

Twelve Human Rights Key to Reproductive Rights

1. The Right to Life
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Table of Abbreviations
International Treaties and Conventions

Universal Declaration	Universal Declaration of Human Rights (1948) ¹
Civil and Political Rights Covenant	International Covenant on Civil and Political Rights (1966) ²
Economic, Social, and Cultural Rights Covenant	International Covenant on Economic, Social and Cultural Rights (1966) ³
Convention against Racial Discrimination	International Convention on the Elimination of All Forms of Racial Discrimination (1965) ⁴
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women (1979) ⁵
Convention against Torture	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984) ⁶
Children’s Rights Convention	Convention on the Rights of the Child (1989) ⁷
Rome Statute of the ICC	Rome Statute of the International Criminal Court (1998) ⁸
Disability Rights Convention	Convention on the Rights of Persons with Disabilities (2006) ⁹

Regional Treaties and Conventions

European Convention	European Convention for the Protection of Human Rights and Fundamental Freedoms (1950) ¹⁰
American Convention	American Convention on Human Rights (1969) ¹¹
Banjul Charter	African Charter on Human and Peoples’ Rights (1981) ¹²

Convention of Belém do Pará	Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women (1994) ¹³
Protocol of San Salvador	Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights (1992) ¹⁴
European Social Charter (Revised)	European Social Charter (Revised) (1997) ¹⁵
Convention on Human Rights and Biomedicine	Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine (1997) ¹⁶
African Women’s Protocol	Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa (2003) ¹⁷

International Conference Documents

Vienna Declaration	Vienna Declaration and Programme of Action, United Nations World Conference on Human Rights (1993) ¹⁸
Vienna Programme of Action	Vienna Declaration and Programme of Action, United Nations World Conference on Human Rights (1993) ¹⁹
ICPD Programme of Action	Programme of Action, United Nations International Conference on Population and Development (1994) ²⁰
Beijing Platform for Action	Beijing Declaration and the Platform for Action, United Nations Fourth World Conference on Women (1995) ²¹

Women's Reproductive Rights The International Legal Foundations

All individuals have reproductive rights, which are grounded in a constellation of fundamental human rights guarantees. These guarantees are found in the oldest and most accepted human rights instruments, as well as in more recently adopted international and regional treaties. A series of documents adopted at United Nations conferences, most notably the 1994 International Conference on Population and Development (ICPD), have explicitly linked governments' duties under international treaties to their obligations to uphold reproductive rights .

As stated in Paragraph 7.3 of the ICPD Programme of Action:

[R]eproductive rights embrace certain human rights that are already recognized in national laws, international human rights documents and other consensus documents. These rights rest on the recognition of the basic right of all couples and individuals to decide freely and responsibly the number, spacing and timing of their children and to have the information and means to do so, and the right to attain the highest standard of sexual and reproductive health. It also includes their right to make decisions concerning reproduction free of discrimination, coercion and violence, as expressed in human rights documents.²²

These legal principles have been given added force and depth in a series of interpretations made by UN and regional human rights bodies in groundbreaking cases. In addition, the UN treaty monitoring bodies, which are charged with monitoring government compliance with major human rights treaties, now routinely recommend that governments take action to ensure sexual and reproductive rights for women.

Building upon these developments are two new instruments that explicitly recognize women's reproductive rights. The Convention on the Rights of Persons with Disabilities (Disability Rights Convention) is the first comprehensive international human rights instrument to specifically identify the right to reproductive and sexual health as a human right.²³ At the regional level, the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Protocol on the Rights of Women in Africa) expressly articulates women's reproductive rights as human rights, and explicitly guarantees a woman's right to control her fertility. It also provides a detailed guarantee of women's right to reproductive health and family planning services. The protocol affirms women's right to reproductive choice and autonomy, and clarifies African states' duties in relation to women's sexual and reproductive health.

Reproductive rights have also recently been incorporated into the international development agenda. With the adoption of the UN Millennium Development Goals (MDGs) in 2000, governments have agreed that addressing women's reproductive health is key to promoting development. In the document produced at the 2005 World Summit, leaders from around the

world made an explicit commitment to achieving universal access to reproductive health by 2015.²⁴ As there is close alignment between the MDGs and the human rights framework, the MDG agenda provides yet another vehicle for advancing women's reproductive rights.

In this publication, we set forth twelve key human rights that comprise the reproductive rights legal framework. For each right, we reproduce provisions of major human rights treaties, as well as statements from international consensus documents adopted at United Nations conferences. This publication is not intended to be exhaustive, as it cites only selected provisions from major international and regional instruments. Other human rights not discussed in this document are crucial to the exercise of reproductive rights. For example, without the ability to exercise the rights to free speech and association, women may have little possibility of fighting for their reproductive rights. Similarly, the right to a legal remedy, recognized in nearly all human rights instruments, is crucial for enabling women to vindicate their reproductive rights and hold violators of those rights accountable.

It is also worth noting that the body of human rights norms supporting reproductive rights is continually developing, as evidenced by the recently adopted Yogyakarta Principles on the Application of Human Rights Law in Relation to Sexual Orientation and Gender Identity, agreed upon by twenty-nine human rights experts, and the Asian Human Rights Charter, a civil society initiative aimed at laying the foundation for a regional human rights treaty. For purposes of brevity, in-depth discussion of these developments has not been included. But what these and other advancements confirm is that reproductive rights are not only securely protected in human rights instruments, but global recognition and understanding of those rights are growing and deepening.

