

International Standards

The Special Rapporteur is guided primarily by international legal standards. The main substantive legal framework, as indicated by the Commission on Human Rights, in its resolution 1992/72, and the General Assembly, in its resolution 45/162 of 18 December 1990, comprises the Universal Declaration of Human Rights and articles 6, 14 and 15 of the International Covenant on Civil and Political Rights. These standards, which are universal, are interpreted within the context of other United Nations instruments, enumerated in the sixth preamble paragraph of Commission resolution 1992/72.

The right to life finds its most general recognition in article 3 of the Universal Declaration of Human Rights. Article 6 of the International Covenant on Civil and Political Rights recognizes the inherent right of every person to life, adding that this right "shall be protected by law" and that "no one shall be arbitrarily deprived of life". The right to life of persons under the age of 18 and the obligation of States to guarantee the enjoyment of this right to the maximum extent possible are both specifically recognized in article 6 of the Convention on the Rights of the Child.

In accordance with article 2 of the Universal Declaration of Human Rights and articles 2 and 26 of the International Covenant on Civil and Political Rights, and pursuant to several other United Nations declarations and conventions, everyone is entitled to the protection of the right to life without distinction or discrimination of any kind, and all persons shall be guaranteed equal and effective access to remedies for the violation of this right.

Moreover, article 4, paragraph 2, of the International Covenant on Civil and Political Rights provides that exceptional circumstances such as internal political instability or any other public emergency may not be invoked to justify any derogation from the right to life and security of the person. The general recognition of the right to life of every person in the aforementioned international instruments constitutes the legal basis for the work of the Special Rapporteur. Various other treaties, resolutions, conventions and declarations adopted by competent United Nations bodies contain provisions relating to specific types of violations of the right to life. They, too, form part of the legal framework within which the Special Rapporteur operates (see E/CN.4/1993/46, Chapter II).

One of the most pertinent of these instruments is the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, adopted by the Economic and Social Council in its resolution 1989/65 of 24 May 1989. Principle 4 sets forth the obligation of Governments to guarantee effective protection through judicial or other means to individuals and groups who are in danger of extra-legal, arbitrary or summary executions, including those who receive death threats.

The situations of extrajudicial, summary or arbitrary executions that the Special Rapporteur is requested to investigate comprise a variety of cases. All acts and omissions of state representatives that constitute a violation of the general recognition of the right to life embodied in the Universal Declaration of Human Rights (article 3) and the International Covenant on Civil and Political Rights (article 6 and, also, articles 2, 4, para. 2, 26 and, in particular with regard to the death penalty, articles 14 and 15), as well as a number of other treaties, resolutions, conventions and declarations adopted by competent United Nations bodies, fall within his mandate.

The Special Rapporteur's annual reports include thematic sections explaining the interpretation of many aspects of the mandate's legal framework. Further information may be found at <http://www.extrajudicialexecutions.org/law/>. (Note: *The Extrajudicial Executions* is not an official OHCHR website, but it contains information relevant to the conduct of the mandate.)

Treaty provisions on the right to life

- International Covenant on Civil and Political Rights (Article 6)
- Charter on Human and Peoples' Rights (Article 4)
- African Charter on the Rights and Welfare of the Child (Article 5)
- Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Article 4)

- Arab Charter on Human Rights (Article 5, 6)
- European Convention for the Protection of Human Rights and Fundamental Freedoms (Article 2)
- American Declaration of the Rights and Duties of Man (Article 1)
- American Convention on Human Rights (Article 4)
- Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women "Convention of Belém do Pará" (Article 4)