



Research Paper

Diplomatic Immunities and Violation of the United Nations' Universal Declaration of Human Rights (UDHR)

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Abstract: *The paper investigated the immunities given to diplomats in the course of their diplomatic mission and the areas which it has violated the United Nations' Universal Declaration of Human Rights (UDHR). Imperatively, the paper examined the effects of the abuse of diplomatic immunities as against some of the articles of United Nations' UDHR in the specific areas of right to life, freedom and safety; freedom from slavery; infliction of torture and inhuman treatment; right to earn fair salary among others. The paper is descriptive in typology and qualitative in orientation; it employed secondary sources of data through documented evidence such as journal articles, media publications, reports among similar others. The documented evidences were content-analyzed thematically while Natural Rights theory of John Locke provided a theoretical guide for the study. Among other findings, the paper established that incessant abuse of diplomatic immunities in the course of their diplomatic mission have resulted to serious violations of the Universal Declaration of Human Rights. On this basis, the paper recommended an urgent need for the United Nations cum International Community to come up with introduction of amendment to the Vienna Convention of the 1961 on diplomatic immunities. More so, there is need for an establishment of Diplomatic College in every state so that every potential diplomat will be well trained certain period as a person of peace before given an exequatur. In addition, immunities given to the family, friends and staff of diplomats is too unnecessary; therefore should be removed. All these aforementioned serve as realistic possible solutions towards curbing the abuse of diplomatic immunities which have violated the United Nation UDHR over years.*

Keywords: Diplomacy; Diplomats; Diplomatic Immunities; Human Rights; United Nations

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I. INTRODUCTION

Diplomatic immunity as an international socio-political phenomenon has been in existence for about 100 millenniums (100,000 years) ago, following the international historical mission cum experience of diplomacy in the world. The first diplomatic immunity's experience is traced to Ancient Indian epics such as *Ramayana* between 3000 and 2000 Before Christ (B.C); *Mahabharata*, around Fourth century Before Christ (B.C); traditional Hindu dating of 5000 years Before Christ (B.C) where messengers and diplomats were given immunity from capital punishment. Evidently, In *Ramayana*, when the demon king Ravana ordered the killing of Hanuman, Ravana's younger brother Vibhishana pointed out that Messengers cum Diplomats should not be killed, as per ancient practices. This incident marked the first notable instance of diplomatic immunities globally as pointed out by Aravamudan (2014).

Subsequently, Immunity of diplomats is also rooted in the nature of Classical Sharia which recognized the showing of hospitality towards anyone who has been granted 'aman' (that is; right of safe passage). During

Classical Sharia, the right of safe passage (Aman) was readily granted to any emissary bearing a letter for any sealed document for duration of one year. In essence, every envoy with the right of passage were given immunity of person; immunity of property; and they were also exempt from payment of taxes (Esposito, 2009). The increase in the recognition of diplomatic immunity arose out from the respect of the messengers who carry the message of their ruler or sovereign. As observed in Pasic (2013), historically, the messengers were protected with the taboos based on the belief that some behaviour is accursed and that a threat of the supernatural punishment exists. Later in history, the messenger had been protected by understanding that the messenger is the personification of his rulers and by the principle of reciprocity.

Subsequently, according to the principle of reciprocity, freedom, and safety of the messengers of one sovereign are determined with the behavior of this sovereign regarding the messengers sent to him from the sovereign above. Thus, the killing cum murder of a messenger of a foreign ruler was the explicit declaration of the war; because it was a clear sign that this side did not want to negotiate rather than fight. In modern times, the protection of envoys has evolved into the diplomatic privileges and immunities as a legal obligation of guaranteeing the security of diplomats as authorized representatives of a foreign State. This, the failure to respect the diplomatic privileges and immunities may have serious consequences on the relations between States (Pasic, 2013). Diplomatic immunities became largely respected in the Nineteenth (19th) century; following the Congress of Vienna reassertions on the rights of diplomats; since then, the rights of diplomats are widely recognized and spread across the world. Consequently, diplomatic relations, including diplomatic immunity, are governed internationally by the Vienna Convention on Diplomatic Relations which has been ratified by almost every country in the world including Nigeria (Rumi, 2011). More so, diplomatic immunities gained more recognition in the 20th century with the advent of new diplomacy following the establishment of the United Nations and Universal Declaration of Human Rights after the Second World War. Although, no doubts that immunities given to diplomats allow them to perform their functions in the receiving state without fully understanding all customs, laws, and regulations of the host cum receiving state, however, it is imperative to note that the diplomatic privileges and immunities is not a prerequisite cum license to commit crimes via the violation cum abuse of the Universal Declaration of Human Rights.

