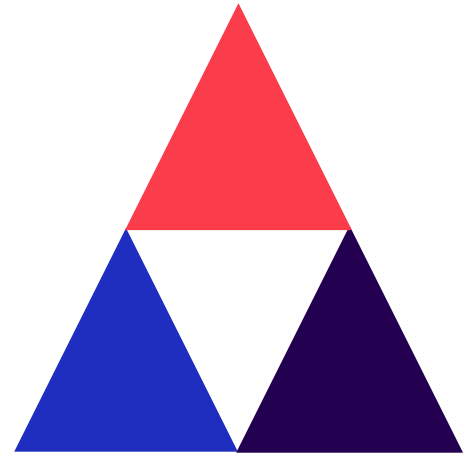


## **Table II – Main provisions of international and regional human rights instruments related to access to justice (in general)**

**ANNEX II – Report for the Tripartite Technical Meeting on Access to Labour Justice for All**  
(Geneva, 17–21 February 2025)



The following table provides the full text of relevant provisions of international and regional human rights instruments related to access to justice (in general) referred to in **Section 3.1** of the Report ('Access to justice: International and regional guidance').

Additional provisions are also added. The list of provisions is not exhaustive.

| Relevant international and regional human rights instruments |                                                                                        | Full text of relevant provisions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
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| Access to justice and to judicial institutions               | <u>International Covenant on Civil and Political Rights</u> , Art. 2(3)(b)             | <b>Article 2.</b><br><br>(...) 3. Each State Party to the present Covenant undertakes: (...)<br><br>(b) to ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy;                                                                                                                                                                                                                                                                                          |
|                                                              | <u>Convention on the Rights of Persons with Disabilities</u> , Art. 13                 | <b>Article 13. Access to justice</b><br><br>1. States Parties shall ensure effective access to justice for persons with disabilities on an equal basis with others, including through the provision of procedural and age-appropriate accommodations, in order to facilitate their effective role as direct and indirect participants, including as witnesses, in all legal proceedings, including at investigative and other preliminary stages.<br><br>2. In order to help to ensure effective access to justice for persons with disabilities, States Parties shall promote appropriate training for those working in the field of administration of justice, including police and prison staff. |
|                                                              | <u>UN Convention on the Elimination of All Forms of Racial Discrimination</u> , Art. 6 | <b>Article 6.</b><br><br>States Parties shall assure to everyone within their jurisdiction effective protection and remedies, through the competent national tribunals and other State institutions, against any acts of racial discrimination which violate his human rights and fundamental freedoms contrary to this Convention, as well as the right to seek from such tribunals just and adequate reparation or satisfaction for any damage suffered as a result of such discrimination.                                                                                                                                                                                                       |

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|  | <u>UN Convention on the Rights of the Child</u> , Art. 12                                        | <p><b>Article 12.</b></p> <p>1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.</p> <p>2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.</p>                                                     |
|  | <u>UN Convention on the Elimination of all Forms of Discrimination Against Women</u> , Art. 2(c) | <p><b>Article 2.</b></p> <p>States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake: (...)</p> <p>(c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination.</p>                                                                                                                                                                    |
|  | <u>American Convention on Human Rights</u> , Art. 25 (1) & 25(2)(a)                              | <p><b>Article 25. Right to judicial protection</b></p> <p>1. Everyone has the right to simple and prompt recourse, or any other effective recourse, to a competent court or tribunal for protection against acts that violate his fundamental rights recognized by the constitution or laws of the state concerned or by this Convention, even though such violation may have been committed by persons acting in the course of their official duties.</p> <p>2. The States Parties undertake:</p> <p>a. to ensure that any person claiming such remedy shall have his rights determined by the competent authority provided for by the legal system of the State; (...)</p> |
|  | <u>European Social Charter (Revised)</u> , Art. 24 (b)                                           | <p><b>Article 24. The right to protection in cases of termination of employment</b></p> <p>With a view to ensuring the effective exercise of the right of workers to protection in cases of termination of employment, the Parties undertake to recognise: (...)</p> <p>b) the right of workers whose employment is terminated without a valid reason to adequate compensation or other appropriate relief.</p> <p>To this end the Parties undertake to ensure that a worker who considers that his employment has been terminated without a valid reason shall have the right to appeal to an impartial body.</p>                                                           |