The Right to Life **International Treaties and Conventions**

Universal Declaration

Article 3 Everyone has the right to life

Civil and Political Rights Covenant

Article 6(1) Every human being has the inherent right to life. This right shall be protected by law.

Children's Rights Convention

Article 6(1) State Parties recognize that every child²⁵ has the inherent right to life.

Article 6(2) State Parties shall ensure to the maximum extent possible the survival and development of the child.

Disability Rights Convention

Article 10 States Parties reaffirm that every human being has the inherent right to life and shall take all necessary measures to ensure its effective enjoyment by persons with disabilities on an equal basis with others.

Regional Treaties and Conventions

European Convention

Article 2 Everyone's right to life shall be protected by law.

American Convention

Article 4 Every person has the right to have his life respected.

Banjul Charter

Article 4 Every human being shall be entitled to respect for his life and the integrity of his person. No one may be arbitrarily deprived of this right.

Convention of Belém do Pará

Article 4 Every woman has . . . a) The right to have her life respected

African Women's Protocol

Article 4(1) Every woman shall be entitled to respect for her life

International **Conference Documents**

ICPD Programme of Action

Principle 1 Everyone has the right to life

The Right to Liberty and Security of Person International Treaties and Conventions

Universal Declaration

Article 3 Everyone has the right to . . . liberty and security of person.

Civil and Political Rights Covenant

Article 9(1) Everyone has the right to liberty and security of person.

Disability Rights Convention

Article 14 States Parties shall ensure that persons with disabilities, on an equal basis with others: 1) Enjoy the right to liberty and security of person; 2) Are not deprived of their liberty unlawfully or arbitrarily, and that any deprivation of liberty is in conformity with the law, and that the existence of a disability shall in no case justify a deprivation of liberty.

Regional Treaties and Conventions

European Convention

Article 5(1) Everyone has the right to liberty and security of person.

American Convention

Article 7(1) Every person has the right to personal liberty and security.

Banjul Charter

Article 6 Every individual shall have the right to liberty and to the security of his person. No one may be deprived of his freedom except for reasons and conditions previously laid down by law.

Convention of Belém do Pará

Article 4 Every woman has . . . b) The right to have her physical, mental and moral integrity respected; c) The right to personal liberty and security

International Conference Documents

ICPD Programme of Action

Principle 1 Everyone has the right to life, liberty and security of person.

Paragraph 7.3 [Reproductive rights] includes [couples' and individuals'] right to make decisions concerning reproduction free of discrimination, coercion and violence, as expressed in human rights documents.

Paragraph 7.17 Governments at all levels are urged to institute systems of monitoring and evaluation of user-centered services with a view to detecting, preventing and controlling abuses by family-planning managers and providers To this end, Governments should secure conformity to human rights and to ethical and professional standards in the delivery of family planning and related reproductive health services aimed at ensuring responsible, voluntary and informed consent and also regarding service provision.

Beijing Platform for Action

Paragraph 96 The human rights of women include their right to have control over and decide freely and responsibly on matters related to their sexuality, including sexual and reproductive health, free of coercion, discrimination and violence.

The Right to Health, Including Sexual and Reproductive Health International Treaties and Conventions

Universal Declaration

Article 25(1) Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family

Economic, Social, and Cultural Rights Covenant

Article 10(2) Special protection should be accorded to mothers during a reasonable period before and after childbirth.

Article 12(1) The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.

Article 12(2) The steps to be taken by the States Parties to . . . achieve the full realization of this right shall include those necessary for: (a) The provision for the reduction of the stillbirth-rate and of infant mortality and for the healthy development of the child; . . . (d) The creation of conditions which would assure to all medical service and medical attention in the event of sickness.

Convention against Racial Discrimination

Article 5 States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee [to] everyone . . . (e)(iv) the right to public health, medical care, social security and social services.

CEDAW

Article 12(1) States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning.

Article 12(2) States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.

Article 14(2) States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas [and] ensure to such women the right: . . .

(b) To have access to adequate health care facilities, including information, counselling and services in family planning

Children's Rights Convention

Article 24(1) States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. . . . [N]o child . . . [shall be] deprived of his or her right of access to such health care services.

Article 24(2) States Parties shall pursue full implementation of . . . [the] right [to health] and, in particular, shall take appropriate measures: (a) To diminish infant and child mortality; . . . (d) To ensure appropriate pre-natal and post-natal health care for mothers; . . . (f) To develop preventive health care, guidance for parents and family planning education and services.

Disability Rights Convention

Article 25 States Parties recognize that persons with disabilities have the right to the enjoyment of the highest attainable standard of health without discrimination on the basis of disability. . . . In particular, States Parties shall: Provide persons with disabilities with the same range, quality and standard of free or affordable health care and programmes as provided to other persons, including in the area of sexual and reproductive health and population-based public health programmes

Regional Treaties and Conventions

Banjul Charter

Article 16(1) Every individual shall have the right to enjoy the best attainable state of physical and mental health.

Article 16(2) States Parties to the present Charter shall take the necessary measures to protect the health of their people and to ensure that they receive medical attention when they are sick.

Protocol of San Salvador

Article 10(1) Everyone shall have the right to health, understood to mean the enjoyment of the highest level of physical, mental and social well-being.

European Social Charter (Revised)

Article 11 [T]he Parties undertake . . . to take appropriate measures designed [to ensure the right to protection of health]:

- 1) to remove as far as possible the causes of ill health;
- 2) to provide advisory and educational facilities for the promotion of health and the encouragement of individual responsibility in matters of health;
- 3) to prevent as far as possible epidemic, endemic and other diseases, as well as accidents.