The foregoing is the background of the concept of diplomatic immunities. However, controversies have essentially revolves around the specific areas where the abuse of Diplomatic immunities have presumably caused direct and indirect harm to human rights globally. Consequently, In practice, the diplomatic privileges and immunities are sometimes misused as a shield protecting diplomats in the activities prohibited by the UDHR. Such activities are serious crimes on humanities, murders, illegal treatments and torture of their domestic staffs, shoplifting, terrorism, drunk driving, human trafficking, sexual abuse such as raping among others with deadly and destructive consequences on Human rights. Hinging on the foregoing, the researcher attempted to establish the specific areas or instances through which the abuse of Diplomatic immunities has partly contributed to the violations of the United Nations' Universal Declarations of Human Rights.

II. METHODOLOGY

The paper is qualitative and descriptive in typology. It relied solely on documented evidence, such as journal articles, media publications, related reports and textbook. Data gathered from the various secondary sources were presented and content-analyzed thematically through logically reasoning using tabular, pictorial and textual tools. The paper built on Natural Rights theory of John Locke. The central idea of the theory rested on the argument of John Locke Rights who proposed that government is morally obliged to serve people by protecting their life liberty, and property; based on this, the principle of check and balances should be implemented to limit government power; More so, there should be representative governments and rule of law; finally, Locke condemned tyranny and insisted that when the government violates human rights people may legitimately rebel (Powel, 1996).

The earlier proponents of Natural Rights theory were Thomas Aquinas and Immanuel Kant while John Locke's 'second treatises of government' of 1689 prominently led to the development of the theory. John Locke traced human rights to their natural root. Natural rights in Locke's dialect are inherent and original rights of human nature, which equally belong to all men without exception and which are possessed solely because of their human condition (Essay; UK, 2018) The first part of the theory of natural rights according to Daniels (2016) consists of basic rights which are derived from the law of nature and encompasses such things as the right to life, liberty, and property; all which serve as foundation of the United Nations' Universal Declaration of Human Rights.

The application of theory to the study is grounded on the fact that it is capable of explicating the relationship between the abuse of diplomatic immunities and United Nations' Universal Declaration of Human Rights. Thus, inability of diplomats to hinge on/respect the natural rights of man has resulted to massive violations of the United Nations' Declaration of Human rights in the areas of right to life, freedom from torture, right to own and control property, freedom from slavery and inhuman treatments. In this regard, John Locke

does not simply advocate egoistic self-preservation but also calls for the need to consider others as equal. For example, the right to life applies to every human being but we also need to take into consideration the preservation of others in so far as not harming or killing them (Daniel, 2016: P. 2).

On the basis of the foregoing Natural Rights theory of John Locke was made to explain the naturalism of human rights. It maintained that human beings handed over their powers and rights which they possessed in the state of nature for the state authority to protect and guide them, but not in any way, to be violated. In essence, no individual, group, or government is eligible to violate human rights, as a violation of human rights is a violation of natural and state laws. Thus, most of the crimes; such as inhuman treatment, murder, rape cum sexual assaults, slavery cum forced labour, unfair payments for domestic worker among others; committed by diplomats (which are government or representative of countries) are results of the eligibility (known as immunity) given to diplomats in the course of their diplomatic mission and this is against the Natural Rights theory. Thus, the more the international the International Community continue to consider or place diplomatic eligibility cum immunities above the Natural Rights of man (Human Rights), the more the violations of the United Nations' Universal Declaration of Human Rights

DIPLOMATIC IMMUNITIES

United States Department of Office of Foreign Missions; USDOFM (2018) described Diplomatic immunities from the aspects of rights cum privileges enjoyed by Diplomatic agents. Accordingly,

.....Diplomatic agents enjoy the highest degree of privileges and immunities. They enjoy complete personal inviolability, which means that they may not be handcuffed (except in extraordinary circumstances), arrested, or detained; and neither their property (including vehicles) nor residences may be entered or searched. Diplomatic agents also enjoy complete immunity from the criminal jurisdiction of the host country's courts and cannot be prosecuted no matter how serious the offense unless their immunity is waived by the sending state" USDOFM (2018: P. 7).

