



Centre international  
d'éducation aux droits humains  
International Centre for  
Human Rights Education

**Human Rights Education:  
A Pathway to Building a Human Rights Culture in  
Iraq, the Middle East and North Africa**

**Strengthening Human Rights Education in Iraq: Workshop I**

**Amman, Jordan  
17 – 22 March 2007**

**Workshop Manual**

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# Table of Contents

<b>INTRODUCTION</b>	<b>4</b>
Background .....	4
Workshop Objectives .....	4
Participants .....	4
Methodology .....	4
About the Manual .....	5
About the Organizers .....	6
Acknowledgements.....	7
<b>WORKSHOP SCHEDULE</b>	<b>9</b>
<b>MODULE 1 GETTING STARTED</b>	<b>13</b>
Activity 1 Registration and Welcome.....	15
Activity 2 Introductions.....	16
Activity 3 Working Effectively As a Group .....	18
Reference Sheet 1: Summary of Articles of the UDHR .....	20
Activity 4 Background on Equitas and the Project.....	21
Reference Sheet 2: MENA Program Framework.....	22
Activity 5 Workshop Overview .....	24
Reference Sheet 3: Workshop Framework .....	25
<b>MODULE 2      HUMAN RIGHTS IN IRAQ</b>	<b>27</b>
Activity 1 A Common Understanding of Human Rights and HRE.....	29
Reference Sheet 4: On Human Rights Education.....	31
Activity 2 Sharing Experiences: Human Rights Issues in Iraq.....	33
Referenc Sheet 5: Concept Mapping Example – Domestic Violence .....	36
Activity 3 Underlying Principles of Human Rights.....	37
Reference Sheet 6: Human Rights Principles.....	39
Worksheet 1: Human Rights Principles.....	41
Activity 4 HRE Workplan Phase 1 .....	42

<b>MODULE 3</b>	<b>BUILDING A CULTURE OF HUMAN RIGHTS IN IRAQ</b>	<b>43</b>
Activity 1 Gender and Human Rights.....		45
Reference Sheet 7: Gender – Basic Concepts.....		47
Worksheet 2: Gender in an HRE Project Cycle.....		50
Activity 2 Human Rights in Conflict Areas .....		55
Activity 3 Building a Culture of Human Rights in Iraq .....		57
Reference Sheet 8: Definitions of Culture and a Culture of Human Rights.....		59
<b>MODULE 4 INTERNATIONAL HUMAN RIGHTS STANDARDS</b>		<b>61</b>
Activity 1 International Human Rights Standards .....		63
Worksheet 3: Main Features of International Human Rights Instruments .....		67
Activity 4 HRE Workplan Phases 2 and 3.....		69
<b>MODULE 5 EFFECTIVE HRE IN IRAQ</b>		<b>71</b>
Activity 1 HRE Content and Methodology .....		73
Reference Sheet 9: Framework for Human Rights Education .....		75
Reference Sheet 10: Human Rights Content .....		77
Reference Sheet 11: Human Rights Knowledge, Skills, Attitudes and Values .....		78
Worksheet 4: Human Rights Content for Specific Target Audiences .....		79
Activity 2 Measuring the Impact of HRE .....		80
Reference Sheet 12: Assessing the Impact of HRE .....		82
Reference Sheet 13: Indicators: Key Definitions.....		83
Reference Sheet 14: Program Performance Framework for the Equitas MENA Program .....		84
Activity 3 HRE Workplan Phase 3 .....		86
<b>MODULE 6 NEXT STEPS</b>		<b>87</b>
Activity 1 Strengthening HRE Networks .....		89
Reference Sheet 15: Networks and Coalitions .....		91
Worksheet 5: Networks and Coalitions .....		92
Activity 2 HRE Workplan Phase 4: Presentation of HRE Workplans.....		93
Activity 3 Next Steps.....		94
Activity 4 Workshop Evaluation and Closing.....		95
<b>RESOURCE PACK</b>		<b>97</b>
Resource 1-1: Effective Group Dynamics – The Life Cycle of Groups .....		99
Resource 1-2: Using a Participatory Approach to Learning.....		100

Resource 2-1: Concept Mapping .....	103
Resource 3-1: Elements of Conflict Situations and Possible Gender Dimensions.....	104
Resource 3-2: Gender Analysis.....	106
Resource 3-3: Definition of Terms – Conflict .....	108
Resource 3-4: HRE and Conflict Transformation.....	109
Resource 4-1: International Covenant on Civil and Political Rights .....	110
Resource 4-2: Optional Protocol to the International Covenant on Civil and Political Rights ..	128
Resource 4-3: Second Optional Protocol to the International Covenant on Civil and Political Rights .....	132
Resource 4-4: International Covenant on Economic, Social and Cultural Rights .....	135
Resource 4-5: Convention on the Elimination of All Forms of Discrimination against Women .....	145
Resource 4-6: Convention on the Rights of the Child .....	158
Resource 4-7: Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts .....	177
Resource 4-8: Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography .....	185
Resource 4-9: Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment .....	196
Resource 5-1: Defining Social Transformation .....	210
Resource 5-2: Effective Training Techniques.....	211

# Introduction

## Background

This manual forms the basis of the first human rights education (HRE) workshop for Iraqi NGOs as part of Equitas' Middle East and North Africa (MENA) Program. The goal of this program is to contribute to increased respect for human rights, advances in democracy and good governance, and reduced conflict in the Middle East and North Africa, and in particular in Iraq, through effective HRE aimed at the realization of a culture of human rights in the region for all. Over the next three years, the program seeks to strengthen the capacity of regional and local organizations to undertake HRE as a tool for social transformation.

This six-day **HRE Workshop I for Iraqi NGOs** is the first in a series of two workshops. Both workshops will be conducted in Arabic during which human rights educators from Iraq will learn about basic human rights and essential elements of HRE. These workshops also aim to build and maintain a network for sharing lessons learned among human rights educators in Iraq.

## Workshop Objectives

The objectives of the **HRE Workshop I for Iraqi NGOs** are for participants to:

- **Analyze** the issues and situations encountered in the work of their organizations using a framework based on internationally accepted human rights values, principles and standards.
- **Examine** the impact of conflict in Iraq on human rights issues.
- **Incorporate** a gender perspective in their human rights work.
- **Identify** effective human rights education strategies which can increase the effectiveness of their human rights work.
- **Transfer** acquired human rights knowledge, and HRE skills and techniques to their organizations and to the wider community.
- **Establish** informal networks aimed at sharing information related to human rights and human rights education in Iraq.

## Participants

There are approximately thirty participants attending the workshop, primarily from non-profit, non-governmental organizations (NGOs) or community-based organizations (CBOs) working in human rights in Iraq.

## Methodology

The curriculum design model of the workshop is based on principles of adult experiential learning. The underlying principle is that much of the content will come from the participants and that the workshop will serve as a framework for drawing out their experiences. Participants and facilitators commit themselves to engage in a process of mutual teaching and learning. The emphasis is on practical application

and on the development of strategies for action. Continued reflection and evaluation are central to the learning process. There will be debriefing and evaluation sessions at the end of each day and recaps at the beginning of each day to establish the linkages between the modules.

The facilitators are skilled in adult education methods, knowledgeable about human rights and experienced in working with diverse groups.

The completion of an “**HRE Workplan**” aims to increase organizational capacity by providing participants with a framework for developing a concrete initiative to put their learning into practice. By reflecting on the content of the workshop, the **HRE Workplan** helps the participants determine how the content is transferable to their own context, resulting in a planned integration of this new knowledge in the future activities of their organization. Throughout the workshop, participants will have opportunities to discuss their **HRE Workplan** with other participants, facilitators, and the resource persons for feedback.

## About the Manual

This manual outlines the format of the workshop with objectives, descriptions of activities, and suggested time frames for each module. There are Worksheets and Reference Sheets for many of the activities.

**Module 1 – Getting Started** serves to welcome the participants and situate the relevance of this workshop in building their capacity as human rights educators. Participants review their expectations and resources for the workshop and reflect on how they can work effectively as a group. They also learn about the different components of the project and Equitas’ work in HRE.

In **Module 2 – Human Rights in Iraq**, participants begin by exploring their understanding of human rights and human rights education. An in-depth analysis of the human rights issues in Iraq, using a rights-based approach, enables participants to clarify and situate their roles as human rights educators in Iraq.

In **Module 3 – Building a Culture of Human Rights in Iraq**, participants begin by examining gender, a central component to the creation of a culture of human rights. The attainment of this culture is possible only by realizing the complexities of the various conflicts present in Iraq, which is the focus of one of this Module’s activities. A closer examination of what this culture of human rights could be and how HRE plays a role in this culture completes the Module. Resource persons on gender and conflict help participants to examine the importance of these two factors in developing and implementing effective HRE.

In **Module 4 – International of Human Rights Standards**, a resource person on international human rights standards presents an overview of human rights standards, key concepts related to human rights standards, and international

mechanisms for addressing human rights violations. The international human rights standards to be analyzed are the following:

1. International Covenant on Civil and Political Rights
2. International Covenant on Economic, Social and Cultural Rights
3. Convention on the Elimination of All Forms of Discrimination Against Women
4. Convention on the Rights of the Child
5. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Participants will examine the international instruments in detail and reflect on how they can apply them in their HRE work.

In **Module 5 – Effective HRE in Iraq**, participants share some of their “best practices” in HRE work and examine other types of effective HRE. Participants reflect on the goals of HRE and how to develop effective HRE programs aimed at fostering a positive social change.

In **Module 6 – Next Steps**, participants present their HRE Workplans and identify ways to strengthen the network of organizations working in HRE in Iraq.

## About the Organizers

This workshop is organized by Equitas – International Centre for Human Rights Education.

Equitas – International Centre for Human Rights Education was established as a non-profit, non-governmental organization in 1967 by a group of leading Canadian scholars, jurists and human rights advocates with a mandate to advance democracy, human development, peace and social justice through educational programs.

