

Human Rights Outline

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UN Charter Preamble

- WE THE **PEOPLES** OF THE UNITED NATIONS DETERMINED
- to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the **equal rights of men and women and of nations large and small,** and
- to promote social progress and better standards of life in larger freedom,

UN Charter Article 1

- The Purposes of the United Nations are:
 - 2. To develop friendly relations among nations based on respect for the principle of **equal rights and self-determination** of peoples, and to take other appropriate measures to strengthen universal peace;
 - 3. To achieve international cooperation in ***promoting and encouraging*** respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion;

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:**
- a. higher standards of living, full employment, and conditions of economic and social progress and development;
- b. solutions of international economic, social, health, and related problems; and international cultural and educational co-operation; and
- c. **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.

UN Organs

- UN General Assembly Chap IV initiates human rights studies and makes recommendations
- Economic and Social Council Chapter X make recommendations
- Human Rights Council

Previous Commission on Human Rights (1946-2006)

- Drafted Universal Declaration of Human Rights, International Covenant on Civil and Political Rights, & International Covenant on Economic, Social and Cultural Rights
- Created Sub-Commission on the Promotion and Protection of Human Rights to elaborate thematic studies and allow civil society participation
- Established special procedures for experts to investigate human rights issues or violations in particular countries,
- Confidential mechanism for individuals to report consistent patterns of gross and systematic violations of human rights in a country (based on ECOSOC Resolution 1503)
- But it became highly politicized, and was replaced by the Human Rights Council (Chamber of peer review)

Human Rights Council

- 47 members, elected by majority vote in General Assembly (including countries with questionable human rights records)
- 13 seats Latin America & Caribbean
- 6 Eastern Europe
- 7 Western Europe and others
- Africa & Asia have majority

Human Rights Council

- To promote human rights education
- Serve as a forum for dialogue on thematic issues
- Make recommendations to the General Assembly on developing new human rights standards
- Prevent human rights violation through dialogue and cooperation
- Respond promptly to human rights emergencies

Human Rights Council

- Responds to human rights situations
- Special sessions on Israeli Occupied Territories, Darfur, Congo, Myanmar, Sri Lanka and Haiti (imbalance in countries addressed)
- Thematic sessions: effect of global economic crisis, world food crisis
- Some argue that its work is politicized because of regional/ideological blocs (Organization of Islamic Conference)

Human Rights Council

- Adopted the International Convention for the Protection of All Persons from Enforced Disappearance
- Adopted Optional Protocol to the ICESCR

Human Rights Council Complaint Procedure

- Based on ECOSOC 1503 procedure
- Identifies consistent patterns of gross and reliably attested violations of all human rights and all fundamental freedoms occurring in any part of the world and under any circumstance
- Manifestly politically motivated complaints or those inconsistent with the purposes of the UN are inadmissible
- May be filed by victims, their representatives, or NGOs
- Must be based on facts and specific rights violations (not only media reports)
- Must exhaust domestic remedies
- Pre-screening by OHCHR secretariat and Working Groups
- Not very active

Universal Periodic Review

- Peer Review of Member States based on constructive dialogue to complement work of other HR bodies
- Each state is reviewed in a dialogue once every four years by a working group, facilitated by a troika (representing different regional groupings), issues outcome report, submitted to HRC
- National Report (20 pages)
- Compilation of UN information
- Information from NGOs, national human rights institutions, academic sources and regional organizations

Special Procedures

- Country specific Mandates
- <http://www2.ohchr.org/english/bodies/chr/special/countries.htm>
- Thematic Mandates:
- <http://www2.ohchr.org/english/bodies/chr/special/themes.htm>
- Experts pursue country visits, fact finding missions, examine complaints, develop standards, such as Guiding Principles on Internal Displacement, Legal Opinion on the status of Detainees in Guantanamo Bay

Human Rights Committees

- Human Rights Committee
- Committee on Economic, Social and Cultural Rights
- Committee on the Elimination of Racial Discrimination
- Committee on the Elimination of Discrimination Against Women
- Committee on Torture
- Committee on the Rights of the Child
- Committee on Migrant Workers
- Committee on the Rights of Persons with Disabilities
- Committee on Enforced Disappearances

Compliance

- State Reports
- Inter State Complaint System
- Individual Petition System
- Investigation by Rapporteurs or Committee
- UN High Commissioner for Human Rights
- Human Rights Council

