THE COMMUNITY PROTECTION ACT 1990 (Vic.), AS AMENDED IN 1991, RAISES acutely a range of issues across several disciplines. The sole object of that Act—Garry David—likewise may be seen as testing to the limit many institutions in our community, including the ethics of the tabloid press, the proper role and responsibilities of Parliament as against the judiciary, and the laws and procedures designed to punish and rehabilitate criminals, on the one hand, and care for and treat the mentally ill on the other. None of the combatants on this difficult arena appear to have achieved much success. The Act, as amended, blithely removes rights and protections central to our criminal justice system (onus of proof beyond reasonable doubt, entitlement to liberty save upon conviction for a crime) and, in the author's view, abandons commonsense (for example, the view that providing rehabilitation and thus hope for the future is preferable to endless expensive incarceration).

The unresolved question which this Act addresses is a hard practical one: what is to be done with a prisoner facing release given the assessment he or she is likely to commit further acts of violence? One obvious answer—provide the prisoner, during his or her sentence, with a properly resourced, professionally conducted and determined rehabilitation program such that the prisoner, and the community, may face liberty with reasonable prospects for the future—has not been seriously provided by the Government, at least not to Garry David. Bearing in mind that many difficult, long-serving prisoners suffering various types of personality disorders have been institutionalised since a very young age, and that such prisoners must thus be considered, in large part at least, a product of Victoria's correctional
and mental health systems over the past decades, it hardly seems fair, at the end of a lengthy sentence, to in effect punish the prisoner further for, inter alia, manifesting the failures of those systems.

However difficult a prisoner or patient might be, a civilised society surely bears a responsibility, even in its own self-interest, to incarcerate humanely and to appropriate real resources towards rehabilitation programs, parole services, half-way house type institutions, and the like. Detaining a prisoner determined by experts not to be mentally ill in a psychiatric institution (J Ward Ararat) is not only not humane, it probably amounts to cruel and unusual punishment contrary to the Bill of Rights of 1688 and the International Covenant on Civil and Political Rights. Preventive detention because of a prediction of further violence does nothing for the prisoner, costs money (which might be better spent on rehabilitation or supervision services upon release) disrupts the prison and mental health communities, and does violence to our principles of justice.

In 1990, both sides of the Parliament concurred in this offensive measure. The current (1993) Victorian Government has introduced into the Parliament, as part of a sentencing reform package, further statewide preventive detention legislation focusing on sexual and violent offences (see Sentencing (Amendment) Bill 1993; Crimes (Amendment) Bill 1993; Crimes (HIV) Bill 1993; Crimes (Criminal Trials) Bill 1993). The Sentencing (Amendment) Bill includes provisions which allow judges to impose indefinite sentences for the most serious sexual and violent offences, when the judge is satisfied that the offender, as a high degree of probability, is a serious risk to the community. The numbers of prisoners to be caught by this foreshadowed legislation remains unclear.

Having said the above, the author’s purpose in this paper is to immediately vacate these difficult fields of penology, criminology, psychiatry, sentencing and dangerousness. It is necessary to go back to equally difficult basics—the constitutionality of such legislation—by reference firstly to certain fundamental civil rights established in the common law; and secondly to the much maligned doctrine of separation of powers. This involves the murky and difficult question of whether the powers of the Victorian Parliament under Victoria’s Constitution Act 1985 are limitless, or relevantly restrained. My purpose is to suggest that the Community Protection Act is unconstitutional and void.

Deep Rights and Powerful Parliaments

Imprisoning a man or woman who has not been charged with any crime, let alone been found guilty of a crime, offends fundamental rights and liberties centuries old, and requires extraordinary circumstances to justify such conduct—if it can be justified at all. The legal and moral sources of these rights and liberties are found first in English common law and second, and increasingly, in various international treaties and conventions to which Australia is a party. None of these are problematical in themselves. Nor can it be denied that current (though strangely untested) constitutional theory and practice states that Dicey’s dogma of Parliamentary supremacy prevails; that the Victorian parliament has wide powers ‘to make laws in and for Victoria in all cases whatsoever’ (Constitution Act 1985, s. 16) and that such powers
include the power to abrogate or curtail, should Parliament so choose, these same ancient rights and freedoms. However, before further horrors are imposed upon Victorians (such as a statewide Community Protection Act or the said 1993 sentencing amendments) it is worth noting some, albeit faint, contrary arguments; that is, that Parliaments such as the Victorian do not enjoy unlimited legislative powers in regard to overriding fundamental rights and freedoms, that some rights 'run so deep' that even Parliament cannot curtail them.