In view of Shaw (2005: P. 668), diplomatic immunity is a form of legal protection that ensures personnel, agents or representatives cum diplomats of sovereign states, international and multinational organizations are afforded certain privileges, exemptions. Accordingly, the scholar maintained that the Immunities given to a diplomats encompasses; immunity from suit and legal process under the laws of the host country, exemption from payment of taxes among others. Ross (1989: P. 179) defined diplomatic immunity as situation where members of diplomatic missions are shielded from legal processes. Accordingly, the scholar maintained that 'shield'-diplomatic immunity simply connotes the freedom from local jurisdiction accorded under the International law by the receiving state of foreign diplomats and to their families and servants.

Scholars have equally viewed diplomatic immunities from the various from the benefits enjoyed by diplomats; Wilson (1984) for instance, considered diplomatic exemption from taxation as a broad diplomatic immunity. The scholar also maintained that diplomats are generally immune from paying non-beneficial taxes or rates. Non-beneficial rates according to the scholar are those rates or taxes from which the mission does not direct benefit. More so, scholars have considered freedom of communication as diplomatic immunity; accordingly, freedom of communication is important for proper functioning of a diplomatic mission as diplomats will be able to communicate freely for all official purposes with the governments of home and host countries. More so, Article 24, of the Vienna Convention extends the concept of the inviolability to all communications and documents of diplomats in receiving countries (Southwick cited in Safiyanu 2020: P. 120)

Beyond mere conceptual explanation of literature on the meaning diplomatic immunities, theoretically; scholars have also developed to explain the concept of diplomatic immunity. For instance, the theory of personal representation is grounded on the idea that the diplomat is a representative of the sovereign of a state, and that as the representative; he or she is entitled to the same privileges as the sovereign as observed in Groff (2000). From the assertion cum this theoretical view, it is evident that diplomat is the personification of the head of the sending state. Similarly; but from a different theoretical view, the theory of 'functional necessity' postulates that immunities and privileges should be limited to only those necessary for the diplomat to carry out his official functions (McClanahan, 1989). This theoretical viewpoint can be more embracing because it emphasized that diplomats could not fulfill their roles without certain privileges and immunities, however, it is noteworthy that theory suggests the need for limiting the extent to which immunities should be granted to a diplomat to prevent its abuse. More so, it is imperative to also take into cognizance; the theory of 'extraterritoriality' which suggests that the property and person of the diplomat are to be treated as if they exist on the territory of the sending state (McClanahan cited in Safiyanu, 2020: P. 123). From the assertion, the theory is premised upon the fact that diplomats are immune from the criminal and civil jurisdiction.

UNITED NATIONS' UNIVERSAL DECLARATION OF HUMAN RIGHTS

Scholars have described the Universal Declaration of Human Rights (UDHR) from their different views. However, the common element in their definition is that, United Nations' Universal Declaration of Human Rights is an international document adopted by the United Nations General Assembly that enshrines the rights and freedoms of all human beings.

As observed in the Universal Declaration of Human Rights (2015), "the UDHR commits nations to recognize all humans as being "born free and equal in dignity and rights" regardless of "nationality, place of residence, gender, national or ethnic origin, colour, religion, language, or any other status". From this view, Universal Declaration of Human Rights is established towards safeguarding the human rights worldwide and as well promote equality in the world. Similarly, Equality and Human Rights Commission (2018) considered Universal Declaration of Human Rights as a historic document which outlined the rights and freedoms which everyone is entitled to. Accordingly, it was considered to be the first international agreement on the basic principles of human rights which laid the basic and fundamental foundation for the human rights globally. Nearly every state in the world has accepted the Declaration.

Universal Declaration of Human Rights has inspired about 80 international conventions and treaties, as well as numerous regional conventions and domestic laws. More so, it has been the catalyst for improving human rights protections for groups such as disabled people, indigenous peoples and women. Subsequently, it has been translated into more than 360 languages as observed in Equality and Human Rights Commission (2018).

