

APPENDIX H: RELEVANT INTERNATIONAL LAW SOURCES

The Organization of American States

The Organization of American States (OAS) was established in 1948 and is the oldest regional organization in the world. According to its website, the OAS “constitutes the main political, judicial, and social governmental forum in the Hemisphere”.¹ After almost 30 years as an observer, Canada became one of the 35 Member States when it signed and ratified the Charter of the OAS in 1989.² Canada is represented at the OAS by what is called a “Permanent Mission”. According to the Federal Government’s website, “Canada’s areas of strongest engagement at the OAS are democracy and human rights, security and conflict prevention, and institutional reform”.³

One of the foundational documents of the OAS is the *American Declaration of the Rights and Duties of Man*, which was adopted in 1948.⁴ The Declaration sets out fundamental human rights and freedoms, including the following:

Article I. Every human being has the right to life, liberty and security of the person.

Article II. All persons are equal before the law and have the rights and duties established in this Declaration, without distinction as to race, sex, language, creed or any other factor.

The Inter-American Commission on Human Rights (IACHR) was created in 1959 by the American Convention on Human Rights and its “mission is to promote and protect human rights in the American hemisphere”.⁵ The IACHR takes the position that the *American Declaration on the Rights and Duties of Man* is a source of legal obligation on Member States of the OAS, including Canada:

... the Commission in its decisions has ***repeatedly interpreted the American Declaration as requiring States to adopt measures to give legal effect to the rights contained in the American Declaration***. The Commission has not only required States to refrain from committing human rights violations contrary to the provisions of the American Declaration, ***but also to adopt affirmative measures to guarantee that the individuals subject to their jurisdiction can exercise and enjoy the rights contained in the American Declaration***.⁶ (emphasis added)

With respect to Article II of the Declaration, the IACHR’s position is that:

... the right to equality and non-discrimination contained in Article II of the American Declaration is a fundamental principle of the inter-American system of human rights. ... The principle of non-discrimination is the backbone of the universal and regional human rights systems.

¹ <http://www.international.gc.ca/oas-oea/index.aspx?lang=eng>

² <http://www.international.gc.ca/oas-oea/index.aspx?lang=eng>

³ <http://www.international.gc.ca/oas-oea/index.aspx?lang=eng>

⁴ <http://www.cidh.oas.org/Basicos/English/Basic2.american%20Declaration.htm>

⁵ <http://www.oas.org/en/iachr/mandate/what.asp>

⁶ Report of the Inter-American Commission on Human Rights entitled “Missing and Murdered Indigenous Women in British Columbia, Canada”, December 21, 2014 (“the IACHR Report”), p. 59.

As with all fundamental rights and freedoms, the Commission has observed that ***States are not only obligated to provide for equal protection of the law, they must also adopt the legislative, policy and other measures necessary to guarantee the effective enjoyment of the rights protected under Article II*** of the American Declaration.⁷ (emphasis added)

The American Convention on Human Rights recognizes and affirms fundamental human rights and freedoms, including in particular the right to life, liberty and security of the person, and the right to equal protection of the law. Member States who have ratified the *American Convention on Human Rights* “undertake to respect the rights and freedoms recognized herein and to ensure to all persons subject to their jurisdiction the free and full exercise of those rights and freedoms, without any discrimination for reasons of race, color, sex ...” (Article 1). In addition, Article 2 states that “States Parties undertake to adopt, in accordance with their constitutional processes and the provisions of this Convention, such legislative or other measures as may be necessary to give effect to those rights or freedoms”.

Canada has **not** signed or ratified the *American Convention on Human Rights*. However, that does mean the IACHR does not have any authority or jurisdiction to investigate allegations of human rights violations. Article 18 of the *Statute of the Inter-American Commission on Human Rights* and Article 20 of the *American Convention on Human Rights* give the IACHR the authority to observe Member States, issue reports, and make recommendations to governments regarding human rights violations.⁸

Petitions to the IACHR alleging violations of human rights may be filed by individuals, groups of individuals or organizations. A Member State may be held responsible for human rights violations in the following ways:

- action, meaning as a result of an act by the State or its agents;
- acquiescence, meaning as a result of the tacit consent of the State or its agents; or
- omission, meaning as a result of the State or its agents failing to take action when they should have done so.⁹

In addition to investigating complaints, the IACHR also has authority to monitor “the human rights situation in the Member States”. According to the IACHR’s website, “special attention must be devoted to those populations, communities and groups that have historically been the targets of discrimination”.¹⁰

With respect to Indigenous peoples, the IACHR has expressly recognized:

... the protection and respect of the rights of indigenous peoples is a matter of special importance. In 1972 the IACHR affirmed that for historical reasons, and based on moral and humanitarian principles, States had a sacred duty to provide special protection to indigenous peoples.

