

INDIA

Appeal cases

In June 1997, Amnesty International prepared a submission to the United Nations Human Rights Committee concerning India's implementation of certain articles of the International Covenant on Civil and Political Rights (ICCPR).

Under article 40 of the ICCPR, countries which have ratified the covenant are obliged to submit reports to the Human Rights Committee (set up under articles 28-40 of the covenant). These reports should describe measures adopted to give effect to the rights recognised within the covenant and on the progress made in the enjoyment of those rights. India submitted its third periodic report to the Committee on 29 November 1995 which is scheduled to be considered at the Committee's fifty-ninth session in Geneva in July 1997.

Amnesty International's submission to the Committee (AI Index: ASA 20/27/97) has highlighted issues of concern and the problems of implementation of the ICCPR in India and called on the government -- at a time when its international obligations are under scrutiny -- to take steps to safeguard the rights set out in the covenant in law and in practice. In particular, the submission focused on:

- **The shortcomings of India's implementation of safeguards to prevent human rights violations -- contained in the Indian Constitution, the criminal law and in court orders;**
- **The absence of adequate mechanisms to ensure full redress (including investigation, prosecution and compensation) for all victims of human rights violations;**
- **The continuing state of impunity for the majority of perpetrators of human rights violations -- particularly in areas of armed conflict;**
- **The existence of special legislation which grants security forces with wide powers to arrest and detain, shoot to kill and escape prosecution for violations, provisions of which suspend safeguards to protect the fundamental rights of citizens in India;**
- **The existence of a raft of legislation which provides for preventive detention which has been used to detain people not only in areas of armed conflict but has also been used against those defending the full range of human rights as set out in the Universal Declaration of Human Rights;**
- **The particular vulnerabilities of economically and socially disadvantaged groups in India, including women, *dalit* and tribal peoples, to a whole range of human rights violations and the particular problems they have in obtaining redress.**

The submission also made specific recommendations to the Government of India as a means to ensuring implementation of the ICCPR. A copy of these recommendations is attached in Appendix A.

This document highlights 12 cases which illustrate some of the concerns raised in Amnesty International's submission to the Human Rights Committee. A copy of the ICCPR is attached as Appendix B to this report for ease of reference.

Amnesty International is particularly concerned about implementation of Article 2 of the ICCPR in India. Articles 2(1) and 2(2) provide that governments should ensure implementation of the rights set out in the covenant without discrimination and calls on governments to ensure that "legislative or other measures" are taken to ensure those rights. Article 2(3) provides for full redress for victims of human rights violations.

Problems with implementation of this article and the consequences for victims and their relatives are demonstrated in all the appeal cases which follow. Any number of cases from a variety of states could have been chosen. The following cases were chosen because they illustrate patterns of violations which take place throughout the country.

Tamil Nadu and Puducherry: Dalit violence by security forces by continue

Violation of Article 21, 22(1), 23 of and 14 CFR and 14 CFR

Amnesty International has received reports of human rights violations in the past few years from areas of Tamil Nadu, including the rape and assault of women by members of the Special Task Force (STF) of the Tamil Nadu Police. The STF personnel are allegedly harassing and abusing women and their families. The STF personnel are also reportedly harassing and abusing Dalit women and their families. The STF personnel are also reportedly harassing and abusing Dalit women and their families. The STF personnel are also reportedly harassing and abusing Dalit women and their families.

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Prakash Singh vs. State of Jammu and Kashmir and others

State that Articles 32 and 61 are available for invocation of the right to life as set out in article 6(1) of the ICCPR and upheld in Article 21 of the Constitution of India;

relative have and years investigation of prohibition of proscription of titles of King and high officials and

knows of in particular his presence in the security forces of Jammu and Kashmir of the National Security Guard

In January 1995, the petitioners approached the High Court of Jammu and Kashmir by the Human Rights Wing for the

Javed Ahmad Ahanger growing 8 year old son of a Hindu caste had been barred from the National Security Guard

Express concern that this case has been continuing for several years without result and convey

On 11th August 1995, the petitioners filed a writ petition in the High Court of Jammu and Kashmir for the

found that in the course of this investigation, the High Court of Jammu and Kashmir has been

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Mr. P. L. Handoo, Mr. Mulayam Singh Yadav, Minister, Law and Parliamentary Affairs, Minister of Defence

Raj Bhavan, Ministry of Defence, South Block, New Delhi 110 001

Jammu and Kashmir, India

Please send appeals to:

Mr. P. L. Handoo, Mr. Mulayam Singh Yadav, Minister, Law and Parliamentary Affairs, Minister of Defence, Raj Bhavan, Ministry of Defence, South Block, New Delhi 110 001, India

Accord **Amnesty International** **Closure recommendations** completed identification of 585 bodies, has "partially identified" 274 and has not identified a further 1,238. On producing its fifth report, the CBI pleaded its inability to

Express concern that the CBI appears to have found evidence of massive human rights violations in Punjab. Continue investigations to determine criminal responsibility in such a large number of cases and suggested that the inquiry be continued by the Punjab police. However, the Supreme Court, on 11 December 1996, ruled that this option was unacceptable for reasons of impartiality, and asked the CBI to continue its investigations, to register cases where necessary and to submit quarterly reports on the progress of its investigations. To date (June 1997), charges have only been filed against police officers for the abduction and murder of three individuals who were subsequently cremated as unidentified persons. Stress the importance of ending impunity as a means of preventing human rights violations in the future. State that police officers in Punjab against whom evidence has been found that they have been responsible for committing human rights violations, should be brought promptly before a court of law and given a fair trial;

In the same ruling, the Supreme Court directed the National Human Rights Commission (NHRC) to "have the matter examined in accordance with law and do determine all the issues which have been raised before the Commission. Urge the central government to ensure that hundreds of allegations of human rights violations -- many of which are pending in the courts in the form of petitions -- are dealt with promptly. Stress the urgent need to provide full redress to victims of human rights violations.