Convention on Human Rights and Biomedicine

Article 3 Parties, taking into account health needs and available resources, shall take appropriate measures with a view to providing, within their jurisdiction, equitable access to health care of appropriate quality.

Article 4 Any intervention in the health field, including research, must be carried out in accordance with relevant professional obligations and standards.

African Women's Protocol

Article 14(1) States Parties shall ensure that the right to health of women, including sexual and reproductive health is respected and promoted. This includes:

- a) the right to control their fertility;
- b) the right to decide whether to have children, the number of children and the spacing of children;
- c) the right to choose any method of contraception;
- d) the right to self protection and to be protected against sexually transmitted infections, including HIV/AIDS;
- e) the right to be informed on one's health status and on the health status of one's partner, particularly if affected with sexually transmitted infections, including HIV/AIDS, in accordance with internationally recognised standards and best practices;
- f) the right to have family planning education.

Article 14(2) States Parties shall take all appropriate measures to:

- a) provide adequate, affordable and accessible health services, including information, education and communication programmes to women especially those in rural areas;
- b) establish and strengthen existing pre-natal, delivery and post-natal health and nutritional services for women during pregnancy and while they are breast-feeding;
- c) protect the reproductive rights of women by authorising medical abortion in cases of sexual assault, rape, incest, and where the continued pregnancy endangers the mental and physical health of the mother or the life of the mother or the foetus.

International Conference Documents

Vienna Programme of Action

Paragraph 41 The World Conference on Human Rights recognizes the importance of the enjoyment by women of the highest standard of physical and mental health throughout their life span. [T]he World Conference on Human Rights reaffirms, on the basis of equality between women and men, a woman's right to accessible and adequate health care and the widest range of family planning services, as well as equal access to education at all levels.

ICPD Programme of Action

Principle 8 Everyone has the right to the enjoyment of the highest attainable standard of physical and mental health. States should take all appropriate measures to ensure, on a basis of equality of men and women, universal access to health-care services, including those related to reproductive health care, which includes family planning and sexual health. Reproductive health-care programmes should provide the widest range of services without any form of coercion.

Paragraph 7.2 Reproductive health is a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity, in all matters relating to the reproductive system and to its functions and processes. Reproductive health therefore implies that people are able to have a satisfying and safe sex life and that they have the capability to reproduce and the freedom to decide if, when and how often to do so. Implicit in this last condition are the right of men and women to be informed and to have access to safe, effective, affordable and acceptable methods of family planning of their choice, as well as other methods of their choice for regulation of fertility which are not against the law, and the right of access to appropriate health-care services that will enable women to go safely through pregnancy and childbirth and provide couples with the best chance of having a healthy infant.

Beijing Platform for Action

Paragraph 89 Women have the right to the enjoyment of the highest attainable standard of physical and mental health. The enjoyment of this right is vital to their life and well-being and their ability to participate in all areas of public and private life. Health is a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity.

Paragraph 92 Women's right to the enjoyment of the highest standard of health must be secured throughout the whole life cycle in equality with men.

Paragraph 94 [Men and women have the right to access] appropriate health-care services that will enable women to go safely through pregnancy and childbirth

Paragraph 106(c) [Governments should] remove all barriers to women's health services and provide a broad range of health-care services

Paragraph 106(e) [Governments should p]rovide more accessible, available and affordable primary health-care services of high quality, including sexual and reproductive health care, which includes family planning information and services, and giving particular attention to maternal and emergency obstetric care

Paragraph 106(i) [Governments should s]trengthen and reorient health services, particularly primary health care, in order to ensure universal access to quality health services for women and girls, reduce ill health and maternal morbidity and achieve world wide the agreed-upon goal of reducing maternal mortality by at least 50 per cent of the 1990 levels by the year 2000 and a further one half by the year 2015; ensure that the necessary services are available at each level of the health system; and make reproductive health care accessible, through the primary health-care system, to all individuals of appropriate ages as soon as possible and no later than the year 2015

The Right to Decide the Number and Spacing of Children International Treaties and Conventions

CEDAW

Article 16(1) States Parties shall . . . ensure, on a basis of equality of men and women . . .
. (e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights

Disability Rights Convention

Article 23(1) States Parties shall take effective and appropriate measures to eliminate discrimination against persons with disabilities in all matters relating to marriage, family, parenthood and relationships, on an equal basis with others, so as to ensure . . . [t]he rights of persons with disabilities to decide freely and responsibly on the number and spacing of their children and to have access to age-appropriate information, reproductive and family planning education are recognized, and the means necessary to enable them to exercise these rights are provided

Regional Treaties and Conventions

African Women's Protocol

Article 14(1) States Parties shall ensure that the right to health of women, including sexual and reproductive health is respected and promoted. This includes:
a) the right to control their fertility;
b) the right to decide whether to have children, the number of children and the spacing of children;
c) the right to choose any method of contraception; . . .
f) the right to have family planning education.

International Conference Documents

ICPD Programme of Action

Principle 8 All couples and individuals have the basic right to decide freely and responsibly the number and spacing of their children and to have the information, education and means to do so.

Paragraph 7.3 [Reproductive] rights rest on the recognition of the basic right of all couples and individuals to decide freely and responsibly the number, spacing and timing

of their children and to have the information and means to do so [The definition of reproductive rights] also includes their right to make decisions concerning reproduction free of discrimination, coercion and violence, as expressed in human rights documents.