Since then, Equitas has become a global leader in human rights education. Equitas' capacity-building programs in Canada and abroad have assisted civil society organizations and government institutions to participate effectively in human rights debates, to challenge discriminatory attitudes and practices and to advance important policy and legislative reforms to enhance human rights protection and fulfillment.

Equitas' regional human rights education programs currently focus on developing knowledge, strengthening skills and promoting action around the following themes: the creation and strengthening of independent national human rights institutions; training for NGO trainers; human rights education in the school system; training in human rights advocacy and monitoring; the protection of particular groups in society, including women, migrant workers, children and minorities; and the promotion and protection of economic, social and cultural rights. Equitas' current



plans call for the expansion of our programming in Canada, the Middle East and the Americas while continuing to work in Asia, CEE/CIS and Africa.

## **Acknowledgements**

The following Curriculum Development Team contributed to the development of this training manual:

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# Workshop Schedule

## Day 1

Saturday 17 March 2007		
Time	Module/Activity	Title
3:00 – 4:00	<b>Module 1</b> Activity 1	<b>Getting Started</b> Registration and Welcome
4:00 – 5:00	Activity 2	Introductions
5:00 – 5:30	Activity 3	Working Effectively As a Group
5:30 – 5:45	BREAK	
5:45 – 6:45	Activity 4	Background on Equitas and the Project
6:45 – 7:30	Activity 5	Workshop Overview
8:00		Welcome Dinner

## Day 2

Sunday 18 March 2007		
Time	Module/Activity	Title
8:30 – 9:00	Recap	Review of previous day
9:00 – 10:00	<b>Module 2</b> Activity 1	<b>Human Rights in Iraq</b> A Common Understanding of Human Rights and HRE
10:00 – 10:15	BREAK	
10:15 – 12:30	Activity 2	Sharing Experiences: Human Rights Issues in Iraq
12:30 – 14:00	LUNCH	
14:00 – 14:30	Activity 2	Continued
14:30 – 16:00	Activity 3	Underlying Principles of Human Rights
16:00 – 16:15	BREAK	
16:15 – 17:15	Activity 4	HRE Workplan Phase 1
17:15 – 17:30		Evaluation Day 2

## Schedule Day 3

Monday 19 March 2007		
Time	Module/Activity	Title
8:30 – 9:00	Recap	Review of previous day
9:00 – 10:30	<b>Module 3</b> Activity 1	<b>Building a Culture of Human Rights in Iraq</b> Gender and Human Rights (Presentation by resource person)
10:30 – 10:45	BREAK	
10:45 – 11:30	Activity 1	Continued
11:30 – 12:30	Activity 2	Human Rights in Conflict Areas (Presentation by resource person)
12:45 – 14:00	LUNCH	
14:00 – 15:15	Activity 2	Continued
15:00 – 16:00	Activity 3	Building a Culture of Human Rights in Iraq
16:00 – 16:15	BREAK	
16:15 – 17:15	Activity 3	Continued
17:15 – 17:30		Evaluation Day 3

## Schedule Day 4

Tuesday 20 March 2007		
Time	Module/Activity	Title
8:30 – 9:00	Recap	Review of previous day
9:00 – 10:15	<b>Module 4</b> Activity 1	<b>International Human Rights Standards</b> International Human Rights Standards (Presentation by resource person)
10:15 – 10:30	BREAK	
10:30 – 12:30	Activity 1	Continued (group work)
12:30 – 14:00	LUNCH	
14:00 – 16:00	Activity 1	Continued (group presentations)
16:00 – 16:15	BREAK	
16:15 – 17:15	Activity 2	HRE Workplan Phase 2
17:15 – 17:30		Evaluation Day 4

## Day 5

Wednesday 21 March 2007		
Time	Module/Activity	Title
8:30 – 9:00	Recap	Review of previous day
9:00 – 10:30	<b>Module 5</b> Activity 1	<b>Effective HRE in Iraq</b> HRE Content and Methodology
10:30 – 10:45	BREAK	
10:45 – 12:30	Activity 2	Evaluating Effective HRE
12:30 – 14:00	LUNCH	
14:00 – 16:00	Activity 3	HRE Workplan Phase 3
16:00 – 16:15	BREAK	
16:15 – 16:30		Evaluation Day 5

## Schedule Day 6

Thursday 22 March 2007		
Time	Module/Activity	Title
8:30 – 9:00	Recap	Review of previous day
9:00 – 10:15	<b>Module 6</b> Activity 1	<b>Next Steps</b> Strengthening HRE Networks
10:15 – 10:30	BREAK	
10:30 – 12:30	Activity 2	HRE Workplan Phase 4: Presentation of HRE Workplans
12:30 – 14:00	LUNCH	
14:00 – 15:00	Activity 3	Next Steps
15:00 – 16:00	Activity 4	Workshop Evaluation and Closing



# Module 1

## Getting Started

Activity		Time
Activity 1	Registration and Welcome	1 hr
Activity 2	Introductions	1 hr
Activity 3	Working Effectively As a Group	30 min
Activity 4	Background on Equitas and the Project	1 hr
Activity 5	Workshop Overview	45 min

### Overview

**Module 1 – Getting Started** serves to welcome the participants and situate the relevance of this workshop in building their capacity as human rights educators. Participants review their expectations and resources for the workshop and reflect on how they can work effectively as a group. They also learn about the different components of the project and Equitas' work in HRE.





**Activity 1    Registration and Welcome****Objective**

To have participants register for the workshop and to be welcomed by Equitas staff.

**Time**

1 hr

**Description**

Participants register for the workshop and are introduced to and welcomed by the Equitas staff.

End of Activity ■

## Activity 2 Introductions

### Objective

To have participants and members of the Equitas team get to know each other.

### Time

1 hr

### Description

#### Summary

This is an “icebreaker” activity that has you reflect on the reasons you became involved in human rights education.

This activity is divided into two parts.

In **Part A**, the facilitator will invite participants to form groups to do a ‘getting to know you’ activity.

In **Part B**, the facilitator will then lead a short debriefing of the content and process of the activity.

20 min

#### Part A Introductions – Small Group

The facilitator invites participants to form groups of three with participants they do not know. Participants in each group should each take a few minutes to talk to each other and share the following:

- Their name
- Their organization
- The work they do
- The reasons why they are human rights educators

20 min

#### Part B Introductions – Large Group

The facilitator then has each group, in turn, introduce their group members to the larger group.

*Continued* ▶ ▶ ▶

*Activity 2 cont'd*

Take about 5 minutes to discuss among yourselves the reasons why you chose this particular value.

The facilitator then has each group, in turn, introduce their group members and explain the reasons the different group members selected that particular value.

**20 min**

**Part C Debrief**

The facilitator discusses the reasons participants chose to become human rights educators.

**End of Activity ■**

### Activity 3 Working Effectively As a Group

#### Objective

To set ground rules for working effectively as a group.

#### Time

30 min

#### Description

##### Summary

Setting ground rules is an important aspect of any workshop in order to set a positive working environment where everyone has the responsibility of ensuring the workshop's success. You will set the ground rules for the workshop in this activity.

This activity is divided into two parts.

In **Part A**, you will brainstorm behaviours that affect group dynamics.

In **Part B**, you will set ground rules for working effectively as a group during this workshop.

5 min

#### Part A Brainstorming

The facilitator leads a brainstorming session to identify attitudes and behaviours that either help or interfere with the effective functioning of a group.

As the participants provide ideas, the facilitator lists these in different columns on flipchart, i.e., attitudes and behaviours that interfere with the effective functioning of the group are listed in RED in one column and those that help are listed in GREEN in the second column.

25 min

#### Part B Setting Ground Rules

Based on the ideas presented in **Part A**, together with your facilitator, develop a number of ground rules for working effectively as a group. You may also want to refer to the Universal Declaration of Human Rights (refer to **Reference Sheet 1**) and reflect on how it can inform the rules you determine for your group.

*Continued* ▶ ▶ ▶

*Activity 3 cont'd*

The facilitator writes the rules agreed to on flipchart and posts them in the room for the remainder of the workshop. It is important that all members of the group, including the facilitators, feel comfortable with the ground rules and commit to respecting them.

Examples of helpful ground rules include:

- give everyone a chance to speak
- no mobile phones during the activities
- respect the time for discussions

**End of Activity ■**

## Reference Sheet 1: Summary of Articles of the UDHR

1. Right to equality (“All human beings are born free and equal in dignity and rights.”)
2. Freedom from discrimination
3. Right to life, liberty, personal security
4. Freedom from slavery
5. Freedom from torture and degrading treatment
6. Right to recognition as a person before the law
7. Right to equality before the law
8. Right to remedy by competent tribunal
9. Freedom from arbitrary arrest, exile
10. Right to a fair public hearing
11. Right to be considered innocent until proven guilty
12. Freedom from interference with privacy, family, home, and correspondence
13. Right to free movement in and out of any country
14. Right to asylum in other countries from persecution
15. Right to a nationality and freedom to change it
16. Right to marriage and family
17. Right to own property
18. Freedom of belief and religion
19. Freedom of opinion and information
20. Right of peaceful assembly and association
21. Right to participate in government and free elections
22. Right to social security
23. Right to desirable work and to join trade unions
24. Right to rest and leisure
25. Right to adequate living standards
26. Right to education
27. Right to participate in cultural life and community
28. Right to social order assuring human rights
29. Community duties essential to free and full development
30. Freedom from state and personal interference in the above rights

## Activity 4 Background on Equitas and the Project

### Objective

To provide a background on Equitas programs and describe the content and scope of the MENA Program.

### Time

1 hr

### Description

#### Summary

This activity is a presentation on Equitas' HRE work and an overview of the MENA Program.

This activity is divided into two parts.

In **Part A**, the Equitas team will briefly present the work of their organization and the background of the MENA Program.

In **Part B**, participants will have the opportunity to ask questions.