Scholars have also considered the Universal Declaration of Human Rights groundbreaking for providing a comprehensive and universal set principles in a secular, a political document that explicitly transcends cultures, religions, legal systems and political ideologies. More so, based on its universality, it has been described to boundlessly idealistic and the most ambitious feature (Akkad, 2012).

The 30 articles of the Universal Declaration of Human Rights highlighted in Amnesty International are summarized below;

Article 1: We are all born free. We all have our own thoughts and ideas and we should all be treated the same way.

Article 2: The rights in the UDHR belong to everyone, no matter who we are, where we're from, or whatever we believe.

Article 3: We all have the right to life, and to live in freedom and safety.

Article 4: No one should be held as a slave, and no one has the right to treat anyone else as their slave.

Article 5: No one has the right to inflict torture, or to subject anyone else to cruel or inhuman treatment.

Article 6: We should all have the same level of legal protection whoever we are, and wherever in the world we are.

Article 7: The law is the same for everyone, and must treat us all equally.

Article 8: We should all have the right to legal support if we are treated unfairly.

Article 9: Nobody should be arrested, put in prison, or sent away from our country unless there is good reason to do so.

Article 10: Everyone accused of a crime has the right to a fair and public trial, and those that try us should be independent and not influenced by others.

Article 11: Everyone accused of a crime has the right to be considered innocent until they have fairly been proven to be guilty.

Article 12: Nobody has the right to enter our home, open our mail, or intrude on our families without good reason. We also have the right to be protected if someone tries to unfairly damage our reputation.

Article 13: We all have the right to move freely within our country, and to visit and leave other countries when we wish.

Article 14: If we are at risk of harm we have the right to go to another country to seek protection.

Article 15: We all have the right to be a citizen of a country and nobody should prevent us, without good reason, from being a citizen of another country if we wish.

Article 16: We should have the right to marry and have a family as soon as we're legally old enough. Our ethnicity, nationality and religion should not stop us from being able to do this. Men and women have the same rights when they are married and also when they're separated. We should never be forced to marry. The government has a responsibility to protect us and our family.

Article 17: Everyone has the right to own property, and no one has the right to take this away from us without a fair reason.

Article 18: Everyone has the freedom to think or believe what they want, including the right to religious belief. We have the right to change our beliefs or religion at any time, and the right to publicly or privately practice our chosen religion, alone or with others.

Article 19: Everyone has the right to their own opinions, and to be able to express them freely. We should have the right to share our ideas with who we want, and in whichever way we choose.

Article 20: We should all have the right to form groups and organise peaceful meetings. Nobody should be forced to belong to a group if they don't want to.

Article 21: We all have the right to take part in our country's political affairs either by freely choosing politicians to represent us, or by belonging to the government ourselves. Governments should be voted for by the public on a regular basis, and every person's individual vote should be secret. Every individual vote should be worth the same.

Article 22: The society we live in should help every person develop to their best ability through access to work, involvement in cultural activity, and the right to social welfare. Everyone person in society should have the freedom to develop their personality with the support of the resources available in that country.

Article 23: We all have the right to employment, to be free to choose our work, and to be paid a fair salary that allows us to live and support our family. Everyone who does the same work should have the right to equal pay, without discrimination. We have the right to come together and form trade union groups to defend our interests as workers.

Article 24: Everyone has the right to rest and leisure time. There should be limits on working hours, and people should be able to take holidays with pay.

Article 25: We all have the right to enough food, clothing, housing and healthcare for ourselves and our families. We should have access to support if we are out of work, ill, elderly, disabled, widowed, or can't earn a living for reasons outside of our control. An expectant mother and her baby should both receive extra care and support. All children should have the same rights when they are born.

Article 26: Everyone has the right to education. Primary schooling should be free. We should all be able to continue our studies as far as we wish. At school we should be helped to develop our talents, and be taught an understanding and respect for everyone's human rights. We should also be taught to get on with others whatever their ethnicity, religion, or country they come from. Our parents have the right to choose what kind of school we go to.