On 28 January 1997, the NHRC held a preliminary hearing and asked the CIIP to submit in writing its views

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of the terms of reference of the role of the NHRC before the next hearing of 15 February. Officials of the Ministry of Home Affairs were also requested to submit their views. In its submission to the NHRC, the CIIP argued that the Commission was bound not only to look into the issue of compensation but also to look at the causes and implications of these massive violations and the culpability of the state. This would include looking at the correlation between the complaints about missing persons, police abductions, illegal detentions and false "encounters" prevalent in Punjab and the illegal cremations. The NHRC is in the process of considering these submissions. Punjab, India

Mr Indrajit Gupta
Minister of Home Affairs
Minister of Home Affairs
North Block, New Delhi, 110 001, India
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Amnesty International has expressed its concern over the reported use of force by police and state authorities in the context of the Maoist insurgency in West Bengal. It has also expressed its concern over the reported use of force by police and state authorities in the context of the Maoist insurgency in West Bengal. It has also expressed its concern over the reported use of force by police and state authorities in the context of the Maoist insurgency in West Bengal.

Debu Pramanik, an out-of-work dock labourer died in the custody of West Bengal police on 12 July 1996 after being held on the grounds of a security check. The security forces only use force when necessary and only to the minimum extent required under the circumstances.

He was taken into custody following a disturbance involving a drunk police constable from Keota outpost. Debu Pramanik was taken into custody following a disturbance involving a drunk police constable from Keota outpost. Debu Pramanik was taken into custody following a disturbance involving a drunk police constable from Keota outpost.

In Manipal, the police officers were seen to be using force against the crowd of law enforcement officials --

including the Code of Conduct for Law Enforcement Officials and the Basic Principles on the Use of Force by Law Enforcement Officials. He was taken to a police station in the early hours of 10 July before being transferred to the police station. Police refused to allow his wife to visit him in the police station. They subsequently released him on bail. The police version of events. The registered the arrest as having taken place at 9.05pm on 11 July 1996. At around midday on that day, he was taken to the court of the Sub-divisional Judicial Magistrate. However, the assistant

Magistrate was not present. His arrest was not endorsed by several other police officers in the state as well as the West Bengal Human Rights Commission. He was taken to the court of the Sub-divisional Judicial Magistrate. However, the assistant Magistrate was not present. His arrest was not endorsed by several other police officers in the state as well as the West Bengal Human Rights Commission. He was taken to the court of the Sub-divisional Judicial Magistrate. However, the assistant Magistrate was not present. His arrest was not endorsed by several other police officers in the state as well as the West Bengal Human Rights Commission.

Investigations carried out by the West Bengal Human Rights Commission following press reports and a complaint lodged by the Association for the Protection of Democratic Rights (APDR) produced

On the morning of 5 April 1996, three vehicles carrying around 13 members of the Central Reserve Police Force (CRPF) entered the village of Naorem Mayar Leikar in Bishnupur district of Manipur. The CRPF personnel caught sight of a man riding a bicycle. Believing him to be a member of an armed opposition group, they shouted to him to stop. As the man got off his bicycle and ran away the CRPF personnel began to chase him, shooting at him. The cyclist ran towards the house of Naorem Modon whose daughter, Oinam Ongbi Amina Devi, was weaving with her younger sister and four children. CRPF personnel surrounded the house and continued firing. The state Commission recommended the criminal prosecution of the officer in charge of Chinsurah police station, and the instituting of departmental proceedings against two other officers. In summing up, the Commission noted:

"The Commission views with displeasure the tendency on the part of even senior police officer, who, presumably, motivated by narrow departmental consideration goes out of his way to defend police action even if the said action is illegal and unlawful. The Commission initially faced difficulty in proceeding with this investigation because of lack of a response even from the S.P. / Superintendent of Police, Hojai. The report received from S.P. is not factually correct."

In response to protests, the Government of Manipur appointed a Commission of Inquiry to look into the causes and circumstances surrounding the death of Amina Devi. In July 1996 the Commission of Inquiry found that the CRPF personnel had opened fired indiscriminately at her house resulting in her death.

Recall: Young boy illegally detained and tortured

Express concern about the illegal detention and torture of a 15-year-old boy in Kerala. The boy was arrested on the night of 19 February 1992 and was held in custody of the police for several days before being taken to a hospital where he died.

On 5 June, Rajesh's mother submitted a memorandum to the Chief Minister of Kerala, and sent a telegram to the Director General of Police, regarding the illegal detention of her son. On 7 June, the police from Thiruvallom police station finally produced Rajesh before the court at Vanchiyoor claiming he had been arrested on the night of 19 February 1992.