20 min

#### **Part A Equitas and MENA Program Background**

The Equitas team describes their organization's HRE work. Following this, the team presents the overall Middle East and North Africa Program: goal, purpose and sequence of activities with the three-year timeline. Refer to **Reference Sheet 2** for the MENA Program framework.

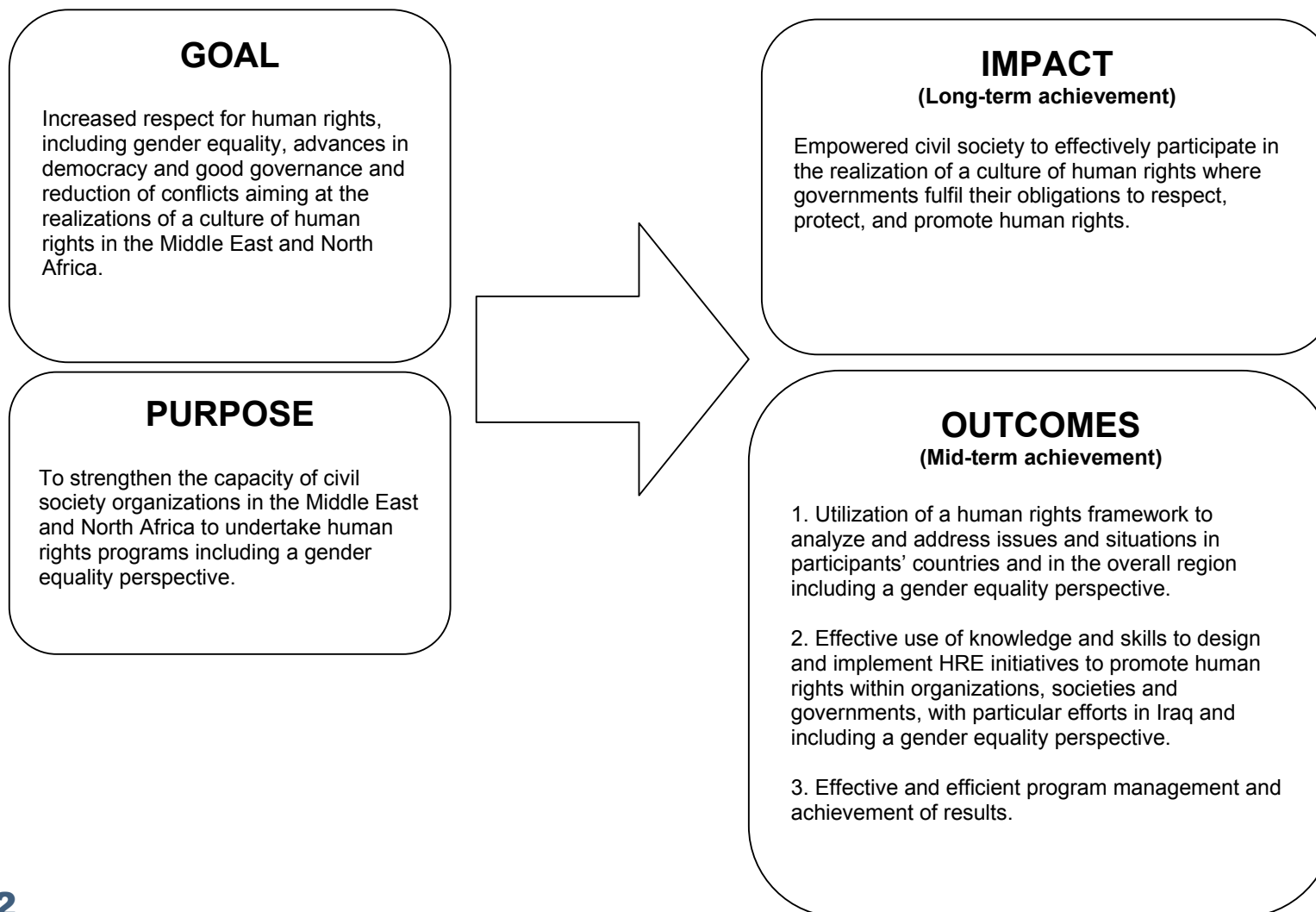
40 min

#### **Part B Question and Answer Period**

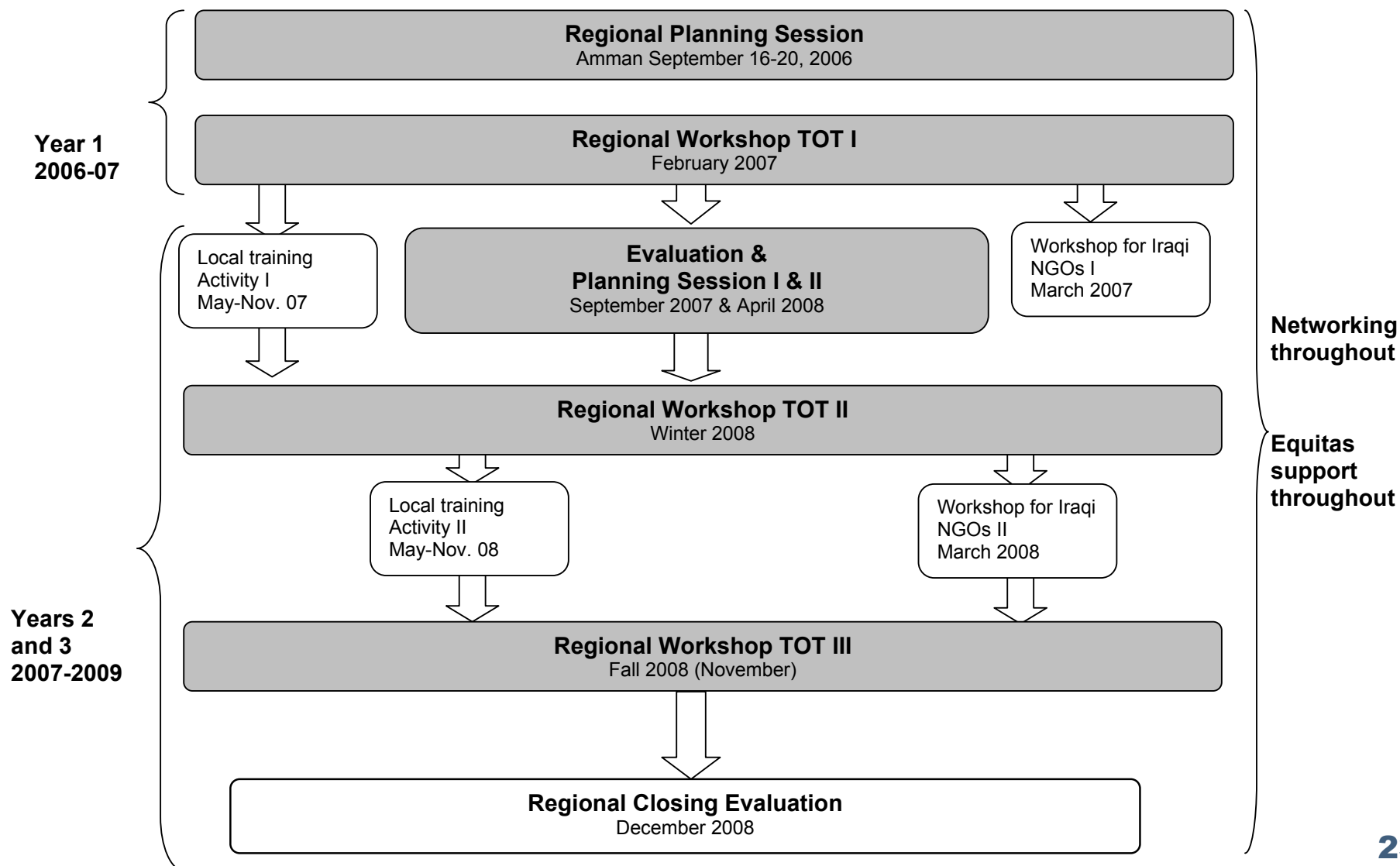
The Equitas team answers questions from participants.

End of Activity ■

## Reference Sheet 2: MENA Program Framework







## Activity 5 Workshop Overview

### Objective

To provide an overview of the workshop content and process.

### Time

45 min

### Description

#### Summary

This activity provides an overview of the main elements of the workshop in terms of content and process. Some of the main content areas include an analysis of human rights issues in Iraq and international human rights standards. The process uses a participatory methodology for engaging adults in their learning.

This activity is divided into two parts.

In **Part A**, the facilitator will explain the content and process of the workshop.

In **Part B**, participants will have the opportunity to ask questions.

20 min

#### Part A Workshop Content and Process

The facilitator goes over the goal, objectives, and content of the workshop. Refer to **Reference Sheet 3** for an overview of the workshop Modules.

The facilitator also explains the HRE Workplan and how participants will use it as a tool to transfer their learning from the workshop back to their organizations.

Finally, the facilitator goes over the participatory methodology used during the workshop.