...

The organs of the Inter-American system for the protection of human rights have

⁷ IACHR Report, paras 130-131.

⁸ IAHR report, p. 21.

⁹ <http://www.oas.org/en/iachr/docs/pdf/HowTo.pdf>

¹⁰ <http://www.oas.org/en/iachr/mandate/what.asp>

developed jurisprudence that *recognizes the collective rights of indigenous peoples*. Throughout, the Commission has insisted on the need for special protection for the right of indigenous peoples to their lands and resources, because the full exercise of that right not only implies the protection of an economic unit, but also the protection of the human rights of a community whose economic, social, spiritual, and cultural development is based on its relationship to the land. *The Inter-American System has indicated that the wretched living conditions that members of an indigenous community may experience and their general situation of abandonment give rise to a suffering that amounts to a violation of their mental and moral integrity*. In addition, *the failure of a State to take required positive measures, within its powers, that could reasonably be expected to prevent or to avoid the risk to the right to life of an indigenous person can amount to a violation of the right to life*.

The Commission has also given special attention to the right of indigenous peoples to judicial protection and guarantees under the American Declaration. Effective access to such protection is especially important given the context of historical, structural discrimination. *Further, it is essential that such protection be available in consonance with indigenous peoples' culture and traditions, and provided in a way that ensures against discrimination*.¹¹ (emphasis added)

The 2014 IACHR Report on Missing and Murdered Indigenous Women

On December 21, 2014, the IACHR issued a report entitled “Missing and Murdered Indigenous Women in British Columbia, Canada” (“the IACHR Report”). The IACHR Report came about after information was provided to the IACHR about the issue and hearings were held at the request of the Native Women’s Association of Canada, the Canadian Feminist Alliance for International Action and the University of Miami Human Rights Clinic. In addition, the IACHR visited Ottawa and British Columbia to meet government officials, Aboriginal leaders, non-governmental organizations, and family members.

The IACHR limited its investigation to British Columbia because that province has the highest number of murdered and missing Indigenous women in Canada, primarily because of the “Highway of Tears” and Vancouver’s Downtown East Side. According to the IACHR Report, B.C. has about 160 documented cases of murdered or missing Indigenous women.

The IACHR Report recognizes that Indigenous women are one of the most disadvantaged and vulnerable groups in Canadian society and at para 129 concludes:

As described above, the situation of missing and murdered indigenous women in Canada is a consequence of the historical treatment of indigenous peoples under the law and a context of past discrimination that continues to affect them. Despite the current national framework regarding equality and non-discrimination, the legacy of historical discrimination, including the Residential Schools and the *Indian Act*, is an important factor in understanding the persistence of unequal treatment and stereotyping of indigenous women, which in turn continue to place indigenous women at an increased risk for multiple forms of violence.

In addition to examining why Indigenous women and girls are at risk of violence, the IACHR Report

¹¹ IACHR Report, paras 116-118.

examines Canada’s legal framework and its obligation to address gender-based violence. In addition, the IACHR reviewed Canada’s response to the issue of murdered and missing Indigenous women and made some specific recommendations. Some key findings in the IACHR Report include the following:

- A “crucial component” of Canada’s duty under Article II of the American Declaration of the Rights and Duties of Man is “the prevention and eradication of violence against women.” (para 133)
- There is a “strong connection” between discrimination and violence against women. “Gender-based violence is one of the most extreme and pervasive forms of discrimination, severely impairing and nullifying the enjoyment of women’s rights.” (paras 135, 138)
- In previous cases, the IACHR noted that “discrimination against women was a root cause of both the violence itself and the non-responsiveness to that violence.” (para 139)
- Indigenous women “face two layers of discrimination as from the time they are born: first as members of their racial and ethnic group and second on the basis of their sex.” (para 142)
- “In addition, the IACHR stresses that violence against indigenous women has an individual and collective dimension. It constitutes an offence to a woman’s dignity and an offence to the culture of the community to which the woman belongs.” (para 147)