Article 27: We all have the right to get involved in our community's arts, music, literature and sciences, and the benefits they bring. If we are an artist, a musician, a writer or a scientist, our works should be protected and we should be able to benefit from them.

Article 28: We all have the right to live in a peaceful and orderly society so that these rights and freedoms can be protected, and these rights can be enjoyed in all other countries around the world.

Article 29: We have duties to the community we live in that should allow us to develop as fully as possible. The law should guarantee human rights and should allow everyone to enjoy the same mutual respect.

Article 30: No government, group or individual should act in a way that would destroy the rights and freedoms of the Universal Declaration of Human Rights.

The stated United Nations' UDHR was adopted by the United Nations' General Assembly in Paris on December 10, 1948 during its 183rd plenary meeting. The UDHR has influenced socio-political and legal developments on both the international and national levels (including Nigeria) with its significance partly evidenced by its 530 translations. More so, It directly inspired the development of international human rights law, and was the first step in the formulation of the International Bill of Human Rights, which was completed in 1966 and came into force in 1976 (United Nations' Human Rights Office of the Commissioner).

DATA PRESENTATION AND ANALYSIS

Studies have showed that diplomatic immunities have serious negative consequences on Human Rights; this is evident in Ashman and Trescott cited in Safiyanu (2020: P. 122), observed there were appalling instances of Human Rights violations from the abuse of diplomatic immunities particularly in the United States and Britain. Accordingly, the scholars maintained cases such as rape, smuggling, shoplifting vehicular homicide among others are usually committed by diplomats.

| S/N | Name of Diplomat | Offence committed | Home Country | Host Country/ Country of incident | Offence Article number under UDHR | Outcome |
|-----|--|---|--------------|-----------------------------------|-----------------------------------|---|
| 1 | Unnamed Diplomats and Lybians living in Lybian's embassy in London | Killing of a British Police officer with gun shots | Lybia | Britain | Right to life | 30 Lybians were escorted to the airport and boarded a Lybian airliner to Tripoli |
| 2 | An unnamed Egyptian's diplomat | Keeping of a Bolivian servant as a virtual Prisoner; she was made to work for 7days-a week without payment. Her passport was kept by the diplomat and also denied her medical treatment when developed a severe disease causing bleeding and infections | Egypt | United States | Slavery | Not reported |
| 3 | Jordanian diplomat and his wife | Maltreated a Filipino maid; locked made her worked endlessly for hours;hid her passports and belonging to prevent her from escaping | Jordan | United States | Forced labour/ inhuman treatments | Not reported |
| 4 | A Brazilian Ambassador's grandson | Shooting in a Washington night club; injured one person on head and underwent psychiatric treatment | Brazil | United States | Security of the Person | The court dismissed the suit against the grandson of the Brazilian's ambassador as his families were certified as diplomats |
| 5 | A Mexican Ambassador to the United Nations | Smashed the window of a car belonging to a New York city man and pointed a gun at his head | Mexico | United States | Security of the person | No charges were brought against the ambassador |

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|----|--|--|---------------|----------------|---|---|
| 6 | Secretary for the Italian Military attaché | Sexually harassed a 16years old girl | Italy | United States | Security of the person cum sexual assaults | He was released immediately on arrest when he claimed to be a diplomat |
| 7 | A United States diplomat | Wrongful removal of children and child abduction of girls 10 and 13years after the English High Court ruling granted the children to his German wife | United States | United Kingdom | Illegal abduction; Rights of the child cum security of the person | The diplomat refused to bring the two children and nothing was done. |
| 8 | GueorguiMakharadze, the Deputy ambassador of Republic of Georgia's embassy | After taking much alcohol; He caused an accident that injured four people and killed a 16years old girl | Georgia | United States | Killings and injury | The U.S government asked Georgian government to waive his immunity which they did; and he was tried and convicted of manslaughter |
| 9 | MannelAryee; son of an attaché to the Ghanaian mission to the UN | Raped, sodomized and battered many young women in the year 1981 | Ghana | United States | Sexual assaults/harassment | He could not be arrested and walked out of the police station within minutes because his father is a diplomat |
| 10 | Shah Mohammad; a former foreign Minister of Afghanistan | He intentionally rammed a woman with his car in a dispute over parking in New York in 1987 | Afghanistan | United States | Killing | He could not be arrested and prosecuted because he was diplomat |
| 11 | O Nam Choi; North Korean diplomat | Sexually assaulted a woman in a park in New York in 1987 | North Korea | United States | Sexual assault | He was charged with crimes and ordered to leave the country |
| 12 | Two Guatemalan Diplomats | They kidnapped the wife of El Salvador's former Ambassador to the United States | Guatemalan | United States | Kidnapping | They were taken into custody after the State Dept., but later successfully negotiated with Guatemalan Govt. for the waiver of their diplomatic immunity |

Source: Adapted from Legal Service India (2022).

