

DISABILITY AND EQUALITY

Setting the Equality Bill in Context

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Introduction: what does “equality” mean?

On the face of it, “equality” means treating everyone the same. But this is not the whole story. Some people are already more disadvantaged than others, and need extra help to catch up. Some of this help may be temporary – special measures to balance out inequalities (such as setting racial or gender quotas for entry to schools and universities, civil service jobs, public office etc.) Some of the special measures may need to be permanent, such as those ensuring the health and safety of pregnant and nursing mothers.

Some people may suffer discrimination in more than one way – a phenomenon known as “intersectionality”. Circles of disadvantage can overlap – woman + blind; child + black; disabled man + gay; etc. Intersectionality is particularly relevant in matters of gender discrimination – and most focussed in the Convention on the Elimination of All Forms of Discrimination against Women 1979.

Just treating everyone the same therefore does not ensure equality. Equality needs to be substantive, not just formal. It needs to be judged on its results. Sometimes, it needs to go further, and to be given a boost in order to transform a society in need of change.¹

So the challenge posed by the Equality Bill begins with its title. How will it get away from merely formal equality, so as to ensure substantive or even transformational equality?

The Isle of Man Government is not staring with a blank sheet – it has at this stage decided to use the UK’s Equality Act as a template. But the Manx people already have a very wide range of human rights, assured to them under international treaties; and the Equality Bill will have to be weighed

¹ “A change in the traditional role of men as well as the role of women in society and in the family is needed to achieve full equality between men and women.” [CEDAW Preamble] The signatories to CEDAW must undertake “To take all appropriate measures, including legislation, to **modify or abolish** existing laws, regulations, customs and practices which constitute discrimination against women” [CEDAW Article 2(f)]

against these, to make sure that it does not inadvertently have the effect of limiting or distorting rights already there.

Equality in this talk is examined in the context of disability imposed on those who are deaf, bearing in mind that deafness is not itself disabling but that civil society in not making appropriate provision for those who are deaf causes them to be disabled in their day to day interactions with that society.

International Human Rights instruments which apply to the Isle of Man

The Isle of Man is a Crown Dependency with a sovereign parliament, Tynwald. The United Kingdom has a general watching brief over the island's good government, but historically has not intervened in domestic affairs. Until the late 20th century the United Kingdom took direct responsibility for the negotiation and ratification of international instruments which extended to the Isle of Man. There is now a developing convention that Tynwald no longer merely consent s to the extension to the Isle of Man of such instruments, but itself negotiates ratification.

The following international human rights instruments apply in the Isle of Man:

- Convention for the Protection of Human Rights and Fundamental Freedoms 1950 (generally referred to as the European Convention on Human Rights) ("ECHR"), as applied by the Human Rights Act 2001 ("HRA 2001")
- International Covenant on Civil and Political Rights 1966 ("ICCPR")
- International Covenant on Economic, Social and Cultural Rights 1966 ("ICESCR")
- Convention on the Elimination of All Forms of Discrimination against Women 1979 ("CEDAW")
- United Nations Convention on the Rights of the Child 1989 ("UNCRC")

However, as highlighted by the Committee on Economic, Social and Cultural Rights in its most recently published observations in June 2009 (the next reporting period falling due in 2014 but not yet reported) the extent to which these obligations are implemented is unclear.²

² "The Committee is concerned, even though it takes note of the State party's structure of government, with devolved administrations in Northern Ireland, Scotland and Wales, and separate government structures in the Overseas Territories and Crown Dependencies, about the lack of a national strategy to implement the Covenant. It is also concerned about the limited availability of information regarding the implementation of the Covenant in the Overseas Territories and Crown Dependencies.

Bearing in mind that it is that State party which is responsible for the implementation of the Covenant in all its territories, the Committee urges the State party to ensure the equal enjoyment of the economic, social and cultural rights by all individuals and groups of individuals under its jurisdiction, and recommends that the State party adopt a national strategy for the implementation of the Covenant throughout the State party's territories." [Committee on Economic, Social and Cultural Rights Forty-second session Geneva, 4-22 May 2009 *Consideration of reports submitted by states parties under articles 16 and 17 of the Covenant. Concluding*

Whilst there are growing references in Isle of Man jurisprudence to obligations under ECHR 1950 (implemented domestically by virtue of the Human Rights Act 2001³) the remaining obligations appear, falsely, to be regarded as having fallen, if only de facto, into desuetude.