The Rights Stated

The rights in question are variously stated in several well-known documents and deal essentially with the liberty of the subject, that is:

- a right not to be the subject of arbitrary arrest or detention without judicial intervention (that is, a trial);
- a right not to be subject to cruel or unusual treatment or punishment;
- a right to a fair hearing (due process); and
- a right to equality before the law, and to equal protection of the law.

These principles which underline the entire fabric of our criminal justice system have been stated again and again, at least since Prince John signed the Magna Carta with his unruly Barons at Runnymede in 1215. Further statements in England are seen in numerous revisions of Magna Carta and numerous other parliamentary instruments—the best known being the Bill of Rights 1688 and the Act of Settlement 1701. The Bill of Rights is 'An act for declaring the rights and liberties of the subject, and settling the succession of the Crown' and states, inter alia:

That excessive bail ought not to be required, nor excessive fines imposed; nor cruel and unusual punishments inflicted.

Internationally, we may refer to the old world—the French Declaration of the Rights of Man 1791—or to the new—the US Bill of Rights 1792, being amendments to the fledgling US Constitution. In the modern world, we look to numerous international treaties and instruments; for example, the United Nations Universal Declaration of Human Rights 1948, Art. 9; the International Covenant on Civil and Political Rights 1966, Art. 9(1), 10(1). It should also be recalled that, although international law is not enforceable as domestic law, and although (Commonwealth) Constitutional guarantees are at best haphazard or non-existent (for example, s. 116), yet the Bill of Rights 1688 is operating as statute law in Victoria (see Imperial Acts Application Act 1980, no. 9426). It is also, unquestionably, good law throughout Australia (see R v. Murphy [1986] 64 ALR 498, p. 504) for such propositions by Hunt J. A list of various documents containing statements of these rights are set out at Appendix 1 (British Parliamentary Instruments) and Appendix 2 (International Treaties and so on).
These lists are not intended to be exhaustive. One could, for example, refer to parliamentary Bills of Rights and constitutional guarantees introduced by comparable democracies in recent times; for example, the New Zealand Bill of Rights Act 1990 and the Canadian Charter of Rights and Freedoms (see Canadian Constitution Act 1982).

**Cruel and Unusual Punishment**

In Victoria, what amounts to 'cruel and unusual punishment' has not, to the author's knowledge, ever been decided by the Supreme Court. Preventive detention of an innocent, sane person in a sub-standard psychiatric institution (J Ward Ararat) amongst seriously disturbed patients might just qualify. In an English case, *R v. Home Secretary, ex.p. Herbage (No. 2)* ([1987] 2 WLR 226), the Court of Appeal discussed the precise point. A sane prisoner was detained in a hospital wing of a prison in close proximity to mentally-disturbed inmates. He complained that by his detention he was subjected to 'cruel and unusual punishment' contrary to the Bill of Rights of 1688 and sought judicial protection; that is, a writ of mandamus directing that he be detained according to law. The case turned on an interlocutory dispute about discovery but a majority stated, as dicta, (p. 242):

> Do these conditions amount to 'cruel and unusual punishment'? . . . it is generally held to be unacceptable that persons, supposedly of normal mentality, should be detained in psychiatric institutions as is said to occur in certain parts of the world . . . if it were established that the (prisoner) as a sane person, was, for purely administrative proposes, being subjected in the psychiatric wing to the stress of being exposed to the disturbance caused by the behaviour of the mentally ill and disturbed prisoners, this might well be considered as a 'cruel and unusual punishment' and one which was not deserved.

**The Attitude of the Courts**

This is not to say that the courts (including Victorian judges) are not sensitive to fundamental rights and freedoms. Quite the reverse is true. Thus, the District Court of New South Wales has held that a delay in bringing an accused man to trial may constitute an infringement of his 'constitutional' right to a prompt hearing, thus nullifying proceedings when ultimately brought on (*see R v. McConnel* [1995] 2 NSWR 269; *see* especially Moore DCJ, pp. 272–3) where three 'constitutional enactments' preserved as law in New South Wales are referred to being Magna Carta 1297; 42 Edward III C.3 (1368); and the Bill of Rights (1688). Moore DCJ states (p. 273):