State Reports

- Common core document present legal framework for human rights protection and implementation of common provisions, complements Treaty specific report
- Review measures to harmonize national laws and policies with international standards
- Monitor progress in enjoyment of rights
- Evaluate future needs for implementation
- Use concrete examples (not just refer to legislation)
- UN Country Rapporteur prepares list of issues for State to reply to
- Public examination of report- Summary Record- Issuance of Concluding Comments (should be specific to enable follow up by State)
- Special Rapporteur for Follow Up, Report to General Assembly
- NGOs file shadow reports

General Comments/Recommendations

- Provide authoritative guidance on treaty obligations and the scope of application of the articles
- Soft Law

Inquiries

- Committee Against Torture (Brazil, Mexico, Peru, Sri Lanka, Turkey, former Yugoslavia)
- Committee on the Elimination of Discrimination Against Women (Mexico)
- CRPD
- Confidential (unless State consents to publication)
- Upon receipt of reliable, well-founded indications of serious, grave, or systematic violations (early warning/rapid response)
- States must have recognized competence of the Committee for inquiry
- UNCAT-OP preventive inquiry- complementary regular visits to places of detention by independent international and national entities (Sub Committee on Prevention of Torture and national bodies established by States) (Benin, Cambodia, Honduras, the Maldives, Mauritius, Mexico, Paraguay and Sweden)

Complaints Procedures

- 1. ICCPR-OP1, ICESCR-OP, UNCAT, and ICERD have inter-state complaints mechanisms, but they have never been used
- 2. HRC, CAT, CERD, CEDAW, CRPD have individual complaints procedures
- Subject to State acceptance of competence of committee
- Written, confidential, no oral hearings

Individual complaints

- Interim measures in death penalty, deportation, and extradition cases
- Admissibility:
 - 1. Victim of violation (no actio popularis)
 - 2. Ratione temporis (events after entry into force of the the instrument, except when continuing effects)
 - 3. Ratione materiae (refer to rights within the instrument)
 - 4. Must not be under examination by another international body
 - 5. Must exhaust domestic remedies (unless unreasonable delay or ineffective)
- Committee issues "Views" (not legally binding) (But see HRC General Comment 33- good faith treaty obligation to cooperate with authoritative interpretation)
- Special Rapporteur for Follow Up, report to General Assembly

General Assembly

- Issues resolutions and declarations (right to development, indigenous peoples, economic rights and duties of states, codes of conduct, principles), and examines concrete situations
- Examines annual reports of human rights treaty bodies, and thematic discussions with Special Rapporteurs

Security Council

- Characterize massive human rights violations as threats to international peace- issue binding resolutions
- Congo, Uganda, Rwanda, Darfur, Myanmar
- May impose economic sanctions (Art. 41 UN Charter)- Iraq, Angola, Sudan
- Responsibility to Protect

Markus Schmidt

- Challenges:
- How to achieve **implementation** of international standards at the national level
- How to improve **effectiveness** and visitability of UN monitors

Question:

- - Do you agree with Richard Haass's view on "conditional sovereignty"? Should the systematic violations of economic and social rights trigger the suspension or qualification of sovereignty with the same implication that Haass describes for other rights violations?

Question:

- Are there legitimate differences in the ways in which the international community should respond to human rights violations in different types of states (democratic- non-democratic, large-small, developed, developing, etc.)