The “Due Diligence Principle”

One of the most interesting parts of the IACHR Report is the discussion regarding the “due diligence principle” in the context of murdered and missing Indigenous women and girls. In summarizing, the due diligence principle can be described as follows:

The inter-American human rights system has affirmed the States’ obligation to act with due diligence in response to human rights violations. ***This duty involves four obligations: the obligation to prevent, the obligation to investigate, the obligation to punish, and the obligation to make reparations for human rights violations:***

This obligation implies the ***duty of States Parties to organize the governmental apparatus and, in general, all the structures through which public power is exercised, so that they are capable of juridically ensuring the free and full enjoyment of human rights.*** As a consequence of this obligation, ***the States must prevent, investigate and punish any violation of the rights recognized by the Convention and, moreover, if possible attempt to restore the right violated and provide compensation as warranted for damages resulting from the violation.***¹² (emphasis added)

With respect to the due diligence principle and violence against women, the IAHR Report states:

The Commission notes that the principle of due diligence has a long history in the international legal system and its standards and jurisprudence concerning State responsibility. ***The due diligence principle has been applied in a range of circumstances to mandate States to prevent, punish, and provide remedies for acts of violence. The principle applies when***

¹² IACHR Report, para 153.

such acts of violence are committed by States and, under some circumstances, by non-State actors.

Violence perpetrated or condoned by the State may include gender-based violence against women who are indigenous or members of minority groups. There is a broad international consensus over the use of the due diligence principle to interpret the content of State legal obligations towards the problem of violence against women. This consensus is a reflection of the *international community's growing recognition of violence against women as a human rights problem requiring State action across a range of fronts.*¹³ (emphasis added)

With respect to what is actually required by a State to fulfill its obligation to act with due diligence, the IAHR Report states:

The international community has consistently referenced the due diligence standard as a way of understanding what States' human rights obligations mean in practice when it comes to violence perpetrated against women of varying ages and in different contexts. *This principle has also been crucial in defining the circumstances under which a State may be obligated to prevent and respond to the acts or omissions of private actors. This duty encompasses the organization of the entire state structure – including the State's legislative framework, public policies, law enforcement machinery and judicial system - to adequately and effectively prevent and respond to these problems. The Inter-American Commission has invoked the due diligence principle as a benchmark to rule on cases and situations of violence against women perpetrated by private actors, including those pertaining to girls.*¹⁴ (emphasis added)

Other key points about the due diligence principle are:

- “The protection of the right to life is a critical component of a State’s due diligence obligation to protect women from acts of violence. This legal obligation pertains to the entire state institution, including the actions of those entrusted with safeguarding security, such as the police forces. It also extends to the obligations a State may have to prevent and respond to the actions of non-state actors and private persons.” (para 160)
- “The duty of protection related to the right to life is considered especially rigorous in the case of girls. This stems, on the one hand, from the broadly-recognized international obligation to provide special protection to children, due to their stage of physical and emotional development. On the other, it is linked to the international recognition that the due diligence obligation of States to protect and prevent violence has special connotations in the case of women, due to the historical discrimination they have faced as a group. Under the international human rights system, the States have been held responsible for violations to the right to life when their authorities failed to undertake reasonable measures to protect women and children from violence resulting in their death even though they knew or should have known of a situation of risk.” (para 161)
- “For its part, the Inter-American human rights system has established that States must adopt comprehensive measures to comply with due diligence in cases of violence against women. In other words, the State should prevent the risk factors and, at the same time, strengthen the institutions that can respond effectively in cases of violence against women. In particular, the

¹³ IACHR Report, paras 154-155.

¹⁴ IACHR Report, para 157.