> It is the duty of the Courts to promote constitutional rights . . . A constitution, and in particular, that part of it which protects and entrenches fundamental rights and freedoms, is to be given a generous and purposive constitution [*citations omitted*].
The High Court has repeatedly asserted the importance of fundamental rights and freedoms in recent times, be they constitutionally based or otherwise. However, this is not to say that the courts have sought aggressively to limit the powers of state Parliaments in order to strike down unjust legislation. Perhaps of most interest—in that the High Court leaves the critical question open—is a statement by the Full Court of the High Court in *Union Steamship Co. v. King* ([1988] 82 ALR 43). There, questions of limitations, if any, upon the New South Wales' Parliament to pass laws 'for the peace order and good government of the State' were in issue. The High Court (p. 48) stated:

Within the limits of the grant, a power to make laws for the peace, order and good government of a territory is as ample and plenary as the power possessed by the Imperial Parliament itself. That is, the words 'for the peace, order and good government' are not words of limitation. They did not confer on the courts of a colony, just as they do not confer on the courts of a State, jurisdiction to strike down legislation on the ground that, in the opinion of a court, the legislation does not promote or secure the peace, order and good government of the colony. Just as the courts of the United Kingdom cannot invalidate laws made by the Parliament of the United Kingdom, on the ground that they do not secure the welfare and the public interest, so the exercise of its legislative power by the Parliament of New South Wales is not susceptible to judicial review on that score. Whether the exercise of that legislative power is subject to some restraints by reference to rights deeply rooted in our democratic system of government and the common law (NZ cases cited above) . . . is another question which we need not explore.

Thus the High Court left the door slightly ajar.

The New Zealand authorities' cases cited by the High Court refer to statements by Sir Robin Cook in a series of cases heard in the New Zealand Court of Appeal where he suggested there may be 'common law' rights which an Act of Parliament could not override (see *L v. M* [1979] 2 NZLR 519; *Brader v. Ministry of Transport* [1981] 1 NZLR 73; *NZ Drivers Association v. NZ Road Carriers* [1982] 1 NZLR 374; *Fraser v. State Services Commission* [1984] 1 NZLR 116, and *Taylor v. NZ Poultry Board* [1984] 1 NZLR 395). The last-mentioned case concerned whether the New Zealand Poultry Board Act 1980 could authorise regulations taking away the common law 'right' to silence. Cooke J stated (p. 398):

I do not think that literal compulsion, by torture for instance, would be within the lawful powers of Parliament. Some common law rights presumably lie so deep that even Parliament could not override them.

There is authority for and against this proposition. In 1974, Lord Reid, for example, buried notions of natural or moral law overriding the principle of absolute Parliamentary sovereignty when he said in *British Railways Board v. Pickin* ([1974] AC 76, p. 768):

In earlier times many learned lawyers seem to have believed that an act of Parliament could be disregarded in so far as it was contrary to the law of God or the law of nature or natural justice, but since the supremacy of
Parliament was finally demonstrated by the Revolution of 1688 any such idea has become obsolete.

However, preventively detained citizens can rely on earlier judicial support for the alternative view. The most renowned dictum is that of Coke CJ in *Dr Bonham's Case* (1610 8 Co. Rep. 114, p. 118), where he stated:

> And it appears in our books, that in many cases the common law will control Acts of Parliament and sometimes adjudge them to be utterly void: for when an Act of Parliament is against common right and reason, or repugnant, or impossible to be performed, the common law will control it, and adjudge such act to be void.

This remarkable passage attracted some judicial support (see Holt CJ in *City of London v. Wood* [1701] 12 Mod. 669, p. 687) but in the view of one author, 'Coke CJ's doctrine did not survive the fundamental political and constitutional changes of the Bill of Rights (1688) and the Act of Settlement (1700)' (Caldwell 1984, pp. 357–8).

The idea, however, is far from judicially dead, at least when English judges consider the laws of another country of which they disapprove. In *Oppenheimer v. Cattermole* ([1976] AC 249), the House of Lords was called upon to consider a Nazi decree of 1941 by which German Jews (in this case, a British taxpayer disputing his assessment by reference to his nationality) who resided abroad lost their nationality, and by which all Jews lost their property without compensation. The taxpayer, a German Jew, emigrated to England in 1939 as a result of Nazi persecution and became a British subject in 1948. The question was whether the taxpayer was subject to the Nazi law; that is, had ceased to be a German national under the law, leading the House of Lords to consider whether it was obliged to recognise the Nazi law, however obnoxious it might be. Lord Cross ([1976] AC, p. 278) stated:

> What we are concerned with here is legislation which takes away without compensation from a section of the citizen body singled out of racial grounds all their property on which the state passing the legislation can lay its hands and, in addition, deprives them of their citizenship. To my mind a law of this sort constitutes so grave an infringement of human rights that the courts of this country, ought to refuse to recognise it as a law at all.

