



### *How to Search the "Bayefsky"- Homepage*

**A)**

There are six major human rights conventions: The **ICCPR** (Civil and Political Rights), the **ICESCR** (Economic, Social and Cultural Rights), the **CEDAW** (Women’s Rights), the **CERD** (Racial Discrimination), the **CAT** (Convention against Torture) and the **CRC** (Convention on Children’s Rights).

Related to each convention operates a monitoring body called **”Committee”**. For example the Human Rights Committee which supervises the ICCPR or the Committee against Torture that deals with violations of the CAT.

If you want to know **what comments** these committees gave on the different topics or on different articles of different conventions or **what reports** have been submitted to them by different states you enter the homepage

[www.bayefsky.com](http://www.bayefsky.com)

which provides all these documents.

**B)** When you have entered this web-address following home-page shows:

The screenshot shows the homepage of bayefsky.com. At the top left is the logo with a globe and the text 'bayefsky.com'. To the right is a grey box with the text 'The United Nations Human Rights Treaties'. Below the logo is a list of navigation links: Home, Introduction, Text of the Treaties, Amendments to the Treaties, Documents, BY STATE, BY CATEGORY, and BY THEME OR SUBJECT MATTER. On the right side, there is a grey box with two paragraphs of text. The first paragraph says 'click on "By State" if you want to know what conventions CAMBODIA has signed, what reports it has submitted to the various committees and what the committees decisions and comments were'. The second paragraph says 'click on "By Theme and Subject Matter" if you want to know the articles, comments and decisions of the different conventions and their monitoring committees related to certain human rights topics like for example: free access to information'. Arrows point from the 'BY STATE' and 'BY THEME OR SUBJECT MATTER' links to their respective paragraphs in the grey box.



I)

1) For example when you click on **”By State”** you find an alphabetical list of all states of the world and among them “Cambodia”. Clicking on “Cambodia” shows you the following menu of information to choose from:

### Cambodia

- [Ratifications](#)
- [Reservations, Declarations, Objections and Derogations](#)
- [Reporting History](#)
- [State Reports](#)
- [Core Reports](#)
- [Lists of Issues](#)
- [Summary Records](#)
- [Concluding Observations](#)

clicking on “Reporting History” for example will provide all reports submitted by Cambodia in relation to the different conventions:

### Reporting History

#### Cambodia

- [CAT](#)
- [CCPR](#)
- [CEDAW](#)
- [CERD](#)
- [CESCR](#)
- [CRC](#)
- [CRC \(OPT - Sale of Children\)](#)

Information as of July 2003.

The reporting history of a state includes periodic reports (the regular reporting cycle) as well as specific requests for special reports or additional information

2)

a) When you click on **”Theme or Subject Matter”** you will find for example THE following list of **topics** (just a few of them are shown here) in alphabetical order:

### By Theme or Subject Matter

Themes beginning with: | [A-E](#) | [F-J](#) | [K-O](#) | [P-T](#) | [U-Z](#) |

<ul style="list-style-type: none"> <li>• <a href="#">Aboriginal Peoples</a></li> <li>• <a href="#">Abortion</a></li> <li>• <a href="#">Access to Information</a></li> </ul>	<ul style="list-style-type: none"> <li>• <a href="#">Armed Conflict</a></li> <li>• <a href="#">Arrest And Detention</a></li> <li>• <a href="#">Assembly - Freedom of</a></li> </ul>	<ul style="list-style-type: none"> <li>• <a href="#">Censorship</a></li> <li>• <a href="#">Children's Rights</a></li> <li>• <a href="#">Citizenship</a></li> <li>• <a href="#">Civil Rights</a></li> <li>• <a href="#">Civil Suit</a></li> <li>• <a href="#">Clothing</a></li> </ul>
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click here for example to find more about freedom of assembly



b) Or you can look at the **articles** of each of the abovementioned conventions and find all the decisions or comments related to an article. For example you will find the following list of the ICCPR Articles and you can click on the article interesting for you.