CEDAW stands out amongst international human rights conventions as being the one to which its signatories have made the most reservations – in effect, saying that they are happy to ratify CEDAW but will dis-apply many of its provisions because they are incompatible with local laws or religious customs. Nevertheless, the Isle of Man is credited in its Concluding Observations (June 2013) by the CEDAW Committee with being ahead of the game in relation to the UK.⁴

ECHR

Article 14 ECHR provides:

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.”

It is important however to note that the scope of Article 14 is limited to “the enjoyment of the rights and freedoms set forth in this Convention” and does not represent a general anti-discrimination provision (which is found in Protocol 12 to the ECHR, but which neither the United Kingdom nor the Isle of Man has ratified). ECHR largely concerns civil and political rights and does not focus on the rights of disabled persons.

Case law on Article 14 in this regard is very rare: in *Glor v Switzerland April 30, 2009*, the European Court of Human Rights (“ECtHR”) in dealing with a person suffering from diabetes took the opportunity to refer to the existence of a European and global consensus on the importance of protecting persons under a disability from discrimination.

Discrimination against disabled persons may constitute inhuman or degrading treatment within the meaning of Article 3 ECHR, but the jurisprudence on this remains undeveloped.

observations: United Kingdom of Great Britain and Northern Ireland, the Crown Dependencies and the Overseas Dependent Territories. E/C.12/GBR/CO/5 12 June 2009 para 12.]

³ http://www.legislation.gov.im/cms/images/LEGISLATION/PRINCIPAL/2001/2001-0001/HumanRightsAct2001_1.pdf which entered into force in 2006 after considerable political pressure in the Isle of Man legislature to suppress it

⁴ (Paragraph 10) “The Committee recalls its concluding observations of 2008 (ibid., paras. 258 and 259) regarding the State party’s commitment to reviewing the reservations to articles 1, 2, 9, 11, 15 and 16 of the Convention, with a view to withdrawing them. The Committee regrets that the State party continues to maintain its reservations, but notes that the Isle of Man, independently, intends to withdraw some of the reservations.”

Relevant to the language difficulties experienced by deaf persons are the following:

- Article 5.2 – Right to liberty and security – “Everyone who is arrested shall be informed promptly, **in a language which he understands**, of the reasons for his arrest and of any charge against him.”
- Article 6.3 – Right to a fair trial – “Everyone charged with a criminal offence has the following minimum rights: (a) to be informed promptly **in a language which he understands** and in detail, of the nature and cause of the accusation against him; (b) to have adequate time **and facilities** for the preparation of his defence; (c) to defend himself in person or through legal assistance of his own choosing ...; (e) **to have free assistance of an interpreter if he cannot understand or speak the language used in court; ...**”
- Protocol 1, Article 2 – Right to Education – “No person shall be denied the right to **education.**”

ICCPR

The difficulty which an individual in the Isle of Man (or United Kingdom) will face in seeking to enforce a right under ICCPR is that the United Kingdom (and by extension the Isle of Man) has not signed the Optional Protocol to ICCPR 1966 under which direct complaints may be presented to the Human Rights Committee by individuals who claim to be victims of violations.

As a consequence, the sole enforcement mechanism is the “name and shame” provision in Article 40 under which the State signatories to ICCPR undertake to submit reports to the Committee on a periodic basis on the measures they have adopted which give effect to the rights contained in ICCPR.

Bearing in mind the difficulties experienced by a deaf person whose primary language is signing, and generally with regard to any person under a hearing disability, the following provisions of ICCPR are particularly relevant:

- Article 1.1 “All peoples have the right ... [to] pursue their **economic, social and cultural development.**”
- Article 2.1 “Each State Party to the present Covenant undertakes to respect and ensure to all individuals within its territory and subject to its jurisdiction 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.**”
- Article 2.2 “Where not already provided for by existing legislative or other measures, each State Party to the present Covenant undertakes to take the necessary steps... **to adopt such legislative or other measures** as may be necessary to give effect to the rights recognized in the present Covenant.”
- Article 7 “No one shall be subjected to ... **cruel, inhuman or degrading treatment....**”
- 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 14.1 “All persons shall be **equal** before courts and tribunals.”

- Article 14.3 “In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality: (a) to be informed promptly and in detail **in a language which he understands** of the nature and cause of the charge against him; (b) to have adequate time **and facilities** for the preparation of his defence and **to communicate** with counsel of his own choosing; (f) **to have free assistance of an interpreter if he cannot understand or speak the language used in court; ...”**
- 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 25 “Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in Article 2 **and without unreasonable restrictions**: (a) to take part in the conduct of public affairs, **directly** or through freely chosen representatives; (b) to vote and be elected (c) **to have access, on general terms of equality, to public service in his country.**”
- Article 26 “All persons are equal before the law and are entitled without 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.”

