

International Covenant on Civil and Political Rights

Summary: This instrument mandates that the State Parties respect the civil and political rights of individuals, including the right to **life, freedom of religion, freedom of speech, freedom of assembly, electoral rights** and rights to **due process** and a **fair trial**. The treaty applies to each State Party to the Covenant and covers **all persons within the territory** and subject to the jurisdiction of the State, **without distinction** of any kind.

Article 1 provides that all peoples have the right of self-determination, including: freedom to choose political status and freely pursue their economic, social and cultural development; the right to freely dispose of their natural wealth and resources without prejudice.

Article 2 provides that 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. Each State Party to the present Covenant undertakes: to ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, determined by a competent judiciary or other system, and enforced by the state when granted.

Article 3 provides for the equal right of men and women to the enjoyment of all civil and political rights set forth in the present Covenant.

Article 4 provides that, 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, 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.

Article 6 recognizes that 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. Section 3 provides that 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.

Article 8 provides that no one shall be held in slavery; slavery and the slave-trade in all their forms shall be prohibited; no one shall be held in servitude; no one shall be required to perform forced or compulsory labour. The article defines compulsory labor, and makes an exception for instances in which hard labor is imposed as a punishment for a crime, as well as other exceptions.

Article 9 recognizes that 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. 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, promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a

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reasonable time or to release, subject to safety restrictions. The article also provides that all persons unlawfully arrested shall have recourse against the state.

Article 12 provides that 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; everyone shall be free to leave any country, including his own; no one shall be arbitrarily deprived of the right to enter his own country. The aforementioned rights are subject to safety and national security interests.

Article 13 provides that 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.

Article 14 among other due process rights, provides that all persons shall be equal before the courts and tribunals; everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law. Everyone charged with a criminal offence shall have the right to be presumed innocent until proved guilty according to law and to be informed promptly and in detail in a language which he understands of the nature and cause of the charge against him.

Article 16 provides that everyone shall have the right to recognition everywhere as a person before the law.

Article 17 provides that no one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation, and everyone has the right to the protection of the law against such interference or attacks.

Article 18 provides that everyone shall have the right to freedom of thought, conscience and religion.

Article 19 provides that everyone shall have the right to hold opinions without interference, and the right to freedom of expression.

Article 20 provides that any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.

Article 23 provides that the right of men and women of marriageable age to marry and to found a family shall be recognized; marriage shall be entered into without the free and full consent of the intending spouses.

Article 24 provides that 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. Every child shall be registered immediately after birth and shall have a name. Every child has the right to acquire a nationality.

Article 25 provides the rights of citizens. Article 26 provides for equal protection under 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.

Article 27 provides that 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.