Again, Lord Salmon (pp. 281–2) registered his outrage, but rested his refusal to recognise the Nazi decree upon the 'unruly horse' of public policy. He said:

> The Crown did not question the shocking nature of the 1941 decree, but argued quite rightly that there was no direct authority compelling our courts to refuse to recognise it. It was further argued that the authorities relating to penal or confiscatory legislation, although not directly in point, supported the view that our courts are bound by established legal principles to recognise the 1941 decree in spite of its nature. The lack of direct authority is hardly surprising. Whilst there are many examples in the books of penal or confiscatory legislation which according to our views is unjust, the barbarity of much of the Nazi legislation of which
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this decree is but an example, is happily unique. I do not consider that any of the principles laid down in any of the existing authorities require our courts to recognise such a decree and I have no doubt that on the grounds of public policy they should refuse to do so.

One might ask is the Community Protection Act 'barbaric or merely 'unjust'. The Nazi decree stated:

(2) A Jew loses German citizenship —
   (a) if at the date of entry into force of this regulation he has his usual place of abode abroad . . .
   (b) If at some future date his usual place of abode is abroad . . .

(3) (a) Property of Jews deprived of German nationality by this decree to fall to the State;
   (b) Such confiscated property to be used to further aims connected with the solution of the Jewish problem.

Clause 3(b) surely underscores the barbaric nature of the decree: utilising confiscated Jewish property to, inter alia, build and maintain concentration camps, whose sole purpose was to destroy those same Jews, says it all. It is also a sickening reminder of the depths to which the Victorian (non-Nazi) Government and Parliament have sunk that we are driven to consider such laws when assessing judicial responses to the constitutionality of the Community Protection Act.

Conclusion

An argument

On the above analysis, an argument that the Act is unconstitutional by reason of fundamental 'civil' rights might proceed as follows:

- The Constitution of Victoria is found in the following sources:
  - the Constitution Act 1975 and its predecessors; and
  - the Common Law inherited from England, by reason that:
    (i) Parliament, in passing the Constitution Act, is deemed to know the law. That common law included relevant ancient principles concerning fundamental rights and freedoms which were since 1788 to today part of the common law of England and, at least since 1828, became part of the law of Australia;
    (ii) these principles gave rise to, and were secured and emphasised by, various historical instruments setting out fundamental rights and freedoms; for example, Magna Carta 1215, Bill of Rights 1688 and similar documents;
(iii) these common law principles were always, or have now become, of a fundamental or constitutional character compared to normal laws or statutes;

(iv) unless specifically abrogated, such 'constitutional' common law principles continued in force upon the enactment of the first (1855) and all subsequent Victorian constitutions. The various Victorian Constitution Acts, including 1975, do not abrogate these principles;

(v) these principles are thus built into Victoria's current constitutional structure and may be seen as supplementary to the written 'constitution' document; alternatively, they impact upon the meaning of the written document as a matter of statutory construction;

(vi) these principles are emphasised and perhaps complemented by similar principles of customary international law reflected in the laws and practices of civilised nations, and in international treaties, conventions, declarations, protocols and the like, to which Australia is a party.

- The 'common law' constitutional and international principles of relevance include the following:
  - a right to be free from arbitrary arrest and detention without trial;
  - a right to a fair hearing without unreasonable delay;
  - a right to equal treatment before the law, and to equal protection of the law;
  - a right not to be subjected to cruel and unusual punishment.

- The apparently limitless legislative powers of the Victorian Parliament, set forth in the Constitution Act 1975 s. 16 are expressly or impliedly limited by the above-mentioned fundamental principles, that is the Parliament is not empowered to make laws infringing these ancient rights and freedoms.

- Remembering that the Constitution Act 1975 is itself merely an Act of Parliament, by reason of the above common law restraints, the Parliament lacks power to pass s. 16 of the Constitution Act 1975 save in a 'read down' form; and in particular lacks power to pass ss. 4 and 5 of the Community Protection Act.

