

## **Additional resources relevant to Article 14 (Liberty and security of the person)**

The following are excerpts from existing human rights conventions:

### **International Covenant on Civil and Political Rights (ICCPR)**

**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.

**Article 9(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.

**Article 9(5):** Anyone who has been the 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.

**Article 14(3), (b), (d) and (f):** In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality: ... (b) To have adequate time and facilities for the preparation of his defence and to communicate with counsel of his own choosing;... (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; ... (f) To have the free assistance of an interpreter if he cannot understand or speak the language used in court;

**Article 14(5):** Everyone convicted of a crime shall have the right to his conviction and sentence being reviewed by a higher tribunal according to law.

**Article 14(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.

### **Convention on the Elimination of All Forms of Racial Discrimination (CERD)**

**Article 5(b):** In compliance with the fundamental obligations laid down in article 2 of this Convention, States Parties undertake to (...) guarantee the right of everyone, without

distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights: (b) The right to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual group or institution;

### **Convention on the Rights of the Child (CRC)**

**Article 37(b):** States Parties shall ensure that: ... (b) No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time;

**Article 37(c):** States Parties shall ensure that: ... (c) Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age. In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances;

**Article 37(d):** States Parties shall ensure that: ... (d) Every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance...

**Article 40(1):** States Parties recognize the right of every child alleged as, accused of, or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth, which reinforces the child's respect for the human rights and fundamental freedoms of others and which takes into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society.

**Article 40(2)(b), (ii), (iii), (v) and (vi):** ... States Parties shall, in particular, ensure that: ... (b) Every child alleged as or accused of having infringed the penal law has at least the following guarantees: ... (ii) To be informed promptly and directly of the charges against him or her, and, if appropriate, through his or her parents or legal guardians... (iii) To have the matter determined without delay by a competent, independent and impartial authority or judicial body in a fair hearing according to law, in the presence of legal or other appropriate assistance and, unless it is considered not to be in the best interest of the child, in particular, taking into account his or her age or situation, his or her parents or legal guardians; (v) If considered to have infringed the penal law, to have this decision and any measures imposed in consequence thereof reviewed by a higher competent, independent and impartial authority or judicial body according to law; (vi) To have the free assistance of an interpreter if the child cannot understand or speak the language used;