

Below is the text of four treaty provisions in UN human rights treaties. Please give a reasoned legal opinion – applying basic principles of treaty interpretation – as to whether and to which extent the provisions may be taken as examples of the following typologies of rights and obligations in human rights theory:

- (a) relative and absolute rights
- (b) positive and negative obligations
- (c) obligations to respect, to protect and to fulfil human rights.

You are to write a paper of no more than 2 500 words and submit it by 30 October 2020 at 13:00 (1:00 PM) local Oslo time at the latest.

International Covenant on Economic, Social and Cultural Rights (ICESCR) Article 6

1. The States 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.
2. The steps to be taken by a State Party to the present Covenant to achieve the full realization of this right shall include technical and vocational guidance and training programmes, policies and techniques to achieve steady economic, social and cultural development and full and productive employment under conditions safeguarding fundamental political and economic freedoms to the individual.

International Covenant on Civil and Political Rights (ICCPR) Article 23

1. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.
2. The right of men and women of marriageable age to marry and to found a family shall be recognized.
3. No marriage shall be entered into without the free and full consent of the intending spouses.
4. States Parties to the present Covenant shall take appropriate steps to ensure equality of rights and responsibilities of spouses as to marriage, during marriage and at its dissolution. In the case of dissolution, provision shall be made for the necessary protection of any children.

Convention for the elimination of racial discrimination (CERD) Article 3

States Parties particularly condemn racial segregation and apartheid and undertake to prevent, prohibit and eradicate all practices of this nature in territories under their jurisdiction.

Convention against Torture (CAT) Article 2

1. Each State Party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction.
2. No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture.
3. An order from a superior officer or a public authority may not be invoked as a justification of torture.