Table 1: The above table 1 illustrated series of Human Rights abuse committed diplomats in the course of diplomatic mission; all which are against the Universal Declarations of Human Rights. As evident in the table, the diplomats have committed several offences in their host countries which includes; killings (as against right to life; article 3 of the UDHR), raping cum sexual harassments as against article 5 of the UDHR, kidnappings (as against social freedom and security of the person); inhuman treatments and forced labour among similar others. In essence, it is evident that most of these offences were being committed without any trial due to their diplomatic immunities.

A report by BBC News (2017, January) claimed that a Sudanese diplomat forcibly touched and rubbed himself against a woman in New York City of the United States, the report reads:

Mohammad Abdalla Ali, 49, had been charged with “forcible touching” after allegedly rubbing himself against a woman on New York City’s subway, police say, but the charges were dropped. The Sudanese mission to the United Nations has yet to comment on the accusations.....He was protected by the Vienna Convention Diplomatic Relations, which is intended to guarantee that no diplomat is harassed in the normal course of his or her mission (BBC News, 2017, January).

The same report equally maintained that the Sudanese diplomat avoided charges of alleged sexual abuse in the United States by claiming diplomatic immunity. In essence, immunities given to diplomats in course of their mission abroad has encouraged them in committing series of crimes and wrongs in the host countries. In essence, sexual assault is against the article 5 of the UDHR which implies that “No one has the right to inflict torture or to subject anyone else to cruel or inhuman treatment”.

Another instance of the abuse cum violations of the Universal Declaration of Human Rights by Diplomats is the case of French Man and former International Monetary Fund (IMF) boss; Dominique Strauss-Kahn. It was reported that in May 2011, in May 2011, Mr. Strauss-Khan sexually harassed a hotel maid from

Guinea but used his diplomatic immunity to bail himself; the report reads; "When in May 2011, Frenchman and former IMF boss Dominique Strauss-Khan was arrested and "perp-walked" in New York for an alleged sexual assault on a hotel maid from Guinea, he sought to use his diplomatic immunity to bail himself out" (BBC, 2017, January). In essence, as evident in the report; diplomatic immunities given to the diplomat aided him to commit the crime and it is against the article 5 of the UDHR.

More so, a statement by the United States official observed in Reuter (2016; December) claimed that the United States expelled 35 Russian diplomats and closed two Russian compounds in New York and Maryland in response to a campaign of harassment against American diplomats in Moscow. In the report, it was equally noted that the move by the United States to expel Russian diplomats was a result of alleged sexual harassment and intimidations (as against the article 5 of the UDHR) by American diplomats in Russia. From the report, it is affirmed that cases of abuse of Universal Declaration of Human Rights abuse by Diplomats all over the world is appalling

An evidence of violations of the Universal Declaration of Human Rights due to diplomatic immunities; is the case of a senior Venezuelan diplomat in Kenya, who was charged in court on July 12, 20 with the murder of the Latin American nation's acting head of mission at her official residence in an up-market area of the capital, Nairobi. Accordingly, the report reads;

.....Olga Fonseca was found strangled in her bedroom late last month and less than two weeks into her posting, which followed the abrupt departure of the previous ambassador after he was accused by his domestic staff of sexual harassment.....Workers at Fonseca's residence who had complained of sexual harassment by the previous ambassador had accused her of firing them for refusing to retract the charges they had lodged with diplomatic police (Reuters, 2012, August).

In essence, it is imperative to note the offence committed by the Venezuela diplomat in Kenya violated both the article 3 and 5 of the UDHR which states; "we all have the right to life, and to live in freedom and safety" and secondly, "no one has the right to inflict torture, or to subject anyone else to cruel or inhuman treatment" respectively.