Express concern that the central government has sought to prevent an official impartial inquiry into the incident in an attempt to protect members of the armed forces from investigation. State that such action by the central government heightens Amnesty International's concerns about the effect of the continuing impunity in areas of armed conflict.

On his release, he was admitted to the Government General Hospital, Trivandrum, for treatment of his injuries sustained while in police custody. While at the hospital he was interviewed by a team from a local human rights organization (the Kerala Civil Liberties Committee) which took a public case into the High Court. The police had been ordered to release Rajesh as a condition of his release. He was released on 24 June 1992. Amnesty International has been informed by persons who claim to have knowledge of no inquiry ordered into the illegal detention and torture of Rajesh.

Urge the authorities to ensure that all law enforcement personnel are trained in the basic principles of international human rights law and are familiar with those international treaties which India is bound by, including the Convention on the Rights of the Child which states that no child shall be subjected to torture or arbitrary detention.

Please send appeals to: to ensure that all allegations of torture (including rape), death in custody, "disappearance" or extrajudicial execution, be promptly and impartially investigated and to bring those found responsible in areas of armed conflict including Jammu and Kashmir and states of the north-east -- reports of torture and extrajudicial execution are widespread. Access to redress in areas of armed conflict is limited through legislation governing the operations of members of the armed forces which grants extensive powers to these forces and protects them from investigation and prosecution.

Urge the government to remove all provisions in the ordinary criminal law and in special legislation governing areas of armed conflict which protect members of the armed forces from investigation or prosecution by Kerala. Specifying that the "sanction" of the central government is necessary.

In March 1992 the central government filed a petition in the Guwahati High Court challenging the right of the Government of Manipur to order a judicial inquiry into the death of a 15-year-old student following arrest by a barman in Imphal.

Urge the government to ensure that all law enforcement personnel are trained in the basic principles of international human rights law, particularly those reflected in the United Nations Code of Conduct for Police Officers.

The judicial law enforcement officials should be on constant vigilance to prevent a public outcry over the death of Kanjugam Ojit Singh and the United Nations Standard Minimum Rules for the Treatment of Prisoners in India. Amnesty International believes that certain groups -- including children -- are particularly vulnerable to torture. The organization has received numerous reports that children have been arrested by members of the armed forces on 19 February. Armed forces personnel lodged an FIR with police claiming that Kanjugam Ojit Singh had been arrested that morning. Police kept him in detention and denied access to his relatives who attempted to visit him there. Late in the evening of 19 February his condition worsened and he was taken to hospital where he died the next day. An inquest found several injuries on his body, concluding that death was caused by contusion and oedema of lungs associated with multiple bruises resulting from blunt force injuries to the body -- Homicidal in nature.

On 26 May 1992, Rajesh's mother filed a "search petition" before the High Court, and the judicial magistrate ordered an advocate to search for Rajesh at the police station. However, police reportedly knew of the impending search and shifted Rajesh once more to the police station where he had originally been held. Police officers at the police station denied before the court that Rajesh had been in their custody.

On 3 June, Rajesh's mother filed a "search petition" before the High Court, and the judicial magistrate ordered an advocate to search for Rajesh at the police station. However, police reportedly knew of the impending search and shifted Rajesh once more to the police station where he had originally been held. Police officers at the police station denied before the court that Rajesh had been in their custody.

In its petition, the central government argued that under entries of List II of the Seventh Schedule of the Constitution and sections of the Commission of Inquiry Act, 1952, the state government did not have powers to order a Commission of Inquiry into the conduct of armed forces personnel deployed in aid of civil power.

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In challenging the right of the state government to order an inquiry, the government also presented its version of events leading to the death of Kanjugam Ojit Singh in court, appearing to argue that there was no need for an inquiry. The government stated that on 19 February, the 15-year-old had been chased by armed forces personnel during which time he sustained a "sprained leg" for which he was provided with medical treatment before being handed over to police. They gave no explanation for his subsequent death.

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APPENDIX A: Amnesty International's recommendations to the Government of India to ensure the realisation of the rights specified in the ICCPR.

Amnesty International urges the Government of India to

- Withdraw the declarations made at the time of accession to the covenant with respect to articles 9 and 13
- Review Article 22 of the Constitution of India to bring it in line with international standards. With a view to this, implement the changes to Article 22 of the Constitution as required by the Constitution (Forty-Fourth) Amendment Act, 1978
- Review the Protection of Human Rights Act, 1993 as a matter of urgency to strengthen the mandate and operation of the National Human Rights Commission, the state Human Rights Commissions and the Human Rights Courts
- Review the Armed Forces (Special Powers) Act, 1958, to ensure there are strict legal limitations on the use of force and firearms by law enforcement officials
- Ensure that UN standards concerning the conduct of law enforcement officials -- including the Code of Conduct for Law Enforcement Officials and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials -- are reflected in legislation, guidelines and training for police, paramilitary and armed forces in India
- Review all legislation at the central and state level, including the National Security Act, 1980, which provide for preventive / administrative detention, with a view to the removal of such provisions
- Amend the definition of a juvenile given in the Juvenile Justice Act to remove the possibility that a juvenile boy can be sentenced to death. This would bring Indian law into consonance with article 37(a) of the Convention on the Rights of the Child and with article 6(5) of the covenant
- Take steps to abolish the death penalty in law and practice and ratify the second optional protocol to the ICCPR
- Ratify the first optional protocol to the ICCPR to allow for individual complaints to the Human Rights Committee
- Ratify the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment

Amnesty International urges the Government of India to take the following measures to ensure the safety of those defending the whole range of rights as set out in the Universal Declaration of Human Rights

- Give a commitment that human rights defenders will be permitted to document human rights violations, and protest and campaign against such violations, in freedom and back this up in law and administrative guidelines
- Ensure that the freedom to peacefully protest is granted throughout India and that excessive force will not be used against protesters
- Ensure the protection from harassment and attacks of those defending the rights of others who may be under threat from vested interests
- Order prompt and impartial investigations into all attacks on human rights defenders and bring those responsible to justice
- Ensure the free and unhindered flow of information to and from human rights organizations in India
- Grant free access to international human rights organizations and United National human rights mechanisms to all parts of India

Amnesty International urges the Government of India to take the following measures to end discriminatory practices

- Review the implementation of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and the Protection of Civil Rights Act, 1955 to ensure that they are fulfilling the purpose for which the Acts were passed -- that is, to grant protection to members of vulnerable communities
- Review the Code of Criminal Procedure and the implementation of existing safeguards to enhance the protection provided to women detainees
- Ensure that any woman who brings charges of rape or sexual abuse against law enforcement personnel is effectively protected from harassment or reprisals
- Provide training in the basic principles of international human rights law to government officials, including all members of the security forces

Amnesty International urges the Government of India to take the following measures to provide redress and end impunity

- Ensure meticulous adherence to laws which already exist in India which have been enacted to safeguard human rights
- Review all provisions protecting public servants from arrest and prosecution. To this end, amend sections 45 and 197 of the Code of Criminal Procedure, 1973 to remove the requirement of the sanction of the central or state government for the prosecution of members of the police or armed forces
- Ensure the accountability of members of the paramilitary and armed forces for human rights violations which take place in the context of situations of armed conflict in India
- Review the Code of Criminal Procedure to ensure mandatory judicial inquiries are carried out into all allegations of torture, death in custody, rape in custody, "disappearance", extrajudicial executions and into attacks on human rights defenders
- Take measures to ensure that investigations into human rights violations are fully independent and impartial and that victims, their relatives and witnesses are granted protection from harassment and intimidation
- Provide an effective machinery for prompt and adequate redress and compensation for victims of human rights violations which includes assurances that those found responsible for violations are prosecuted in accordance with law

APPENDIX B: International Covenant on Civil and Political Rights

Adopted and opened for signature, ratification and accession by General Assembly Resolution 2200 A (XXI) of 16 December 1966

Entry into force: 23 March 1976, in accordance with Article 49

Preamble

The States Parties to the present Covenant,

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Recognizing that these rights derive from the inherent dignity of the human person,

Recognizing that, in accordance with the Universal Declaration of Human rights, the ideal of free human beings enjoying civil and political freedom and freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his civil and political rights, as well as his economic, social and cultural rights,

Considering the obligation of States under the Charter of the United Nations to promote universal respect for, and observance of, human rights and freedoms,

Realizing that the individual, having duties to other individuals and to the community to which he belongs, is under a responsibility to strive for the promotion and observance of the rights recognized in the present Covenant,

Agree upon the following Articles:

PART I

Article 1

1. All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.
2. All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.
3. The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations.

PART II

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 legislative or other measures as may be necessary to give effect to the rights recognized in the present Covenant.
3. Each State Party to the present Covenant undertakes:
 - a. to ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity;
 - b. to ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy;
 - c. to ensure that the competent authorities shall enforce such remedies when granted.

Article 3

The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all civil and political rights set forth in the present Covenant.

Article 4

1. 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.
2. No derogation from Articles 6, 7, 8 (paragraphs 1 and 2), 11, 15, 16 and 18 may be made under this provision.
3. Any State Party to the present Covenant availing itself of the right of derogation shall immediately inform the other States Parties to the present Covenant, through the intermediary of the Secretary-General of the United Nations, of the provisions

from which it has derogated and of the reasons by which it was actuated. A further communication shall be made, through the same intermediary, on the date on which it terminates such derogation.

Article 5

1. Nothing in the present Covenant may be interpreted as implying for any State, group or person any right to engage in any activity or perform any act aimed at the destruction of any of the rights and freedoms recognized herein or at their limitation to a greater extent than is provided for in the present Covenant.
2. There shall be no restriction upon or derogation from any of the fundamental human rights recognized or existing in any State Party to the present Covenant pursuant to law, conventions, regulations or custom on the pretext that the present Covenant does not recognize such rights or that it recognizes them to a lesser extent.

PART III

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.
2. In countries which have not abolished the death penalty, sentence of death may be imposed only for the most serious crimes in accordance with the law in force at the time of the commission of the crime and not contrary to the provisions of the present Covenant and to the Convention on the Prevention and Punishment of the Crime of Genocide. This penalty can only be carried out pursuant to a final judgement rendered by a competent court.
3. 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.
4. Anyone sentenced to death shall have the right to seek pardon or commutation of the sentence. Amnesty, pardon or commutation of the sentence of death may be granted in all cases.
5. Sentence of death shall not be imposed for crimes committed by persons below eighteen years of age and shall not be carried out on pregnant women.
6. Nothing in this Article shall be invoked to delay or to prevent the abolition of capital punishment by any State Party to the present Covenant.