State should have an appropriate legal framework of protection that is enforced effectively, and prevention policies and practices that allow effective measures to be taken in response to complaints.” (para 164)

- “Given the strong connection between the greater risks for violence that indigenous women confront and the social and economic inequalities they face, States must implement specific measures to address the social and economic disparities that affect indigenous women. The IACHR recalls the statistics described in the previous section that demonstrate that indigenous women in Canada constitute one of the most disadvantaged groups on Canada. These statistics, according to some civil society organizations: point to the existence of institutionalized racism towards Aboriginal people, and towards Aboriginal women and girls, in the laws and policies of the Government of Canada with respect to the child welfare and criminal justice systems, and in the provision of education [...] and other essential services. Canada is failing to live up to its [international] obligations [...] to ensure that public authorities and public institutions eliminate racial discrimination, and to review and amend any laws or policies which have the effect of creating or perpetuating discrimination.” (para 165)
- “The IACHR has held that the State should adopt preventive measures in specific cases in which it is evident that certain women and girls may be victims of violence. Moreover, the Inter-American system has established that the obligation of prevention encompasses all those measures of a legal, political, administrative and cultural nature that ensure protection of human rights, which include improving women’s enjoyment of economic, social and cultural rights. Violation of these rights is an unlawful act which may result in the punishment of the person who commits the violation. There is also an obligation to compensate the victims for the harmful consequences. That said, the obligation to prevent is an obligation of the State to implement adequate means or conduct itself appropriately, and the mere fact of a right having been violated is not, in and of itself, proof of a failure to prevent. The finding of a failure to prevent will depend on what the State has done or failed to do to prevent the human rights violation in question.” (para 171)
- “The lack of due diligence in cases of violence against indigenous women has even more profound consequences as it affects not only the victims, but also their families and the communities to which they belong.” (para 182)
- “The Inter-American system has consistently found that a lack of due diligence that leads to impunity, and engenders further incidents of the very violence that was to be targeted, is itself a form of discrimination in access to justice. The Inter-American jurisprudence has established that States have the obligation to use all the legal means at their disposal to combat such situations, since impunity fosters chronic recidivism of human rights violations, and total defencelessness of victims and their relatives.” The IACHR has established that judicial ineffectiveness in cases involving violence against women creates a climate of impunity that invites violence and discrimination against women “since society sees no evidence of willingness by the State, as the representative of the society, to take effective action to sanction such acts.” When crimes committed against women go unpunished, this “sends the message that violence against women is tolerated; this leads to their perpetuation, together with social acceptance of the phenomenon, the feeling women have that they are not safe, and their persistent mistrust in the system of administration of justice.” (paras 183-184)

The IACHR Report specifically discusses the due diligence principle in the context of investigating the murder or disappearance of an Indigenous woman or girl. Paras 173-177 states:

In considering a failed investigation or prosecution, the IACHR has determined that “in order to establish in a convincing and credible manner that [a] result was not the product of a mechanical implementation of certain procedural formalities without the State genuinely seeking the truth, *the State must show that it carried out an immediate, exhaustive and impartial investigation,*” and *must explore all the investigative leads possible that might identify the authors of the crime, so that they can be prosecuted and punished.* The Inter-American jurisprudence has established that *the obligation to investigate a death means that the effort to determine the truth with all diligence must be evident as of the very first procedures.* The State may be liable for a failure to order, practice or evaluate evidence that may have been essential for a proper clarification of the facts.

The IACHR has singled out the investigation as the critical phase in cases involving violence against women and has written that *the “importance of due investigation cannot be overestimated, as deficiencies often prevent and/or obstruct further efforts to identify, prosecute and punish those responsible.”*

The IACHR has also held that the *influence of discriminatory socio-cultural patterns can adversely affect an investigation of a case and the assessment of any evidence compiled. In this regard, the creation and use of stereotypes becomes one of the causes and consequences of gender violence practiced against women.* The stereotypes in an investigation are the result of the existing situation of inequality and discrimination that many women confront due to multiple factors that are interrelated with their sex, such as race, age, ethnicity, socioeconomic condition and others.