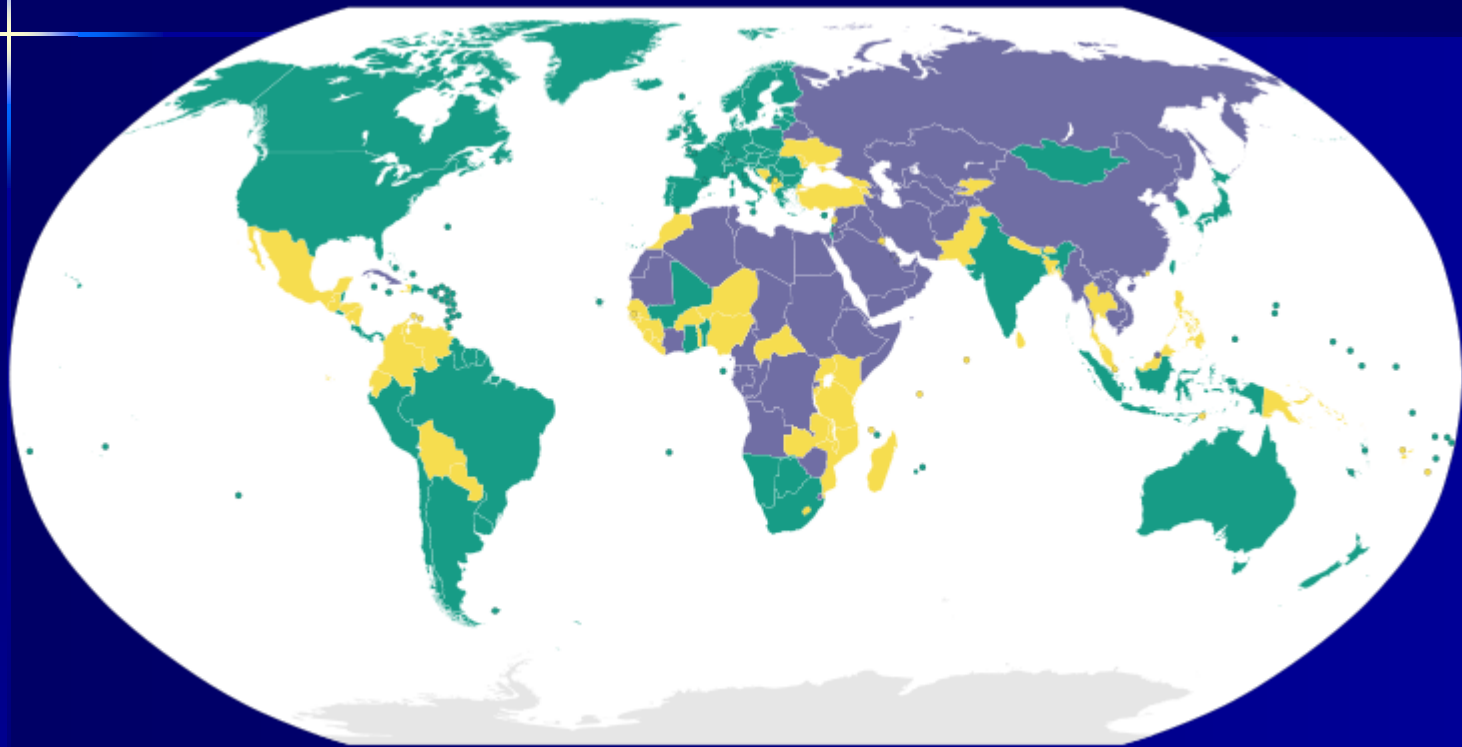
State Duties Steiner, Alston, Goodman

Respect the Rights of Others (Hands Off- Negative duty)

- Create Institutional Machinery
Essential to Realization of Rights
- Protect Rights/Prevent Violations
- Provide Goods and Services to Satisfy
Rights (Positive- Duty of Expenditure)
- Promote Rights (Public Education)

Human Rights

- Indivisible,
- Interdependent,
- Interrelated
- Development
- Security
- Human Rights
- Roosevelt 4 Freedoms: Speech, Worship, Freedom from Want, Freedom from Fear



Link between C & P and ESC Rights

- Right to Life- Right to Health, Food, Water, Education, pre natal care
- Right to Property- right to social security, housing, collective right of indigenous people
- Freedom of association, right to form and join trade unions, collective bargaining

UN Declaration of Human Rights 1948

- Freedom, Equality
- Life, Liberty, Security
- Prohibition of Torture and Slavery
- Equal Protection under the Law
- Prohibition of Arbitrary Arrest, Detention, Exile
- Right to Fair Trial

UN Declaration of Human Rights

- Right to Privacy
- Right to Nationality, Freedom of Movement and Residence, Right to Leave, Seek Asylum
- Right to Marry and have Family
- Right to Own Property
- Right to Freedom of Thought, Conscience, Religion and Assembly

UN Declaration on Human Rights

- Right to participate in the government
- Right to Social Security, Employment, Rest, Leisure, Education, Adequate Standard of Living
- Non-Discrimination
- Right to Effective Remedy
- *Duties to community to ensure respect for the rights and freedoms of others, meet just requirements of morality, public order, and general welfare (Art. 29)

Interantional Covenant on Civil and Political Rights 1966

- Self –determination
- Prohibition of arbitrary deprivation of Life, arbitrary interference with privacy
- Freedom from torture,
- Freedom of opinion & expression
- Equality under the law
- Right not to be imprisoned for debt
- Right of the child to be protected

ICCPR Art. 2 (1) (immediate obligation)

- 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.

