

TEXT ANALYSIS:

The Rules of Law and the Human Rights

All human beings have the right to be treated with dignity and respect that are afforded to people through the enjoyment of all human rights and are protected through the rule of law, the freedom to live in dignity is the international human rights framework, together with international humanitarian law, international criminal law and international refugee law, those parts are complementary bodies of law that share a common goal: the protection of the lives, health and dignity of persons, the rules of law is the tool for their promotion and protection, It provides a structure through which the exercise of a strong power is subjected to agreed rules of law for the human rights in societies. The rules of law has played an integral part in the economic, social and cultural rights in a national context, including its culture, history and politics; states therefore do have different national experiences in the development of their systems of the rules of law, the rules of law and human rights are two sides of the same principle, the freedom to live in dignity, the rule of law and human rights therefore have an indivisible and fundamental relationship. That relationship has been fully recognized by Member States since the adoption of the Universal Declaration of Human Rights. States recognized the rule of law and human rights as belonging to the universal and indivisible values and principles of the United Nations. In the Declaration of the High-level Meeting on the Rule of Law, they emphasized that human rights and the rule of law were interlinked and mutually reinforcing.

The Human Rights Council has actively advanced the rule of law. A series of resolutions have been adopted by the Council that directly relate to both human rights and the rule of law, including on the administration of justice; on the integrity of the judicial system; and on human rights, democracy and the rule of law. The Human Rights Council has established several special procedure mechanisms directly related to the rule of law, such as: the Special Reporter on the independence of judges and lawyers, the Special Reporter on the promotion of truth, justice, reparation and guarantees of non-recurrence, the Independent Expert on the promotion of a democratic and equitable international order.

T. SH ABBASSI

The International Bill of Rights الوثيقة الدولية للحقوق

The UN has adopted a further eight treaties addressing particular rights or beneficiaries;

The objective is an attempt is to end serious human rights violations.

<p>1° The International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) both came into force in 1976 two Covenants were drafted to give them legal force (within a treaty). Each of them, as their names indicate, provides for a different category of rights</p>	<p>2° The Convention on the Rights of the Child (1989) recognizes that children have human rights too, and that people under the age of 18 need special protection in order to ensure that their full development, their survival, and their best interests are respected.</p>
<p>3° The International Convention on the Elimination of Racial Discrimination (1965) prohibits and condemns racial discrimination and requires states parties to take steps to bring it to an end by all appropriate means, whether this is carried out by public authorities or others.</p>	<p>4° The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW, 1979) focuses on the discrimination which is often systemically and routinely suffered by women through "distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women [...] in the political, economic, social, cultural, civil, or any other field". (Article 1) States undertake to condemn such discrimination and take immediate steps to ensure equality.</p>
<p>5° The Convention against Torture and Other Forms of Cruel, Inhuman or Degrading Treatment (1984) defines torture as "severe pain or suffering, whether physical or mental" (Article 1.1), which is intentionally inflicted in order to obtain information, as punishment or coercion or based on discrimination. This treaty requires states parties to take effective measures to prevent torture within their jurisdiction and forbids them from returning people to their home country if there is reason to believe they would be tortured there.</p>	<p>6° The Convention on the Protection of the Rights of Migrant Workers and members of their Families (1990) refers to a person who "is to be engaged, is engaged or has been engaged in a remunerated activity in a State of which he or she is not a national" (Article 2.1), and to members of his/her family. As well as delineating the general human rights which such people should benefit from, the treaty clarifies that whether documented and in a regular and legal situation or not, discrimination should not be suffered in relation to the enjoyment of rights such as liberty and security, protection against violence or deprivation of liberty.</p>
<p>7° The Convention on the Rights of Persons with Disabilities marks a groundbreaking shift not only in its definition of people with disabilities but also in their recognition as equal subjects with full and equal human rights and fundamental freedoms. The treaty clarifies the application of rights to such people and obliges states parties to make reasonable accommodation for people with disabilities in order to allow them to exercise their rights effectively, for example in order to ensure their access to services and cultural life.</p>	<p>8° The Convention on Enforced Disappearances addresses a phenomenon which has been a global problem. The treaty prohibits the "arrest, detention, abduction or any other form of deprivation of liberty" (Article 2), whether by state agents or others acting with the states' acquiescence, and accepts no exceptional circumstances whatsoever for this refusal to acknowledge deprivation of liberty and the concealment of the fate and whereabouts of victims.</p>

T .SH ABBASSI

Protection of specific groups' rights:

Because of cases of discrimination against groups and because of the disadvantaged position that they occupy in society, the special protection seeks to ensure that the human rights of the UDHR are effectively accessible to everyone and rights for minorities are simply to guarantee them equality of opportunities in accessing civil, political, social, economic or cultural rights.