The Inter-American system has developed particular standards in relation to missing women. An obligation of strict due diligence arises with regard to reports of missing women, with respect to search operations during the first hours and days. This obligation of means, is more rigorous and demands an immediate and effective response on the part of authorities when complaints of disappearances are filed, to adequately prevent violence against women. This includes an exhaustive search. It also requires that the officials in charge of receiving missing person reports have the capacity and the sensitivity to understand the seriousness of the phenomenon of violence against women and the willingness to act immediately. Above all, it is essential that police authorities, prosecutors and judicial officials take prompt action by ordering, without delay, the necessary measures to determine the whereabouts of the victims or the place where they may have been detained. Adequate procedures should be in place for reporting disappearances, which should result in an immediate and effective investigation. The authorities should presume that the disappeared person has been deprived of liberty and is still alive until there is no longer any uncertainty about her fate.

Particularly regarding girls, states have a reinforced duty of due diligence. The Inter- American system has established that states have the obligation to adopt all positive measures necessary to guarantee the rights of girls who have gone missing. *Specifically, states have the duty to ensure that immediate, effective measures are applied to investigate any report of missing girls, and to attempt to locate her in the context of a crime, as soon as possible once the family reports their absence. In the event that a missing girl’s body is found the state must investigate and prosecute and punish those responsible effectively and expeditiously.* (emphasis added)

At para 185, the IACHR sums up its discussion of the link between the right to be free from discrimination, violence against women and the due diligence principle:

To summarize, the American Declaration is recognized as constituting a source of legal obligations for OAS states including Canada. The organs of the international and regional human rights systems for the protection of human rights have developed jurisprudence that recognize the rights of indigenous peoples as well as the obligation to guarantee women's rights to equality, non-discrimination and non-violence. In this regard, international and regional human rights systems have developed a set of principles when applying the due diligence standards in cases of violence against women, as well as particular standards in relation to missing women. International and regional systems have also addressed the strong link between discrimination, violence and due diligence, emphasizing that a State's failure to act with due diligence with respect to a case of violence against women is a form of discrimination, and a failure on the State's part to comply with its obligation not to discriminate. The lack of due diligence in cases of violence against indigenous women is especially grave as it affects not only the victims, but also their families and the communities to which they belong. In the next section, the IACHR will analyze Canada's response to the situation of missing and murdered indigenous women in BC in light of the standards that have been described in this section.

With respect to a national inquiry, the IACHR made the following recommendation:

The IACHR strongly supports the creation of a national-level action plan or a nation-wide inquiry into the issue of missing and murdered indigenous women and girls, in order to better understand and address the problem through integral approaches. The IACHR considers that there is much more to understand and to acknowledge in relation to the missing and murdered indigenous women. This initiative must be organized in consultation with indigenous peoples, particularly indigenous women, at all stages from conception, to establishing terms of reference, implementation and evaluation.¹⁵

UN Report of the Special Rapporteur on the Rights of Indigenous Peoples

This July, 2014 report was prepared by Special Rapporteur James Anaya. It deals with several issues relating to the human rights of Indigenous peoples in Canada, including missing and murdered women and girls, as follows:

2. Missing and murdered aboriginal women and girls

34. Indigenous women and girls are also disproportionately victims of violent crime. The Native Women's Association of Canada has documented over 660 cases of women and girls across Canada who have gone missing or been murdered in the last 20 years, many of which remain unresolved, although the exact number of unresolved cases remains to be determined. Since 1996, there have been at least 29 official inquiries and reports dealing with aspects of this issue, which have resulted in over 500 recommendations for action.

35. To address this severe problem, in 2010 the federal Government implemented a seven-point plan, which includes a mix of law enforcement and justice initiatives, as well as funding for victim and family support and prevention and awareness

¹⁵ IAHR Report, para 309.

programmes. One part of the plan, which involves the identification of best practices in policing and the justice system in interactions with aboriginal women, resulted in the creation in March 2012 of an online searchable Compendium of Promising Practices to Reduce Violence and Increase Safety of Aboriginal Women in Canada. Further, over the last decade, the Royal Canadian Mounted Police, Canada's federal police force, has established integrated projects, units and task forces in Manitoba, British Columbia and Alberta to review unsolved homicides and missing persons cases.