Paragraph 7.12 The aim of family-planning programmes must be to enable couples and individuals to decide freely and responsibly the number and spacing of their children and to have the information and means to do so and to ensure informed choices and make available a full range of safe and effective methods.

Beijing Platform for Action

Paragraph 223 [T]he Fourth World Conference on Women reaffirms that reproductive rights rest on the recognition of the basic right of all couples and individuals to decide freely and responsibly the number, spacing and timing of their children and to have the information and means to do so

The Right to Consent to Marriage and to Equality in Marriage International Treaties and Conventions

Universal Declaration

Article 16(1) Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.

Article 16(2) Marriage shall be entered into only with the free and full consent of the intending spouses.

Civil and Political Rights Covenant

Article 23(2) The right of men and women of marriageable age to marry and to found a family shall be recognized.

Article 23(3) No marriage shall be entered into without the free and full consent of the intending spouses.

Article 23(4) States Parties . . . shall take appropriate steps to ensure equality of rights and responsibilities of spouses as to marriage, during marriage and at its dissolution.

Economic, Social, and Cultural Rights Covenant

Article 10(1) Marriage must be entered into with the free consent of the intending spouses.

CEDAW

Article 16(1) States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women...

Article 16(2) The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

Disability Rights Convention

Article 23(1) States Parties shall take effective and appropriate measures to eliminate discrimination against persons with disabilities in all matters relating to marriage, family,

parenthood and relationships, on an equal basis with others, so as to ensure . . . [t]he right of all persons with disabilities who are of marriageable age to marry and to found a family on the basis of free and full consent of the intending spouses is recognized.

Regional Treaties and Conventions

African Women's Protocol

Article 6 States Parties shall ensure that women and men enjoy equal rights and are regarded as equal partners in marriage. They shall enact appropriate national legislative measures to guarantee that:

- a) no marriage shall take place without the free and full consent of both parties;
- b) the minimum age of marriage for women shall be 18 years;
- c) monogamy is encouraged as the preferred form of marriage and that the rights of women in marriage and family, including in polygamous marital relationships are promoted and protected;
- d) every marriage shall be recorded in writing and registered in accordance with national laws, in order to be legally recognised;
- e) the husband and wife shall, by mutual agreement, choose their matrimonial regime and place of residence;
- f) a married woman shall have the right to retain her maiden name, to use it as she pleases, jointly or separately with her husband's surname;
- g) a woman shall have the right to retain her nationality or to acquire the nationality of her husband;
- h) a woman and a man shall have equal rights, with respect to the nationality of their children except where this is contrary to a provision in national legislation or is contrary to national security interests;
- i) a woman and a man shall jointly contribute to safeguarding the interests of the family, protecting and educating their children;
- j) during her marriage, a woman shall have the right to acquire her own property and to administer and manage it freely.

International Conference Documents

ICPD Programme of Action

Principle 9 The family is the basic unit of society and as such should be strengthened. . . . Marriage must be entered into with the free consent of the intending spouses, and husband and wife should be equal partners.

Beijing Platform for Action

Paragraph 274(e) [Governments should enact and strictly enforce laws to ensure that marriage is only entered into with the free and full consent of the intending spouses; in addition, enact and strictly enforce laws concerning the minimum legal age of consent and the minimum age for marriage and raise the minimum age for marriage where necessary . .

..

The Right to Privacy **International Treaties and Conventions**

Civil and Political Rights Covenant

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 [sic] honour and reputation.

Article 17(2) Everyone has the right to the protection of the law against such interference or attacks.

Children's Rights Convention

Article 16(1) No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, nor to unlawful attacks on his or her honour and reputation.

Article 16(2) The child has the right to the protection of the law against such interference or attacks.

Disability Rights Convention

Article 22(1) No person with disabilities, regardless of place of residence or living arrangements, shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence or other types of communication or to unlawful attacks on his or her honour and reputation. Persons with disabilities have the right to the protection of the law against such interference or attacks.

Regional Treaties and Conventions

European Convention

Article 8(1) Everyone has the right to respect for his private and family life, his home and his correspondence.

Convention on Human Rights and Biomedicine

Article 10(1) Everyone has the right to respect for private life in relation to information about his or her health.

American Convention

Article 11(2) No one may be the object of arbitrary or abusive interference with his private life, his family, his home, or his correspondence, or of unlawful attacks on his honor or reputation.

International Conference Documents

ICPD Programme of Action

Paragraph 7.45 [Reproductive and sexual health] services must safeguard the rights of adolescents to privacy, confidentiality, respect and informed consent, respecting cultural values and religious beliefs.

Beijing Platform for Action

Paragraph 106(f) [Governments should r]edesign health information, services and training for health workers so that they are gender-sensitive and reflect the user's . . . right to privacy and confidentiality. . . .

Paragraph 107(e) [Governments should p]repare and disseminate accessible information . . . designed to ensure that women and men, particularly young people, can acquire knowledge about their health, especially information on sexuality and reproduction, taking into account the rights of the child to access to information, privacy, confidentiality, respect and informed consent. . . .

The Right to Equality and Non-Discrimination International Treaties and Conventions

Universal Declaration

Article 2 Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Civil and Political Rights Covenant

Article 2(1) Each State Party to the present Covenant undertakes to respect and to ensure to all individuals . . . 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.

Economic, Social, and Cultural Rights Covenant

Article 2(2) The States Parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

CEDAW

Article 1 [T]he term “discrimination against women” shall mean any 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, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.

Article 3 States Parties shall take in all fields . . . all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.