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| <b>Legal protection and equality before the law</b> | <u>Universal Declaration of Human Rights</u> , Art. 7                            | <b>Article 7.</b><br><br>All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|                                                     | <u>International Covenant on Civil and Political Rights</u> , Art. 14, 16 and 26 | <b>Article 14.</b><br><br>1. All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law. The press and the public may be excluded from all or part of a trial for reasons of morals, public order ( <i>ordre public</i> ) or national security in a democratic society, or when the interest of the private lives of the parties so requires, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice; but any judgement rendered in a criminal case or in a suit at law shall be made public except where the interest of juvenile persons otherwise requires or the proceedings concern matrimonial disputes or the guardianship of children.<br><br>2. Everyone charged with a criminal offence shall have the right to be presumed innocent until proved guilty according to law.<br><br>3. In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality:<br><br>(a) To be informed promptly and in detail in a language which he understands of the nature and cause of the charge against him;<br><br>(b) To have adequate time and facilities for the preparation of his defence and to communicate with counsel of his own choosing;<br><br>(c) To be tried without undue delay;<br><br>(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;<br><br>(e) To examine, or have examined, the witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him; |

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|  |                                                                                              | <p>(f) To have the free assistance of an interpreter if he cannot understand or speak the language used in court;</p> <p>(g) Not to be compelled to testify against himself or to confess guilt.</p> <p>4. In the case of juvenile persons, the procedure shall be such as will take account of their age and the desirability of promoting their rehabilitation.</p> <p>5. Everyone convicted of a crime shall have the right to his conviction and sentence being reviewed by a higher tribunal according to law.</p> <p>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.</p> <p>7. No one shall be liable to be tried or punished again for an offence for which he has already been finally convicted or acquitted in accordance with the law and penal procedure of each country.</p> <p><b>Article 16.</b></p> <p>Everyone shall have the right to recognition everywhere as a person before the law.</p> <p><b>Article 26.</b></p> <p>All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.</p> |
|  | <p><u>Convention on the Rights of Persons with Disabilities,</u><br/>Art.5 (1) &amp; (2)</p> | <p><b>Article 5.</b></p> <p>1. States Parties recognize that all persons are equal before and under the law and are entitled without any discrimination to the equal protection and equal benefit of the law.</p> <p>2. States Parties shall prohibit all discrimination on the basis of disability and guarantee to persons with disabilities equal and effective legal protection against discrimination on all grounds. (...)</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |

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|  | <p><u>UN Convention on the Elimination of All Forms of Racial Discrimination</u>, Art. 5(a)</p>                                                   | <p><b>Article 5.</b></p> <p>In compliance with the fundamental obligations laid down in article 2 of this Convention, States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and 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:</p> <p>(a) The right to equal treatment before the tribunals and all other organs administering justice; (...)</p>                                                                                         |
|  | <p><u>International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families</u>, Art. 18 (1) &amp; 24</p> | <p><b>Article 18.</b></p> <p>1. Migrant workers and members of their families shall have the right to equality with nationals of the State concerned before the courts and tribunals. In the determination of any criminal charge against them or of their rights and obligations in a suit of law, they shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law. (...)</p> <p><b>Article 24.</b></p> <p>Every migrant worker and every member of his or her family shall have the right to recognition everywhere as a person before the law.</p>           |
|  | <p><u>African Charter on Human and Peoples' Rights</u>, Art. 3.</p>                                                                               | <p><b>Article 3.</b></p> <p>1. Every individual shall be equal before the law.<br/>2. Every individual shall be entitled to equal protection of the law.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|  | <p><u>Arab Charter on Human Rights</u>, Art. 11, 12 &amp; 22</p>                                                                                  | <p><b>Article 11.</b></p> <p>All persons are equal before the law and have the right to enjoy its protection without discrimination.</p> <p><b>Article 12.</b></p> <p>All persons are equal before the courts and tribunals. The States parties shall guarantee the independence of the judiciary and protect magistrates against any interference, pressure or threats. They shall also guarantee every person subject to their jurisdiction the right to seek a legal remedy before courts of all levels.</p> <p><b>Article 22.</b></p> <p>Everyone shall have the right to recognition as a person before the law.</p> |

