

The Status of the Principle of Non-Discrimination under the International Human rights Law

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Abstract:

The recognition of the principle of non-discrimination as a fundamental principle within the international human rights system, including conventions and declarations is a crucial step in the international human rights movement. In fact, it constitutes a legal guarantee that allows all individuals without distinction to enjoy their rights and freedoms. However, despite this arsenal of treaties, discriminatory practices still exist among human beings which consequently deprive a large people of their fundamental rights.

Keywords: *Non-discrimination; human rights; equality, international conventions, guarantees.*

Introduction:

The principle of non-discrimination is one of the most important human rights principles in the scope of International Human Rights System and a strong guarantee to secure equal rights and freedoms for all individuals and groups in the world. The enjoyment of human rights necessitates the respect of equality and non-discrimination. It is also the mainspring of the International Law of Human Rights. Indeed, all International declarations, conventions and charters related to rights and

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freedoms prohibit discrimination and oblige States to fight all its forms and to take the necessary measures to eradicate its effects, whether it is based on sex, race , ethnicity , religion, disability, age, social situation or others considerations.

The International community, under the auspice of the United Nations has realized that it is vital to recognize human rights principles that constitute a pillar of human rights and define their features, such as the principle of non-discrimination that was mentioned in most International human rights Instruments starting with the Universal Declaration of Human Rights which represents the primary reference for the International system of human rights, followed later on by conventions and covenants. Considering what has been said, our research problem is as follow:

What is the status of the principle of non-discrimination in the International Law of Human Rights?

We devote this research paper to highlight the principle of non-discrimination which was incorporated in a wide range of human rights instruments and applied by International organizations and bodies concerned with human rights that aspire to perpetuate worldwide the universal values of equality, justice and tolerance, and at the same time denounce segregation, violence and exclusion.

We subdivided the present research into two main sections: the first one deals with the principle of non-discrimination in universal conventions, while the second one tackles the same principle in special conventions dealing with certain categories of persons.

1. Non-Discrimination in Universal Conventions of Human Rights

The principle of non-discrimination is enshrined in various forms in universal human rights instruments. These instruments prohibit discrimination and call on State to take suitable measures to eradicate it. We

will discuss in this Section the principle of non-discrimination in the following universal instruments: the Universal Declaration of Human Rights, the International Convention on the Elimination of All Human Rights Forms of Racial Discrimination, the International Covenant on Civil and Political Rights, and finally the International Covenant on Economic, Social and Cultural Rights.

1.1. The Universal Declaration of Human Rights 1948

The discrimination as an immoral practice was prohibited for the first in the Charter of the United Nations¹, but this notion did not appear clearly in the charter of the League of Nations². The UN Charter stated that the peoples of the United Nations are working to save succeeding generations from the scourge of war, which twice in their lifetime has brought untold sorrow to mankind, and to humanity, and reaffirmed their faith in basic human rights and dignity and worth of the human person, in the equal rights of men and women and of nations large and small to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained³. The UN Charter included various provisions related to human rights.⁴ The Universal Declaration of

¹ The Charter of the United Nations was issued in San Francisco on June 26, 1945.

² The Charter of the League of Nations was promulgated after the Versailles Peace Treaty signed in Paris on July 28, 1919.

³ Preamble to the United Nations Charter

⁴ Article 55 of the Charter of the United Nations stated: “With a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, the United Nations shall promote:

- a. Higher standards of living, full employment, and conditions of economic and social progress and development;
- b. Solutions of international economic, social, health, and related problems; and international cultural and educational cooperation; and
- c. Universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion .”

Human Rights¹ gave due considerations to the right to equality and non-discrimination as well as the universality of human rights². The Declaration recognized to all human beings the equal and inalienable rights, which constitute the basis of freedom, justice and peace in the world through the cooperation with the United Nations to ensure the promotion of respect for human rights and fundamental freedoms³. The Declaration provided that all human beings are born free and equal in dignity and rights. They are endowed with reason and conscience, and they must treat one another in a spirit of brotherhood.⁴ It is also stated that every human being, whatever his origin or social situation is entitled to enjoy all the rights and freedoms of the Declaration, without discrimination of any kind, especially discrimination on grounds of race, color, or sex language, religion, political or national or social origin, wealth, birth, or other status.⁵

On the other hand, the Declaration affirmed that all people are equal before the law, and they should be protected against all forms of discrimination that violates rights and freedoms⁶. Over time, the Declaration formed a source of inspiration for other human rights instruments that were issued after it, especially those adopted at the International level within the framework of the United Nations and its specialized International Agencies.

