

What is incorporation?

What is meant by the term 'incorporation'?

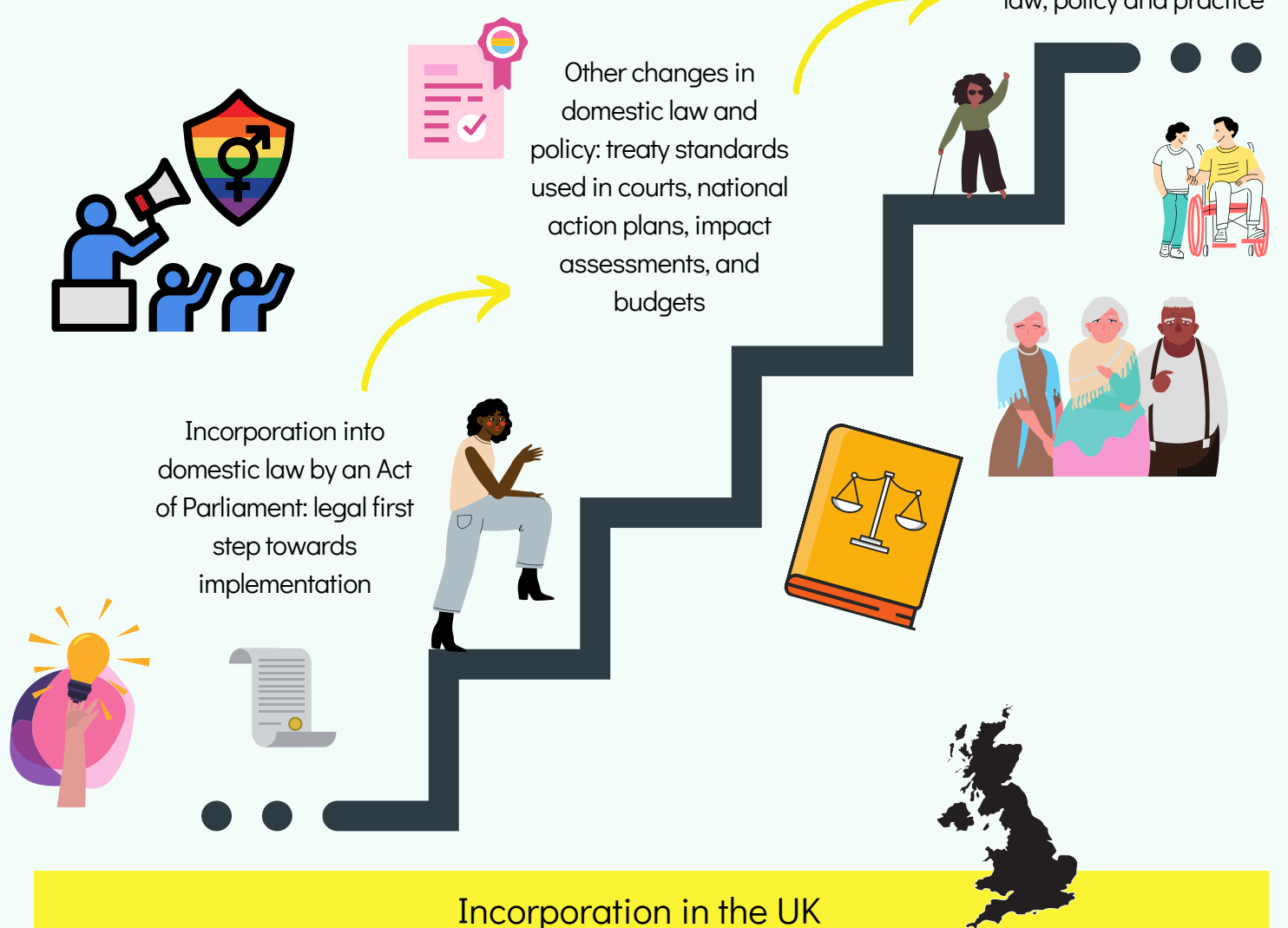


In terms of international human rights law, incorporation is a legal first step towards enforceable human rights that will progress implementation through direct application in national law.

Implementation means all the measures taken to ensure a human rights obligation is protected, respected, and fulfilled.

Direct application means that international law provisions are capable of being claimed in domestic courts and must be applied by government institutions.

Enforceability is the availability of institutions and procedures to provide a remedy for the breach of a right.



Incorporation in the UK

The Human Rights Act 1998 (HRA) is an example of incorporation of a human rights treaty in the UK.