## by Subject Matter

### Articles

click here to find  
comments and decisions  
for example on  
Article 2 II ICCPR

### ICCPR

- Article 1 **SELF-DETERMINATION**
- Article **INTERNATIONAL COOPERATION AND MUTUAL ASSISTANCE**  
1.2
- Article 2 **EQUALITY AND DISCRIMINATION -> GENERAL**
- Article **EFFECTIVE REMEDIES -> GENERAL**  
2.2
- Article **EFFECTIVE REMEDIES -> GENERAL**  
2.3
- Article **PUBLIC AND PRIVATE ACTORS -> GENERAL**  
2.3
- Article 3 **EQUALITY AND DISCRIMINATION -> GENDER**  
**DISCRIMINATION -> General**
- Article 4 **DEROGATIONS**
- Article **EQUALITY AND DISCRIMINATION -> GENERAL**  
4.1
- Article **EQUALITY AND DISCRIMINATION -> EQUALITY BEFORE THE**  
4.1 **LAW**
- Article **LEGAL RIGHTS -> CRIMINAL -> Equal Treatment**  
4.1
- Article **LEGAL RIGHTS -> CRIMINAL -> Protection Against Retroactive**  
4.1 **Criminalization**
- Article **LEGAL RIGHTS -> JUVENILE OFFENDERS AND CHILDREN**  
4.1
- Article **LEGAL RIGHTS -> PROPERTY, CIVIL AND CONTRACT RIGHTS**  
4.1
- Article **LIBERTY AND SECURITY OF THE PERSON**  
4.1
- Article **LIFE - RIGHT TO -> DEATH PENALTY**  
4.1



c) If you click on “Theme or Subject Matter” **choose one topic.**

For example you choose: Free access to information. Then you will always find the following **four different kind of information sources (a – d).**

## By Theme or Subject Matter

### Access to Information:

- a) Concluding Observations
- b) Articles
- c) Jurisprudence
- d) General Comments and Recommendations

aa) Under **”Concluding Observations”** you will find the short text of the final conclusions which the different committees (for example: The “Committee on Racial Discrimination” or the “Committee against Torture”) have given in various cases of individual complaints related to the topic. They usually give a comment if they think the related convention was violated or if at least the practice of a certain state raises concern about its compatibility with the convention (for example with the ICCPR, the CAT or the CERD) and sometimes gives recommendations. The Concluding Observations show the related convention and give the file number of the case. They name the involved country and the year of the decision. See following example:

#### **IV. CONCLUDING OBSERVATIONS, CONTINUED**

##### **CERD**

- Liechtenstein, CERD,A/57/18 (2002) 33 at para. 151.

151. The Committee notes that the State party is supporting efforts made by non-governmental organizations to help foreigners to integrate into society. The Committee **recommends** that the State party continue to lend its support to such organizations in this work which includes providing German language courses, counseling services and information. The Committee recommends that such activities be expanded, with a view to raising multicultural awareness and enhancing mutual understanding. To that end, the State party might consider ensuring adequate financial support on a continuing basis.

- Republic of Moldova, CERD, A/57/18 (2002) 41 at para. 222.

222. With regard to article 7 of the Convention, the Committee recommends that the State party continues and extends its educational and cultural programs in order to raise public awareness of issues of racism and racial discrimination...The Committee also recommends



that the State party ensure that minorities and ethnic groups in its territory receive information and education in their respective languages.

- Armenia, CERD, A/57/18 (2002) 50 at para. 281.

281. The Committee **encourages** the Government to allocate resources to facilitate publications and broadcasting in minority languages. It welcomes the statement by the delegation that a special budget is to be established for that purpose.

### ICCPR

- United Kingdom of Great Britain and Northern Ireland, ICCPR, A/57/40 vol. I (2002) 36 at paras. 75(20) and 75(21).

(20) The Committee **is concerned** that provisions of the Criminal Procedure and Investigations Act 1996 enable prosecutors to seek a non-reviewable decision by a court to the effect that sensitive evidentiary material, which would otherwise be disclosed to a defendant, is withheld on public interest/immunity grounds. The Committee **considers that the State party has failed** to demonstrate the necessity of these arrangements.

The State party should review these provisions in the light of the Committee's remarks and previous concluding observations in respect of article 14, in order to ensure that the guarantees of article 14 are fully respected.

(21) The Committee is concerned that powers under the Official Secrets Act 1989 have been exercised to frustrate former employees of the Crown from bringing into the public domain issues of genuine public concern, and to prevent journalists from publishing such matters.

The State party should ensure that its powers to protect information genuinely related to matters of national security are narrowly utilized and limited to instances where it has been shown to be necessary to suppress release of the information.

**bb)** Under **"Articles"** you will find a list and the full text of all the articles of all the different conventions that are related to the topic (here for example related to the chosen topic of "free access to information"). This saves you a lot of work looking for the different articles in different conventions.

### I. ARTICLES

- **Article 19.2 and 19.3, ICCPR**

Article 19

...