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|  | <p><u>ASEAN Human Rights Declaration</u>, General Principles Nos. 3 and 5</p> | <p><b>General Principle No. 3.</b></p> <p>3. Every person has the right of recognition everywhere as a person before the law. Every person is equal before the law. Every person is entitled without discrimination to equal protection of the law.</p> <p><b>General Principle No. 5</b></p> <p>Every person has the right to an effective and enforceable remedy, to be determined by a court or other competent authorities, for acts violating the rights granted to that person by the constitution or by law.</p> |
|  | <p><u>European Social Charter</u>, Art. 19(7)</p>                             | <p><b>Article 19.</b></p> <p>With a view to ensuring the effective exercise of the right of migrant workers and their families to protection and assistance in the territory of any other Party, the Parties undertake: (...)</p> <p>7. to secure for such workers lawfully within their territories treatment not less favourable than that of their own nationals in respect of legal proceedings relating to matters referred to in this article;</p>                                                                |

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| <b>Fair trial and public hearing before competent, independent and impartial tribunals</b> | <u>Universal Declaration of Human Rights</u> , Art. 10                                                                             | <b>Article 10.</b><br>Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|                                                                                            | <u>International Covenant on Civil and Political Rights</u> , Art. 14(1)                                                           | <b>Article 14.</b><br>1. All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|                                                                                            | <u>International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families</u> , Art. 18 (3) | <b>Article 18</b><br>3. In the determination of any criminal charge against them, migrant workers and members of their families shall be entitled to the following minimum guarantees:<br><br>(a) To be informed promptly and in detail in a language they understand of the nature and cause of the charge against them;<br><br>(b) To have adequate time and facilities for the preparation of their defence and to communicate with counsel of their own choosing;<br><br>(c) To be tried without undue delay;<br><br>(d) To be tried in their presence and to defend themselves in person or through legal assistance of their own choosing; to be informed, if they do not have legal assistance, of this right; and to have legal assistance assigned to them, in any case where the interests of justice so require and without payment by them in any such case if they do not have sufficient means to pay;<br><br>(e) To examine or have examined the witnesses against them and to obtain the attendance and examination of witnesses on their behalf under the same conditions as witnesses against them;<br><br>(f) To have the free assistance of an interpreter if they cannot understand or speak the language used in court;<br><br>(g) Not to be compelled to testify against themselves or to confess guilt. (...) |

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|  | <p><u>UN Convention on the Rights of the Child</u>, Art. 37(d) &amp; 40 (2) (b)</p> | <p><b>Article 37.</b></p> <p>States Parties shall ensure that: (...)</p> <p>(d) Every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his or her liberty before a court or other competent, independent and impartial authority, and to a prompt decision on any such action.</p> <p><b>Article 40.</b></p> <p>2. (b) Every child alleged as or accused of having infringed the penal law has at least the following guarantees: (...)</p> <ul style="list-style-type: none"> <li>(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;</li> <li>(iv) Not to be compelled to give testimony or to confess guilt; to examine or have examined adverse witnesses and to obtain the participation and examination of witnesses on his or her behalf under conditions of equality;</li> <li>(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;</li> <li>(vi) To have the free assistance of an interpreter if the child cannot understand or speak the language used;</li> <li>(vii) To have his or her privacy fully respected at all stages of the proceedings.</li> </ul> |
|  | <p><u>African Charter on Human and Peoples' Rights</u>, Art. 7(1)</p>               | <p><b>Article 7.</b></p> <p>1. Every individual shall have the right to have his cause heard. This comprises:</p> <ul style="list-style-type: none"> <li>a. the right to an appeal to competent national organs against acts of violating his fundamental rights as recognized and guaranteed by conventions, laws, regulations and customs in force;</li> <li>b. the right to be presumed innocent until proved guilty by a competent court or tribunal;</li> <li>c. the right to defence, including the right to be defended by counsel of his choice;</li> <li>d. the right to be tried within a reasonable time by an impartial court or tribunal</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |

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|  | <u>American Convention on Human Rights</u> , Art. 8(1)  | <b>Article 8.</b><br>1. Every person has the right to a hearing, with due guarantees and within a reasonable time, by a competent, independent, and impartial tribunal, previously established by law, in the substantiation of any accusation of a criminal nature made against him or for the determination of his rights and obligations of a civil, labor, fiscal, or any other nature. (...)                                                                                                                                                                                                                                                                                                                                              |
|  | <u>Arab Charter on Human Rights</u> , Art. 13(1)        | <b>Article 13.</b><br>(1) Everyone has the right to a fair trial that affords adequate guarantees before a competent, independent and impartial court that has been constituted by law to hear any criminal charge against him or to decide on his rights or his obligations. Each State party shall guarantee to those without the requisite financial resources legal aid to enable them to defend their rights. (...)                                                                                                                                                                                                                                                                                                                       |
|  | <u>European Social Charter (revised)</u> , Art 24       | <b>Article 24. The right to protection in cases of termination of employment</b><br>(...) Parties undertake to ensure that a worker who considers that his employment has been terminated without a valid reason shall have the right to appeal to an impartial body.                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|  | <u>European Charter of Fundamental Rights</u> , Art. 47 | <b>Article 47. Right to an effective remedy and to a fair trial</b><br>(...) Everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal previously established by law. (...)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|  | <u>European Convention on Human Rights</u> , Art. 6(1)  | <b>Article 6. Right to a fair trial</b><br>1. In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. Judgment shall be pronounced publicly but the press and public may be excluded from all or part of the trial in the interests of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice. |

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| <b>Legal representation, right to defence and legal aid</b> | <u>Convention on the Rights of Persons with Disabilities</u> , Art. 12(3) & (4) | <p><b>Article 12.</b></p> <p>(...)</p> <p>3. States Parties shall take appropriate measures to provide access by persons with disabilities to the support they may require in exercising their legal capacity.</p> <p>4. States Parties shall ensure that all measures that relate to the exercise of legal capacity provide for appropriate and effective safeguards to prevent abuse in accordance with international human rights law. Such safeguards shall ensure that measures relating to the exercise of legal capacity respect the rights, will and preferences of the person, are free of conflict of interest and undue influence, are proportional and tailored to the person's circumstances, apply for the shortest time possible and are subject to regular review by a competent, independent and impartial authority or judicial body. The safeguards shall be proportional to the degree to which such measures affect the person's rights and interests.</p> |
|                                                             | <u>African Charter on Human and Peoples' Rights</u> , Art. (7)(1)(c)            | <p><b>Article 7.</b></p> <p>1. Every individual shall have the right to have his cause heard. This comprises: (...)</p> <p>c. the right to defence, including the right to be defended by counsel of his choice.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|                                                             | <u>European Charter of Fundamental Rights</u> , Art. 47                         | <p><b>Article 47. Right to an effective remedy and to a fair trial</b></p> <p>(...)</p> <p>Everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal previously established by law. Everyone shall have the possibility of being advised, defended and represented.</p> <p>Legal aid shall be made available to those who lack sufficient resources in so far as such aid is necessary to ensure effective access to justice.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |

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| <b>Effective remedy and enforcement</b> | <u>Universal Declaration of Human Rights</u> , Art. 8                                  | <b>Article 8.</b><br><p>Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|                                         | <u>International Covenant on Civil and Political Rights</u> , Art. 2(3)                | <b>Article 2.</b><br><p>(...) 3. Each State Party to the present Covenant undertakes:</p> <p>(a) Each State Party to the present Covenant undertakes to ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity</p> <p>(b) to ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy;</p> <p>(c) to ensure that the competent authorities shall enforce such remedies when granted.</p>                                                                                              |
|                                         | <u>UN Convention on the Elimination of All Forms of Racial Discrimination</u> , Art. 6 | <b>Article 6</b><br><p>States Parties shall assure to everyone within their jurisdiction effective protection and remedies, through the competent national tribunals and other State institutions, against any acts of racial discrimination which violate his human rights and fundamental freedoms, as well as the right to seek from such tribunals just and adequate reparation or satisfaction for any damage suffered as a result of such discrimination.</p>                                                                                                                                                                                                                                                                                                                                                                                                                    |
|                                         | <u>UN Convention on the Rights of the Child</u> , Art.19                               | <b>Article 19</b><br><p>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.</p> <p>2. Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.</p> |

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| <u>American Convention on Human Rights</u> , Art. 25 (2)        | <p><b>Article 25. Right to judicial protection</b></p> <p>2. The States Parties undertake:</p> <ul style="list-style-type: none"> <li>a. to ensure that any person claiming such remedy shall have his rights determined by the competent authority provided for by the legal system of the state;</li> <li>b. to develop the possibilities of judicial remedy; and</li> <li>c. to ensure that the competent authorities shall enforce such remedies when granted.</li> </ul>                                                                                     |
| <u>Arab Charter on Human Rights</u> , Art. 12                   | <p><b>Article 12.</b></p> <p>All persons are equal before the courts and tribunals. The States parties shall guarantee the independence of the judiciary and protect magistrates against any interference, pressure or threats. They shall also guarantee every person subject to their jurisdiction the right to seek a legal remedy before courts of all levels.</p>                                                                                                                                                                                            |
| <u>ASEAN Human Rights Declaration</u> , General Principle No. 5 | <p><b>General Principle No. 5</b></p> <p>Every person has the right to an effective and enforceable remedy, to be determined by a court or other competent authorities, for acts violating the rights granted to that person by the constitution or by law.</p>                                                                                                                                                                                                                                                                                                   |
| <u>European Charter of Fundamental Rights</u> , Art. 47         | <p><b>Article 47. Right to an effective remedy and to a fair trial</b></p> <p>Everyone whose rights and freedoms guaranteed by the law of the Union are violated has the right to an effective remedy before a tribunal in compliance with the conditions laid down in this Article. (...)</p>                                                                                                                                                                                                                                                                    |
| <u>European Convention on Human Rights</u> , Art. 13 & 46       | <p><b>Article 13. Right to an effective remedy</b></p> <p>Everyone whose rights and freedoms as set forth in this Convention are violated shall have an effective remedy before a national authority notwithstanding that the violation has been committed by persons acting in an official capacity.</p> <p><b>Article 46. Binding force and execution of judgments</b></p> <ul style="list-style-type: none"> <li>1. The High Contracting Parties undertake to abide by the final judgment of the Court in any case to which they are parties. (...)</li> </ul> |
| <u>European Social Charter (Revised)</u> , Art. 24 (b)          | <p><b>Article 24. The right to protection in cases of termination of employment</b></p> <p>With a view to ensuring the effective exercise of the right of workers to protection in cases of termination of employment, the Parties undertake to recognise: (...)</p> <ul style="list-style-type: none"> <li>b) the right of workers whose employment is terminated without a valid reason to adequate compensation or other appropriate relief.</li> </ul>                                                                                                        |