¹ The Universal Declaration of Human Rights was adopted by United Nations General Assembly Resolution 217 A (D-3) of December 10, 1948.

² Domenica De Fazio, Human Rights and the International Community, *International Studies Journal* (ISJ) Vol. 15, no. 4(60), 2019 P 32.

³ Jochen von Bernstorff, The Changing Fortunes of the Universal Declaration of Human Rights, Genesis and Symbolic Dimensions of the Turn to Rights in International Law, *The European Journal of International Law* Vol. 19 no. 2008, p 911.

⁴ Art 1 of the Universal Declaration of Human Rights.

⁵ *Ibid.*, Art 2.

⁶ Art 7 of the Universal Declaration of Human Rights.

1.2. The International Convention on the Elimination of All Forms of Racial Discrimination 1965

The International Convention on the Elimination of All Forms of Racial Discrimination¹ denounced strongly all forms of discrimination based on multiple grounds such as race, color, national or ethnic origin. It attached most importance to prohibit all kinds of discrimination.² The convention defined racial discrimination as any distinction, exclusion, restriction based on race, color, descent, or national or ethnic origin that aims to impede the enjoyment or of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.³

Through the Convention, the States Parties discredited racial discrimination and called international organization to promote understanding among all races. The convention urged governments to take effective measures to amend or nullify all sorts of laws or regulations that encourage or perpetuate racial discrimination.⁴ In other perspective, the States Parties proscribed incitement to racial discrimination and every act of violence committed against any race or group of color or other ethnic origin and interdicted all racist practices and other propaganda activities that instigate racial discrimination.⁵ The contracting Parties also promised to take effective measures, particularly in the fields of education, culture and

¹ The International Convention on the Elimination of All Forms of Racial Discrimination was adopted by United Nations General Assembly Resolution 2106 A (XX) of December 21, 1965, and entered into force on January 4, 1969, in accordance with Article 19.

² Jams Jennings, The International Convention on the Elimination of All Forms of Racial Discrimination, Implications for Challenging Racial Hierarchy, *Howard Law Journal*, Vol 40 No. 3, 1997, p 603.

³ Art 1 of the International Convention on the Elimination of All Forms of Racial Discrimination.

⁴ Theodor Meron, The Meaning and Reach of the International Convention on the Elimination of All Forms of Racial Discrimination, *The American Journal of International Law*, Vol. 79, No. 2 Apr., 1985, p. 297.

⁵ Art 4 of the International Convention on the Elimination of All Forms of Racial Discrimination.

information to combat racial discrimination and promote understanding, tolerance and friendship among nations and other racial or ethnic groups.¹

In order to implement the Convention the State Parties established a Committee for the Elimination of Racial Discrimination to oversight the implementation the all rights and freedoms under protection.

1.3. The International Covenant on Civil and Political Rights 1966

The two international covenants on human rights have a special position among the international human rights treaties as they established for the first time a monitoring mechanism to protect rights.² The States Parties to the International Covenant on Civil and Political Rights³ recognized the dignity of all persons and ensured that all human beings should enjoy civil and political rights and adhere to the promotion and protection of a set of rights embodied the principle of the interdependence of all human rights and their indivisibility.⁴ This Covenant obligated every State Party to respect and guarantee these rights for the benefit of all individuals within its territory and its jurisdiction without any discrimination as to race, color, sex or language.⁵

The States Parties to this Covenant pledged also to guarantee the equal right of men and women to enjoy all the civil and political rights contained in this Covenant.⁶ They were also obligated to ban all sorts of discrimination based on race, color, sex, language, religion or Social origin⁷

¹ *Ibid.*, Art 7.

² Sarah Joseph & Melissa Castan, *The International Covenant on Civil and Political Rights, Cases, Materials, and Commentary*, Third Edition, Oxford University Press, 2013, p 68.

³ The International Covenant on Civil and Political Rights was adopted by United Nations General Assembly Resolution 2200 A (D-21) of December 16, 1966, and entered into force on March 23, 1976, in accordance with the provisions of Article 49 .

⁴ Preamble to the International Covenant on Civil and Political Rights.

⁵ Art 2 of the International Covenant on Civil and Political Rights.

⁶ *Ibid.*, Art 3.