Article 11(2) In order to prevent discrimination against women on the grounds of . . . maternity . . . States Parties shall take appropriate measures: (a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status; . . . (d) To provide special protection to women during pregnancy in types of work proved to be harmful to them.

Children's Rights Convention

Article 2(1) States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parents or legal guardian's race, colour, sex, religion, political or other opinion, ethnic or social origin, property, disability, birth or other status.

Article 2(2) States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.

Article 5 States Parties shall respect the responsibilities, rights and duties of parents, or where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the present Convention.

Disability Rights Convention

Article 6(1) States Parties recognize that women and girls with disabilities are subject to multiple discrimination, and in this regard shall take measures to ensure the full and equal enjoyment by them of all human rights and fundamental freedoms.

Regional Treaties and Conventions

European Convention

Article 14 The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

American Convention

Article 1(1) The States Parties to this Convention undertake to respect the rights and freedoms recognized herein and to ensure to all persons subject to their jurisdiction the free and full exercise of those rights and freedoms, without any discrimination for reasons

of race, color, sex, language, religion, political or other opinion, national or social origin, economic status, birth, or any other social condition.

Banjul Charter

Article 18(3) The State shall ensure the elimination of every discrimination against women and also ensure the protection of the rights of the woman and the child as stipulated in international declarations and conventions.

Article 28 Every individual shall have the duty to respect and consider his fellow beings without discrimination

European Social Charter (Revised)

Article E The enjoyment of the rights set forth in [the European Social] Charter shall be secured without discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national extraction or social origin, health, association with a national minority, birth or other status.

Article 8 With a view to ensuring the effective exercise of the right of employed women to the protection of maternity, the Parties undertake: . . . (2) to consider it as unlawful for an employer to give a woman notice of dismissal during the period from the time she notifies her employer that she is pregnant until the end of her maternity leave, or to give her notice of dismissal at such a time that the notice would expire during such a period . . .

African Women's Protocol

Article 2(1) States Parties shall combat all forms of discrimination against women through appropriate legislative, institutional and other measures

International Conference Documents

Vienna Declaration

Paragraph 18 The human rights of women and of the girl-child are an inalienable, integral and indivisible part of universal human rights. The full and equal participation of women in political, civil, economic, social and cultural life, at the national, regional and international levels, and the eradication of all forms of discrimination on grounds of sex are priority objectives of the international community.²⁶

ICPD Programme of Action

Principle 1 Everyone is entitled to all the rights and freedoms set forth in the Universal Declaration of Human Rights, without distinction of any kind, such as race, colour, sex, language, [or] religion

Paragraph 4.4 Countries should act to empower women and should take steps to eliminate inequalities between men and women as soon as possible by: . . . (c) Eliminating all practices that discriminate against women; assisting women to establish and realize their rights, including those that relate to reproductive and sexual health

Paragraph 7.45 Recognizing the rights, duties and responsibilities of parents and other persons legally responsible for adolescents to provide, in a manner consistent with the evolving capacities of the adolescent, appropriate direction and guidance in sexual and reproductive matters, countries must ensure that the programmes and attitudes of health-care providers do not restrict the access of adolescents to appropriate services and the information they need, including on sexually transmitted diseases and sexual abuse

Beijing Platform for Action

Paragraph 32 [Governments should i]ntensify efforts to ensure equal enjoyment of all human rights and fundamental freedoms for all women and girls who face multiple barriers to their empowerment and advancement because of such factors as their race, age, language, ethnicity, culture, religion, or disability, or because they are indigenous people

Paragraph 232(a) [Governments should] [g]ive priority to promoting and protecting the full and equal enjoyment by women and men of all human rights and fundamental freedoms without distinction of any kind as to race, colour, sex, language, religion, political or other opinions, national or social origins, property, birth or other status.

The Right to be Free from Practices that Harm Women and Girls International Treaties and Conventions

CEDAW

Article 2(f) [States Parties undertake t]o take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women

Article 5(a) [State Parties shall take all appropriate measures t]o modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women

Children's Rights Convention

Article 24.3 States Parties shall take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children.

Regional Treaties and Conventions

African Women's Protocol

Article 2(1) States Parties shall combat all forms of discrimination against women through appropriate legislative, institutional and other measures. In this regard they shall: . . . b) enact and effectively implement appropriate legislative or regulatory measures, including those prohibiting and curbing all forms of discrimination particularly those harmful practices which endanger the health and general well-being of women

Article 2(2) States Parties shall commit themselves to modify the social and cultural patterns of conduct of women and men through public education, information, education and communication strategies, with a view to achieving the elimination of harmful cultural and traditional practices and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes, or on stereotyped roles for women and men.

Article 5 States Parties shall prohibit and condemn all forms of harmful practices which negatively affect the human rights of women and which are contrary to recognised international standards. States Parties shall take all necessary legislative and other measures to eliminate such practices, including:

- creation of public awareness in all sectors of society regarding harmful practices through information, formal and informal education and outreach programmes;
- prohibition, through legislative measures backed by sanctions, of all forms of female genital mutilation, scarification, medicalisation and para-medicalisation of female genital mutilation and all other practices in order to eradicate them;
- provision of necessary support to victims of harmful practices through basic services such as health services, legal and judicial support, emotional and psychological counselling as well as vocational training to make them self-supporting;
- protection of women who are at risk of being subjected to harmful practices or all other forms of violence, abuse and intolerance.

International Conference Documents

Vienna Programme of Action

Paragraph 38 [T]he World Conference on Human Rights stresses the importance of working towards the . . . eradication of any conflicts which may arise between the rights of women and the harmful effects of certain traditional or customary practices, cultural prejudices and religious extremism.

