parties to “pursue a national policy designed to ensure the effective abolition of child labour and to raise progressively the minimum age for admission to employment or work to a level consistent with the fullest physical and mental development of young persons” (Article 1).
174	No	Protocol to the Geneva Conventions of 1949 extending protections to civilian medical personnel and assets, as well as expanding civilian protections and providing new definitions for “armed forces.” Also establishes that armed conflicts involving anticolonial struggles are to be considered international in nature.
169	No	Protocol to the Geneva Conventions of 1949 extending the Conventions’ international armed conflict protections to conflicts of a non-international nature (e.g., civil wars).
170	Yes (June 26, 2002)	International treaty obliging States Parties to take measures to prevent and punish terrorist bombings of an international nature.
123	No	International treaty establishing the International Criminal Court at The Hague, which has jurisdiction over the following international crimes: war crimes, crimes against humanity, genocide, and aggression (the latter as agreed to by States Parties’ amendment of Dec. 14, 2017).

OTHER TREATIES RELATED TO HUMAN RIGHTS (CONTINUED)		
TREATY NAME	DATE ADOPTED	ENTRY INTO FORCE
ILO Convention No. 182: Worst Forms of Child Labour Convention	June 17, 1999	November 19, 2000
International Convention for the Suppression of the Financing of Terrorism	December 9, 1999	April 10, 2002
Convention Against Transnational Organized Crime	November 15, 2000	September 29, 2003
Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime	November 15, 2000	December 25, 2003
Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III)	December 8, 2005	January 14, 2007

NO. STATES PARTIES (MAY 2020)	IS THE U.S. A STATE PARTY?	MAIN PURPOSE(S)
186	Yes (December 2, 1999)	Treaty of the International Labour Organisation requiring States Parties to “take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour.” The treaty’s definition of “worst forms of child labour” includes slavery, prostitution, and drug production and trafficking.
189	Yes (June 26, 2002)	International treaty aimed at preventing and punishing the financing of terrorist actions of an international nature.
190	Yes (November 3, 2005)	International treaty aimed at preventing and punishing organized criminal activities which cross international borders.
176	Yes (November 3, 2005)	Protocol to the Convention Against Transnational Organized Crime establishing or further articulating prohibitions against trafficking, including the first international legal definition of “trafficking in persons.”
77	Yes (March 8, 2007)	Protocol to the Geneva Conventions of 1949 establishing an additional emblem of the “red crystal” as a culturally and politically neutral symbol that can be utilized by people and organizations authorized to display the red cross or red crescent by the Geneva Conventions.

SELECTED NON-TREATY INSTRUMENTS	
INSTRUMENT NAME	DATE ADOPTED
American Declaration of the Rights and Duties of Man	May 2, 1948
Universal Declaration of Human Rights	December 10, 1948
Standard Minimum Rules for the Treatment of Prisoners	July 31, 1957/ May 13, 1977
Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment	December 9, 1988
Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions	May 24, 1989
Basic Principles on the Use of Force and Firearms by Law Enforcement Officials	August 27– September 7, 1990
United Nations Basic Principles for the Treatment of Prisoners	December 14, 1990
Statute of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991	May 25, 1993
Vienna Declaration, World Conference on Human Rights	June 25, 1993
Declaration on the Elimination of Violence against Women	December 20, 1993
United Nations Declaration on the Elimination of Violence against Women	December 20, 1993
Statute of the International Tribunal for Rwanda	November 8, 1994
Beijing Declaration and Platform for Action, Fourth World Conference on Women	September 15, 1995

SELECTED NON-TREATY INSTRUMENTS	
INSTRUMENT NAME	DATE ADOPTED
Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedom	December 9, 1998
United Nations Millennium Declaration	September 8, 2000
World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance, Programme of Action	September 8, 2001
The Yogyakarta Principles on the Application of International Human Rights Law in relation to Sexual Orientation and Gender Identity	November 9, 2006
United Nations Declaration on the Rights of Indigenous Peoples	September 13, 2007
United Nations Declaration on Human Rights Education and Training	December 19, 2011
ASEAN Human Rights Declaration	November 18, 2012
United Nations Sustainable Development Goals (“Transforming our world: the 2030 Agenda for Sustainable Development”)	September 25, 2015
Additional Principles and State Obligations on the Application of International Human Rights Law in Relation to Sexual Orientation, Gender Identity, Gender Expression and Sex Characteristics to Complement the Yogyakarta Principles (“The Yogyakarta Principles plus 10”)	November 10, 2017

Introduction

The term “human rights” is a familiar expression, one that is widely used and debated. Many people invoke human rights, but often misunderstand them. Whether used to describe the civil war in Syria (which has resulted in millions of refugees fleeing for safety); contaminated water in West Virginia and Michigan; or cuts to State-sponsored welfare benefits, “human rights” is often invoked, but seldom well explained.

International human rights law (IHRL) is the principal way in which the international community answers serious questions about the relationship of individuals to the State, as well as the relationships between persons and institutions living together in a community.

By definition, IHRL deals with the whole of humanity, so there is an extraordinary amount of material that one could cover in a volume or course on the subject. On the one hand, we recognize that, for students who are used to the U.S. legal system, trying to grasp some of the concepts embedded in IHRL can be challenging. On the other hand, since the basic concept of human rights is so intuitively felt, it can be easier to grasp in many ways than, say, the taxation of business entities. Nonetheless, as you go through the process of trying to understand of IHRL, think through how some of these philosophical concepts translate into real world scenarios. Because, at its heart, the focus of human rights law should always be on humanity.

Online Materials

In this edition of International Human Rights we have included references to an online supplement containing chapter appendices. The online materials can be accessed at caplaw.com/IHRL.