2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, **receive** and impart **information** and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.

- **Article 10(h), CEDAW**

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: (h) **Access to specific educational**



**information** to help to ensure the health and well-being of families, including information and advice on family planning.

- **Article 9.1-9.4, CRC**

4. Where such separation results from any action initiated by a State Party, such as the detention, imprisonment, exile, deportation or death (including death arising from any cause while the person is in the custody of the State) of one or both parents or of the child, that State Party shall, **upon request, provide the parents**, the child or, if appropriate, another member of the family **with the essential information** concerning the whereabouts of the absent member(s) of the family unless the provision of the information would be detrimental to the well-being of the child. States Parties shall further ensure that the submission of such a request shall of itself entail no adverse consequences for the person(s) concerned.

- **Article 17, CRC**

States Parties recognize the important function performed by the mass media and shall ensure that the **child has access to information** and material from a diversity of national and international sources, especially those aimed at the promotion of his or her social, spiritual and moral well-being and physical and mental health. To this end, States Parties shall: (a) Encourage the mass media to **disseminate information** and material of social and cultural benefit to the child and in accordance with the spirit of article 29;

**cc)** Under "**Jurisprudence**" you will find the text of one decision on a related article in full length. So you can study one example how a related case was decided by an international body. For example on the topic of "Access to information" you will find following decision:

### **III. JURISPRUDENCE**

#### **ICCPR**

• *S. E. T. A. v. Finland* (R.14/61), ICCPR, A/37/40 (2 April 1982) 161 at paras. 2.1-2.5, 9.1-9.3, 10.1-10.4, 11 and Individual Opinion of Mr. Torkel Opsahl, 166.

...2.1 The facts of the five cases are essentially undisputed. The parties only disagree as to their evaluation. According to the contentions of the authors of the communication, Finnish authorities, including organs of the State-controlled Finnish Broadcasting Company (FBC), have interfered with their right of freedom of expression and information, as laid down in article 19 of the Covenant, by imposing sanctions against participants in, or censoring, radio and TV programs dealing with sanctions against participants in, or censoring, radio and TV programs dealing with homosexuality. At the **heart of the dispute is paragraph 9 of chapter 20 of the Finnish Penal Code** which sets forth the following: "If someone publicly engages in an act violating sexual morality, thereby giving offense, he shall be sentenced for publicly violating sexual morality to imprisonment for at most six months or to a fine." "Anyone who publicly encourages indecent behaviour between persons of the same sex shall be sentenced for encouragement to indecent behaviour between members of the same sex as decreed in subsection 1." .....



**dd)** Under "**General Comments**" you will find all comments that have been given by the various committees not on a single case or claim but in general. This provides you ideas about the general point of view related to the chosen topic. For example you will find following comments by the Human Rights Committee which refer to free access to information:

## **II. GENERAL COMMENTS AND RECOMMENDATIONS**

- **ICCPR General Comment 10** (Nineteenth session, 1983): Article 19: Freedom of Expression, A/38/40 (1983) 109 at para. 2.

...2. Paragraph 2 requires protection of the right to freedom of expression, which includes not only freedom to "impart information and ideas of all kinds", but also freedom to "seek" and "receive" them "regardless of frontiers" and in whatever medium, "either orally, in writing or in print, in the form of art, or through any other media of his choice". Not all States parties have provided information concerning all aspects of the freedom of expression. For instance, little attention has so far been given to the fact that, because of the development of modern mass media, effective measures are necessary to prevent such control of the media as would interfere with the right of everyone to freedom of expression in a way that is not provided for in paragraph 3.

- **ICCPR General Comment 16** (Thirty-second session, 1988): Article 17: The Right to Respect of Privacy, Family, Home and Correspondence, and Protection of Honour and Reputation, A/43/40 (1988) 181 at para. 10.

10. The gathering and holding of personal information on computers, data banks and other devices, whether by public authorities or private individuals or bodies, must be regulated by law. Effective measures have to be taken by States to ensure that information concerning a person's private life does not reach the hands of persons who are not authorized by law to receive, process and use it, and is never used for purposes incompatible with the Covenant. In order to have the most effective protection of his private life, every individual should have the right to ascertain in an intelligible form, whether, and if so, what personal data is stored in automatic data files, and for what purposes. Every individual should also be able to ascertain which public authorities or private individuals or bodies control or may control their files. If such files contain incorrect personal data or have been collected or processed contrary to the provisions of the law, every individual should have the right to request rectification or elimination.