- Alternatively, Dicey's dogma is dubious, the Victorian Parliament is not 'supreme' in the sense that Parliament has untrammelled power to make any law upon any topic. Authority for the alleged 'supremacy' or 'sovereignty' of Parliament does not sustain such ambitious claims. Some common law rights 'go so deep' that the Courts will now allow Parliament to destroy them.
The Community Protection Act ss. 4 and 5 violate several of these principles, and thus are beyond the powers of the Victorian Parliament.

Gaoling by executive discretion

A second argument for invalidity is that the Act, in so far as it usurps judicial powers, is beyond the powers of the Victorian Parliament. This involves the somewhat bold assertion that the doctrine of separation of powers is built into Victoria's constitutional structures as a matter of law. In our system of government, Montesquieu's much-abused doctrine dictates that citizens shall be gaoled by the judicial arm only, (and then only following due process, that is a fair trial involving nations on onus of proof, presumption of innocence, right to silence). It is an essential protection against the tyranny of the executive arm of government that, whilst the Parliament makes laws, and the executive administers them, judicial discretions are brought to bear upon the conviction and sentencing of accused persons. However, the Parliament has blithely abandoned all this in the case of the Community Protection Act. In its original form the Act provided:

s. 4 (1) The Minister may apply to the Supreme Court for an order under this Act that Garry David be placed in preventive detention;

(2) An application under subsection (1) may be made ex parte.

Section 5 then went on to provide that where an application was made under s. 4, then, without more, Garry David continued to be a prisoner or a patient (assuming he was then in gaol or a psychiatric institution) or, if he was then neither a prisoner nor a patient 'he is deemed by reason of this Act, to be such a prisoner'. Thus, as the Act was originally passed, the mere making of an application— that is, arguably, the mere filing of papers in the Supreme Court— enabled the immediate gaoing of Garry David without any judicial involvement. This draconian provision was slightly ameliorated by the 1991 amendments. These replace the original s. 4(2) with the following:

s. 4 (2) An application under subsection (1) —

(a) must be commenced by originating motion served on Garry David and may proceed in his absence; and

(b) must be heard by a Judge of the Supreme Court.

Although this ensures ultimate judicial involvement in the gaoing process, the original vice remains—that is, the mere making of an application (this time with service upon Garry David)— and still facilitates his instant imprisonment prior to any hearing or judicial determination. The speed with which that application is then brought to a hearing is, of course, a matter for the Minister. This amounts to detention upon executive discretion alone (the decision to file and serve an application) and raises constitutional issues concerning interference with judicial power by reason of Bills of Attainder.
A Bill of Attainder in England imposed the penalty of death, forfeiture of land and possessions and 'corruption of blood' whereby the heirs of the person attained were prevented from inheriting his property. A Bill of pains and penalties inflicted lesser punishment, involving forfeiture of property and, on occasions, corporal punishment less than death . . . Historically, Bills (or more correctly) Acts of attainder constituted a particular form of law, generally of an ex post facto character, whereby punishment was inflicted upon a designated person or group of persons adjudged by the legislature to have been guilty of crimes, usually of a capital nature, such as treason or murder. The particular objection to Bills of Attainder was not so much that they may have had an ex post facto operation, but that they substituted the judgement of the legislative for that of a Court. In England, the practice evolved of giving the person with whom a Bill dealt some sort of a hearing, but the result was still secured by legislation and not by judicial action . . . In the United States . . . it was this aspect which was seen as the vice, not only because it was oppressive but also because it was thought (at least by 1965) to offend against the separation of powers doctrine.

Toohey J wrote in *Polyukhovich*:

Bills of Attainder (which impose the death penalty) and bills of pains and penalties (which impose a lesser penalty) may be defined as legislative acts imposing punishment on a specified person or persons or a class of persons without the safeguards of a judicial trial . . . Legislative acts of this character contravene Ch. III of the Constitution because they amount to an exercise of judicial power by the legislature. In such a case, membership of a group would be a legislative assessment as to the certainty, or at least likelihood to the criminal standard of proof, of an accused doing certain acts or having certain intentions. Those acts or intentions would not themselves be open to scrutiny by the court. The vice lies in the intrusion of the legislature into the judicial sphere (*Polyukhovich v. Commonwealth* [1991] 65 ALJR 521, p. 593).