Paragraph 49 The World Conference on Human Rights urges States to repeal existing laws and regulations and remove customs and practices which discriminate against and cause harm to the girl child.

ICPD Programme of Action

Paragraph 5.5 Governments should take effective action to eliminate all forms of coercion and discrimination in policies and practices. Measures should be adopted and enforced to eliminate child marriages and female genital mutilation.

Beijing Platform for Action

Paragraph 224 Any harmful aspect of certain traditional, customary or modern practices that violates the rights of women should be prohibited and eliminated.

The Right to Not be Subjected to Torture or Other Cruel, Inhuman, or Degrading Treatment or Punishment

International Treaties and Conventions

Universal Declaration

Article 5 No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Civil and Political Rights Covenant

Article 7 No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Convention against Torture

Article 1 [T]he term “torture” means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for . . . any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity

Children’s Rights Convention

Article 37 (a) [States Parties shall ensure that n]o child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment.

Disability Rights Convention

Article 15(1) 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 or her free consent to medical or scientific experimentation.

Article 15(2) States Parties shall take all effective legislative, administrative, judicial or other measures to prevent persons with disabilities, on an equal basis with others, from being subjected to torture or cruel, inhuman or degrading treatment or punishment.

Regional Treaties and Conventions

European Convention

Article 3 No one shall be subjected to torture or to inhuman or degrading treatment or punishment.

American Convention

Article 5(2) No one shall be subjected to torture or to cruel, inhuman, or degrading punishment or treatment. All persons deprived of their liberty shall be treated with respect for the inherent dignity of the human person.

Banjul Charter

Article 5 Every individual shall have the right to the respect of the dignity inherent in a human being and to the recognition of his legal status. All forms of exploitation and degradation of man particularly slavery, slave trade, torture, cruel, inhuman or degrading punishment and treatment shall be prohibited.

Convention of Belém do Pará

Article 4 Every woman has the right to the recognition, enjoyment, exercise and protection of all human rights and freedoms embodied in regional and international human rights instruments. These rights include, among others: . . . d) The right not to be subjected to torture

International Conference Documents

Vienna Programme of Action

Paragraph 56 The World Conference on Human Rights reaffirms that under human rights law and international humanitarian law, freedom from torture is a right which must be protected under all circumstances, including in times of internal or international disturbance or armed conflicts.

ICPD Programme of Action

Paragraph 4.10 Countries are urged to identify and condemn the systematic practice of rape and other forms of inhuman and degrading treatment of women as a deliberate instrument of war and ethnic cleansing and take steps to assure that full assistance is provided to the victims of such abuse for their physical and mental rehabilitation.

The Right to be Free from Sexual and Gender-Based Violence International Treaties and Conventions

CEDAW

Article 5(a) [State Parties shall take all appropriate measures t]o modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women

Article 6 States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.

Children's Rights Convention

Article 19(1) States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.

Article 34 States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent: (a) The inducement or coercion of a child to engage in any unlawful sexual activity; (b) The exploitative use of children in prostitution or other unlawful sexual practices; (c) The exploitative use of children in pornographic performances and materials.

Disability Rights Convention

Article 16(1) States Parties shall take all appropriate legislative, administrative, social, educational and other measures to protect persons with disabilities, both within and outside the home, from all forms of exploitation, violence and abuse, including their gender-based aspects.

Rome Statute of the ICC

Article 7(1) For the purpose of this Statute, "crime against humanity" means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack: . . . (g) Rape, sexual

slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity²⁷

Regional Treaties and Conventions

Convention of Belém do Pará

Article 3 Every woman has the right to be free from violence in both the public and private spheres.

Article 6 The right of every woman to be free from violence includes, among others:

- a) The right of women to be free from all forms of discrimination; and
- b) The right of women to be valued and educated free of stereotyped patterns of behavior and social and cultural practices based on concepts of inferiority or subordination.

African Women's Protocol

Article 3(4) States Parties shall adopt and implement appropriate measures to ensure the protection of every woman's right to respect for her dignity and protection of women from all forms of violence, particularly sexual and verbal violence.

Article 4(2) States Parties shall take appropriate and effective measures to:

- a) enact and enforce laws to prohibit all forms of violence against women including unwanted or forced sex whether the violence takes place in private or public;
- b) adopt such other legislative, administrative, social and economic measures as may be necessary to ensure the prevention, punishment and eradication of all forms of violence against women;
- c) identify the causes and consequences of violence against women and take appropriate measures to prevent and eliminate such violence;
- d) actively promote peace education through curricula and social communication in order to eradicate elements in traditional and cultural beliefs, practices and stereotypes which legitimise and exacerbate the persistence and tolerance of violence against women;
- e) punish the perpetrators of violence against women and implement programmes for the rehabilitation of women victims;
- f) establish mechanisms and accessible services for effective information, rehabilitation and reparation for victims of violence against women;
- g) prevent and condemn trafficking in women, prosecute the perpetrators of such trafficking and protect those women most at risk;
- h) prohibit all medical or scientific experiments on women without their informed consent;
- i) provide adequate budgetary and other resources for the implementation and monitoring of actions aimed at preventing and eradicating violence against women

International Conference Documents

Vienna Declaration

Paragraph 18 Gender-based violence and all forms of sexual harassment and exploitation, including those resulting from cultural prejudice and international trafficking, are incompatible with the dignity and worth of the human person, and must be eliminated.