Limitations

- Freedom of religion- State may impose limits prescribed by law as necessary to protect public safety, order, health, morals or the fundamental rights and freedoms of others.

ICCPR Derogation Art. 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 and do not involve discrimination solely on the ground of race, colour, sex, language, religion or social origin.

ICCPR Art. 4 (2)

- 2. **No derogation** from articles 6, 7, 8 (paragraphs I and 2), 11, 15, 16 and 18 may be made under this provision:
 - **Life, prohibition of torture, or cruel, inhuman or degrading treatment or punishment,**
 - **Prohibition of slavery,**
 - **Prohibition of imprisonment because of an inability fulfill a contractual obligation,**
 - **The principle of legality in criminal law,**
 - **Recognition of everyone as a person before the law,**
 - **Freedom of thought, conscience and religion.**
- **See HRC General Comment 29 (relates to peremptory norms/jus cogens)**

Civil & Political Rights

- Life
- Integrity of the Person
- Thought, Expression
- Association
- Assembly
- Liberty
- Fair Trial
- Freedom from torture
- Privacy
- Vote

Fundamental Freedoms- Free Civil Society

- Opinion & Expression
- Thought, Conscience & Religion
- Association
- Assembly
- Movement

Individual and Collective Aspects of Rights

- Thought, Conscience, Religion, Belief, Opinion, Expression, Association, Assembly
- Right to democratic participation
- Non-discrimination
- May be restricted to protect the rights of others
- May be restricted for public order, health, morality or national security

Dilemmas

- Internet Censorship
- Invasion of privacy v. freedom of press
- Freedom of religion v. freedom of expression
- Hate Speech/Defamation
- Religious dress, symbols (See Hudoyberganova v. Uzbekistan HRC 2004 exclusion of student from University on account of headscarf violation of Art. 18)
- Conscientious Objection, Yoon & Choi v. Korea HRC 2007

Legitimacy of Limitation

- **Legality**, must be set in clear, precise terms within law
- **Legitimate aim**
- **Proportionality**- must be necessary (pressing social need), measure must be minimum requirement to achieve purpose
- **Presumption of Freedom**

Freedom of Thought, Conscience and Religion

- Art. 18 ICCPR
- 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 (forum internum, unconditional), 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. (forum externum- may be limited)
- 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.

Freedom of Opinion & Expression

■ Article 19

- 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.

Freedom of Association & Assembly

- **Article 21**

- 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.

- **Article 22**

- 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. (Consider also right not to associate)
- 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.

ECHR- Qualified Rights- Proportionality Test

- State may interfere where it has an interest: right to privacy and family life, freedom of thought, conscience and religion, freedom of expression, freedom of assembly and association and protection of property.
- State must establish on the balance of probabilities that the interference was in accordance with the law, the aim of the interference was to protect a recognized interest, and that the interference was necessary in a democratic society. (Minimum interference needed to achieve legitimate aim)

African Charter on Human Rights- Clawback Clauses

- Article 10 Every individual shall have the right to free association provided that he abides by the law (right is subject to the dictates of municipal law)
- African Commission states that international human rights standards must always prevail over contradictory national law
- No derogation clause

Reservations-CEDAW

- **Saudi Arabia**
- Reservations:
- "1. In case of contradiction between any term of the Convention and the norms of islamic law, the Kingdom is not under obligation to observe the contradictory terms of the Convention.
- 2. The Kingdom does not consider itself bound by paragraph 2 of article 9 of the Convention and paragraph 1 of article 29 of the Convention."

Reservations- ICCPR

- **United States of America**
- Reservations:
 - "(1) That article 20 does not authorize or require legislation or other action by the United States that would restrict the right of free speech and association protected by the Constitution and laws of the United States.
 - "(2) That the United States reserves the right, subject to its Constitutional constraints, to impose capital punishment on any person (other than a pregnant woman) duly convicted under existing or future laws permitting the imposition of capital punishment, including such punishment for crimes committed by persons below eighteen years of age.

Reservations

- ECHR interprets reservations narrowly to ensure that the purpose of the Convention is not undermined. *Belios v. Switzerland* (1988).

International Covenant on Economic, Social and Cultural Rights 1966 (progressive realization)

- Right to Work, Food, Clothing, Housing
- Art. 2(1). 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.