36. There has also been action at the provincial level. For example, Manitoba has implemented legislative changes to improve investigative powers in missing persons cases and protect victims of trafficking, and has engaged in a number of consultations and awareness-raising efforts and funded anti-violence programmes. Ontario now includes persons missing for more than a month in their major crimes database, and the provincial police force has established an internal working group to link analysis, prevention and investigative efforts across the organization. Likewise, the Saskatchewan police have a provincial database on missing persons, which identifies aboriginal and non-aboriginal persons, and the province has a unique Provincial Partnership Committee on Missing Persons, which coordinates policy and public awareness development between aboriginal groups, the police and the justice system, and with non-governmental agencies.

37. Nevertheless, these efforts and any positive results from them have not, at least yet, abated continuing calls for greater and more effective action to address the problem of missing indigenous women and girls. During his visit to Canada, the Special Rapporteur heard consistent, insistent calls across the country for a comprehensive, nationwide inquiry, organized in consultation with indigenous peoples, that could provide an opportunity for the voices of the victims' families to be heard, deepen understanding of the magnitude and systemic dimensions of the issue, and identify best practices that could lead to an adequately coordinated response.

At p. 21, the Special Rapporteur made the following recommendation regarding a national inquiry:

Bearing in mind the important steps already taken to inquire into the disturbing phenomenon of missing and murdered aboriginal women and girls and to develop measures to address this problem, the federal Government should undertake a comprehensive, nationwide inquiry into the issue of missing and murdered aboriginal women and girls, organized in consultation with indigenous peoples.

UN Declarations and Conventions

The United Nations Declaration on the Rights of Indigenous Peoples

- Article 1 : Indigenous peoples have the right to the full enjoyment, as a collective or as individuals, of all human rights and fundamental freedoms as recognized in the Charter of the United Nations, the Universal Declaration of Human Rights 4 and international human rights law.
- Article 2: Indigenous peoples and individuals are free and equal to all other peoples and

individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their indigenous origin or identity.

- Article 7: Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person.
- Article 18: Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.
- Article 19: States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.
- Article 22. 1. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities in the implementation of this Declaration. 2. States shall take measures, in conjunction with indigenous peoples, to ensure that indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination.

The Universal Declaration of Human Rights

- Article 1: All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.
- Article 2: Everyone is entitled to all the rights and freedoms set forth in this Declaration, 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. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty
- Article 3: Everyone has the right to life, liberty and security of person.
- Article 5: No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.
- Article 7: All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

United Nations Convention on the Rights of the Child (CRC)

- Article 2 - 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. 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 6 - 1. States Parties recognize that every child has the inherent right to life. 2. States

Parties shall ensure to the maximum extent possible the survival and development of the child.

United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

- *Preamble* - Recalling that discrimination against women violates the principles of equality of rights and respect for human dignity, is an obstacle to the participation of women, on equal terms with men, in the political, social, economic and cultural life of their countries, hampers the growth of the prosperity of society and the family and makes more difficult the full development of the potentialities of women in the service of their countries and of humanity,
- *Article 2* - 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 and, to this end, undertake: (a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle; (b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women; (c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination; (d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation; (e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;
- *Article 3* - 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.

United Nations Convention on the Elimination of All Forms of Racial Discrimination (CEAFRD)

- *Article 2 - 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, and, to this end: (a) Each State Party undertakes to engage in no act or practice of racial discrimination against persons, groups of persons or institutions and to ensure that all public authorities and public institutions, national and local, shall act in conformity with this obligation; ... (c) Each State Party shall take effective measures to review governmental, national and local policies, and to amend, rescind or nullify any laws and regulations which have the effect of creating or perpetuating racial discrimination wherever it exists; (d) Each State Party shall prohibit and bring to an end, by all appropriate means, including legislation as required by circumstances, racial discrimination by any persons, group or organization; ... 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. These measures shall in no case entail as a consequence the maintenance of unequal or separate rights for different racial groups after the

objectives for which they were taken have been achieved.

- Article 5 - In compliance with the fundamental obligations laid down in article 2 of this Convention, States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights: ...
(b) The right to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual group or institution.

International Covenant on Civil and Political Rights

- Article 2 - 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. 2. 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 6 - 1. 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.
- Article 7 - No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.
- Article 9 - 1. 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.