⁷ Art 4 of the International Covenant on Civil and Political Rights.

and prohibit the incitement to racial or religious hatred or discrimination, hostility or violence.¹ The Covenant called on States to take appropriate measures to protect children against any discrimination on the areas of race, color, sex, language, religion, national or social origin, wealth or parentage.² In addition, the Covenant guaranteed to every citizen, without any form of discrimination, the right to participate in the management of public affairs, either directly or through freely chosen representatives, and recognized everyone's right to vote and free expression.³ On the other side, the Covenant acknowledged the equality of all persons before law and provided effective protection against discrimination based on race, color, sex, language, religion, political or other opinion, national or social origin, wealth or birth, or other reasons.⁴

For the purpose to implement the Covenant, a supervisory body was established in accordance with the provisions of Article 28. The Committee studies the reports submitted regularly by the States Parties to this Covenant and provides them within the determined deadlines with all its observations and suggestions.⁵

1.4. The International Covenant on Economic, Social and Cultural Rights 1966

The International Covenant on Economic, Social and Cultural Rights⁶, similarly as International Covenant on Civil and Political Rights required States Parties to ensure the enjoyment of all rights including:

¹ *Ibid.*, Art 20.

² *Ibid.*, Art 24.

³ *Ibid.*, Art 25.

⁴ *Ibid.*, Art 27.

⁵ Christopher Harland, The Status of the International Covenant on Civil and Political Rights (ICCPR) in the Domestic Law of State Parties: An Initial Global Survey through UN Human Rights Committee Documents , *Human Rights Quarterly*, Vol. 22, No. 1 Feb., 2000, p 190.

⁶ The International Covenant on Economic, Social and Cultural Rights was adopted by United Nations General Assembly Resolution 2200 A (XXI) of December 16, 1966, and entered into force on January 3, 1976, in accordance with Article 27.

economic, social and cultural rights of men and women without distinction.¹ Under the Covenant, the States Parties acknowledged the equal rights for all human beings in accordance with the principles proclaimed by the Charter of the United Nations, which consist of freedom, justice and peace in the world. They also recognized that both rights and freedom emanate from the inherent dignity of the human beings.²

The International Covenant on Economic, Social and Cultural Rights comprising the right to equality and the principle of non-discrimination and equal opportunities for all people to promote human values.³ The covenant stipulated that each State Party to the present Covenant has to take the necessary steps to ensure the gradual and effective enjoyment of the rights recognized in the present Covenant by all appropriate means, in particular by adopting legislative measures, and ensuring the exercise of the rights enunciated in the Covenant without any discrimination as to race, color, sex, language, religion, political or other opinion, national or social origin.⁴ Also, Also, the convention recognized the right to a fair wages and equal remuneration for work of equal value without any discrimination. It provided that women are especially protected to enjoy the right to work under fair conditions and equal opportunities for their social promotion and decent life.⁵

In addition, the States Parties to this covenant acknowledged the right of everyone to education. They agreed that education must be directed to the full development of the human personality and the embodiment of its

¹ Kitty Arambulo, *Strengthening the Supervision of the International Covenant on Economic, Social and Cultural Rights: Theoretical and Procedural Aspects*, Intersentia, Second edition, 1999, p 265.

² Philip Alston & Gerard Quinn ,The Nature and Scope of States Parties' Obligations under the International Covenant on Economic, Social and Cultural Rights, *Human Rights Quarterly*, Vol. 9, No. 2 (May 1987), p 175.

³ Preamble to the International Covenant on Economic, Social and Cultural Rights .

⁴ Art 2 of the International Covenant on Economic, Social and Cultural Rights.

⁵ *Ibid.*, Art 7.

dignity and to the consolidation of respect for human rights and fundamental freedoms.¹ It is also mentioned within that each State Party to the Covenant is obligated to make primary education free and compulsory in its own country or in other territories under its jurisdiction, and to adopt a plan of action for the effective and progressive implementation of the principle of compulsory and free education for all.²

2. Non-Discrimination in special conventions

The principle of non-discrimination is not enshrined solely within universal conventions as it was indicated *supra*, Its scope goes beyond this limits to cover a variety of conventions dealing with specific categories of persons due to their weaknesses and vulnerability. The discriminatory practices and inequality pushed various categories of people: men, women, migrant workers and children around the world to protest against their miserable conditions and demand the respect of their rights.³

We discuss the status of the principle of Non-Discrimination in specific conventions such as: the Convention on the Elimination of All Forms of Discrimination against Women, the, the Convention on the Rights of the Child ,the Convention for the Protection of Migrant Workers and Members of Their Families and finally the Convention on the Rights of Persons with Disabilities .