Article 7

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation.

Article 8

1. No one shall be held in slavery; slavery and the slave-trade in all their forms shall be prohibited.
2. No one shall be held in servitude.
3.
 - a. No one shall be required to perform forced or compulsory labour;
 - b. Paragraph 3 a shall not be held to preclude, in countries where imprisonment with hard labour may be imposed as a punishment for a crime, the performance of hard labour in pursuance of a sentence to such punishment by a competent court;
 - c. For the purpose of this paragraph the term "forced or compulsory labour" shall not include:
 - i. any work or service, not referred to in subparagraph b, normally required of a person who is under detention in consequence of a lawful order of a court, or of a person during conditional release from such detention;
 - ii. any service of a military character and, in countries where conscientious objection is recognized, any national service required by law of conscientious objectors;
 - iii. any service exacted in cases of emergency or calamity threatening the life or well-being of the community;
 - iv. any work or service which forms part of normal civil obligations.

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.
2. 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.
3. Anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release. It shall not be the general rule that persons awaiting trial shall be detained in custody, but release may be subject to guarantees to appear for trial, at any other stage of the judicial proceedings, and, should occasion arise, for execution of the judgement.
4. Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that that court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful.
5. Anyone who has been victim of unlawful arrest or detention shall have an enforceable right to compensation.

Article 10

1. All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.
2.
 - a. Accused persons shall, save in exceptional circumstances, be segregated from convicted persons and shall be subject to separate treatment appropriate to their status as unconvicted persons;
 - b. Accused juvenile persons shall be separated from adults and brought as speedily as possible for adjudication.
3. The penitentiary system shall comprise treatment of prisoners the essential aim of which shall be their reformation and social rehabilitation. Juvenile offenders shall be segregated from adults and be accorded treatment appropriate to their age and legal status.

Article 11

No one shall be imprisoned merely on the ground of inability to fulfil a contractual obligation.

Article 12

1. 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.
2. Everyone shall be free to leave any country, including his own.
3. The above-mentioned rights shall not be subject to any restrictions except those which are provided by law, are necessary to protect national security, public order (ordre public), public health or morals or the rights and freedoms of others, and are consistent with the other rights recognized in the present Covenant.
4. No one shall be arbitrarily deprived of the right to enter his own country.

Article 13

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

1. All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law. The press and the public may be excluded from all or part of a trial for reasons of morals, public order (ordre public) or national security in a democratic society, or when the interest of the private lives of the Parties so requires, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice; but any judgement rendered in a criminal case or in a suit at law shall be made public except where the interest of juvenile persons otherwise requires or the proceedings concern matrimonial disputes of the guardianship of children.
2. Everyone charged with a criminal offence shall have the right to be presumed innocent until proved guilty according to law.
3. In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality:
 - a. to be informed promptly and in detail in a language which he understands of the nature and cause of the charge against him;
 - b. to have adequate time and facilities for the preparation of his defence and to communicate with counsel of his own choosing;
 - c. to be tried without undue delay;
 - d. to be tried in his presence, and to defend himself in person or through legal assistance of his own choosing; to be informed, if he does not have legal assistance, of this right; and to have legal assistance assigned to him, in any case where the interests of justice so require, and without payment by him in any such case if he does not have sufficient means to pay for it;
 - e. to examine, or have examined, the witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;
 - f. to have the free assistance of an interpreter if he cannot understand or speak the language used in court;
 - g. not to be compelled to testify against himself or to confess guilt.
4. In the case of juvenile persons, the procedure shall be such as will take account of their age and the desirability of promoting their rehabilitation.
5. Everyone convicted of a crime shall have the right to his conviction and sentence being reviewed by a higher tribunal according to law.
6. When a person has by a final decision been convicted of a criminal offence and when subsequently his conviction has been reversed or he has been pardoned on the ground that a new or newly discovered fact shows conclusively that there has been a miscarriage of justice, the person who has suffered punishment as a result of such conviction shall be compensated according to law, unless it is proved that the non-disclosure of the unknown fact in time is wholly or partly attributable to him.
7. No one shall be liable to be tried or punished again for an offence for which he has already been finally convicted or acquitted in accordance with the law and penal procedure of each country.

Article 15

1. No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time when the criminal offence was committed. If, subsequent to the commission of the offence, provision is made by law for the imposition of the lighter penalty, the offender shall benefit thereby.
2. Nothing in this Article shall prejudice the trial and punishment of any person for any act or omission which, at the time when it was committed, was criminal according to the general principles of law recognized by the community of nations.

Article 16

Everyone shall have the right to recognition everywhere as a person before the law.

Article 17

1. 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.
2. Everyone has the right to the protection of the law against such interference or attacks.

Article 18

1. 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, 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.
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.

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.