Vienna Programme of Action

Paragraph 38 [T]he World Conference on Human Rights stresses the importance of working towards the elimination of violence against women in public and private life. . . . The World Conference on Human Rights . . . urges States to combat violence against women. . . . Violations of the human rights of women in situations of armed conflict are violations of the fundamental principles of international human rights and humanitarian law. All violations of this kind, including in particular murder, systematic rape, sexual slavery, and forced pregnancy, require a particularly effective response.

ICPD Programme of Action

Principle 4 Advancing gender equality and equity and the empowerment of women, and the elimination of all kinds of violence against women, and ensuring women's ability to control their own fertility, are cornerstones of population and development-related programmes.

The Right to Access Sexual and Reproductive Health Education and Family Planning Information

International Treaties and Conventions

CEDAW

Article 10 States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women: . . . (c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods; . . . (h) States Parties shall . . . ensure . . . [a]ccess to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning.

Disability Rights Convention

Article 23(1) States Parties shall take effective and appropriate measures to eliminate discrimination against persons with disabilities in all matters relating to marriage, family, parenthood and relationships, on an equal basis with others, so as to ensure . . . [t]he rights of persons with disabilities . . . to have access to age-appropriate information, reproductive and family planning education are recognized, and the means necessary to enable them to exercise these rights are provided

Regional Treaties and Conventions

Banjul Charter

Article 9(1) Every individual shall have the right to receive information.

Protocol of San Salvador

Article 10(2) In order to ensure the exercise of the right to health, the States Parties agree to recognize health as a public good and, particularly, to adopt the following measures to ensure that right: . . . Education of the population on the prevention and treatment of health problems

Convention on Human Rights and Biomedicine

Article 5 An intervention in the health field may only be carried out after the person concerned has given free and informed consent to it. This person shall beforehand be given appropriate information as to the purpose and nature of the intervention as well as on its consequences and risks. The person concerned may freely withdraw consent at any time.

Article 10(1) Everyone has the right to respect for private life in relation to information about his or her health.

Article 10(2) Everyone is entitled to know any information collected about his or her health. However, the wishes of individuals not to be so informed shall be observed.

African Women's Protocol

Article 14(1) States Parties shall ensure that the right to health of women, including sexual and reproductive health is respected and promoted. This includes:

- c) the right to choose any method of contraception;
- d) the right to self protection and to be protected against sexually transmitted infections, including HIV/AIDS;
- e) the right to be informed on one's health status and on the health status of one's partner, particularly if affected with sexually transmitted infections, including HIV/AIDS, in accordance with internationally recognised standards and best practices;
- f) the right to have family planning education.

International Conference Documents

ICPD Programme of Action

Paragraph 7.45 [C]ountries must ensure that the programmes and attitudes of health-care providers do not restrict the access of adolescents to appropriate services and the information they need, including on sexually transmitted diseases and sexual abuse

Paragraph 7.46 Countries, with the support of the international community, should protect and promote the rights of adolescents to reproductive health education, information and care and greatly reduce the number of adolescent pregnancies.

Beijing Platform for Action

Paragraph 74 Curricula and teaching materials remain gender-biased to a large degree, and are rarely sensitive to the specific needs of girls and women. This reinforces traditional female and male roles that deny women opportunities for full and equal partnership in society. Lack of gender awareness by educators at all levels strengthens

existing inequities between males and females by reinforcing discriminatory tendencies and undermining girls' self-esteem. The lack of sexual and reproductive health education has a profound impact on women and men.

Paragraph 106(e) [Governments should] [p]rovide . . . sexual and reproductive health care, which includes family planning information and services

The Right to Enjoy Scientific Progress International Treaties and Conventions

Universal Declaration

Article 27(1) Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.

Civil and Political Rights Covenant

Article 7 [N]o one shall be subjected without his [sic] free consent to medical or scientific experimentation.

Economic, Social, and Cultural Rights Covenant

Article 15(1) The States Parties to the present Covenant recognize the right of everyone: . . . (b) To enjoy the benefits of scientific progress and its applications

Regional Treaties and Conventions

Protocol of San Salvador

Article 14(1) The States Parties to this Protocol recognize the right of everyone: . . .
b) To enjoy the benefits of scientific and technological progress

International Conference Documents

Vienna Declaration

Paragraph 11 Everyone has the right to enjoy the benefits of scientific progress and its applications. The World Conference on Human Rights notes that certain advances, notably in the biomedical and life sciences as well as in information technology, may have potentially adverse consequences for the integrity, dignity and human rights of the individual, and calls for international cooperation to ensure that human rights and dignity are fully respected in this area of universal concern.