Replace 'membership of a group' with 'being Garry David' and, in the author's view, this statement may be applied in full force to the triggering of a power to detain upon the mere making of an application by the Minister. This initial procedure is to be compared to the ensuing application conducted before a Judge, about which, save that it is tainted by the initial offensive 'application', no criticism is made on this ground. Toohey J's comment arises in the context of the constitutional challenge to the war crimes legislation, more specifically, in assessing whether an ex post facto criminal law infringed the judicial powers vested in Chapter III courts under the Constitution. Such bills have been decidedly out of fashion in England for hundreds of years, and, as the Justices noted in *Polyukhovich*: 'the United States Constitution contains express prohibitions of any Bill of Attainder or ex post facto law' (Art. 1, 9, C1, 3 [Federal]; Art. 1, 10, C1, 1 [State]) (see also Deane J at ss. 561 for eloquent
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statements of basic principles). The central vice in such bills of attainder was that they directed the outcome of a case by interfering with the judicial process, as against removing rights (Liyanage v. Queen [1967] 1 AC 259).

If this much is accepted, the difficult question still remains whether the doctrine of separation of powers is alive and well in Victoria. The Victorian Constitution Act 1975 is a relatively unlitigated beast such that the matter remains speculative. As to other states with similar 'formal' constitutional structures, it has been held that the doctrine of separation of powers does not apply in New South Wales (Clyne v. East [1967] 68 SR (NSW) 385) nor in Western Australia (Nicholas v. State of WA [1972] WAR 168).

It is not at all clear how a Victorian Supreme Court judge would decide this issue under Victorian constitutional arrangements. A thorough analysis of this issue is not appropriate here. However, at the technical level, the Constitution Act deals, in separate parts, with the Crown (Part I), the Parliament (Part II) the Supreme Court of the State of Victoria (Part III) and The Executive (Part IV), and wide powers are given to both the Parliament (s. 16) and the Supreme Court (s. 85). Long practice would suggest that the Parliament does not usurp judicial functions, at least not blatantly. Against this, unlike the US Constitution, but like United Kingdom constitutional structures, there is no express prohibition upon Bills of Attainders. This is a little worrisome given the conduct of our Parliament in this arena in recent times. Recent amendments to s. 85 of the Constitution Act, achieving a degree of 'entrenchment' of provisions vesting powers in the Supreme Court, has led to the suggestion by a Parliamentary Committee that the separation of powers, was 'at least partly contained within s. 85'. The Committee also, however, stressed that the basic value contained in s. 85 was the rule of law—'arguably . . . the only constitutionally entrenched human right of Victoria' (see Victoria. Parliament. Legal and Constitutional Committee 1990, p. 11). If this is so, perhaps the Community Protection Act may have the unexpected result of increasing pressure for a Bill of Rights at the federal or state level to protect us all against, inter alia, statewide community protection legislation.

References


Appendix 1

**British Parliamentary Instruments Stating Fundamental Rights and Freedoms 1215–1816**

Magna Carta 1215

Magna Carta 1215 25 Ed. I.C. 29

Confirmation of the Charters 1297 (Parliamentary Records)

Parliamentary Bill 1301

Ordinances of 1311

Act: 25 Ed. III, St. V., C.IV 1351-52

Act: 28 Ed. III, C.III 1354

Act: 42 Ed. III, C.III 1368

Act: 7 Henry IV, C.I. 1405-6

Petition of Rights 1627 3 Chas. I.C.I.

Habeas Corpus Act 1640 16 Chas. I.C.X.

Habeas Corpus Act 1679 31 Chas. II C.II.


Act of Settlement 1701

Habeas Corpus Act 1816 56 Geo III C.C.
Appendix 2

MODERN SELECTED INTERNATIONAL TREATIES, DECLARATIONS,
AND SIMILAR DOCUMENTS STATING FUNDAMENTAL RIGHTS AND FREEDOMS

United Nations Documents

Charter of the United Nations 1945

Universal Declaration of Human Rights UN Paris, 10/12/1948

Standard Minimum Rules for the Treatment of Prisoners UN 1955

International Covenant on Civil and Political Rights UN 1966 plus Optional Protocol 1966

Declaration on the Protection of All Persons from being subjected to torture and other cruel, inhuman or degrading treatment or punishment UN 1975

Declaration on the Rights of Disabled Persons UN 1975

Code of Conduct for Law Enforcement Officials UN 1979

Principles of Medical Ethics Relevant to the Role of Health Personnel, particularly Physicians, in the Protection of Prisoners and Detainees against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment UN 1982

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment UN 1984

Europe


European Parliament Declaration of Fundamental Rights and Freedoms 1989

United States of America

American Declaration of the Rights and Duties of Man 1948

American Convention on Human Rights 1969