Article 20

1. Any propaganda for war shall be prohibited by law.
2. Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.

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.
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.
3. Nothing in this Article shall authorize States Parties to the International Labour Organisation Convention of 1948 concerning Freedom of Association and Protection of the Right to Organize to take legislative measures which would prejudice, or to apply the law in such a manner as to prejudice the guarantees provided for in that Convention.

Article 23

1. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.
2. The right of men and women of marriageable age to marry and to found a family shall be recognized.
3. No marriage shall be entered into without the free and full consent of the intending spouses.
4. States Parties to the present Covenant shall take appropriate steps to ensure equality of rights and responsibilities of spouses as to marriage, during marriage and at its dissolution. In the case of dissolution, provision shall be made for the necessary protection of any children.

Article 24

1. 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.
2. Every child shall be registered immediately after birth and shall have a name.
3. Every child has the right to acquire a nationality.

Article 25

Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in Article 2 and without unreasonable restrictions:

- a. to take part in the conduct of public affairs, directly or through freely chosen representatives;
- b. to vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;
- c. to have access, on general terms of equality, to public service in his country.

Article 26

All persons are equal before the law and are entitled without any discrimination to the equal protection of 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

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.

PART IV

Article 28

1. There shall be established a Human Rights Committee (hereafter referred to in the present Covenant as the Committee). It shall consist of eighteen members and shall carry out the functions hereinafter provided.
2. The Committee shall be composed of nationals of the States Parties to the present Covenant who shall be persons of high moral character and recognized competence in the field of human rights, consideration being given to the usefulness of the participation of some persons having legal experience.
3. The members of the Committee shall be elected and shall serve in their personal capacity.

Article 29

1. The members of the Committee shall be elected by secret ballot from a list of persons possessing the qualifications prescribed in Article 28 and nominated for the purpose by the States Parties to the present Covenant.
2. Each State Party to the present Covenant may nominate not more than two persons. These persons shall be nationals of the nominating State.
3. A person shall be eligible for renomination.

Article 30

1. The initial election shall be held not later than six months after the date of the entry into force of the present Covenant.
2. At least four months before the date of each election to the Committee, other than an election to fill a vacancy declared in accordance with Article 34, the Secretary General of the United Nations shall address a written invitation to the States Parties to the present Covenant to submit their nominations for membership of the Committee within three months.
3. The Secretary General of the United Nations shall prepare a list in alphabetical order of all the persons thus nominated, with an indication of the States Parties which have nominated them, and shall submit it to the States Parties to the present Covenant no later than one month before the date of each election.
4. Elections of the members of the Committee shall be held at a meeting of the States Parties to the present Covenant convened by the Secretary General of the United Nations at the Headquarters of the United Nations. At that meeting, for which two thirds of the States Parties to the present Covenant shall constitute a quorum, the persons elected to the Committee shall be those nominees who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.

Article 31

1. The Committee may not include more than one national of the same State.
2. In the election of the Committee, consideration shall be given to equitable geographical distribution of membership and to the representation of the different forms of civilization and of the principal legal systems.

Article 32

1. The members of the Committee shall be elected for a term of four years. They shall be eligible for re-election if renominated. However, the terms of nine of the members elected at the first election shall expire at the end of two years; immediately after the first election, the names of these nine members shall be chosen by lot by the Chairman of the meeting referred to in Article 30, paragraph 4.
2. Elections at the expiry of office shall be held in accordance with the preceding Articles of this part of the present Covenant.

Article 33

1. If, in the unanimous opinion of the other members, a member of the Committee has ceased to carry out his functions for any cause other than absence of a temporary character, the Chairman of the Committee shall notify the Secretary General of the United Nations, who shall then declare the seat of that member to be vacant.
2. In the event of the death or the resignation of a member of the Committee, the Chairman shall immediately notify the Secretary General of the United Nations, who shall declare the seat vacant from the date of death or the date on which the resignation takes effect.

Article 34

1. When a vacancy is declared in accordance with Article 33 and if the term of office of the member to be replaced does not expire within six months of the declaration of the vacancy, the Secretary General of the United Nations shall notify each of the States Parties to the present Covenant, which may within two months submit nominations in accordance with Article 29 for the purpose of filling the vacancy.
2. The Secretary General of the United Nations shall prepare a list in alphabetical order of the persons thus nominated and shall submit it to the States Parties to the present Covenant. The election to fill the vacancy shall then take place in accordance with the relevant provisions of this part of the present Covenant.
3. A member of the Committee elected to fill a vacancy declared in accordance with Article 33 shall hold office for the remainder of the terms of the member who vacated the seat on the Committee under the provisions of that Article.

Article 35

The members of the Committee shall, with the approval of the General Assembly of the United Nations, receive emoluments from United Nations resources on such terms and conditions as the General Assembly may decide, having regard to the importance of the Committee's responsibilities.

Article 36

The Secretary General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Covenant.

Article 37

1. The Secretary General of the United Nations shall convene the initial meeting of the Committee at the Headquarters of the United Nations.
2. After its initial meeting, the Committee shall meet at such times as shall be provided in its rules of procedure.
3. The Committee shall normally meet at the Headquarters of the United Nations or at the United Nations Office at Geneva.

Article 38

Every member of the Committee shall, before taking up his duties, make a solemn declaration in open committee that he will perform his functions impartially and conscientiously.