Examples of groups that have received special protection are:

The Minorities

Are commonly described in such instruments as those with national or ethnic, religious or linguistic characteristics that differ from the majority population .These are protected by:

_ The UN Declaration on the Rights of Minorities: States shall protect the existence and the national or ethnic, cultural, religious and linguistic identity of minorities within their respective territories and shall encourage conditions for the promotion of that identity;

_ At the UN level by article 27 of the International Covenant on Civil and Political Rights as well as by the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities adopted in 1992;

_ At the European level by the Framework Convention for the Protection of National Minorities (FCNM), which created a monitoring body of independent experts: the Advisory Committee on the FCNM. Other Council of Europe sectors have activities relevant to the protection of minorities: the European Charter for Regional or Minority Languages, the European Commission against Racism and Intolerance (ECRI);

_ By having a special place in the Organization on Security and Co-operation in Europe (OSCE) by the High Commissioner on National Minorities Documents.

The Refugees

The rights of refugees are specially guaranteed in the Convention relating to the Status of Refugees of 1951 and by the United Nations High Commissioner on Refugees (UNHCR). The only regional system with a specific instrument on refugee protection has been Africa with the adoption in 1969 of the Convention Governing the Specific Aspects of Refugees, but in Europe the ECHR also offers some protection.

The Immigrates

Enforcing the immigrants' rights by the main international supervisory bodies are commissions or committees and courts, all of which are composed of independent members – experts or judges –the main mechanisms used by these bodies are:–Complaints (brought by individuals, groups or states, and Court cases).

There are three permanent regional courts which exist as supervisory bodies specifically for the implementation of human rights: the European Court of Human Rights, the Inter-American Court of Human Rights and the African Court on Human and Peoples' Rights (AfCHPR). The Inter-American Court of Human Rights was established by the Organization of American States in 1979 to interpret and enforce the American Convention on Human Rights. The African Court is the most recent of the regional courts, having come into being in January 2004. It decides cases in compliance with the African Charter on Human and Peoples' Rights in relation to state members of the African Union in Tanzania.

T .SH ABBASSI

Major United Nations' Human Rights Treaties

Treaty	Monitored by	Optional Protocols
International Convention on the Elimination of Racial Discrimination (1965)	Committee on the Elimination of Racial Discrimination	
International Covenant on Civil and Political Rights (1966)	Human Rights Committee	First Optional Protocol establishing an individual complaint mechanism Second Optional Protocol aiming at the abolition of the death penalty
International Covenant on Economic, Social and Cultural Rights (1966)	Committee on Economic, Social and Cultural Rights	Optional Protocol recognizing the Committee's competence to receive communications submitted by individuals or groups (2008)
Convention on the Rights of the Child (1989)	Committee on the Rights of the Child	Optional Protocol on the involvement of children in Armed Conflict (2000) Optional Protocol on the sale of children, child prostitution and child pornography (2000)
Convention on the Elimination of All Forms of Discrimination Against Women (1979)	Committee on the Elimination of Discrimination Against Women	Optional Protocol on the right to individual complaints
Convention Against Torture and Other Forms of Cruel, Inhuman or Degrading Treatment (1984)	Committee Against Torture and Other Forms of Cruel, Inhuman or Degrading Treatment	Optional Protocol establishing a system of regular visits by independent international and national bodies - monitored by the Subcommittee on Prevention of Torture (2002)
Convention on the Protection of the Rights of Migrant Workers and members of their Families (1990)	Committee on the Protection of the Rights of Migrant Workers and members of their Families	
The Convention on the Rights of Persons with Disabilities (2006)	Committee on the Rights of Persons with Disabilities	Optional Protocol on Communications allows individuals and groups to petition the Committee.
The Convention on Enforced Disappearances (2006)	Committee on Enforced Disappearances	<i>T .SH ABBASSI</i>