ICESCR

The difficulty which an individual in the Isle of Man (or United Kingdom) will face in seeking to enforce a right under ICESCR is that the United Kingdom (and by extension the Isle of Man) has not signed the Optional Protocol to ICESCR 2008 (which came into force on 5 May 2013) under which direct complaints may be presented to the Committee on Economic, Social and Cultural Rights by individuals who claim to be victims of violations.

As a consequence, the sole enforcement mechanism is the “name and shame” provision in Article 16 under which the State signatories to ICESCR undertake to submit reports to the Committee on a periodic basis on the measures they have adopted which give effect to the rights contained in ICESCR.

Bearing in mind the difficulties experienced by a deaf person whose primary language is signing, and generally with regard to any person under a hearing disability, the following provisions of ICESCR are particularly relevant:

- Article 1.1 “All peoples have the right ... [to] pursue their **economic, social and cultural development**.”
- Article 2.1 “Each State Party to the present Covenant undertakes to take steps, individually and through international assistance and co-operation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full

realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures.”

- Article 2.2 The State 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.**”
- Article 6.1 “The State Parties to the present Covenant recognize **the right to work**, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right.”
- Article 7 “The States Parties to the present Covenant recognize the right of everyone to the enjoyment of just and favourable conditions of work which ensure, in particular ...(c) **equal opportunity for everyone** to be promoted in his employment to an appropriate higher level, subject to no considerations other than those of seniority and competence. ...”
- Article 10.2 “Special protection should be accorded to mothers during a reasonable period before and after childbirth. During such period working mothers should be accorded paid leave or leave with adequate social security benefits.”
- Article 10.3 “Special measures of protection and assistance should be taken on behalf of all children and young persons. [...]”
- Article 12.1 “The State Parties to the present Covenant recognize the right of everyone to the enjoyment of **the highest attainable standard of physical and mental health.**”
- Article 13.1 “The State Parties to the present Covenant recognize the right of everyone to **education...**”
- Article 15.1 “The State Parties to the present Covenant recognize the right of everyone: (a) to take part in **cultural life**; ...”

The implementation of economic, social and cultural rights has suffered from the myth that their implementation makes unreasonable financial demands on States and that Courts are ill-equipped to adjudicate upon them. States seek to hide behind this myth, putting off until an uncertain tomorrow that which they feel disinclined to tackle today.

The “hard” law of ICESCR is supplemented by the “soft” law of the **General Comments** issued by the Committee on Economic, Social and Cultural Rights (which functions as a body of jurisprudence, in the absence until 2013 of the right of individuals to bring cases directly to the Committee).

Of crucial importance is **General Comment #3 (1990)** which interprets the wording found in **Article 2**. The steps to be taken must be deliberate, concrete and targeted as clearly as possible towards meeting the Covenant obligations. “Progressively” does not mean at some indeterminate time, but means as expeditiously and effectively as possible towards that goal. A State has a **minimum core obligation** (to provide a social protection floor), and a State claiming that there is a lack of available public resources is not an excuse – the State must make every effort as a priority, and even in a recession must deploy low-cost targeted programmes. “Available resources” includes international co-operation – the State must look for international assistance if it really cannot implement the Covenant rights without that support. This is particularly important at a time when the power of

governments is decreasing in relation to the growing economic power of global corporations and other world institutions.

On **16 May 2012** the **United Nations** wrote to all State Parties to ICESCR urging them to avoid any decisions which could lead to an infringement of Covenant rights, and whilst accepting that the States have a margin of appreciation in how to progress those rights, urged them nevertheless to adopt policies appropriate to an economic downturn and not to act retrogressively (in other words, not to impose cuts for short term savings).

On the **right to work** found in Article 6, **General Comment #18 (2005)** emphasises that the right contains interdependent and essential elements of availability, accessibility and acceptability: in particular, disability of any kind must not be treated as a bar to employment of a good quality.

