

The International Covenant on Civil and Political Rights (ICCPR)

Quick Facts

Countries that ratified the Covenant are obligated to *protect and preserve basic human rights and should take administrative, judicial, and legislative measures in order to protect the rights enshrined in the treaty and to provide an effective remedy.*

The ICCPR

The International Covenant on Civil and Political Rights (ICCPR) is a key international human rights treaty, providing a range of protections for civil and political rights. It was adopted by the United Nations' General Assembly on December 16, 1966, and it came into force on March 23, 1976.

The ICCPR obligates countries that have ratified the treaty to protect and preserve basic human rights, such as: the right to life and human dignity; equality before the law; freedom of speech, assembly, and association; religious freedom and privacy; freedom from torture, ill-treatment, and arbitrary detention; the right to political participation, gender equality; the right to a fair trial, and; minority rights. If any of the rights or freedoms recognized within the ICCPR are violated a person must have access to an effective remedy.

How can a State become party to the ICCPR?

There are currently 168 parties to the ICCPR. A further 7 have signed but not ratified. States can express their intent to become party to a treaty (and therefore bound by it) by either:

- 1- signing the treaty and then ratifying it
- OR**
- 2- by acceding to it without prior signature of the treaty.

In International law, a signature does not usually bind a State. The treaty is usually subject to a future ratification, acceptance, approval or accession.

The act of ratifying or acceding to a treaty represents consent to be bound by the treaty.

The Human Rights Committee

When a State becomes party to the ICCPR, it is subject to regular review by the Human Rights Committee (the Committee).

The Committee is the body that monitors the implementation of the ICCPR. It is composed of 18 independent experts. The Committee normally holds three plenary sessions, each lasting three weeks, during the course of a year. Four to six state reports are examined during each session.

One year after the State party has ratified the Covenant and it comes into force, it should submit its initial report to the Committee. As a general rule, the State submits a report every 4 years thereafter. The Committee can decide, however, to request an earlier or later report.

The review:

- 1- **State report:** State submits report to the Committee. Ideally states will involve civil society and other key players in the preparation of the draft report, but this often does not happen.
- 2- After the state report has been submitted and posted on the Committee's website, civil society may provide written information to the Committee on concerns which they feel it should raise with the reporting state during the review.
- 3- **Adoption of list of issues:** Based on the information provided, a Country Task Force identifies the questions that will constitute the principal focus of the dialogue with the representatives of the reporting State. These are known as the list of issues. The list of issues is sent to the State party at least one session ahead of the session at which the report will be examined in the presence of representatives of the State party.
- 4- Civil society may provide further information in writing to the Committee after the list of issues has been adopted and published on the Committee's website. These written submissions are often referred to as shadow/parallel reports.
- 5- **Consideration of state report:** A delegation of relevant state representatives travels to Geneva where the Committee examines the state report in a public constructive dialogue. It usually takes the Committee one and a half days to examine an initial report and two, half-day meetings in general for subsequent periodic reports.
- 6- Civil society representatives may also travel to Geneva to make a public statement, as well as participate in a lunch time briefing with the Committee members prior to the start of the public dialogue. They may also sit in on the public dialogue between the state and the Committee, but cannot intervene at this stage. Civil society participation in Geneva is facilitated by a Geneva-based organization, the Centre for Civil and Political Rights (CCPR Centre).
- 7- The final phase of the Committee examination of the State report is the drafting and adoption of its concluding observations (CoBs). The CoBs include specific recommendations for the improvement of the implementation of the ICCPR in the country.
 - ➔ In almost all CoBs, the Committee identifies, in the final paragraph of its report, a limited number of issues of particular priority.
 - ➔ It then asks the State party to provide, within one year, information on the measures it has taken to address those particular issues.

The rights protected under the ICCPR

The rights protected under the ICCPR include:

Article 1 - the right to self-determination
Article 2&3 - non discrimination
Article 6 – Right to life.
Article 7 – Freedom from torture.
Article 8 – Right to not be enslaved.
Article 9 – Right to liberty and security of the person.
Article 10 – Rights of detainees.
Article 11 – Right to not be imprisoned merely on the ground of inability to fulfil a contractual obligation.
Article 12 – Freedom of movement and choice of residence for lawful residents.
Article 13 – Migrants’ rights
Article 14 – Equality before the courts and tribunals. Right to a fair trial.
Article 15 – No one can be guilty of an act of a criminal offence which did not constitute a criminal offence.
Article 16 – Right to recognition as a person before the law.
Article 17 – Freedom from arbitrary or unlawful interference.
Article 18 – Right to freedom of thought, conscience and religion.
Article 19 – Right to hold opinions without interference.
Article 20 – Propaganda for war shall be prohibited by law.
Article 21 – Right of peaceful assembly.
Article 22 – Right to freedom of association with others.
Article 23 – Protection of the family, the right to marriage and equality of the spouses
Article 24 – Rights of the child
Article 25 – Right to political participation.
Article 26 – Equality before the law.
Article 27 – Minority protection.

For the full version:

<http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx> (English)

<http://equalitymyanmar.org/book/archives/2464> (Myanmar)

The optional protocol

There are two optional protocols to the ICCPR that give additional human rights protection.

First Optional Protocol: This protocol allows victims, or those claiming to be victims, of human rights violations to file an individual complaint. The Committee has the jurisdiction to receive, consider and hear communications from victims. The first Optional Protocol came into

force with the Covenant. There are currently 4 signatories and 115 parties to this protocol.

Second Optional Protocol: This protocol aims to abolish the death penalty. It was adopted on December, 15 1989 and entered into force on July 11, 1991 and it currently has 3 signatories and 81 parties.

Overview of Myanmar’s international law obligations and commitments (as of May 2016)

1- Myanmar has ratified:

- Convention on the Elimination of all forms of Discrimination against Women (Myanmar acceded to 1997)
- Convention on the Rights of the Child (Myanmar acceded to 1991)
- Convention on the Rights of Persons with Disabilities (Myanmar ratified 2011)

2- Myanmar has signed, but not ratified

- International Covenant on Economic, Social and Cultural Rights (Myanmar signed 2015)
- Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (2015)
- Myanmar has not signed or acceded to ICCPR, however Myanmar has expressed its interest in the ICCPR, and the National Human Rights Commission has recommended that it should move towards ratification of this Treaty, but Myanmar has yet to sign or ratify.
- International Convention on the Elimination of All Forms of Racial Discrimination
- Optional Protocol to the International Covenant on Civil and Political Rights
- Second Optional Protocol to the International Covenant on Civil and Political

Rights, aiming at the abolition of the death penalty

- Optional Protocol to the International Covenant on Economic, Social and Cultural Rights
- Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography
- Optional Protocol to the Convention on the Rights of the Child on a communications procedure
- International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families
- International Convention for the Protection of all Persons from Enforced Disappearance
- Optional Protocol to the Convention on the Rights of Persons with Disabilities

Contact:

DRI: Democracy Reporting International- DRI
Myanmar FaceBook account or

myanmar@democracyreporting.org

IBAHRI: 'Cath Fischl' Cath.Fischl@int-bar.org