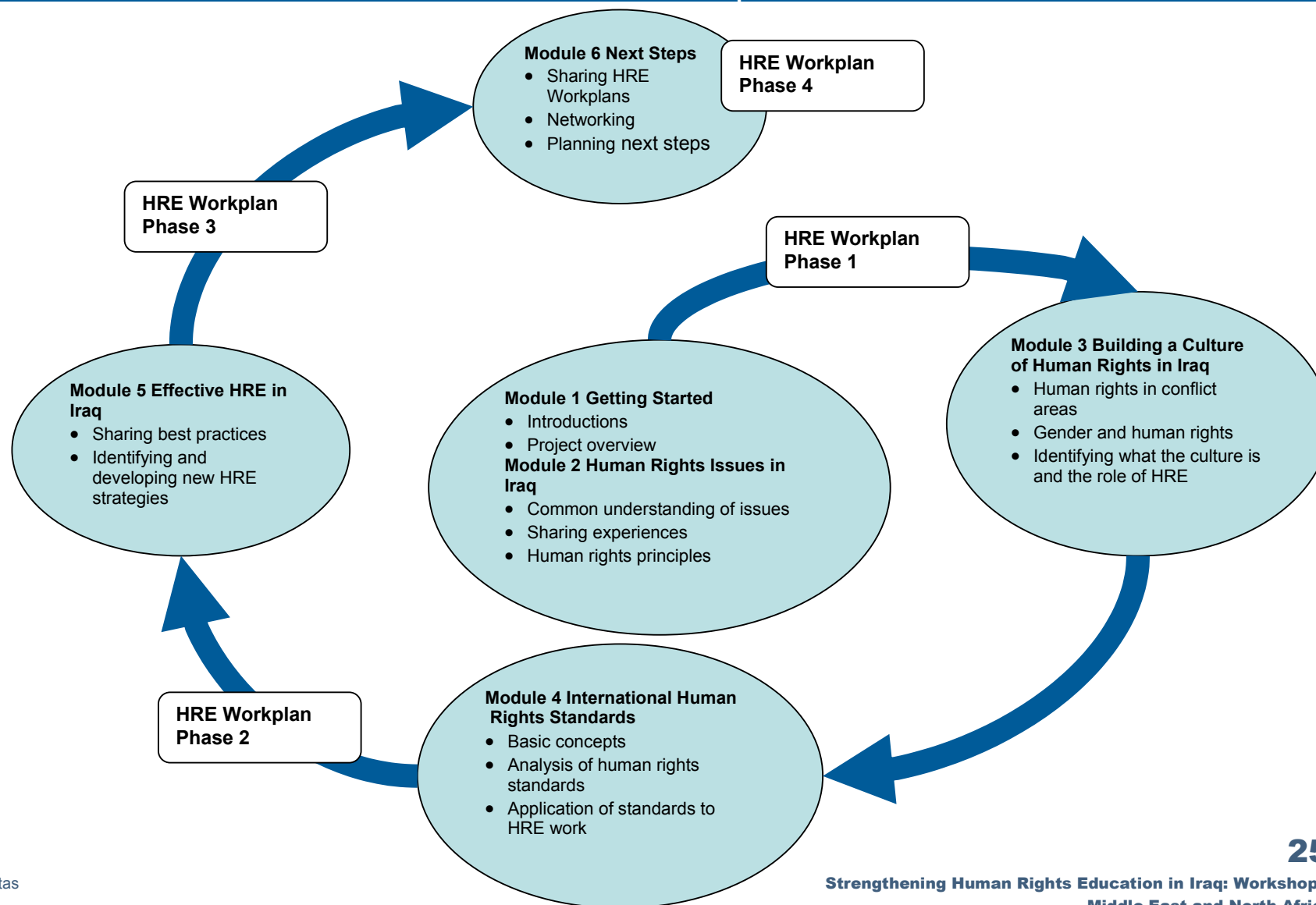
25 min

#### Part B Question and Answer Period

The facilitator answers questions from participants.

End of Activity ■

## Reference Sheet 3: Workshop Framework





## Module 2

### Human Rights in Iraq

Activity		Time
Activity 1	A Common Understanding of Human Rights and HRE	1 hr
Activity 2	Sharing Experiences: Human Rights Issues in Iraq	2 hrs 45 min
Activity 3	Underlying Principles of Human Rights	1 hr 30 min
Activity 4	HRE Workplan Phase 1	1 hr

#### Overview

In **Module 2 – Human Rights in Iraq**, participants begin by exploring their understanding of human rights and human rights education. An in-depth analysis of the human rights issues in Iraq, using a rights-based approach, enables participants to clarify and situate their roles as human rights educators in Iraq.



## Activity 1 A Common Understanding of Human Rights and HRE

### Objective

To compare personal concepts of human rights and HRE to those of other members of the group.

### Time

1 hr

### Description

#### Summary

In the previous Module, you laid the groundwork for working as a group over the course of the workshop. This activity helps clarify your understanding of what human rights and HRE mean.

This activity is divided into four parts.

In **Part A**, you will reflect on the meaning of human rights in small groups.

In **Part B**, you will share your ideas with the larger group.

In **Part C**, you will work in small groups to discuss your understanding of HRE.

In **Part D**, the facilitator will lead a large group discussion.

15 min

#### **Part A Shared Understanding of Human Rights**

The facilitator divides participants into small groups. Each group takes a few minutes to draw an image on flipchart paper that symbolizes what “human rights” mean to them.

Each group prepares to present their image of human rights to the large group in **Part B**.

15 min

#### **Part B Presentations and Large Group Discussion**

Each group presents their image to the larger group.

The facilitator then leads a large group discussion. Consider some of these questions:

- Are there any common themes recurring among the drawings?  
Are there any significant differences? What are they?

*Continued ▶ ▶ ▶*

*Activity 1 cont'd*

- Do the images illustrate an “ideal” situation where rights are respected, protected and fulfilled? Or do the images portray an “actual” situation where some human rights are being violated?
- Whose rights are not being fulfilled?
- Who is (or are) violating human rights?
- Do you feel that the group shares a common concept of human rights?

**15 min**

**Part C Understanding of HRE**

Working in the same groups as in **Part A**, answer the questions below concerning your understanding of HRE.

- What is your understanding of HRE? What does it involve? What is its main goal?

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- Why do you think HRE is important?

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**15 min**

**Part D Group Discussion**

Share your ideas with the group. The facilitator reviews with participants the definitions of HRE provided in **Reference Sheet 4**.

**End of Activity ■**



## Reference Sheet 4: On Human Rights Education

### 1. Definition of HRE from the Plan of Action for the First Phase (2005 – 2007) of the World Programme for Human Rights Education, 59th Session, General Assembly, March 2005 (excerpt)

#### Introduction

“The World Conference on Human Rights considers human rights education, training and public information essential for the promotion and achievement of stable and harmonious relations among communities and for fostering mutual understanding, tolerance and peace” (Vienna Declaration and Programme of Action, Para. 78).

#### Context and definition of human rights education

The international community has increasingly expressed a consensus that human rights education constitutes a fundamental contribution to the realization of human rights. Human rights education aims at developing an understanding of everybody's common responsibility to make human rights a reality in each community and in the society at large. In this sense, it contributes to the long-term prevention of human rights abuses and violent conflicts, to the promotion of equality and sustainable development and the enhancement of people's participation in decision-making processes within democratic system, as stated in resolution 2004/71 of the Commission on Human Rights.

Provisions on human rights education have been incorporated in many international instruments, including the Universal Declaration of Human Rights (art. 26), the International Covenant on Economic, Social and Cultural Rights (art. 13), the Convention on the Rights of the Child (art. 29), the Convention on the Elimination of All Forms of Discrimination Against Women (art. 10), the International Convention on the Elimination of All Forms of Racial Discrimination (art. 7) and the Vienna Declaration and Programme of Action (Part I, par. 33-34 and Part II, par. 78 - 82), as well as the Declaration and Programme of Action of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance held in Durban, South Africa, in 2001 (Declaration, par. 95-97 and Programme of Action, par. 129-139).

In accordance with these instruments, which provide elements of a definition of human rights education as agreed by the international community, **human rights education can be defined as education, training and information aiming at building a universal culture of human rights through the sharing of knowledge, imparting of skills and moulding of attitudes directed to:**

- a. The strengthening of respect for human rights and fundamental freedoms;
- b. The full development of the human personality and the sense of its dignity;

- c. The promotion of understanding, tolerance, gender equality and friendship among all nations, indigenous peoples and racial, national, ethnic, religious and linguistic groups;
- d. The enabling of all persons to participate effectively in a free and democratic society governed by the rule of law;
- e. The building and maintenance of peace; and
- f. The promotion of people-centred sustainable development and social justice.

**Source:**

United Nations. (2005). Revised draft plan of action for the first phase (2005-2007) of the World Programme for Human Rights Education. Available online:

<http://www.ohchr.org/english/issues/education/docs/A.59.525.Rev.1.pdf>.

In Arabic: <http://daccessdds.un.org/doc/UNDOC/GEN/N05/253/72/PDF/N0525372.pdf?OpenElement>.

**2. Equitas' Understanding of HRE**

Human rights education is a process of social transformation that begins with the individual and branches out to encompass society at large.

The **goal** of human rights education is empowerment. The result is social change. Human rights education involves the exploration of human rights principles and instruments and the promotion of critical reflection and inquiry. Ultimately, human rights education inspires people to take control of their own lives and the decisions that affect their lives.

The **role of human rights educators** is to foster within each person an awareness of human rights and a sense of the individual's capacity to effect change. It is the responsibility of human rights educators to provide a supportive environment where people are free to define which issues are at the heart of their own human rights struggles.

The **practice of human rights education** is founded on mutual respect and reciprocal learning. Participatory methods that promote the sharing of personal knowledge and experience are fundamental. The modes of communication are numerous (from brain- storming and discussion to street theatre and festivals), but the challenge lies in discovering how to truly communicate across different cultures, values and perceptions.

## Activity 2 Sharing Experiences: Human Rights Issues in Iraq

### Objectives

To share personal experiences of participants' human rights work and to analyze these issues through concept mapping.

### Time

2 hrs 45 min

### Description

#### Summary

In the previous activity, you shared your understanding of human rights and HRE. But what is the human rights situation in Iraq, and how can HRE address the situation? This activity uses the idea of concept mapping to answer these questions.

This activity is divided into five parts.

In **Part A**, the facilitator will explain concept mapping.

In **Part B**, you will identify key human rights issues to analyze using concept maps.

In **Part C**, you will work in small groups to develop concept maps.

In **Part D**, you will present your maps to the group.

In **Part E**, the facilitator will lead a group discussion.

### 10 min

#### Part A Presentation

The facilitator presents what concept maps are and how they can be used as a tool to analyze complex situations.