2.1 The Convention on the Elimination of All Forms of Discrimination against Women 1979

¹ *Ibid.*, Art 13.

² Bistra Netkova, Gender and the Rights to Non-Discrimination in International Human Rights Law, *Journal of Liberty and International Affairs*, Vol. 1, No. 3, 2016, p 23.

³ Farrior, Stephanie, *Equality and Non-Discrimination under International Law* ,Vermont Law School Research Paper Ashgate Publishing, 2015, P 13.

The States parties to the Convention on the Elimination of All Forms of Discrimination against Women¹ stated that discrimination constitutes a violation of the principles of equal rights and respect for human dignity. It is also a real obstacle to the participation of women in the political, social, economic and cultural life of their country. In addition, the convention emphasized the social importance of motherhood and the role of both parents in caregiving. It acknowledged that raising children requires sharing responsibility between men and women and society as a whole.² The Convention defined the term “discrimination against women” as any distinction, exclusion or restriction made on the basis of sex that impede women to enjoy their human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.³ The State Parties also condemned severely all kinds of all discriminatory practices against women and pledged to incorporate the principle of equality between men and women into their national constitutions or legislation.⁴

The States have also committed themselves to take all measures, particularly the political, social, economic and cultural fields, to ensure the full development and progress of women.⁵ Besides, the Convention obligated the States Parties to do what must be done to guarantee women the opportunity to represent their government at the international level.⁶ It obligated States to take all appropriate measures to eliminate discrimination

¹ The Convention on the Elimination of All Forms of Discrimination against Women was adopted by United Nations General Assembly Resolution 34/180 of December 18, 1979, and entered into force on September 3, 1981, in accordance with the provisions of Article 27.

² Preamble to the Convention on the Elimination of All Forms of Discrimination against Women.

³ Art 1 of the Convention on the Elimination of All Forms of Discrimination against Women.

⁴ Susanne Zwingel, *Translating International Women's Rights*, The CEDAW Convention in Context, Palgrave Macmillan, 2016, p. 121.

⁵ Art 4 of the Convention on the Elimination of All Forms of Discrimination against Women.

⁶ *Ibid.*, Art 8.

against women in order to guarantee to them the equal rights with men in the field of education and training in different educational institutions.¹

They were also constrained to take all appropriate measures to eliminate discrimination against women and ensure their participation in rural development. The convention urged all Contracting Parties to facilitate the access to adequate health care facilities including information, advice and services related to family planning.²

From our analysis of the texts of the Convention on the Elimination of All Forms of Discrimination against Women we deduce that it focused only the discrimination based on gender, which impedes women's enjoyment of basic rights and freedoms in the political, economic, social, cultural and civil fields.

2.2. The Convention on the Rights of the Child 1989

The States parties to the Convention on the Rights of the Child³ comparably to the Declaration of the rights of the Child.⁴ affirmed that the family is the basic unit of society and the natural environment for the growth and well-being of all its members, especially children. Therefore, it should be given a suitable protection and assistance to be able to fully assume its responsibilities within society. The States parties acknowledged the necessity for the child to grow up in a family environment filled with happiness and love.⁵ The Convention also obligated the State Parties to

¹ Sarah C. Zearfoss, , The Convention for the Elimination of All Forms of Discrimination Against Women: Radical, Reasonable, or Reactionary?, *Michigan Journal of International Law*, Vol 12, Issue 4,1990, p 912.

² Art 14 of the Convention on the Elimination of All Forms of Discrimination against Women.

³ The Convention on the Rights of the Child was adopted by the General Assembly UN Resolution 44/25 of November 20, 1989, entered into force on September 2, 1990, in accordance with Article 49

⁴ The Declaration of the Rights of the Child was adopted by the General Assembly 1386 D-14 of November 20, 1959.

