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Help

Whether or not human rights, or most human rights, can be seen as part of customary international law, it is likely that they qualify as general principles of law -- the "general principles of law recognized by civilized nations", as described by the Statute of the International Court of Justice (<http://www.icj-cij.org/documents/?p1=4&p2=2&p3=0>) (Art. 38, para. 1, c)). Indeed, not only was the Universal Declaration of Human Rights derived, for the most part, from provisions found in most liberal constitutions (the work of the Commission on Human Rights was based largely on the comparative enterprise led by J. Humphrey); it also has been replicated, sometimes almost literally, into a large range of domestic constitutions. Human rights are therefore rules common to all legal systems in the world, and can be referred to by international courts as forming part of the body of rules that all States may be presumed to adhere to.



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