

INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS

The United Nations General Assembly adopted the International Covenant on Civil and Political Rights (ICCPR) on November 16, 1966, and came into effect on March 23, 1976. Its monitoring body is the Human Rights Committee (HRC). As of 2025, over 170 states are party to it. The ICCPR is also part of "**The International Bill of Human Rights**," along with:

- Universal Declaration of Human Rights (UDHR, 1948)
- International Covenant on Economic, Social, and Cultural Rights (ICESCR, 1966)
- Optional Protocols to the ICCPR

After World War II, the UN Charter (1945) highlighted the importance of human rights, yet the UDHR (1948) remained non-binding. As a result, two binding agreements were established: one addressing civil and political rights (ICCPR) and another focusing on economic, social, and cultural rights (ICESCR). The ICCPR aimed to protect individual freedoms, political participation, and legal equality. Its fundamental principle is rooted in the idea that "freedom and dignity are inherent to all human beings."

Structure of the Covenant –

The ICCPR mentions a Preamble and 53 Articles, divided into six parts –

- Part I covers Article 1 and the right to self-determination.
- Part II covers Articles 2-4 and outlines the state's general obligations.
- Part III, comprising Articles 6 through 27, covers essential civil and political rights.
- Part IV, including Articles 28 to 45, covers provisions related to the Human Rights Committee.
- Part V comprises Articles 46 – 467 and related interpretation clauses.
- Part VI covers Articles 48 to 53 and includes final provisions such as signatures, ratifications, and related matters.

Major Rights Enshrined in ICCPR (Part III) highlights –

- Right to Life – Article 6
 - o Safeguards the fundamental right to life for every individual.
 - o The death penalty, if continued, should be reserved for the most serious offenses and must adhere to fair trial standards.
- Prohibition of Torture – Article 7
 - o No individual shall be subjected to torture or to cruel, inhuman, or degrading treatment or punishment.
 - o It prohibits medical and scientific experimentation without consent.
- Freedom from Slavery – Article 8
 - o Complete prohibition of slavery, the slave trade, and forced or compulsory labor.
- Right to Liberty and Security – Article 9
 - Safeguards individuals against unlawful arrest or detention.
 - Ensure the right to challenge the legality of detention (habeas corpus).
- Humane Treatment of Prisoners – Article 10
 - o Detainees should be treated with dignity.
 - o Juveniles are treated separately.
- Freedom of Movement – Article 12
 - o Includes the right to leave any country and return to one's own.
- Right to Fair Trial – Articles 14 – 15
 - o Equality before the courts, presumption of innocence, and the right to a defense.
 - o No penalty can be imposed without a corresponding law (nullum crimen sine lege).

- Freedom of Thought, Conscience and Religion – Article 18
 - o Complete internal liberty with restrictions only when necessary for public safety or order.
- Freedom of Expression – Article 19
 - o Encompasses the right to seek out, receive, and influence information.
 - o Restrictions permitted to protect others' rights, national security, or public morals.
- Right of Peaceful Assembly and Association – Articles 21 – 22
 - o Safeguards rights related to trade unions and political participation.
- Right to Participate in Public Affairs – Article 25
 - o Every citizen has the right to participate in authentic periodic elections, both to vote and to be elected.
- Equality before Law – Article 26
 - o Guarantees legal equality and bans discrimination.
- Rights of Minorities – Article 27
 - o Protects the cultural, religious, and linguistic rights of minority groups.

Implementation and Supervision –

Human Rights Committee (Articles 28 – 45)

- o Composition – 18 independent experts
- Functions –
 - Review periodic reports submitted by states.
 - Issue: General Comments on the interpretation of ICCPR provisions.
 - Consider individual complaints in accordance with the First Optional Protocol, if the State has ratified it.
 - Carry out interstate complaint procedures, which are seldom used.

Optional Protocols –

- First Optional Protocol (1966)
 - It allows individuals to file complaints directly with the Human Rights Committee about violations.
- Second Optional Protocol (1989)
 - It advocates for the abolition of the death penalty.

India and the ICCPR –

- It was signed and ratified on April 10, 1979. India made several interpretive declarations, including a statement on self-determination that referenced Article 1.
- Part III of the Indian Constitution closely mirrors several provisions of the ICCPR.
- Article 6 – Article 21 (Right to Life).
- Article 19 of the ICCPR covers Articles 19(1)(a) to (g), which pertain to freedoms such as expression, movement, and others.
- Article 18 of the ICCPR addresses freedom of religion and is complemented by Article 25.
- Article 26 of the ICCPR – Article 14 (Right to Equality Before the Law)

Significance –

- It is legally binding and mandates the respect, protection, and fulfillment of civil and political rights.
- It reinforced the idea that human rights are universal and inseparable.
- Inspired many national constitutions and human rights legislation.
- Serves a key role in the Human Rights Council's Universal Periodic Review (UPR) process.

Challenges and Criticisms –

- Weak enforcement mechanisms, such as non-binding HRC judgments.
- Some states demonstrate political selectivity and fail to follow up.
- Limitations and derogations are often cited as "national security" measures.
- Major powers like China and Saudi Arabia have not ratified it.

The ICCPR (1966) is a core part of international human rights law, protecting individuals' civil and political rights and monitored by the UN Human Rights Committee. It promotes global respect for liberty, equality, and dignity—key principles of democratic governance.

-XXXX-

Author: Darshita Neeraj
Senior Researcher,
Mudita Learning and Knowledge Private Limited
Email: info@muditabooks.com
Date of post: 27.07.2026