⁵ Preamble to the Convention on the Rights of the Child.

guarantee the rights incorporated in the Convention without any kind of discrimination, regardless of the child's or his parents' or legal guardian's gender, color, language, religion.¹

The Convention calls on States to take all relevant measures related to the growth and well-being of children, whether carried out by public or private social welfare institutions and give primary consideration to the best interests of the child.² Moreover, the States Parties have reaffirmed the necessity to enjoy the highest achievable standard of health and the right to every child to treatment against diseases and health rehabilitation.³ The Contracting parties committed themselves to make primary education compulsory and available free of charge to all, and encourage secondary education, whether general or vocational, and to provide it for all children and encourage regular attendance at schools to reduce the drop out of school.⁴

The Convention also urged the state parties to develop respect for the child's parents, his cultural identity, language, national values and the civilization to which he belongs, and to prepare the child for a life in which understanding, peace, tolerance, gender equality and friendship prevail among all peoples and ethnic, national and religious groups.⁵ Furthermore, the provisions of the convention protected children from economic exploitation and all kind of work that are likely to be harmful to the child's health or to his physical, mental, spiritual, moral or social development.⁶

It is worth noting that after the improvement of basic rights and freedoms of the child, the Convention stipulated in various provisions that

¹ Samantha Besson & Eleonor Kleber. *The Right to Non-Discrimination, The UN Convention on the Rights of the Child: A Commentary*, Oxford University Press, 2019, p 55.

² Art 3 of the Convention on the Rights of the Child.

³ *Ibid.*, Art 24.

⁴ *Ibid.*, Art 28

⁵ *Ibid.*, Art 29

⁶ *Ibid.*, Art 32

the rights recognized for children should be guaranteed without any form of exclusion or discrimination.

2.3. The Convention for the Protection of Migrant Workers and Members of Their Families 1990

The principle of non-discrimination has a particular status in the International Convention for the Protection of the Rights of All Migrant Workers and Members of Their Families.¹ The States Parties expressed their conviction to protect the rights of migrant workers and the members of their families and encourage appropriate measures with a view to prevent and eliminate clandestine movements of migrant workers and ensure the fundamental human rights.² The convention compelled States Parties to take into account the entire migration process of migrant workers and members of their families, including preparation for migration, departure, transit, the period of residence, and the activities of remuneration as well as the return to the country of origin.³ According to the convention, migrant workers and members of their families are free to leave any country, including their country of origin. This right shall not be subject to any restrictions except those prescribed by law and required to protect national security, public order.⁴

Correspondingly, the convention guaranteed to migrants workers and their family members the enjoyment of the right to freedom of thought, conscience and religion, and the freedom to manifest their religion or belief, either individually or with a group.⁵ In the same way, it recognized the

¹ The International Convention for the Protection of the Rights of All Migrant Workers and Members of Their Families was adopted by General Assembly Resolution No. 45 of December 18, 1990.

² Preamble to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

³ Art 1 of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

⁴ *Ibid.*, Art 8

⁵ *Ibid.*, Art 12

equality before courts to migrant workers and members of their families. In that sense, they shall have the right to be judged before a competent and impartial court in accordance with law.¹ The Convention ensured to migrant workers equality and non-discrimination in terms of wages and other conditions.² It also called on the State Parties to guarantee the right to social security for migrant workers and members of their families.³ Migrant workers have also the right to receive medical care in urgent cases to save their lives or to avoid irreparable harm to their health, on the basis of equal treatment with nationals of the concerned State.

The convention insisted that strangers will not be deprived from emergency medical care because of any irregularity with regard to residence.⁴ In the same vein, it guaranteed to every child of a migrant worker the right to education and equal treatment with nationals of the concerned State. This right should be not restricted due to irregular status in terms of residence or use of any of the parents, or because of the irregular status of the child's residence in the country of employment.⁵ In addition, it recognized to migrant workers the possibility to join educational institutions and services, taking into account admission requirements and other institutions and school systems.⁶ The agreement ensured for migrant workers the right to health services and the participation in cultural life.⁷

In sum, the International Convention for the Protection of the Rights of Migrant Workers and Members of Their Families guaranteed a wide range of rights and freedoms without any kind of discrimination which is strongly condemned by the States Parties.

¹ *Ibid.*, Art 18

² Ryszard Cholewinski, Et al, *Migration and Human Rights, The United Nations Convention on Migrant Workers' Rights*, Cambridge University Press, 2009, p 53.