On the **right to health** found in Article 12 **General Comment #14 (2000)** emphasises that this is a right which is indispensable to the attainment of all other rights in ICESCR, and is conducive to living a life in dignity. The right to health is not limited to “health care” but covers a wide range of socio-economic factors – e.g. food, housing, water/sanitation, work, health and safety, and the environment. It does not grant a right to be healthy. It creates the right to freedom to control one’s own body and an entitlement to health protection. An important aspect is participation by those affected in health-related decision-making. In particular, inappropriate health resource allocation can lead to discrimination which may not be overt. Any restrictions on rights need to be justified on human rights standards and must be proportional. The obligations of the State are immediate and continuing, and must not be retrogressive.

CEDAW

In relation to CEDAW the right of an individual wishing to make a direct complaint to the Committee about violation of rights under CEDAW is guaranteed under the CEDAW Optional Protocol (1999), which was ratified by the United Kingdom on 17 December 2004 (on its own behalf and on behalf of the Isle of Man and of the Falkland Islands).⁵ Domestic remedies have to have been exhausted first, and if no local redress has been granted then individuals or groups of individuals can submit a communication to the Committee. The Committee brings the communication to the attention of the UK, which then has six months to send a written explanation to the Committee clarifying the matter and setting out what remedy (if any) has been provided. The Committee itself has no power to grant remedies or to sanction State behaviour.

Article 1 provides the broadest condemnation of discrimination, howsoever wherever it occurs:

⁵ https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-8-b&chapter=4&lang=en

- “For the purposes of the present Convention, the 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 4 requires that the measures which are adopted recognise that women can often be found positioned way behind the starting line in life’s race, and so special measures which favour them over men in order to restore the balance are not to be considered as discriminatory against men – unequal treatment leads to equality:

- “4.1. Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.
- 4.2. Adoption by States Parties of special measures, including those measures contained in the present Convention, aimed at protecting maternity shall not be considered discriminatory.”

In matters of education and employment, no restrictions are to be applied to women:

- 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...”.
- Article 11: “States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights...”

Relevant in particular to the question of disabled women is Article 12 dealing with health and maternity:

- “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.
- 12.2. Notwithstanding the provisions of paragraph 1 of this article, 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.”

Equality of justice is an essential:

- Article 15.1: “States Parties shall accord to women equality with men before the law.”

UNCRC

The difficulty which an individual in the Isle of Man (or United Kingdom) will face in seeking to enforce a right under UNCRC is that the United Kingdom (and by extension the Isle of Man) has not signed the Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure (2011) under which direct complaints may be presented to the Committee on the Rights of the Child by individuals who claim to be victims of violations. The Protocol was opened for signature on 28 February 2012.

As a consequence, the sole enforcement mechanism is the “name and shame” provision in Articles 44 and 45 under which the State signatories to UNCRC undertake to submit reports to the Committee on a periodic basis on the measures they have adopted which give effect to the rights contained in UNCRC.

Bearing in mind the difficulties experienced by a deaf person whose primary language is signing, and generally with regard to any person under a hearing disability, the following provisions of UNCRC are particularly relevant:

- 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 parent’s or legal guardian’s race, colour, sex, **language**, religion, political or other opinion, national, ethnic or social origin, property, **disability**, birth or other status.”
- Article 13 “The child shall have the right to **freedom of expression...**”
- Article 23.1 “States Parties recognize that a mentally or **physically disabled** child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child’s active participation in the community.”

- Article 24 “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. State Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services.”
- Article 28 “States Parties recognize the right of the child to education....”
- Article 37 State Parties shall ensure that (a) no child shall be subjected to ... cruel, **inhuman or degrading treatment...**”

Signing – an international example

In interpreting international human rights instruments it is usual to draw on many sources. The case of *Eldredge v British Columbia (Attorney General)* [1997] 3 SCR 624 (a decision of the Supreme Court of Canada) concerned the withdrawal by a private signing provider of services from two patients who were as a result rendered unable to communicate effectively with their health professionals. The Government of British Columbia refused to provide State funding for the service, claiming that this would release a torrent of similar funding requests from other disadvantaged groups. The case concerns the Canadian Charter on Human Rights (1982) but the point is of general interest: the Court rejected the argument that governments should be entitled to provide benefits to the general population without ensuring that disadvantaged members of society have the resources to take full advantage of those benefits. In considering whether the failure to fund interpretation services was justified in light of competing priorities within the healthcare system, the Court considered not only the fact that the cost would be minimal relative to the overall provincial healthcare budget, but also the nature of the disadvantage experienced by the group and the fact that the government had made no effort to provide any interpreter services at all.⁶

APPENDIX 1

Employment

Deaf persons in the Isle of Man are experiencing a range of problems in relation to employment. These include (as examples) an absence of training for interviews, health and safety awareness of the specific needs of deaf persons, access to the facilities on offer at the Job Centre on an equal basis with differently enabled persons.