Concept mapping for human rights involves the identification of a human rights issue and the relationships that exist between the various stakeholders, their actions and their impact related to that issue. The completed concept map helps to identify the complexity of the human rights issue and how human rights education can effectively address that issue. For this activity, participants work in small groups, each group focusing on one specific human rights issue.

A concept map is illustrated in **Reference Sheet 5** using the human rights issue of domestic violence.

*Continued* ▶ ▶ ▶

*Activity 2 cont'd*

- 10 min**      **Part B    Brainstorm on Human Rights Issues**  
The facilitator leads a brainstorming session on identifying four or five principal human rights issues the groups will analyze with concept maps.
- 1 hr 25 min**      **Part C    Concept Mapping**  
The facilitator divides participants into 4 or 5 small groups based on the human rights issues identified in **Part B**. Each group creates a concept map of a human rights issue assigned to them. The following guidelines should help you in the creation of your concept map:
1. Be creative in how you represent your concept map. You do not need to be limited by flipchart paper.
  2. Identify your human rights issue in the centre of the map, and link the issue to individual stakeholders as separate elements of the map.
  3. Take the time to discuss **your personal experiences** related to this human rights issue and how these experiences can help identify relationships between the stakeholders and also to identify their actions.
  4. Identify as many elements as you can and then decide on a way to organize them using the map.
  5. Prepare to present your map to the larger group in **Part D**.
- 30 min**      **Part D    Group Presentations**  
The large group reconvenes. Each group reports on the results of their discussion (5 min each).
- 30 min**      **Part E    Group Discussion**  
The facilitator synthesizes the common elements from all the concept maps.
- Questions to consider:
- How are the issues interrelated?
  - Are these human rights issues “new” or emerging, or are they longstanding issues?

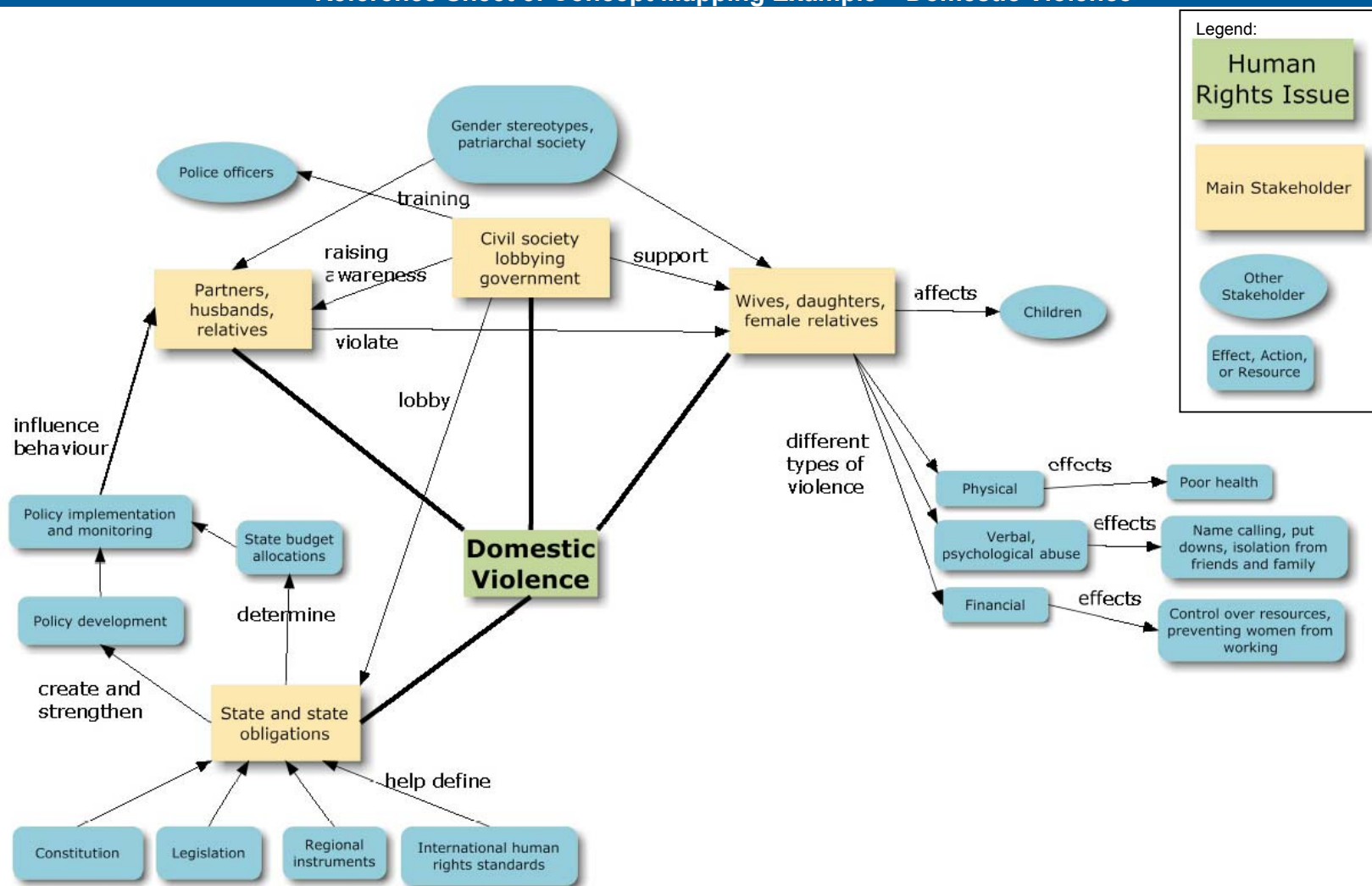
*Continued* ▶ ▶ ▶

*Activity 2 cont'd*

- How does this exercise help further define your understanding of human rights from **Activity 1**?
- What are some of the most effective “HRE actions” illustrated in the concept maps? Do they have common elements? If yes, what are they?

End of Activity ■

## Reference Sheet 5: Concept Mapping Example – Domestic Violence



## Activity 3 Underlying Principles of Human Rights

### Objective

To explain fundamental human rights principles and their applicability to different human rights issues.

### Time

1 hr 30 min

### Description

#### Summary

In the previous activity, you analyzed the human rights situation in Iraq. In search of an “ideal” human rights situation where all rights are respected, protected, and fulfilled, an understanding of basic human rights principles helps in defining what that “ideal” situation looks like.

This activity is divided into four parts.

In **Part A**, the facilitator will explain basic human rights principles.

In **Part B**, you will work in small groups to examine a specific human rights principle (or principles).

In **Part C**, you will share the results of your small group discussion with the larger group.

In **Part D**, the facilitator will lead a group discussion.

### 10 min

#### Part A Human Rights Principles in Theory

The facilitator explains the human rights principles listed in **Reference Sheet 6**. The facilitator also makes the link between the principles and how they are reflected in the UDHR.

The facilitator divides the participants into six groups as listed below. Each group examines one principle or set of principles.

1. Group 1: Universality and Inalienability
2. Group 2: Indivisibility
3. Group 3: Interdependence
4. Group 4: Equality and Non-discrimination
5. Group 5: Participation and Inclusion
6. Group 6: Accountability and Rule of Law

*Continued ▶ ▶ ▶*

*Activity 3 cont'd*

**30 min**

**Part B Application of Human Rights Principles**

Together with the members of your group, discuss the principle(s) and answer the questions in **Worksheet 1**. Prepare to present the main points of your discussion to the entire group in **Part C**.

**50 min**

**Part C Report on Group Work**

The large group reconvenes. Each group reports on the results of their discussion (5 min each). The facilitator synthesizes common elements and the resource person responds to the presentations.

Questions to consider:

- Is there a common understanding of the principles among the group?
- Do you take into consideration all these principles in your HRE work? If not, how could you?
- Is there any disagreement from some of the target audiences you work with concerning their perceptions of these principles? For example, do you sometimes undertake HRE for persons who opposed universality? How can HRE address this type of disagreement?
- How do these principles affirm or contradict socially constructed beliefs and values? What roles does HRE have in changing or modifying existing beliefs and values?

**End of Activity ■**



## Reference Sheet 6: Human Rights Principles

Human rights are entitlements all people have to basic conditions supporting their efforts to live in peace and dignity and to develop their full potential as human beings. The UN Office of the High Commissioner for Human Rights states: “Human rights may be defined as universal legal guarantees that belong to all human beings, and that protect individuals and/or groups from actions and omissions that affect fundamental human dignity.”

Human rights become enforceable when they are codified as conventions, covenants or treaties or as they become recognized as customary international law.

Adopted by the United Nations General Assembly in 1948, the Universal Declaration of Human Rights (UDHR) is considered the foundation of modern international human rights defense and promotion. The UDHR is built on the common sense idea that human rights are based on the inherent dignity of every person. This dignity, and the rights to freedom and equality that derive from it, are undeniable.

### Basic human rights principles:

1. **Universality.** Human rights are universal. All people everywhere in the world are entitled to them. Universality refers to certain moral and ethical values shared in all regions of the world, which governments and communities should uphold. The universality of rights does not mean, however, that they cannot change or that they are experienced in the same manner by all people. The universality of human rights is encompassed in the words of Article 1 of the UDHR: “All human beings are born free and equal in dignity and rights.”
2. **Inalienability.** Human rights are inalienable. This means that rights belong to every person and cannot be taken away, surrendered or transferred.
3. **Indivisibility.** Human rights are indivisible. This refers to the equal importance of each human right, whether civil, political, economic, social or cultural. All human rights have equal status, and cannot be positioned in a hierarchical order. A person cannot be denied a right because someone decides it is ‘less important’ or ‘nonessential’. The principle of indivisibility was reaffirmed by the Vienna Declaration.
4. **Interdependency.** Human rights are interdependent. This refers to the complementary framework of human rights law. The fulfillment of one right often depends, wholly or in part, upon the fulfillment of others. For instance, fulfillment of the right to health may depend on fulfillment of the right to development, to education or to information. Similarly, the loss of one right detracts from other rights.

