

**THE APPLICATION OF THE INTERNATIONAL
COVENANT ON CIVIL AND POLITICAL RIGHTS IN
NATIONAL LAW**
公民與政治權利公約在國內法的適用

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Article 2

1. Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

本公約每一締約國承擔尊重和保證在其領土內和受其管轄的一切個人享有本公約所承認的權利，不分種族、膚色、性別、語言、宗教、政治或其他見解、國籍或社會出身、財產、出生或其他身分等任何區別。

Article 2

2. Where not already provided for by existing legislative or other measures, each State Party to the present Covenant undertakes to take the necessary steps, in accordance with its constitutional processes and with the provisions of the present Covenant, to adopt such laws or other measures as may be necessary to give effect to the rights recognized in the present Covenant.

本公約締約國承允遇現行立法或其他措詞尚無規定時，各依本國憲法程序，並遵照本公約規定，採取必要步驟，制定必要之立法或其他措施，以實現本公約所確認之權利。

Article 2

3. Each State Party to the present Covenant undertakes:

(a) To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity;

(一) 確保任何人所享本公約確認之權利或自由如遭受侵害，均獲有效之救濟，公務員執行職務所犯之侵權行為，亦不例外；

(b) To ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy;

(二) 確保上項救濟聲請人之救濟權利，由主管司法、行政或立法當局裁定，或由該國法律制度規定之其他主管當局裁定，並推廣司法救濟之機會；

(c) To ensure that the competent authorities shall enforce such remedies when granted.

(三) 確保上項救濟一經核准，主管當局概予執行。

Article 4

1. In time of public emergency which threatens the life of the nation and the existence of which is officially proclaimed, the States Parties to the present Covenant may take measures derogating from their obligations under the present Covenant to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with their other obligations under international law and do not involve discrimination solely on the ground of race, colour, sex, language, religion or social origin.

第四條

一、如經當局正式宣布緊急狀態危及國本，本公約締約國得在此種危急情勢絕對必要之限度內，採取措施，減免履行其依本公約所負之義務，但此種措施不得牴觸其依國際法所負之其他義務，亦不得引起純粹以種族、膚色、性別、語言、宗教或社會階段為根據之歧視。

Article 4

2. No derogation from articles 6, 7, 8 (paragraphs 1 and 2), 11, 15, 16 and 18 may be made under this provision.

二、第六條、第七條、第八條(第一項及第二項)、第十一條、第十五條、第十六條及第十八條之規定，不得依本條規定減免履行。

Rights from which there can be no derogation

Article 6

Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.

第六條

一、人人皆有天賦之生存權。此種權利應受法律保障。任何人之生命不得無理剝奪。

Article 7

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation

第七條

任何人不得施以酷刑，或予以殘忍、不人道或侮辱之處遇或懲罰。非經本人自願同意，尤不得對任何人作醫學或科學試驗。

Rights from which there can be no derogation (2)**Article 8**

1. No one shall be held in slavery; slavery and the slave-trade in all their forms shall be prohibited.

第八條

- 一、任何人不得使充奴隸；奴隸制度及奴隸販賣，不論出於何種方式悉應禁止。

2. No one shall be held in servitude.

- 二、任何人不得使充奴工。

Article 11

No one shall be imprisoned merely on the ground of inability to fulfill a contractual obligation

第十一條

任何人不得僅無力履行契約義務，即予監禁。

Rights from which there can be no derogation (3)**Article 15**

No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time when the criminal offence was committed. If, subsequent to the commission of the offence, provision is made by law for the imposition of the lighter penalty, the offender

第十五條

一、任何人之行為或不行為，於發生當時依內國法及國際法均不成罪者，不為罪。刑罪不得重於犯罪時法律所規定。犯罪後之法律規定減科刑罪者，從有利於行為人之法律。