IMPORTANT DOCUMENTS IN THE POLITICAL HISTORY OF RIGHTS

N°	In English Language	In Arabic Language
01	The Persian Empire of ancient Iran established principles of human rights in the 6th century after the conquest of Babylon issued by the king seen by some historians as the first human rights document.	أنشأت الإمبراطورية الفارسية لإيران القديمة مبادئ حقوق الإنسان في السادس بعد غزو بابل الذي أصدره الملك الذي رآه بعض المؤرخين كأول وثيقة لحقوق الإنسان
02	The Constitution of Medina instituted a number of rights for the Muslim, Jewish followers and "believers" of Medina in the K.S.A.	وضع دستور المدينة عددًا من الحقوق للمسلمين واليهود و "المؤمنين" بالمدينة المنورة في المملكة العربية السعودية.
03	The Magna Carta or (the great charter) required the King of England to renounce certain rights and respect certain legal procedures, and to accept that the will of the king could be tied by law, originally it was a set of rules that the king had to follow called "law of the land".	تطلبت ماغنا كارتا (أو الميثاق العظيم) من ملك إنجلترا التخلي عن حقوق معينة واحترام بعض الإجراءات القانونية ، والقبول بأن إرادة الملك يمكن أن تكون مرتبطة بالقانون ، في الأصل كانت مجموعة من القواعد التي كان الملك يمتلكها.
04	The Declaration of Scotland established the right of the people to choose a head of state called principle of the popular sovereignty.	لقد حدد إعلان اسكتلندا حق الشعب في اختيار رئيس دولة يسمى مبدأ السيادة الشعبية
05	King Henry's Articles in Poland were a permanent contract that stated the fundamental principles of governance and constitutional law including the rights of the nobility to elect the king, to meet in parliament whose approval was required to levy taxes and declare war or peace, to religious liberty and the right to rebel in case the king reacted against the laws of the republic.	كانت مقالات الملك هنري في بولندا عقدًا دائمًا ينص على المبادئ الأساسية للحكم والقانون الدستوري بما في ذلك حقوق النبلاء في انتخاب الملك ، والاجتماع في البرلمان الذي يلزم الحصول على موافقته على فرض الضرائب وإعلان الحرب أو السلام ، والحرية الدينية والحق في التمرد في حال رد الملك على قوانين الجمهورية.
06	The Virginia Declaration of Rights in US declared the inherent natural rights and separation of powers.	إعلان فرجينيا للحقوق في الولايات المتحدة أعلن الحقوق الطبيعية المتأصلة وفصل السلطات
07	The Declaration of the Rights of Man and of the Citizen (in France), one of the fundamental documents of the French Revolution, defined a set of individual rights and collective rights of the people (Liberty, Equality, Fraternity).	حدد إعلان حقوق الإنسان والمواطن (في فرنسا) ، وهو أحد الوثائق الأساسية للثورة الفرنسية ، مجموعة من الحقوق الفردية والحقوق الجماعية للشعب (الحرية والمساواة والأخوة).
08	The United States Declaration of Independence defined the rights of man as including right to: "Life, liberty, and happiness".	حدد إعلان استقلال الولايات المتحدة حقوق الإنسان على أنها تتضمن الحق في: "الحياة والحرية والسعادة".

**IMPORTANT DOCUMENTS IN THE POLITICAL
HISTORY OF RIGHTS**

No	English Language	Arabic Language
09	The same phrase can also be found in the Constitution of Japan, and in the declaration of independence of the Republic of Vietnam.	مكن العثور على نفس العبارة في دستور اليابان ، وفي الإعلان استقلال جمهورية فيتنام.
10	The United States Constitution of Rights contained the famous Ten Amendments specified rights of individuals in which government could not interfere, as the rights of free assembly, freedom of religion, trial by jury, and the right to keep arms for self-defense.	احتوى دستور الولايات المتحدة للحقوق على التعديلات العشرة التي حددتها حقوق الأفراد والتي لا تستطيع الحكومة التدخل فيها ، مثل حقوق التجمع الحر ، وحرية الدين ، والمحكمة بواسطة هيئة المحلفين ، والحق في الاحتفاظ بالأسلحة للدفاع عن النفس.
11	The Universal Declaration of Human Rights (1948) is a set of standards by which governments, organizations and individuals would measure their behavior towards each other. It declares that the recognition of the dignity and of the equal rights of all members of the human family is the foundation of freedom, justice and peace in the world..."	إعلان العالمي لحقوق الإنسان (1948) هو مجموعة من المعايير التي من خلالها يمكن للحكومات والمنظمات والأفراد قياس سلوكهم تجاه بعضهم البعض. تعلن أن الاعتراف بالكرامة والحقوق المتساوية لجميع أفراد الأسرة البشرية هو أساس الحرية والعدالة والسلام في العالم.
12	The International Convention on Civil and Political Rights (1966), a follow-up to the Universal Declaration of Human Rights, concerns civil and political rights.	تتعلق الاتفاقية الدولية للحقوق المدنية والسياسية (1966) ، وهي متابعة للإعلان العالمي لحقوق الإنسان ، بالحقوق المدنية والسياسية.
13	The International Convention on Economic, Social and Cultural Rights (1966), another follow-up to the Universal Declaration of Human Rights, concerns economic, social and cultural rights.	تتعلق الاتفاقية الدولية للحقوق الاقتصادية والاجتماعية والثقافية (1966) ، وهي متابعة أخرى للإعلان العالمي لحقوق الإنسان ، بالحقوق الاقتصادية والاجتماعية والثقافية.
14	The Canadian Charter of Rights and Freedoms (1982; Canada) was created to protect the rights of Canadian citizens from actions and policies of all levels of government.	تم إنشاء الميثاق الكندي للحقوق والحريات (1982 ؛ كندا) لحماية حقوق المواطنين الكنديين من الإجراءات والسياسات على جميع مستويات الحكومة.
15	The Charter of Fundamental Rights of the European Union is one of the most recent proposed legal means of human rights.	ميثاق الحقوق الأساسية للاتحاد الأوروبي هو أحد أحدث الوسائل القانونية المقترحة لحقوق الإنسان
16	The European Convention on Human Rights (Europe) was adopted by the Council of Europe to protect human rights and fundamental freedoms.	تم اعتماد الاتفاقية الأوروبية لحقوق الإنسان (أوروبا) من قبل مجلس أوروبا لحماية حقوق الإنسان والحريات الأساسية.