December 2008

Endnotes

- ¹ Universal Declaration of Human Rights, *adopted* Dec. 10, 1948, G.A. Res. 217A (III), U.N. Doc. A/810 (1948).
- ² International Covenant on Civil and Political Rights, *adopted* Dec. 16, 1966, G.A. Res. 2200A (XXI), UN GAOR, 21st Sess., Supp. No. 16, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171 (*entered into force* Mar. 23, 1976).
- ³ International Covenant on Economic, Social and Cultural Rights, *adopted* Dec. 16, 1966, G.A. Res. 2200A (XXI), UN GAOR, 21st Sess., Supp. No. 16, U.N. Doc. A/6316 (1966), 993 U.N.T.S. 3 (*entered into force* Jan. 3, 1976).
- ⁴ International Convention on the Elimination of All Forms of Racial Discrimination, *adopted* Dec. 21, 1965, G.A. Res. 2106 (XX), 660 U.N.T.S. 195 (*entered into force* Jan. 4, 1969).
- ⁵ Convention on the Elimination of All Forms of Discrimination against Women, *adopted* Dec. 18, 1979, G.A. Res. 34/180, UN GAOR, 34th Sess., Supp. No. 46, U.N. Doc. A/34/46, 1249 U.N.T.S. 13 (*entered into force* Sept. 3, 1981).
- ⁶ Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, *adopted* Dec. 10, 1984, G.A. Res. 39/46, UN GAOR, 39th Sess., Supp. No. 51, U.N. Doc. A/39/51 (1984), 1465 U.N.T.S. 85 (*entered into force* June 26, 1987).
- ⁷ Convention on the Rights of the Child, *adopted* Nov. 20, 1989, G.A. Res. 44/25, annex, UN GAOR, 44th Sess., Supp. No. 49, U.N. Doc. A/44/49 (1989), *reprinted in* 28 I.L.M. 1448 (*entered into force* Sept. 2, 1990).
- ⁸ Rome Statute of the International Criminal Court, *adopted* July 17, 1998, United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, Rome, Italy, June 15–July 17, 1998, U.N. Doc. A/CONF.183/9 (1998) [hereinafter ICC – Rome Statute], *reprinted in* 37 I.L.M. 1002 (*entered into force* July 1, 2002).
- ⁹ Rights of Persons with Disabilities, *adopted* Dec. 13, 2006, G.A. Res. 61/106, U.N. Doc. A/RES/61/106 (2006), 1249 U.N.T.S. 13 [hereinafter Disability Rights Convention] (*entered into force* May 3, 2008).
- ¹⁰ European Convention for the Protection of Human Rights and Fundamental Freedoms, *signed* Nov. 4, 1950, 213 U.N.T.S. 222 (*entry into force* Sept. 3, 1953).
- ¹¹ American Convention on Human Rights, Nov. 22, 1969, O.A.S.T.S. No. 36, O.A.S. Off. Rec. OEA/Ser.L/V/II.23, doc. 21, rev. 6 (*entered into force* July 18, 1978).
- ¹² African (Banjul) Charter on Human and Peoples’ Rights, June 27, 1981, O.A.U. Doc. CAB/LEG/67/3 rev. 5, 21 I.L.M. 58 (1982) (*entered into force* October 21, 1986).
- ¹³ Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Convention of Belém do Pará), *adopted by acclamation* June 9, 1994, General Assembly of the Organization of American States, 24th Sess (*entered into force* March 5, 1995).
- ¹⁴ Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights “Protocol of San Salvador,” *adopted* Nov. 17, 1988, O.A.S.T.S. No. 69, O.A.S. Off. Rec. OEA/Ser.L.V/II.82 doc.6 rev.1 (1992) (*entered into force* Nov. 16, 1999).
- ¹⁵ Council of Europe, European Social Charter (revised) *signed* May 3, 1996, E.T.S. No. 163 (*entered into force* July 1, 1999). The European Social Charter is a Council of Europe treaty, compliance to which is monitored by the European Council on Social Rights. The Revised Charter came into force in 1999 and is gradually replacing the initial 1961 treaty. At present, 25 of the 47 Council of Europe member states have ratified the revised Charter.
- ¹⁶ Council of Europe, Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine: Convention on Human Rights and Biomedicine, *signed* April 4, 1997, E.T.S. No. 164 (*entered into force* Dec. 1, 1999).
- ¹⁷ Protocol to the African Charter on Human and People’s Rights on the Rights of Women in Africa, 2nd Ordinary Sess., Assembly of the Union, *adopted* July 11, 2003 (*entered into force* Nov. 25, 2005). The African Women’s Protocol is often referred to as the “Maputo Protocol.”
- ¹⁸ Vienna Declaration and Programme of Action, World Conference on Human Rights, Vienna, Austria, June 14–25, 1993, U.N. Doc. A/CONF.157/23 (1993).
- ¹⁹ *Id.*
- ²⁰ Programme of Action of the International Conference on Population and Development, Cairo, Egypt, Sept. 5–13, 1994, U.N. Doc. A/CONF.171/13/Rev.1 (1995) [hereinafter ICPD Programme of Action], available at <http://www.unfpa.org/icpd/icpd-programme.cfm> (last visited December 1, 2008).

²¹ *Beijing Declaration and the Platform for Action, Fourth World Conference on Women*, Beijing, China, September 4-15 1995, U.N. Doc. A/CONF.177/20 (1996) [hereinafter *Beijing Declaration and Platform for Action*] available at <http://www.un.org/womenwatch/daw/beijing/platform/> (last visited December 1, 2008).

²² This definition of reproductive rights was re-enforced at the United Nations Fourth World Conference on Women. See *Beijing Declaration and Platform for Action*, *supra* note 21, at para. 95.

²³ See Disability Rights Convention, *supra* note 9.

²⁴ See United Nations General Assembly, *2005 World Summit Outcome*, U.N. Doc A/Res/60/1 (2005).

²⁵ The Children's Rights Convention defines a child as a "human being below the age of 18 years unless, under the law applicable to the child, majority is attained earlier." See Disability Rights Convention, *supra* note 9, art. 1.

²⁶ See also *ICPD Programme of Action*, *supra* note 20, at principle 4; *Beijing Declaration and Platform for Action*, *supra* note 21, at para. 213.

²⁷ These crimes were also established as war crimes under Article 8(2)(b)(xxii) of the Rome Statute of the ICC. See ICC – Rome Statute, *supra* note 8.