³ Art 27 of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

⁴ *Ibid.*, Art 28

⁵ *Ibid.*, Art 30

⁶ *Ibid.*, Art 43

⁷ *Ibid.*, Art 53

2.4. The Convention on the Rights of Persons with Disabilities 2006

The adoption of the United Nations Convention on the Rights of Persons with Disabilities¹ was considered as an important step to address the concerns of vulnerable social groups that are constantly exposed to various forms of discrimination and ill-treatment, social stigma and rejection. The States parties to the Convention have expressed their deep concern about the barriers faced by persons with disabilities all over the world that impede their full participation as members of society on an equal basis with others. As specified by the convention, this category of people is frequently subject to violence, neglect and exploitation.² It clarified that the term “persons with disabilities” includes all persons who suffer from Long-term physical, mental, intellectual or sensory impairments that may prevent them from participating fully and effectively in society on an equal basis with others. According to the convention too, the term “Reasonable accommodation” means all necessary measures to ensure the equal enjoyment and exercise by persons with disabilities of all human rights and fundamental freedoms.³

The States Parties were committed to ensure the full realization of all human rights and fundamental freedoms for all impaired persons without discrimination based on disability by taking all appropriate measures to amending or abolish laws, regulations, customs and practices that do not prohibit discrimination against persons with disabilities.⁴ They have also recognized that all persons are equal before the law, according to which all forms of discrimination on the basis of disability are prohibited.⁵ In the same context, the States Parties have recognized that women and girls with disabilities are easily affected by multiple forms of discrimination. In this regard, the conventions obliged Contracting Parties to take the necessary

¹ The Convention on the Rights of Persons with Disabilities was adopted by the United Nations General Assembly Resolution No. 61/61 of December 13, 2006.

² Preamble to the Convention on the Rights of Persons with Disabilities.

³ Art 1 of the Convention on the Rights of Persons with Disabilities

⁴ *Ibid.*, Art 4

⁵ *Ibid.*, Art 5

measures so as to ensure the full and equal enjoyment of all human rights and fundamental freedoms.¹

They also committed themselves to provide the necessary means to ensure the full enjoyment of rights and fundamental freedoms of children with disabilities.² Furthermore, the States parties were constrained to take all appropriate and effective measures to guarantee the right of persons with disabilities to own or inherit property, to manage their financial affairs and to have access to bank loans.³ Additionally, they guaranteed to persons with special impairment the possibility to benefit from a range of supportive services at home, in the place of residence and other community services, including the assistance to facilitate their lives and prevent them from isolation.⁴ The Convention obligated the States Parties to take pertinent measures to ensure that persons with disabilities exercise the freedom of expression and opinion, including the right to request and receive information.⁵

With regard to family matters, the Convention obliged the State Parties to take effective and appropriate measures to guarantee the right of all persons with disabilities of marriageable age to marry and found a family with the full consent of those intending to marry without coercion.⁶ The States parties were under the obligation to assure free and compulsory education to disabled persons.⁷

It is worth noting that the Convention on the Rights of Persons with Disabilities is the first international agreement in the international system of human rights that prohibits discrimination on the ground of disability. It emphasized explicitly the principle of non-discrimination and the right to

¹ *Ibid.*, Art 6

² *Ibid.*, Art 7

³ Art 12 of the Convention on the Rights of Persons with Disabilities

⁴ *Ibid.*, Art 14

⁵ *Ibid.*, Art 21

⁶ *Ibid.*, Art 23

⁷ *Ibid.*, Art 24

equality for persons with special needs. According to Article 34, a committee on the rights of persons with disabilities was established as a mechanism to monitor the implementation of the rights included in the Convention.

Conclusion:

The principle of non-discrimination is considered to be the cornerstone of the International system of human rights because it is mentioned in a wide range on International human rights instruments which identified clearly its status. So, it is not an exaggeration to say that this principle contributes greatly to the establishment of a new branch in international law which is the International Law of Equality.

The research revealed the following results:

- The principle of non-discrimination occupies the forefront of all United Nations charters, declarations and treaties.
- Discrimination is prohibited for several non-exclusive considerations such as gender, age, national origin, race, color, social status, disability, etc.
- The principle of non-discrimination goes hand in hand with the principle of equality
- Despite the arsenal of international conventions that prohibit discrimination, discriminatory practices are still widespread, such as discrimination on the basis of race, religion, gender, and the incitement of hate speech.

As for the effective measures to implement this principle, we have some suggestions:

- Providing education and training programs linked to equality and non-discrimination for the benefit of employees in the justice sector, such as judges and lawyers.
- Teaching the principles of equality and non-discrimination in the educational system to spread the values of tolerance and cultural and religious diversity among students.
- Facilitating judicial remedies to allow victims of discrimination to invoke the principle of non-discrimination before the courts.
- Reinforcing the role of oversight committees to conduct investigations in cases of violation of this principle.