Third generation Rights

- Right to Development
- Right to a Protected Environment
- Right to Peace
- Right to Self-Determination

Other Instruments

- Convention Against Genocide
- Convention on the Elimination of Racial Discrimination
- Convention on the Discrimination Against Women
- Convention Against Torture
- Convention on the Rights of the Child

ICCPR Optional Protocols

- First-procedure for individuals to send communication to Human Rights Committee
- Second- Abolishes death penalty

Regional Instruments

- European Convention on Human Rights 1950
- European Court of Human Rights
- Organisation for Security and Cooperation in Europe- High Commissioner on National Minorities

ECHR Principles

- **Solidarity**- Parties shall secure rights under national jurisdictions
- **Subsidiarity**-Court is subsidiary to national courts in adjudication of human rights

ECHR Right of Petition

- 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 or the protocols thereto. The High Contracting Parties undertake not to hinder in any way the effective exercise of this right.

ECHR- Admissibility

- 1 The Court may only deal with the matter after all domestic remedies have been exhausted, according to the generally recognised rules of international law, and within a period of six months from the date on which the final decision was taken. *Advikar v. Turkey, Spencer v. UK*
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- 2 The Court shall not deal with any application submitted under Article 34 that is anonymous; or is substantially the same as a matter that has already been examined by the Court or has already been submitted to another procedure of international investigation or settlement and contains no relevant new information.
- 3 The Court shall declare inadmissible any individual application submitted under Article 34 which it considers incompatible with the provisions of the Convention or the protocols thereto, manifestly ill-founded, or an abuse of the right of application. *X v. Iceland*

ECHR- Jurisdiction

- Temporal Scope: Convention does not have retroactive effect, cannot bring case based on events prior to entry into force of Convention for the state, unless you have a continuing violation. (De Becker v. Belgium)
- Jurisdiction: Territory, effective control, acquiescence or connivance of non state actors (Soering v. UK, Loizidou v. Turkey, but see Bankovic v. Belgium)

ECHR- Margin of Appreciation

- Sets forth that there is room for countries to differ in what is acceptable under Convention based on cultural differences.
- See Articles 8-11

Remedies- ECHR

- Just satisfaction, payment of money, restitution- restoring visiting rights, reopen criminal processing, investigation, reform of law, administrative reforms, human rights training of the police, changes in court practice.

Delays/Limitations- ECHR

- Five years between filing and decision
- 90% cases are declared inadmissible,
- In 2006 this totalled 28,160
- Only 1,634 considered admissible. Only 1-2% judged on merits
- 60% of cases are repetitive, deriving from same structural cause. (E.G. excessive length of civil or criminal proceedings in domestic authorities)

Regional Instruments & Organs

- American Convention on Human Rights
- American Declaration on Human Rights
- Inter-American Court of Human Rights
- Inter-American Commission of Human Rights
- American Declaration of the Rights and Duties of Man
- Protocol on Economic, Social and Cultural Rights
- Protocol to Abolish the Death Penalty
- Convention to Prevent and Punish Torture
- Convention on Forced Disappearance of Persons
- Convention on the the Prevention, Punishment and Eradication of Violence Against Women
- Convention on the Elimination of All Forms of Discrimination Against Persons with Disabilities

Inter-American Commission of Human Rights

- Seeks information- Prepares Country Specific Reports
- Receives Individual Petitions
- Engages in Fact Finding, on site visits
- Friendly Settlement (if not reached, Commission may refer Case to the Court)
- Attribution of State Responsibility- Issue Recommendations to the State (Soft Law)
- Publish report in the event of non-compliance by the State
- State may challenge this by appealing case to the Inter-American Court of Human Rights

Inter American Commission of Human Rights

- Reports and Recommendations address:
- State responsibility for domestic violence,
- Third party infringement of indigenous property,
- Arbitrary detention in counter-terrorism,
- Violation of due process of migrants,
- Environmental damages, etc.

IACHR- Right of Petition

- Individuals (+ any person, group or NGO, victim or third party with or without the victim's knowledge) have right of petition- may file complaint against the State upon its ratification of the American Convention

Inter American Commission of Human Rights- Jurisdiction

- **Ratione Materie**
- **Ratione Personae**
- **Loci**
- **Ratione Temporis-** "Continuing Violations" in cases involving **forced disappearance (Blake Case)**, **denial of the right to citizenship (Yean v. Dom. Rep.)**, **deprivation of the right to property (Moiwana Community Case)**, and **denial of effective recourse- state failure to investigate and prosecute human rights violations (Blake Case)**.

