

# Human Rights

## Charter Law

### Article 55

With a view to the creation of conditions of stability and well-being which are necessary for **peaceful and friendly relations among nations** based on respect for the principle of equal rights and self-determination of peoples, the United Nations **shall promote**... universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.

### Article 56

All Members pledge themselves to take joint and separate action in co-operation with the Organization **for the achievement of the purposes set forth in Article 55.**

# Universal Declaration of Human Rights

## Preamble

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

## Article 4

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

## Article 5

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

Article 1	Right to Equality	Article 16	Right to Marriage and Family
Article 2	Freedom from Discrimination	Article 17	Right to Own Property
Article 3	Right to Life, Liberty, Personal Security	Article 18	Freedom of Belief and Religion
Article 4	Freedom from Slavery	Article 19	Freedom of Opinion and Information
Article 5	Freedom from Torture and Degrading Treatment	Article 20	Right of Peaceful Assembly and Association
Article 6	Right to Recognition as a Person before the Law	Article 21	Right to Participate in Government and in Free Elections
Article 7	Right to Equality before the Law	Article 22	Right to Social Security
Article 8	Right to Remedy by Competent Tribunal	Article 23	Right to Desirable Work and to Join Trade Unions
Article 9	Freedom from Arbitrary Arrest and Exile	Article 24	Right to Rest and Leisure
Article 10	Right to Fair Public Hearing	Article 25	Right to Adequate Living Standard
Article 11	Right to be Considered Innocent until Proven Guilty	Article 26	Right to Education
Article 12	Freedom from Interference with Privacy, Family, Home and Correspondence	Article 27	Right to Participate in the Cultural Life of Community
Article 13	Right to Free Movement in and out of the Country	Article 28	Right to a Social Order that Articulates this Document
Article 14	Right to Asylum in other Countries from Persecution	Article 29	Community Duties Essential to Free and Full Development
Article 15	Right to a Nationality and the Freedom to Change It	Article 30	Freedom from State or Personal Interference in the above Rights

## International Covenant on Civil and Political Rights

### Article 2

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...

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.

### Article 4

**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...

# International Covenant on Economic, Social, and Cultural Rights

## Article 2

Each State Party to the present Covenant undertakes to **take steps**, individually and through international assistance and co-operation, especially economic and technical, **to the maximum of its available resources**, with a view to **achieving progressively** the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures.

## Article 4

The States Parties to the present Covenant recognize that, in the enjoyment of those rights provided by the State in conformity with the present Covenant, the **State may subject such rights only to such limitations** as are determined by law only in so far as this may be compatible with the nature of these rights and solely for the **purpose of promoting the general welfare in a democratic society**.

# European Convention on Human Rights

## Article 1

The High Contracting Parties shall secure to everyone within their jurisdiction the rights and freedoms defined in Section I of this Convention.

## Article 19

To ensure the observance of the engagements undertaken by the High Contracting Parties in the Convention and the Protocols thereto, there shall be set up a [European Court of Human Rights](#).... It shall function on a permanent basis.

## Article 3

[Any High Contracting Party may refer to the Court any alleged breach](#) of the provisions of the Convention and the protocols thereto by another High Contracting Party.

## Article 34

The Court may receive applications from [any person, non-governmental organisation or group of individuals claiming to be the victim](#) of a violation by one of the High Contracting Parties of the rights set forth in the Convention.

## EU Charter of Fundamental Rights and Freedoms

### Article 51

The provisions of this Charter are addressed to the **institutions and bodies institutions, bodies, offices and agencies of the Union** with due regard for the principle of subsidiarity and **to the Member States only when they are implementing Union law.**

## **U.S. Alien Tort Statute (1798)**

The district courts shall have original jurisdiction of any civil action by an alien for a tort only, committed in violation of the law of nations or a treaty of the United States.

*Filártiga v. Peña-Irala* (U.S. Court of Appeals, 1980)

A threshold question on the jurisdictional issue is whether the conduct alleged violates the law of nations. In light of the universal condemnation of torture in numerous international agreements, and the renunciation of torture as an instrument of official policy by virtually all of the nations of the world (in principle if not in practice), we find that **an act of torture committed by a state official against one held in detention violates established norms of the international law of human rights, and hence the law of nations....**

Although the Alien Tort Statute has rarely been the basis for jurisdiction during its long history in light of the foregoing discussion, there can be little doubt that this action is properly brought in federal court. This is **undeniably an action by an alien, for a tort only, committed in violation of the law of nations.**

Among the rights universally proclaimed by all nations, as we have noted, is the right to be free of physical torture. Indeed, for purposes of civil liability, the torturer has become like the pirate and slave trader before him *hostis humani generis*, an enemy of all mankind.

*Sosa v. Alvarez-Machain* (U.S. Supreme Court, 2004)

The jurisdictional grant is best read as having been enacted on the understanding that the common law would provide a cause of action for the modest number of international law violations with a potential for personal liability at the time....

[W]e think courts **should require any claim based on the present-day law of nations to rest on a norm of international character accepted by the civilized world and defined with a specificity comparable to the features of the 18th-century paradigms** we have recognized. This requirement is fatal to Alvarez's claim....

Whatever may be said for the broad principle Alvarez advances, in the present, imperfect world, it **expresses an aspiration that exceeds any binding customary rule having the specificity we require....** A single illegal detention of less than a day, followed by the transfer of custody to lawful authorities and a prompt arraignment, **violates no norm of customary international law so well defined as to support the creation of a federal remedy.**

*Kiobel v. Royal Dutch Petroleum* (U.S. Supreme Court, 2013)

The question here is not whether petitioners have stated a proper claim under the ATS, but whether a claim may reach conduct occurring in the **territory of a foreign sovereign**.

[T]he **presumption against extraterritorial application**... provides that “[w]hen a statute gives no clear indication of an extraterritorial application, it has none...” This presumption “serves to **protect against** unintended clashes between our laws and those of other nations which could result in **international discord**.”

All the relevant conduct took place outside the United States. And even where the claims touch and concern the territory of the United States, they must do so with sufficient force to displace the presumption against extraterritorial application.... Corporations are often present in many countries, and it would reach **too far to say that mere corporate presence suffices**. If Congress were to determine otherwise, a **statute more specific than the ATS would be required**.

## **African Charter on Human and Peoples' Rights**

### Article 22

All peoples shall have the right to their economic, social and cultural development with due regard to their freedom and identity and in the equal enjoyment of the common heritage of mankind.

States shall have the duty, individually or collectively, to ensure the exercise of the right to development.

### Article 24

All peoples shall have the right to a general satisfactory environment favourable to their development.

## Article 27

Every individual shall have duties towards his family and society, the State and other legally recognized communities and the international community.

## Article 29

The individual shall also have the duty:

- To serve his national community by placing his physical and intellectual abilities at its service;
- Not to compromise the security of the State whose national or resident he is;
- To preserve and strengthen social and national solidarity, particularly when the latter is threatened;
- To preserve and strengthen positive African cultural values in his relations with other members of the society, in the spirit of tolerance, dialogue and consultation and, in general, to contribute to the promotion of the moral well being of society.

## **Declaration on the Right to Development (UN General Assembly)**

### Article 1

The right to development is **an inalienable human right** by virtue of which **every human person and all peoples** are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized.

### Article 3

**States have the primary responsibility** for the creation of national and international **conditions favourable to the realization** of the right to development.

### Article 4

**Sustained action is required** to promote more rapid development of developing countries. As a complement to the efforts of developing countries, effective international co-operation is essential in **providing these countries with appropriate means** and facilities to foster their comprehensive development.