A report by Connor (2001, May) on committee on equal opportunities for women and men claimed that domestic slavery has appeared in Europe. The report maintained that many of the victims of slavery work without any real financial reward and is a violation of human rights and dignity. Subsequently, the report reads: "The assembly deplores the fact that a considerable number of victims work (domestic) for diplomats or international civil servants who, under the Vienna Convention of 1961, enjoys immunity". The report also maintained that those victims' passports are systematically confiscated, leaving them in a situation of total vulnerability with regard to their employers and sometimes in a situation bordering on imprisonment where they are subjected to physical and/or sexual violence. The report also reads;

.....in France, since its foundation in 1994, the Committee against Modern Slavery (CEM) has taken up the cases of over 200 domestic slavery victims, mostly originated from West Africa (Ivory Coast, Togo, Benin) but also from Madagascar, Morocco, India, Sri Lanka and the Philippines. The majority of the victims are women (95%). One-third arrived in France before they came of age and most of them suffered physical violence or sexual abuse. The employers mostly came from the West Africa or the Middle East. 20% are French nationals. 20% enjoyed immunity from prosecution, among them one diplomat from Italy and five French diplomats mainly from India, Indonesia, the Philippines and Sri Lanka....In Belgium, most victims of domestic slavery come from the Philippines and work for diplomats in service in Brussels (Connor, 2001). The above assertion occasioned another cases of violations of the Universal Declaration of Human Rights arising from the abuse of diplomatic immunities, From the report, it is evident that abuse of immunities given to diplomats have violated have partly contributed violations of the article 3 and 4 of the Universal Declaration of Human Rights globally.

Chan (2019, October) reported that wife of an American diplomat left Britain after killing a 19-year old man. The report reads; "The teen, Harry Dunn, died Aug. 27 in Northamptonshire, England, after a 42-year-old American woman (An American diplomat's wife) allegedly driving on the wrong side of the road struck him head-on while he was riding a motorcycle, police said". The report also maintained; "...over the weekend, authorities in Britain revealed that the woman, who has been identified as Anne Sacolas was no longer in the country. The news was met with swift backlash, especially since police say she told them she had no plans to leave during the investigation into the crash". In essence, the crime committed by the wife the diplomat is against the article 3 and 5 of the UDHR which stated that "we all have the right to life, and to live in freedom and safety; no one has the right to inflict torture, or to subject anyone else to cruel or inhuman treatment" respectively.

Another instance of abuse of diplomatic immunity; as against article 5 of the Universal Declaration of Human Rights is the case of Shuji Shimokoji, Japanese Consul-General who brutalized his wife in February 1999; the report reads; "Shimokoji admitted striking his wife during an argument last month. He bruised her

face and arms” (CBC News: 2017, May). The same report also claimed that the former consul-general said wife-beating was “a cultural thing and not a big deal” and he claimed to be under diplomatic immunity. Nevertheless, the Japanese Foreign Ministry ordered Shimokoji to return home.

More so, a report by Davison (2014, June) claimed that Mohammed Rizalman Bin Ismail, a Malaysia’s diplomat invoked diplomatic immunity when faced with charges of assault with intent to rape and charges of burglary after following a 21year-old woman to her home. The report reads:

.....the diplomat, aged in his 30s and employed at a high commission in Wellington, faced charges of burglary and assault with intent to rape, after allegedly following a 21 year-old woman to her home last month.....Under the Vienna Convention, diplomats, their immediate family and staff cannot be arrested or detained in foreign countries and the man’s home country refused to waive diplomatic immunity. Their houses cannot be searched and nor can they be called as witness in a prosecution or be prosecuted (Davison, 2014).

The action of the diplomat as depicted in the report showed a misplaced priority and excess abuse of diplomatic immunity which is against the article 5 of the Universal Declaration of Human Rights.