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| <b>Right to judicial review and appeal</b> | <u>International Covenant on Civil and Political Rights</u> , Art. 14 (5)                                                          | <b>Article 14</b><br><br>5. Everyone convicted of a crime shall have the right to his conviction and sentence being reviewed by a higher tribunal according to law.                                                                                                                                                                                                                                                                                                                                                                            |
|                                            | <u>International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families</u> , Art. 18 (5) | <b>Article 18</b><br><br>5. Migrant workers and members of their families convicted of a crime shall have the right to their conviction and sentence being reviewed by a higher tribunal according to law.                                                                                                                                                                                                                                                                                                                                     |
|                                            | <u>UN Convention on the Rights of the Child</u> , Art. 40 (2) (b) (v)                                                              | <b>Article 40</b><br><br>2. To this end, and having regard to the relevant provisions of international instruments, States Parties shall, in particular, ensure that: (...)<br><br>(b) Every child alleged as or accused of having infringed the penal law has at least the following guarantees: (...)<br><br>(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; |
|                                            | <u>American Convention on Human Rights</u> , Art. 8 (2) (h)                                                                        | <b>Article 8</b><br><br>2. Every person accused of a criminal offense has the right to be presumed innocent so long as his guilt has not been proven according to law. During the proceedings, every person is entitled, with full equality, to the following minimum guarantees: (...)<br><br>h. the right to appeal the judgment to a higher court.                                                                                                                                                                                          |
|                                            | <u>European Social Charter (Revised)</u> , Art. 24 (b)                                                                             | <b>Article 24. The right to protection in cases of termination of employment</b><br><br>(....) Parties undertake to ensure that a worker who considers that his employment has been terminated without a valid reason shall have the right to appeal to an impartial body.                                                                                                                                                                                                                                                                     |

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| <b>Promotion of voluntary negotiations and amicable processes</b> | <u>European Social Charter</u> , Art 6<br>and<br><u>European Social Charter (Revised)</u> , Art. 6 | <b>Article 6 – The right to bargain collectively</b><br><br>With a view to ensuring the effective exercise of the right to bargain collectively, the Contracting Parties undertake:<br><br>1. to promote joint consultation between workers and employers;<br><br>2. to promote, where necessary and appropriate, machinery for voluntary negotiations between employers or employers' organisations and workers' organisations, with a view to the regulation of terms and conditions of employment by means of collective agreements;<br><br>3. to promote the establishment and use of appropriate machinery for conciliation and voluntary arbitration for the settlement of labour disputes;<br><br>and recognise:<br><br>4. the right of workers and employers to collective action in cases of conflicts of interest, including the right to strike, subject to obligations that might arise out of collective agreements previously entered into. |
|                                                                   | <u>European Convention on Human Rights</u> , Art. 39                                               | <b>Article 39: Friendly settlements</b><br><br>1. At any stage of the proceedings, the Court may place itself at the disposal of the parties concerned with a view to securing a friendly settlement of the matter on the basis of respect for human rights as defined in the Convention and the Protocols thereto.<br>2. Proceedings conducted under paragraph 1 shall be confidential.<br>3. If a friendly settlement is effected, the Court shall strike the case out of its list by means of a decision which shall be confined to a brief statement of the facts and of the solution reached.<br><br>This decision shall be transmitted to the Committee of Ministers, which shall supervise the execution of the terms of the friendly settlement as set out in the decision.                                                                                                                                                                       |

| Additional principles and provisions regarding access to justice<br>(in general)                 | Instrument                                                                                                                        |
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| <b>Prohibition of discrimination</b><br>(in general, including in relation to access to justice) | <u>UN Convention on the Elimination of all Forms of Discrimination Against Women</u> , Art. 2                                     |
|                                                                                                  | <u>International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families</u> , Art. 7     |
|                                                                                                  | <u>UN Convention on the Rights of the Child</u> , Art. 2                                                                          |
|                                                                                                  | <u>ASEAN Human Rights Declaration</u> , Para. 2                                                                                   |
|                                                                                                  | <u>European Charter of Fundamental Rights</u> , Art. 21                                                                           |
|                                                                                                  | <u>European Convention on Human Rights</u> , Art. 14                                                                              |
| <b>Presumption of innocence</b>                                                                  | <u>Universal Declaration of Human Rights</u> , Art. 11(1)                                                                         |
|                                                                                                  | <u>International Covenant on Civil and Political Rights</u> , Art. 14(2)                                                          |
|                                                                                                  | <u>International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families</u> , Art. 18(2) |
|                                                                                                  | <u>African Charter on Human and Peoples' Rights</u> , Art. (7)(1)(b)                                                              |
|                                                                                                  | <u>ASEAN Human Rights Declaration</u> , Para. 20(1)                                                                               |
|                                                                                                  | <u>European Charter of Fundamental Rights</u> , Art. 48                                                                           |
|                                                                                                  | <u>European Convention on Human Rights</u> , Art. 6(2)                                                                            |
| <b>Legal predictability and proportionality of criminal offence</b>                              | <u>Universal Declaration of Human Rights</u> , Art. 11(2)                                                                         |
|                                                                                                  | <u>International Covenant on Civil and Political Rights</u> , Art. 15(1)                                                          |
|                                                                                                  | <u>International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families</u> , Art. 19    |
|                                                                                                  | <u>UN Convention on the Rights of the Child</u> , Art. 40 (2) (a)                                                                 |
|                                                                                                  | <u>African Charter on Human and Peoples' Rights</u> , Art. 7(2)                                                                   |