5. **Equality.** The principle of equality refers to the notion that all human beings are entitled to the same human rights without distinction. Equality does not necessarily mean treating people the same, but rather taking whatever steps are necessary to promote a more just society for all.

6. **Non-discrimination.** Non-discrimination is integral to the concept of equality. The principle of non-discrimination encompasses the notion that people should not be treated differently based on arbitrary and impermissible criteria. Discrimination based on grounds of race, colour, ethnicity, gender, age, language, disability, sexual orientation, religion, political or other opinion, social or geographic origin, property, birth or any other status established by international human rights standards, violates human rights.

The notions of participation and inclusion, as well as accountability and rule of law are important paradigms when discussing human rights.

7. **Participation and Inclusion:** Every person and all peoples are entitled to participate in and access information relating to the decision-making processes that affect their lives and well-being. Rights-based approaches require a high degree of participation by communities, civil society, minorities, women, young people, indigenous peoples and other identified groups.

8. **Accountability and Rule of Law:** States and other duty-bearers are answerable for the observance of human rights. In this regard, they have to comply with the legal norms and standards enshrined in international human rights instruments. Where they fail to do so, aggrieved rights-holders are entitled to institute proceedings for appropriate redress before a competent court or other adjudicator in accordance with the rules and procedures provided by law. Individuals, the media, civil society and the international community play important roles in holding governments accountable for their obligation to uphold human rights.

#### Sources:

Flowers, N. (2000). The Human Rights Education Handbook: Effective Practices For Learning, Action, and Change. Minneapolis, MN: University of Minnesota.

Ravindran, D. J. (1998). Human Rights Praxis: A Resource Book for Study, Action and Reflection. Bangkok, Thailand: The Asia Forum for Human Rights and Development.

Mertus, J. et al. (1999). Local Action/Global Change: Learning About the Human Rights of Women and Girls. UNIFEM.

UNFPA. (2006). UNFPA and Human Rights: Human Rights Principles. Available online: <http://www.unfpa.org/rights/principles.htm>.

## Worksheet 1: Human Rights Principles

Your group's principle(s): \_\_\_\_\_

Question	Notes
<p>Do you agree with the definitions of this (or these) principle(s)? Is there anything you would change or add to the principle(s)?</p>	
<p>Refer back to the human rights issues analyzed with the concept maps in the previous Activity. How would you, as a human rights worker, apply the principle(s) above to each human rights issue?</p> <p>For example, if you are part of an NGO working on the issue of government corruption, how would you ensure <b>accountability</b>, and for whom?</p> <p>As another example, if you worked for an NGO protecting children's rights, how would you ensure children's <b>participation</b> in your work?</p>	

## Activity 4 HRE Workplan Phase 1

### Objective

To complete Phase 1 of the HRE Workplan.

### Time

1 hr

### Description

Participants take the time to complete Phase 1 of their HRE Workplan, which helps them identify a focus for their plan and identifies strengths and weaknesses within their organization related to HRE. Refer to “**Phase 1: Determining a Direction**” in the HRE Workplan.

End of Activity ■

## Module 3

# Building a Culture of Human Rights in Iraq

Activity		Time
Activity 1	Gender and Human Rights	2 hrs 15 min
Activity 2	Human Rights in Conflict Areas	2 hrs 15 min
Activity 3	Building a Culture of Human Rights in Iraq	2 hrs

### Overview

In **Module 3 – Building a Culture of Human Rights in Iraq**, participants begin by examining gender, a central component to the creation of a culture of human rights. The attainment of this culture is possible only by realizing the complexities of the various conflicts present in Iraq, which is the focus of one of this Module’s activities. A closer examination of what this culture of human rights could be and how HRE plays a role in this culture completes the Module. Resource persons on gender and conflict help participants to examine the importance of these two factors in developing and implementing effective HRE.



## Activity 1 Gender and Human Rights

### Objectives

- To identify key gender concepts.
- To examine how a gender perspective can be applied to HRE work.

### Time

2 hrs 15 min

### Description

#### Summary

In the previous Module, you examined the human rights situation in Iraq and began to reflect on the role HRE can play in improving that situation. The last activity in the Module examined human rights principles and how personally held beliefs and values may influence what these principles mean. Personal understanding of gender and gender roles are key in shaping some of these values. This activity probes further into how gender is an integral part of human rights and HRE.

This activity is divided into four parts.

In **Part A**, the resource person will give a presentation on basic gender concepts.

In **Part B**, you will work in small groups to examine how gender is addressed at different stages of an HRE program cycle.

In **Part C**, you will share the results of your small group discussion with the larger group.

In **Part D**, the resource person will respond to the group presentations.

1 hr

#### Part A Presentation

*Resource Person: Asma Khader, Sisterhood Is Global Initiative, Jordan*

The resource person leads a large group discussion on basic gender concepts (40 min).

The resource person addresses the following main points:

- Differences between sex and gender
- Gender roles in different societies
- Factors that influence and change gender roles in societies
- Understanding gender equality

*Continued ▶ ▶ ▶*

*Activity 1 cont'd*

- Application of a gender perspective in HRE

Refer to **Reference Sheet 7** for more information on gender concepts.

Following the presentation, there is a question and answer period (20 min).

**30 min**

**Part B Small Group Work – Gender in an HRE Project Cycle**

The facilitator divides participants into small groups. Based on their experiences, participants identify key elements necessary for including a gender perspective throughout four stages of an HRE project cycle. The stages are:

1. Planning
2. Development
3. Implementation
4. Evaluation and Follow-up

Use the framework presented in **Worksheet 2** to guide your discussion. Prepare to present the results of your discussion to the larger group in **Part C**.

**20 min**

**Part C Report on Group Work**

The large group reconvenes. Each group reports on the results of their discussion (5 min each).

**25 min**

**Part D Response from Resource Person**

The resource person responds to the results of the presentations and provides any additional information.

**End of Activity ■**



## Reference Sheet 7: Gender – Basic Concepts

- The term "gender" is used to describe a set of qualities and behaviours expected from men and women by their societies. A person's social identity is formed by these expectations. These expectations stem from the idea that certain qualities, behaviour, characteristics, needs and roles are 'natural' for men, while certain other qualities and roles are 'natural' for women.
- Gender is not biological - girls and boys are not born knowing how they should look, dress, speak, behave, think or react. Their "gendered" masculine and feminine identities are constructed through the process of **socialisation**, which prepares them for the social roles they are expected to play. These social roles and expectations differ from culture to culture and at different periods in history. They can and do change.
- Gender relations are **patriarchal** - that is, they reflect and perpetuate a hierarchy where women are subordinate to men. Women's subordination is reflected in inequality and differences between women and men within the family and community, as well as in all social, economic, cultural and political interactions and relationships between people.
- Patriarchal social structures and institutions are sustained and strengthened by value-systems and cultural rules which propagate the notion of women's inferiority. Every culture has its example of customs which reflect the low value placed on women.
- Patriarchy makes women powerless in many ways - by convincing them of their own inferiority to men; by demanding that they conform to certain stereotyped 'appropriate' roles and behaviour; by denying them control over their own bodies, lives and labour; by limiting their access to resources and by restricting their opportunities to participate in decisions which affect their own lives.
- These different forms of control often operate to strengthen each other, and have resulted in the exclusion and marginalisation of women from social, economic and political processes. Women's subordination is reflected both in women's socio-economic **condition** (like their levels of health, income and education), as well as in their **position**, or degree of autonomy and control over their own lives.
- Gender equality cannot come about only through changes in women's condition - it requires transformation of the structures and systems which lie at the root of women's subordination and gender inequality. This transformation cannot be induced by external interventions. Women must themselves become active **agents of change**.
- Gender equality therefore demands **women's empowerment**, a process that leads to greater participation in social and political processes, greater decision-making power and to conscious action for social transformation.

Reference Sheet continued

- The process of empowerment is not sectoral - it encompasses women's multiple roles and interests, and addresses the inter-relationships between them, leading to women gaining greater control over their own lives. Empowerment thus has many dimensions.
  - Building a critical understanding of the causes and processes of disempowerment.
  - Enhancing self-esteem and altering self-image.
  - Gaining increased access to natural, financial and intellectual resources.
  - Acquiring the confidence, knowledge, information and skills to understand and intervene in social, economic and political structures and processes.
  - Increasing participation in and control of decision-making processes within and outside the family and community.
  - Moving into new roles and spaces, which were hitherto seen as exclusively male domains.
  - Coming together to question, challenge and change unjust and inequitous beliefs, practices, structures and institutions which perpetuate gender inequality.
- The process of women's empowerment challenges the basic assumptions which govern age-old social institutions, systems and values. It is, therefore, inevitable that it should encounter resistance from existing power structures. It is easier for **collectives** of women, rather than individual women, to take the process of empowerment forward in the face of this resistance.
- Development efforts in the last forty years have by and large not addressed the root causes of women's subordination, and have therefore failed to impact gender inequality in a significant way. Most mainstream approaches to women's development have not been based on analyses of the overall reality of women's lives, but have focused either on their roles as mothers and housewives, or as economic agents. The development of women was seen as an issue of "letting them participate" in projects which they were not involved in determining, on terms decided by others.
- The emphasis later shifted to targeting women through separate women-only projects. While many of these were innovative and catalytic, most were small, isolated and under-funded initiatives which had very little lasting impact. Where women's components have been included in large mainstream projects, the objectives and priorities of these projects were seldom influenced or informed by women's needs and concerns.