Article 39

1. The Committee shall elect its officers for a term of two years. They may be re-elected.
2. The Committee shall establish its own rules of procedure, but these rules shall provide, inter alia, that:
 - a. twelve members shall constitute a quorum;
 - b. decisions of the Committee shall be made by a majority vote of the members present.

Article 40

1. The States Parties to the present Covenant undertake to submit reports on the measures they have adopted which give effect to the rights recognized herein and on the progress made in the enjoyment of those rights:
 - a. within one year of the entry into force of the present Covenant for the States Parties concerned;
 - b. thereafter whenever the Committee so requests.
2. All reports shall be submitted to the Secretary General of the United Nations, who shall transmit them to the Committee for consideration. Reports shall indicate the factors and difficulties, if any, affecting the implementation of the present Covenant.
3. The Secretary General of the United Nations may, after consultation with the Committee, transmit to the specialized agencies concerned copies of such parts of the reports as may fall within their field of competence.
4. The Committee shall study the reports submitted by the States Parties to the present Covenant. It shall transmit its reports, and such general comments as it may consider appropriate, to the States Parties. The Committee may also transmit to the Economic and Social Council these comments along with the copies of the reports it has received from States Parties to the present Covenant.
5. The States Parties to the present Covenant may submit to the Committee observations on any comments that may be made in accordance with paragraph 4 of this Article.

Article 41

1. A State Party to the present Covenant may at any time declare under this Article that it recognizes the competence of the Committee to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under the present Covenant. Communications under this Article may be received and considered only if submitted by a State Party which has made a declaration recognizing in regard to itself the competence of the Committee. No communication shall be received by the Committee if it concerns a State Party which has not made such a declaration. Communications received under this Article shall be dealt with in accordance with the following procedure:
 - a. If a State Party to the present Covenant considers that another State Party is not giving effect to the provisions of the present Covenant, it may, by written communication, bring the matter to the attention of that State Party. Within three months after the receipt of the communication the receiving State shall afford the State which sent the communication an explanation, or any other statement in writing clarifying the matter which should include, to the extent possible and pertinent, reference to domestic procedures and remedies taken, pending, or available in the matter.
 - b. If the matter is not adjusted to the satisfaction of both States Parties concerned within six months after the receipt by the receiving State of the initial communication, either State shall have the right to refer the matter to the Committee, by notice given to the Committee and to the other State.
 - c. The Committee shall deal with a matter referred to it only after it has ascertained that all available domestic remedies have been invoked and exhausted in the matter, in conformity with the generally recognized principles of international law. This shall not be the rule where the application of the remedies is unreasonably prolonged.
 - d. The Committee shall hold closed meetings when examining communications under this Article.
 - e. Subject to the provisions of subparagraph c, the Committee shall make available its good offices to the States Parties concerned with a view to a friendly solution of the matter on the basis of respect for human rights and fundamental freedoms as recognized in the present Covenant.
 - f. In any matter referred to it, the Committee may call upon the States Parties concerned, referred to in subparagraph b, to supply any relevant information.
 - g. The States Parties concerned, referred to in subparagraph b, shall have the right to be represented when the matter is being considered in the Committee and to make submissions orally and/or in writing.
 - h. The Committee shall, within twelve months after the date of receipt of notice under subparagraph b, submit a report:
 - i. If a solution within the terms of subparagraph e is reached, the Committee shall confine its report to a brief statement of the facts and of the solution reached;
 - ii. If a solution within the terms of subparagraph e is not reached, the Committee shall confine its report to a brief statement of the facts; the written submissions and record of the oral submissions made by the States Parties concerned shall be attached to the report.

In every matter, the report shall be communicated to the States Parties concerned.

2. The provisions of this Article shall come into force when ten States Parties to the present Covenant have made declarations under paragraph 1 of this Article. Such declarations shall be deposited by the States Parties with the Secretary General of the United Nations, who shall transmit copies thereof to the other States Parties. A declaration may be withdrawn at any time by notification to the Secretary General. Such a withdrawal shall not prejudice the consideration of any matter which is the subject of a communication already transmitted under this Article; no further communication by any State Party shall be received after the notification of withdrawal of the declaration has been received by the Secretary General, unless the State Party concerned has made a new declaration.