FIGURE 1: Embassy Guard who killed assailant prevented from Returning to Israel



Source: Ravid,Khoury& Cohen (2017, July)

The pictures presented in Figure 1 demonstrated the pictures of Jordanian security guard outside the Israel embassy in the residential Rabiyeighbourhood of the capital Amman following murder of Mohammad al-Juoda by diplomatic officer. As reported and evident in Figure 1, embassy guard who killed a local prevented

from returning to Israel; after Israel refused to allow Jordanian authorities to question the agent, claiming diplomatic immunity under the Vienna Convention. More so, the report reads;

.....The unusual incident began when a team of carpenters came to install furniture in one of the apartments where the Israeli security guards live, near the Amman embassy compound. The Jordan landlord and two other Palestine workers were also in the apartment at the time of the incident. One of the workers crept behind the officer and began to stab him with a screwdriver-at which point the officer jumped back, cocked his weapon and fired. He was lightly wounded in the jump. The assailant died from wounds sustained during the incident, later succumbing to his wounds. The guard arrived at the embassy immediately following the incident. A Foreign Ministry official noted that he is an accredited diplomat, immune from interrogation and under the Vienna Convention (Ravid, Khoury and Cohen, 2017).

In essence the crime committed by the diplomatic officer is against the 3 of the UDHR which stipulated that “no one has the right to inflict torture, or to subject anyone else to cruel or inhuman treatment”.

Similarly, a case reported by Biswas (2015, September) claimed that Saudi Arabian diplomat; his family and friends physically and sexually abused two Nepalese women. More so, the report claimed that the women were later rescued from by the 5th floor of the Gurgaon residence. The scholar later maintained that the diplomats were booked for wrongful confinement and gang-rape.

Figure 2: Two Pakistan diplomats in South Africa were caught shoplifting cum stealing in Seoul



Source: Hyo-jin (2021, April)

The pictures presented in Figure 2 demonstrated two diplomats who were caught of shoplifting. In April 2021, two Pakistan diplomats in South Africa were caught shoplifting cum stealing in Seoul. The report claimed that the Pakistan diplomats were caught stealing 1.70 Dollars chocolates and a 10 Dollars hat. However, the criminal case was closed when they revealed their identities as diplomats (Hyo-jin, 2021, April). The report also reads;

Yongsan Police Station said the two were caught stealing items worth 11,000 won (\$10) and 1,900 won (\$1.70) respectively, at the same store in Itaewon, Yongsan District, on different dates. One allegedly stole chocolate treats 1,900 won (\$1.70) and other a hat 11,000 won (\$10) on February 23, 2021.....After the hat was stolen an employee of the store filed police report shortly afterwards, and the law enforcement authorities identified the suspect through CCTV footage as a 35-year old diplomat of the Pakistan Embassy.....Following an investigation, officers closed the case without booking the suspect because of diplomatic immunity (Hyo-jin, 2021, April).

In essence, the diplomats having violated article 17 of the UDHR which stipulated that everyone has the right to own property and no one has the right to take this away from us without fair reason, they were not tried or prosecuted due to their diplomatic immunities; because under the Vienna Convention on diplomatic relations, diplomats and their families may avoid arrest, detention or indictment under the certain laws of their host countries.

III. CONCLUSION

The main thrust of this paper is to establish the links between diplomatic immunities and violations of the Universal Declaration of Human Rights. From the presentation and analysis of data from the various reports, media publications; journal articles among others; it is much evident that the immunities given to diplomats in the course of their diplomatic mission have seriously and partly contributed to violations of the Universal Declaration of Human Rights in the specific areas of murder cum killings, sexual harassments, slavery, kidnappings, forced labour, shoplifting among similar others across the globe; which are against the articles of the United Nations' UDHR. Based on this finding, there is need for an urgent solution. Thus, the study concludes that diplomatic immunity is a serious threat to the Universal Declaration of Human Rights.

IV. RECOMMENDATIONS

Based on the foregoing that presentation; analysis and findings from the study, the researchers made the following recommendations which serve as the solutions;

- ❖ There is an urgent need for the United Nations cum International Community to come up with introduction of amendment to the Vienna Convention of the 1961 on diplomatic immunities; so as to amend the ones which have serious injury on Human Rights; particularly, right to life.
- ❖ The International Community should establish Diplomatic College in every state so that every potential diplomat will be well trained certain period as a person of peace before given an exequatur.
- ❖ The immunities given to the family, friends and staff of diplomats should be is too unnecessary; therefore should be removed.

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