## Reference Sheet continued

- It is now widely accepted that gender inequality is not a result of women's integration or lack of integration in development, or their lack of skills, credit and resources. The root cause of the problem lies in the social structures, institutions, values and beliefs which create and perpetuate women's subordination. The issue is not merely one of "adding on" women to various processes, but of reshaping these processes to create the space for women's involvement not only in implementing the development agenda, but also in agenda-setting.
- The global crisis of rapidly increasing ecological degradation and poverty in the 1990s led to a growing acceptance of the critiques of the dominant ideology and conceptual framework of development by people's movements and NGOs in both the South and the North. Dominant models of industry-based and export-led economic growth are now acknowledged to have resulted in large scale exploitation of both natural and human resources. Women have been the worst affected. Women's work and the environment have been compared to invisible "subsidies which support all societies. Both are undervalued or perceived as free even as others continue to profit from them".
- The need is therefore to move from **integrating** women into existing development approaches - giving them "a larger slice of the poisoned pie" - to a framework of **equitable and sustainable development**. This involves reshaping development to reflect the visions, interests and needs of those who have been rendered invisible and powerless by mainstream processes.
- Women and the poor together form the majority of the world's population. The perspectives and experiences of poor women can be a major source of transformation of the way in which we understand development. **Gender mainstreaming is therefore a strategy for addressing and reversing the current global crisis of development.**

**Source:** UNDP. (2004). Moving from Policy Moving from Policy to Practice: A Gender Mainstreaming Strategy for UNDP India. Available online: <http://www.undp.org.in/REPORT/Gstrat/Default.htm>.

## Worksheet 2: Gender in an HRE Project Cycle

Below is a framework for addressing gender at each stage of an HRE project cycle: 1) Planning, 2) Development, 3) Implementation, and 4) Evaluation and Follow-up. For each stage, identify how you ensure/should ensure a gender perspective. Base your answers on your personal experiences.

Source: Adapted from "Gender Approaches in Conflict and Post-Conflict Situations," United Nations Development Programme, 2005. Available online: <http://www.undp.org/gender/docs/gendermanualfinalBCPR.pdf>.

Stage	What critical elements must we consider in order to ensure a gender perspective?
<b>1. Planning</b> <ul style="list-style-type: none"> <li>• <b>Identify</b> problem/perceived need</li> <li>• <b>Conduct</b> environmental scan</li> <li>• <b>Identify</b> evaluation strategy</li> <li>• <b>Create</b> project team, identify roles and responsibilities</li> <li>• <b>Develop</b> fundraising strategy</li> <li>• <b>Write</b> concept paper, proposal and budget</li> <li>• ...</li> </ul>	<p><i>For example,</i>  <i>Meetings with representatives of the community (young, adults, elders both men and women) in order to find out:</i></p> <ul style="list-style-type: none"> <li>– Existing gender roles</li> <li>– Gender division of labour (who does what within the home and the community)</li> <li>– Access to and control over resources</li> <li>– Decision making mechanisms</li> <li>– Opportunities to access services</li> <li>– Education level</li> </ul>

Stage	What critical elements must we consider in order to ensure a gender perspective?
<p><b>2. Development</b></p> <ul style="list-style-type: none"> <li>• <b>Develop</b> target audience profile and selection criteria</li> <li>• <b>Validate</b> learning needs</li> <li>• <b>Formulate</b> program goal and objectives</li> <li>• <b>Design</b> and validate program workplan</li> <li>• <b>Develop</b> and validate activities</li> <li>• <b>Produce</b> evaluation instruments</li> <li>• <b>Develop</b> follow-up strategies/plan</li> <li>• ...</li> </ul>	<p><i>For example:</i></p> <ul style="list-style-type: none"> <li>– <i>Identify clearly the beneficiary of the project (only women, only men, both, local association and institutions, specific groups)</i></li> <li>– <i>Design a strategy that takes care of both contributions that men and women can give as well as the specific need they have to satisfy</i></li> <li>– <i>Remember to use gender sensitive language in writing the project</i></li> </ul>

### Module 3 Building a Culture of Human Rights in Iraq

Stage	What critical elements must we consider in order to ensure a gender perspective?
<p><b>3. Implementation</b></p> <ul style="list-style-type: none"> <li>• <b>Conduct</b> program activities</li> <li>• <b>Adapt</b> activities accordingly</li> <li>• <b>Monitor</b> implementation</li> <li>• <b>Review</b> workplan</li> <li>• ...</li> </ul>	<p><i>For example:</i></p> <ul style="list-style-type: none"> <li>– <i>Train the staff of the importance of the gender approach stressing the accent of those parts of the project which have a gender component</i></li> <li>– <i>Include both men and women of the staff according to the selected beneficiaries of the project and to the cultural and social norms</i></li> <li>– <i>Directly and pro-actively involve the beneficiaries</i></li> </ul>

Stage	What critical elements must we consider in order to ensure a gender perspective?
<p><b>4. Evaluation and follow-up</b></p> <ul style="list-style-type: none"> <li>• <b>Validate</b> and implement follow-up strategies/plan</li> <li>• <b>Evaluate</b> and modify subsequent activities</li> <li>• <b>Produce</b> reports</li> <li>• ...</li> </ul>	<p><i>For example:</i></p> <ul style="list-style-type: none"> <li>– <i>Measure the improvement and/or decline of both male and female condition</i></li> <li>– <i>Verify the effectiveness through interviews to both women and men</i></li> <li>– <i>Verify the efficiency (both economic and in terms of human resources)</i></li> <li>– <i>Analyze the unexpected results (positive and negative)</i></li> </ul>





## Activity 2 Human Rights in Conflict Areas

### Objectives

To examine the impact of conflict in Iraq on human rights issues.

### Time

2 hrs 15 min

### Description

#### Summary

In the previous activity, you discussed the importance of gender in human rights. In building a “culture of human rights” in Iraq, it is clear that the numerous conflicts in Iraq play a significant role in defining and affecting any type of HRE work. This activity helps to clarify how human rights in conflict areas can be successfully addressed through HRE and conflict transformation.

This activity is divided into two parts.

In **Part A**, a resource person will discuss conflict and human rights.

In **Part B**, the facilitator will lead a large group discussion on how conflict relates to participants’ HRE work.

1 hr

#### Part A Presentation by Resource Person

*Resource person: Oussama Safa, General Director, Lebanese Center for Policy Studies, Beirut, Lebanon*

The resource person discusses conflict and the impact it has on addressing human rights issues. In particular, he discusses the following:

- Analysis of the root/structural causes of conflict
- Current conflict in Iraq: actors, interests, causes, effects
- Success stories of conflict transformation in the Middle East
- Roles of civil society and government in conflict transformation

Following the presentation, there is a question and answer period (20 min).

*Continued ▶ ▶ ▶*

*Activity 2 cont'd*

**1 hr 15 min**

**Part B Debrief on the Presentation**

The facilitator leads a large group “debrief” on the resource person’s presentation to discuss how the content of the presentation is applicable to participants’ work in HRE.

**End of Activity ■**

## Activity 3 Building a Culture of Human Rights in Iraq

### Objectives

To describe the necessary elements for building a culture of human rights in Iraq and to examine how participants' HRE activities contribute to this culture.

### Time

2 hrs

### Description

#### Summary

In the previous two activities, you examined how gender and conflict play significant roles in shaping the human rights landscape in Iraq. But how can this situation improve? What would an “ideal” situation – a culture of human rights – look like? And what role does HRE play in this culture? This activity attempts to answer these questions.

This activity is divided into three parts.

In **Part A**, the facilitator will lead a group discussion on the meaning of a culture of human rights.

In **Part B**, you will work in small groups to identify “best practices” that show how to achieve this culture of human rights.

In **Part C**, you will share the results of your small group discussion with the larger group.

30 min

#### Part A Presentation and Discussion

The facilitator presents the definitions of “culture” and “culture of human rights” in **Reference Sheet 8**. The facilitator leads a large group discussion with the following questions:

- Do the definitions of a culture of human rights in **Reference Sheet 8** accurately reflect what an “ideal” human rights situation should be like in Iraq? If yes, why? If no, why not?
- One of the definitions refers to a “shared core set of values regarding a way of life developed over a period of time.” Is there such a core set of values in Iraq? If yes, what are these values?

*Continued* ▶ ▶ ▶

*Activity 3 cont'd*

**1 hr**

**Part B Small Group Work**

The facilitator divides participants into small groups. Participants in each group share their “best practices” of HRE activities aimed at building a culture of human rights in Iraq. For each best practice, consider the following elements:

- How does the best practice involve different target audiences (and in particular, men and women, boys and girls)?
- What were the most significant obstacles you faced when implementing this best practice?
- How does the best practice change people’s attitudes or help define or shape values?
- What were the results (expected and unexpected) of this best practice?

Each small group decides on a format for presenting these best practices to the larger group. The format of each presentation is to be decided by individual groups (flipchart, metacards, role play, presentation, etc.), and this is why there is no accompanying Worksheet for this activity. Prepare to present to the larger group in **Part C**.

**30 min**

**Part C Group Presentations**

The large group reconvenes. Each group reports on the results of their discussion (5 min each). The facilitator synthesizes the common elements.

**End of Activity ■**

## Reference Sheet 8: Definitions of Culture and a Culture of Human Rights

### Some Definitions of Culture

- It is the very essence of individuals, families and communities, who must learn to live together, and reflects their values and forms of expression, whether through their language or their life-styles and family customs, in an increasingly diverse and multicultural society (Council of Cultural Co-operation).
- Clifford Geertz, an anthropologist, defined culture as follows: "the shared patterns that set the tone, character and quality of people's lives" (p. 216). These patterns include language, religion, gender, relationships, class, ethnicity, race, disability, age, sexual orientation family structures, nationality, and rural/suburban/urban communities. These shared patterns, however, go beyond external characteristics to include the values, symbols, interpretations, and perspectives held by a group of people. Culture is a way of living and being in the world; it is a design for living that involves ways of acting, believing, and valuing.