Article 42

1. a. If a matter referred to the Committee in accordance with Article 41 is not resolved to the satisfaction of the States Parties concerned, the Committee may, with the prior consent of the States Parties concerned, appoint an ad hoc Conciliation Commission (hereafter referred to as the Commission). The good offices of the Commission shall be made available to the States Parties concerned with a view to an amicable solution of the matter on the basis of respect for the present Covenant.
 - b. The Commission shall consist of five persons acceptable to the States Parties concerned. If the States Parties concerned fail to reach agreement within three months on all or part of the composition of the Commission, the members of the Commission concerning whom no agreement has been reached shall be elected by secret ballot by a two-thirds majority vote of the Committee from among its members.
2. The members of the Commission shall serve in their personal capacity. They shall not be nationals of the States Parties concerned, or of a State not Party to the present Covenant, or of State Party which has not made a declaration under Article 41.
3. The Commission shall elect its own Chairman and adopt its own rules of procedure.
4. The meetings of the Commission shall normally be held at the Headquarters of the United Nations or at the United Nations Office at Geneva. However, they may be held at such other convenient places as the Commission may determine in consultation with the Secretary General of the United Nations and the States Parties concerned.
5. The secretariat provided in accordance with Article 36 shall also service the commissions appointed under this Article.
6. The information received and collated by the Committee shall be made available to the Commission and the Commission may call upon the States Parties concerned to supply any other relevant information.
7. When the Commission has fully considered the matter, but in any event not later than twelve months after having been seized of the matter, it shall submit to the Chairman of the Committee a report for communication to the States Parties concerned:
 - a. If the Commission is unable to complete its consideration of the matter within twelve months, it shall confine its report to a brief statement of the status of its consideration of the matter;
 - b. If an amicable solution to the matter on the basis of respect for human rights as recognized in the present Covenant is reached, the Commission shall confine its report to a brief statement of the facts and of the solution reached;
 - c. If a solution within the terms of subparagraph b is not reached, the Commission's report shall embody its findings on all questions of fact relevant to the issues between the States Parties concerned, and its views on the possibilities of an amicable solution of the matter. This report shall also contain the written submissions and a record of the oral submissions made by the States Parties concerned;
 - d. If the Commission's report is submitted under subparagraph c, the States Parties concerned shall, within three months of the receipt of the report, notify the Chairman of the Committee whether or not they accept the contents of the report of the Commission.
8. The provisions of this Article are without prejudice to the responsibilities of the Committee under Article 41.
9. The States Parties concerned shall share equally all the expenses of the members of the Commission in accordance with estimates to be provided by the Secretary General of the United Nations.
10. The Secretary General of the United Nations shall be empowered to pay the expenses of the members of the Commission, if necessary, before reimbursement by the States Parties concerned, in accordance with paragraph 9 of this Article.

Article 43

The members of the Committee, and of the ad hoc conciliation commissions which may be appointed under Article 42, shall be entitled to the facilities, privileges and immunities of experts on mission for the United Nations as laid down in the relevant sections of the Convention on the Privileges and Immunities of the United Nations.

Article 44

The provisions for the implementation of the present Covenant shall apply without prejudice to the procedures prescribed in the field of human rights by or under the constituent instruments and the conventions of the United Nations and of the specialized agencies and shall not prevent the States Parties to the present Covenant from having recourse to other procedures for settling a dispute in accordance with general or special international agreements in force between them.

Article 45

The Committee shall submit to the General Assembly of the United Nations, through the Economic and Social Council, an annual report on its activities.

PART V**Article 46**

Nothing in the present Covenant shall be interpreted as impairing the provisions of the Charter of the United Nations and of the constitutions of the specialized agencies which define the respective responsibilities of the various organs of the United Nations and of the specialized agencies in regard to the matters dealt with in the present Covenant.

Article 47

Nothing in the present Covenant shall be interpreted as impairing the inherent right of all peoples to enjoy and utilize fully and freely their natural wealth and resources.

PART VI**Article 48**

1. The present Covenant is open for signature by any State Member of the United Nations or member of any of its specialized agencies, by any State Party to the Statute of the International Court of Justice, and by any other State which has been invited by the General Assembly of the United Nations to become a Party to the present Covenant.
2. The present Covenant is subject to ratification. Instruments of ratification shall be deposited with the Secretary General of the United Nations.
3. The present Covenant shall be open to accession by any State referred to in paragraph 1 of this Article.
4. Accession shall be effected by the deposit of an instrument of accession with the Secretary General of the United Nations.
5. The Secretary General of the United Nations shall inform all States which have signed this Covenant or acceded to it of the deposit of each instrument of ratification or accession.

Article 49

1. The present Covenant shall enter into force three months after the date of the deposit with the Secretary General of the United Nations of the thirty-fifth instrument of ratification or instrument of accession.
2. For each State ratifying the present Covenant or acceding to it after the deposit of the thirty-fifth instrument of ratification or instrument of accession, the present Covenant shall enter into force three months after the date of the deposit of its own instrument of ratification or instrument of accession.

Article 50

The provisions of the present Covenant shall extend to all parts of federal States without any limitations or exceptions.

Article 51

1. Any State Party to the present Covenant may propose an amendment and file it with the Secretary General of the United Nations. The Secretary General of the United Nations shall thereupon communicate any proposed amendments to the States Parties to the present Covenant with a request that they notify him whether they favour a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that at least one third of the States Parties favours such a conference, the Secretary General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of the States Parties present and voting at the conference shall be submitted to the General Assembly of the United Nations for approval.
2. Amendments shall come into force when they have been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of the States Parties to the present Covenant in accordance with their respective constitutional processes.
3. When amendments come into force, they shall be binding on those States Parties which have accepted them, other States Parties still being bound by the provisions of the present Covenant and any earlier amendment which they have accepted.

Article 52

Irrespective of the notifications made under Article 48, paragraph 5, the Secretary General of the United Nations shall inform all States referred to in paragraph 1 of the same Article of the following particulars:

- a. signatures, ratifications and accessions under Article 48;
- b. the date of the entry into force of the present Covenant under Article 49 and the date of the entry into force of any amendments under Article 51.

Article 53

1. The present Covenant, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.
2. The Secretary General of the United Nations shall transmit certified copies of the present Covenant to all States referred to in Article 48.