Exhaustion of Domestic Remedies & Right to Effective Recourse- IACHR

- Exception when this is impossible due to lack of due process rights in domestic institutions, denied access to institutions, or delay in receiving decision from institutions.
- Article 8 (Fair Trial) and Article 25 (Judicial Protection) require effective recourse for human rights violations via effective, investigation, prosecution and punishment of those responsible. The right belongs to victims and their families. Denial of recourse may constitute "continuing violation" (Moiwana community v. Suriname)

IACHR- Lower Standard of Proof

- Disappearances can be proven by circumstantial evidence and logical inference after the Commission has established a pattern of disappearances linked to individual case by circumstantial evidence. Burden shifts to the state to prove that it was not responsible for the disappearance.

IACHR- State Responsibility

- Violations via direct act or failure to prevent an act by a Non-State actor
- Failure to investigate and sanction those responsible

IACHR Sources of Interpretation

- Vienna Convention on the Law of Treaties
- Court's own normative reasoning
- Human Rights treaties have the objective norm of protection of the individual, not reciprocity between states
- Treaty terms are given autonomous meaning within their context (not left to each state to decide according to national law)

IACHR- Sources of Normative Reasoning

- Mankind's universality and the universality of the rights and freedoms which are entitled to protection from the core of all international protective systems
- Corpus juris of international human rights law : set of international instruments (treaties, conventions, resolutions and declarations)

IACHR Law Creation

- **Transcendental Rights: Right to Dignity in Life (Sawhoyamaxa Case, Street Children Case, Juvenile Reeducation Case), Right to Truth, Right to Life's Project**
- **Recognition of justiciability of socio-economic rights, link to civil and political rights**
- **Duty of protection of elderly, children, pregnant women, grant of health care, clean water and food to indigenous people (Yakye Axa Indigenous Community Case)**
- **Jus cogens recognition: prohibition of slavery, physical and psychological torture, forced disappearance, extra-judicial execution, inhumane treatment, crimes against humanity, statute of limitations for crimes against humanity, failure to punish perpetrators of crimes against humanity, right of access to justice, non-discrimination**
- **First international recognition of right to communal property (Awasi Tingi Case, Saramaka People Case, Moiwana Community Case)**
- **Recognize legal capacity of indigenous people to have rights recognized**
- **Seeks creation of an international ordre public based on respect of human rights in all circumstances**

IACHR Process, Output and Compliance

- Victims may participate in proceedings
- Issues legally binding decisions (including reparations) on state responsibility
- Issues provisional measure orders and publishes compliance with judgment reports
- Impunity: Problems with delays in payment of reparation, faulty implementation of orders to investigate, prosecute and punish the individuals responsible

Regional Instruments & Organs

- African Charter of Human Right
- African Protocol on the Rights of Women
- African Commission
- African Court of Human Rights
- African Charter on the Rights and Welfare of the Child
- African Committee of Experts on the Rights and Welfare of the Child can receive communications
- Convention Governing Specific Aspects of Refugee Problems in Africa 1974

African Union

- Collective Rights, Environmental Rights, and Economic and Social Rights are essential elements of human rights in Africa
- States have a duty to respect, protect, fulfill and promote all rights

African Commission- Concept of People

- 1) Entire People of one country
- 2) Group of People within a State who see themselves as distinct
- 3) Indigenous People

Right to Development

- Centre for ***Minority Rights Development*** (Kenya) and another on behalf of the ***Endorois Welfare Council*** v Kenya (Endorois Case)
- Violations on matters of procedure and substance (outcome)
- Govt pursued ruby mining project, it did not consult the Council of Elders, nor did it consider that the community was illiterate, and it failed to provide suitable land for grazing to preserve their pastoral life.
- Community must be consulted in good faith, using culturally appropriate procedures, with objective of reaching an agreement
- Large scale development projects, states should obtain free, prior and informed consent, according to their customs and traditions- pursue impact study
- State must ensure mutually acceptable benefit sharing in exploited natural resources. State must improve capabilities and choices

Economic & Social Rights

- Infringement of right to work (Agnnette Pagnouille v. Cameroon)
- State failure to provide medicine, water & electricity infringed on the right to health (Union Interafricain des droits de l'homme v. Zaire)
- State closure of university and secondary school infringed on the right to education (Media Rights v. Nigeria)
- Denial of right to speak language infringed on identity and right to culture (Malawi African Association v. Mauritania)
- Nigerian State accountable for state oil company's failure to protect Ogoni people from acts harmful to the environment affecting right to health, housing, food, and right to environment (The Social and Economic Rights Action Center & Center for Economic and Social Rights v. Nigeria)