Text Analysis:

International humanitarian law is the law that regulates the conduct of war. It is that branch of international law which seeks to limit the effects of armed conflict by protecting persons who are not participating in hostilities, and by restricting and regulating the means and methods available to fights. IHL is inspired by considerations of humanity and: It comprises a set of rules, established by treaty, that seeks to protect persons and property/objects that are (or may be) affected by armed conflict and limits the rights of parties".

It includes "the Geneva Convention " It defines the conduct and responsibilities of nations, in relation to each other and to protected persons, usually meaning non-combatants. It is designed to balance humanitarian concerns and military necessity to the rule of law by limiting its destructive effect and human suffering, serious violations of international humanitarian law are called war crimes. International humanitarian law regulates the conduct of forces conduct when engaged in war or armed conflict and includes crimes against peace and war of aggression., Together the two laws of war governing all aspects of international armed conflicts.

Humanitarian intervention has been defined as a state's use of "military force against another state when that military action is ending human-rights violations." This Humanitarian intervention should be understood to use non-forcible methods, namely intervention undertaken without military force within sovereign borders." Is limited to cases where there has been explicit UN Security Council authorization for action. There is, however, a general consensus on some of its essential characteristics: That legally Humanitarian intervention is a concept that can allow the use of force in a situation when the UN Security Council cannot pass a resolution under Chapter VII of the Charter of the United Nations due to veto by a permanent member; also allows the S.C to take action in situations where there is a "threat to the peace, or act of aggression".

T/ SH.ABBASSI

Terminology: Abbreviations of Technical Terms

English Terms & Abbreviations	Arabic Translation
The National Observatory for Human Rights (NOHR)	لمرصد الوطني لحقوق الإنسان
The United Nations High Commissioner for Human Rights (UNHCHR)	مفوضية الأمم المتحدة السامية لحقوق الإنسان
The General Assembly of the <i>United Nations</i> (GAUN)	الجمعية العامة للأمم المتحدة
Universal Declaration of Human Rights (UDHR)	الإعلان العالمي لحقوق الإنسان
Protection of Specific Groups Rights (PSGR)	حماية حقوق مجموعات معينة
<i>United Nations Declaration on the Rights of Minorities (UNDRM)</i>	إعلان الأمم المتحدة بشأن حقوق الأقليات
The Framework Convention for the Protection of National Minorities (FCNM)	الاتفاقية الإطارية لحماية الأقليات القومية
The European Charter for Regional or Minority Languages (ECRML)	الميثاق الأوروبي للغات الإقليمية أو لغات الأقليات
The European Commission Against Racism and Intolerance (ECRI)	المفوضية الأوروبية لمناهضة العنصرية والتعصب
The Organization on Security and Co-operation in Europe (OSCE)	منظمة الأمن والتعاون في أوروبا
The United Nations High Commissioner on Refugees (UNHCR).	مفوض الأمم المتحدة السامي لشؤون اللاجئين
The Convention relating to the Status of Refugees (CSR)	الاتفاقية المتعلقة بوضع اللاجئين
The Convention governing the Specific Aspects of Refugees (CSAR)	الاتفاقية التي تنظم الجوانب المحددة للاجئين
The European Court of Human Rights (ECHR)	المحكمة الأوروبية لحقوق الإنسان
The Inter-American Court of Human Rights (IACHR)	محكمة الدول الأمريكية لحقوق الإنسان
The African Court on Human and Peoples' Rights (AFCHPR)	المحكمة الأفريقية لحقوق الإنسان والشعوب
This International Criminal Court (ICC)	المحكمة الجنائية الدولية
The International Court of Justice (ICJ)	محكمة العدل الدولية
The European Court of Human Rights (ECHR)	المحكمة الأوروبية لحقوق الإنسان
The European Court of Justice (ECJ)	محكمة العدل الأوروبية