Applicable rights specific to employment matters (the generic question of language access is set out in the body of this Memorandum) are found in:

- ECHR Article 3 – prohibition on degrading treatment

⁶ Langford, M. (Ed.) *Social Rights Jurisprudence* (Cambridge University Press, 2008) p 223

- ICCPR Article 1 – the right to pursue economic, social and cultural development
- ICCPR Article 7 - prohibition on degrading treatment
- ICCPR Article 25 – the right to access, on general terms of equality, to public service
- ICESCR Article 1 - the right to pursue economic, social and cultural development
- ICESCR Articles 6.1 and 7 (and General Comment #18 2005) – the right to work and to just an favourable conditions of work, with equal opportunity for everyone to be promoted in his employment to an appropriate higher level
- CEDAW Article 11

Education

Deaf persons in the Isle of Man are experiencing a range of problems in relation to education. These include (as an example) inadequate or non-existent access rights to non-vocational and vocational courses at the Isle of Man College (which has been refurbished to accommodate physically disabled students without making provision for deaf students in such matters as visual fire alarms).

Applicable rights specific to education matters (the generic question of language access is set out in the body of this Memorandum) are found in:

- ECHR Protocol 1, Article 2 – the right to education
- ECHR Article 3 – prohibition on degrading treatment
- ICCPR Article 1 – the right to pursue economic, social and cultural development
- ICCPR Article 7 - prohibition on degrading treatment
- ICCPR Article 19.2 – the right to freedom of expression, including the right to freedom to seek, receive and impart information and ideas of all kinds
- ICESCR Article 1 - the right to pursue economic, social and cultural development
- ICESCR Article 13.1 - the right to education
- ICESCR Article 15.1 – the right to take part in cultural life
- CEDAW Article 10
- UNCRC Article 13 - the right to freedom of expression
- UNCRC Article 23.1 – the right to a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child’s active participation in the community
- UNCRC Article 28 - the right to education
- UNCRC Article 37 - prohibition on degrading treatment

Health

Deaf persons in the Isle of Man are experiencing a range of problems in relation to health. These include (as an example) the absence of professional signing interpreters at health facilities, and specifically a case in which a deaf mother was giving birth and no interpreter was provided to facilitate communication with the midwives, nurses and doctors. There are cases of young (hearing) children acting as interpreters for profoundly deaf parents during medical appointments.

Applicable rights specific to health matters (the generic question of language access is set out in the body of this Memorandum) are found in:

- ICCPR Article 7 - prohibition on degrading treatment
- ICESCR Article 10.2 on expectant and nursing mothers
- ICESCR Article 10.3 on the protection and assistance of children and young persons
- ICESCR Article 12.1 (and General Comment #14 2000) – the right to the enjoyment of the highest attainable standard of physical health
- CEDAW Article 12
- UNCRC Article 24 - 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. No child is to be deprived of his or her right of access to such health care services
- UNCRC Article 37 - prohibition on degrading treatment

Justice

Deaf persons in the Isle of Man are experiencing a range of problems in accessing justice. The absence of appropriately qualified interpreters both at the arrest stage and in trial compromises the integrity of the procedure and calls into question the soundness of its outcome. Applicable rights specific to the procedure are found in:

- ECHR Article 5.2 Right to liberty and security – “Everyone who is arrested shall be informed promptly, in a language which he understands, of the reasons for his arrest and of any charge against him.”
- ECHR Article 6.3 – the right to a fair trial “Everyone charged with a criminal offence has the following minimum rights: (a) to be informed promptly in a language which he understands and in detail, of the nature and cause of the accusation against him; (b) to have adequate time and facilities for the preparation of his defence; (c) to defend himself in person or through legal assistance of his own choosing ...; (e) to have free assistance of an interpreter if he cannot understand or speak the language used in court; ...”
- ICCPR Article 9.2 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.”
- ICCPR Article 14.1 Article 14.1 “All persons shall be equal before courts and tribunals.”
- ICCPR Article 14.3 “In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality: (a) to be informed promptly and in detail in a language which he understands of the nature and cause of the charge against him; (b) to have adequate time and facilities for the preparation of his defence and to communicate with counsel of his own choosing; (f) to have free assistance of an interpreter if he cannot understand or speak the language used in court; ...”
- CEDAW Article 15