The HRA incorporates the European Convention on Human Rights (ECHR) into UK law.

This means that rights which are found in the ECHR are equally part of UK law.

Why is human rights incorporation important?

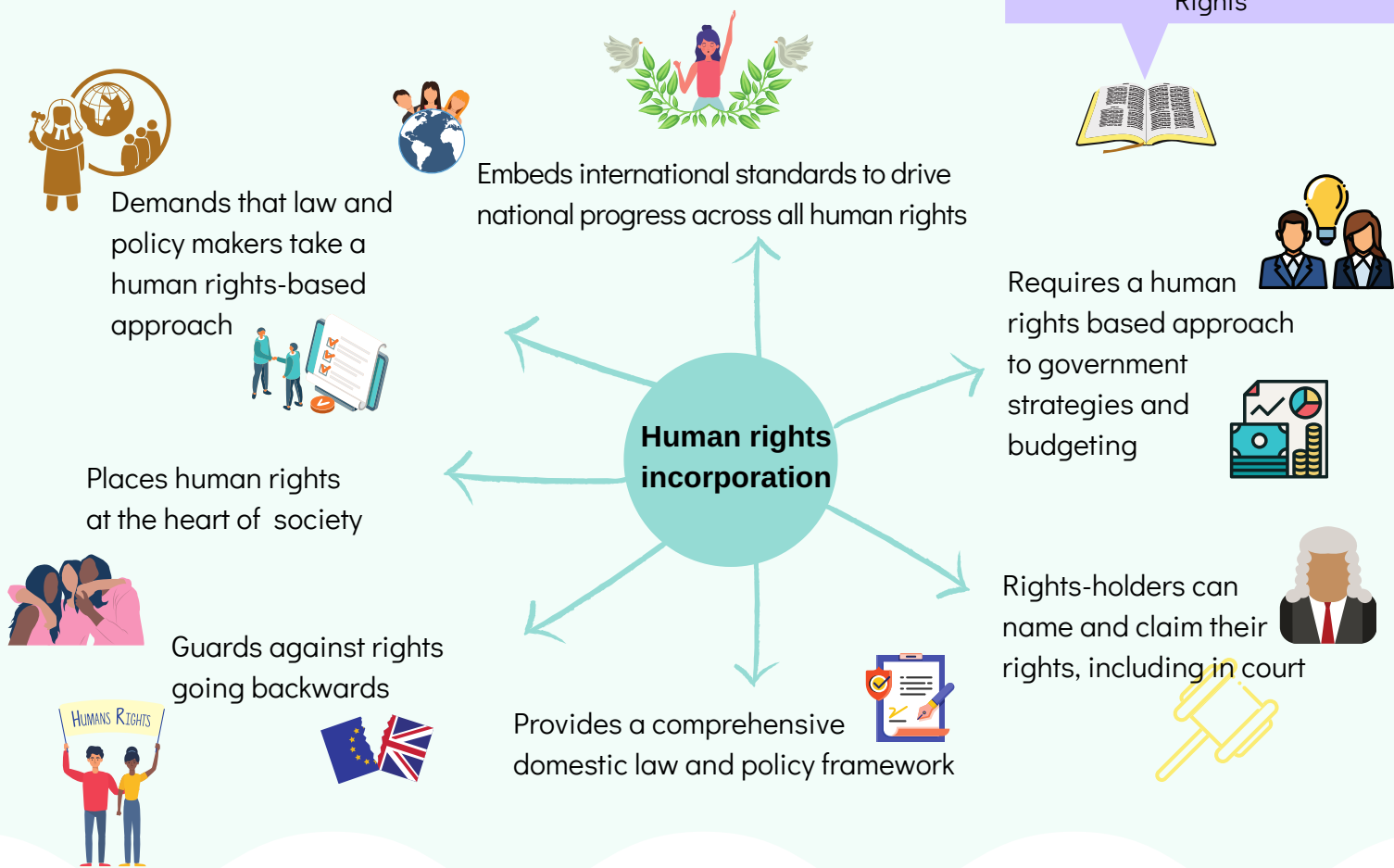


International human rights treaties mandate state parties to give effect to the rights they have signed up for by ratifying the treaty. One way to fulfil the state's legal obligation is to incorporate the treaty into national law.

Legal incorporation is a first step in driving wider change in human rights at the national level.

State parties should 'adopt such laws or other measures as may be necessary to give effect to the rights recognized in the present Covenant'.

- Article 2(2) of the International Covenant on Civil and Political Rights



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