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|                                          | <a href="#">European Convention on Human Rights</a> , Art. 7                                                                               |
|                                          | <a href="#">European Charter of Fundamental Rights</a> , Art. 49                                                                           |
| <b>Swift and fair proceedings</b>        | <a href="#">International Covenant on Civil and Political Rights</a> , Art. 9(2)                                                           |
|                                          | <a href="#">African Charter on Human and Peoples' Rights</a> , Art. (7)(1)(d)                                                              |
|                                          | <a href="#">American Convention on Human Rights</a> , Art. 8(1)                                                                            |
| <b>Compensation for unlawful charges</b> | <a href="#">International Covenant on Civil and Political Rights</a> , Art. 9(5) & 14 (6)                                                  |
|                                          | <a href="#">International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families</a> , Art. 18(6) |

| International obligations<br>to ensure access to justice<br>&<br>Complaint procedures             | Instrument                                                                                                                          |
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| <b>Reporting obligations</b>                                                                      | <u>International Covenant on Civil and Political Rights</u> , Art. 40                                                               |
|                                                                                                   | <u>Convention on the Rights of Persons with Disabilities</u> , Art. 35 & 36                                                         |
|                                                                                                   | <u>UN Convention on the Elimination of all Forms of Discrimination Against Women</u> , Art. 18 & 21(1)                              |
|                                                                                                   | <u>UN Convention on the Elimination of All Forms of Racial Discrimination</u> , Art. 9                                              |
|                                                                                                   | <u>UN Convention on the Rights of the Child</u> , Art. 44                                                                           |
|                                                                                                   | <u>International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families</u> , Art. 73 & 74 |
| <b>Individual complaints</b>                                                                      | <u>UN Convention on the Elimination of All Forms of Racial Discrimination</u> , Art. 14                                             |
|                                                                                                   | <u>International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families</u> , Art. 77      |
| <b>State-to-State complaints<br/>procedures through UN<br/>Committees and Regional<br/>Bodies</b> | <u>International Covenant on Civil and Political Rights</u> , Art. 41                                                               |
|                                                                                                   | <u>UN Convention on the Elimination of All Forms of Racial Discrimination</u> , Art. 11 & 12 & 13                                   |
|                                                                                                   | <u>International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families</u> , Art. 76      |
|                                                                                                   | <u>African Charter on Human and Peoples' Rights</u> , Art. 47- 53                                                                   |
|                                                                                                   | <u>American Convention on Human Rights</u> , Art. 45                                                                                |
| <b>Adjudication of State-to-State<br/>Dispute Resolution for Non-<br/>Compliance</b>              | <u>UN Convention on the Elimination of all Forms of Discrimination Against Women</u> , Art. 29(1)                                   |
|                                                                                                   | <u>UN Convention on the Elimination of All Forms of Racial Discrimination</u> , Art. 22                                             |
|                                                                                                   | <u>International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families</u> , Art. 92(1)   |

Geneva, January 2025