### Some Definitions of a "Culture of Human Rights"

- Shulamith Koenig defines a culture of human rights as "a culture is where we are free from fear and want. These freedoms [are] encoded by very specific and very detailed norms and standards translated into law on the international and national levels.... A human rights culture, as defined by a multitude of norms and standards, is a way of life, politically, morally and legally, a way of life guided by the human rights framework."
- Professor of Law Mario Gomez has defined a culture of human rights as "active practice and implementation of a shared core set of values regarding a way of life developed over a period of time which is inspired by the human rights standards and norms that are translated into practice. In everything we have to look towards dynamism – about new tendencies in the culture of human rights – critical analysis and self-criticism are very important."
- Equitas designs its education programs with a view to contributing towards building a global culture of human rights. This includes:
  1. Ratification by the State of international human rights instruments;
  2. Adoption of the international standards into the Constitution as well as the legislative, policy and procedural framework of the state;
  3. Creation and strengthening of human rights mechanisms to implement and monitor the fulfillment of a state's obligations;
  4. Public awareness of human rights principles, the State's obligations and the available mechanisms; and
  5. Active involvement of civil society and the public in the promotion and protection of their own rights and the rights of others.

**Sources:**

Council for Cultural Co-operation. (2001). Ten Years of Cultural Co-operation in Europe 1989-1999: an Outside View. Strasbourg (69<sup>th</sup> Session). Available online: [http://www.coe.int/t/e/cultural\\_co-operation/culture/resources/publications/CDCC\\_2001\\_7\\_EN.pdf](http://www.coe.int/t/e/cultural_co-operation/culture/resources/publications/CDCC_2001_7_EN.pdf).

Geertz, C. (1973). The Interpretation of Cultures referred in Exploring a Curriculum that is International. Kathy G. Short, University of Arizona. IBO World, November 2003. Available online: <http://www.ed.arizona.edu/Short/Publications/A%20curriculum%20that%20is%20international.pdf>.

Gomez, M. Professor of Law, University of Colombo, Sri Lanka. As cited in the International Human Rights Training Program.

Koenig, S. People's Movement for Human Rights Education (PDHRE) Taken from: the Human Rights Education Association listserv discussion on defining a culture of human rights. <http://www.hrea.org>.

## Module 4

# International Human Rights Standards

Activity		Time
Activity 1	International Human Rights Standards	5 hrs 15 min
Activity 2	HRE Workplan Phase 2	1 hr

### Overview

In **Module 4 – International of Human Rights Standards**, a resource person on international human rights standards presents an overview of human rights standards, key concepts related to human rights standards, and international mechanisms for addressing human rights violations. The international human rights standards to be analyzed are the following:

1. International Covenant on Civil and Political Rights
2. International Covenant on Economic, Social and Cultural Rights
3. Convention on the Elimination of All Forms of Discrimination Against Women
4. Convention on the Rights of the Child
5. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Participants will examine the international instruments in detail and reflect on how they can apply them in their HRE work.





## Activity 1 International Human Rights Standards

### Objectives

- To examine the basic structure of the UN human rights system.
- To analyze five main human rights protection instruments, i.e.,
  - International Covenant on Civil and Political Rights (ICCPR)
  - International Covenant on Economic, Social and Cultural Rights (ICESCR)
  - Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)
  - Convention on the Rights of the Child (CRC)
  - Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)

### Time

5 hrs 15 min

### Description

#### Summary

In the previous Module, you explored what a culture of human rights would be like in Iraq. The human rights principles identified earlier in the workshop form the basis of international human rights standards. What these standards mean and how they can be applied to HRE work form the basis of this activity.

This activity is divided into four parts.

In **Part A**, a resource person will present an overview of the basic structure of the UN human rights system and how the system can be used to protect and promote human rights in a concrete way.

In **Part B**, you will work in groups to analyze one of five international human rights instruments.

In **Part C**, each group will make a ten-minute presentation on the instruments they have analyzed in **Part B**.

In **Part D**, the resource person will present participants with case studies on human rights issues.

*Continued* ▶ ▶ ▶

Activity 1 cont'd

1 hr

**Part A Presentation**

*Resource Person: Prof. Elobaid Ahmed Elobaid, Chief Technical Advisor, UNDP, Sana, Yemen*

The resource person presents an overview of the international human rights system (40 min). In particular, he addresses:

- The UN human rights system
- The structure and content of international human rights treaties as well as the meaning of key terms such as: declaration, covenant, convention, optional protocol, limitations, reservations, signature, ratification and accession.

The resource person then provides a further explanation of some key concepts and terms used in international instruments.

Further explanation of terms:

- Undertake steps by all appropriate means
- Progressive realization
- Maximum of available resources
- International assistance and cooperation

Concepts of:

- Minimum core content
- Justiciability
- Avoiding retrogressive measures

Following the presentation, there is a question and answer period (20 min).

1 hr

**Part B Small Group Work**

Participants work in their designated groups to prepare a presentation on one of the instruments, according to the guidelines provided on the next page.

*Continued ► ► ►*

*Activity 1 cont'd***Guidelines to Participants for Preparing Their Presentation**

1. Prepare a ten-minute presentation on the instrument assigned to your group. Use:
  - the text of the instrument in the Resource Pack
  - the experience of the members of the group
2. Review the suggested format for presentation in the table in **Worksheet 3**.
3. Decide on how your group will proceed to prepare the presentation. You may want to divide into sub-groups and work on different aspects of the presentation or you may choose to work as a whole group.
4. Summarize the results of your discussion on a flipchart version of the table in **Worksheet 3**. Choose one or two spokespersons to deliver the presentation in plenary.

**1 hr 30 min****Part C Group Presentations**

Each group in turn delivers their ten-minute presentation.

After each presentation, the resource person comments and elaborates on the information provided.

**1 hr 45 min****Part D Case Studies**

The resource person presents participants with a series of case studies about human rights issues in Iraq and has participants examine these case studies using the international human rights instruments analyzed in **Part B**.

**End of Activity ■**



### Worksheet 3: Main Features of International Human Rights Instruments

Name of instrument: \_\_\_\_\_  
 Date of entry into force: \_\_\_\_\_  
 Number of States parties: \_\_\_\_\_  
 Date of ratification by Iraq: \_\_\_\_\_

Element	How it is addressed in the instrument
1. Rights protected	
2. Obligations imposed on the State	
3. Limitations	

#### Module 4 International Human Rights Standards

Element	How it is addressed in the instrument
4. Duties/responsibilities imposed on the public	
5. Mechanisms for monitoring compliance	
6. Optional protocol(s) and purpose	
7. Other special characteristics	

## Activity 4 HRE Workplan Phases 2 and 3

### Objective

To complete Phase 2 of the HRE Workplan and to review Phase 3.

### Time

1 hr

### Description

Participants take the time to complete Phase 2 of their HRE Workplan, which helps them clarify how to transfer their learning from the workshop and reflect on key points of each Module. Refer to **“Phase 2: Developing Your Workplan”** in the HRE Workplan.

Also begin to look at the format for your Workplan in **“Phase 3: Refining and Finalizing Your Workplan.”**

End of Activity ■





## Module 5

### Effective HRE in Iraq

Activity		Time
Activity 1	HRE Content and Methodology	1 hr 30 min
Activity 2	Evaluating Effective HRE	1 hr 45 min
Activity 3	HRE Workplan Phase 3	2 hrs

#### Overview

In **Module 5 – Effective HRE in Iraq**, participants share some of their “best practices” in HRE work and examine other types of effective HRE. Participants reflect on the goals of HRE and how to develop effective HRE programs aimed at fostering a positive social change.



## Activity 1 HRE Content and Methodology

### Objective

To examine the applicability of different types of HRE content and methodologies to participants' human rights work.

### Time

1 hr 30 min

### Description

#### Summary

In the previous Module, you discussed international human rights standards and how you can apply them in your HRE work. But how can these standards be addressed in your work using a methodology that also fosters the creation of skills for HRE and the fostering/changing of values and attitudes towards human rights? This activity presents you with effective ways to consider knowledge, skills, and attitudes in your HRE work.

This activity is divided into three parts.

In **Part A**, the facilitator will lead a group discussion on human rights content.

In **Part B**, you will work in small groups to identify areas of human rights content for particular target audiences.

In **Part C**, you will share the results of your small group discussion with the larger group.

20 min

#### Part A Presentation and Discussion

The facilitator leads a large group discussion on different areas of human rights content, namely:

1. human rights knowledge
2. human rights skills
3. human rights attitudes and values

Refer to **Reference Sheet 9 to 11** for more information.

*Continued* ▶ ▶ ▶

*Activity 1 cont'd*

**40 min**

**Part B Small Group Work**

The facilitator leads a quick brainstorming session on identifying different target audiences that the participants work with (e.g., teachers, NGOs/CBOs, children, etc.). The group agrees to select five different target audiences from the list.

Participants are divided according to target audience. Each group identifies the different areas of human rights content – knowledge, skills, and values/attitudes – that the target group would change/develop as a result of HRE. Use **Worksheet 4** to guide you in your discussions.

Note that you do not need to fill in each of the three areas equally. For example, if you are conducting an HRE program with children on raising their awareness of their rights, you may want to focus primarily on ensuring they have an understanding of their rights (knowledge), but not so much on skills.

Prepare to present the results of your discussion to the larger group in **Part C**.

**30 min**

**Part C Group Presentations**

The large group reconvenes. Each group reports on the results of their discussion (5 min each). The facilitator synthesizes the common elements.

Questions to consider:

- What are some techniques to ensure that different target groups acquire the knowledge, skills, and attitudes/values listed?
- Are there specific techniques that work for certain audiences?
- Does the human rights content you identified relate to men/women or boys/girls differently? If so, how?

Use the results of the group presentations to help clarify the elements listed in Phase 3 of your **HRE Workplan**.

**End of Activity ■**

## Reference Sheet 9: Framework for Human Rights Education

There is no single framework for developing and implementing HRE activities. The **HRE Workplan** identifies a series of steps to consider when planning a particular HRE plan, and these are:

Step	Description
1	Identifying a <b>focus</b> for the plan
2	Identifying the <b>change</b> required (e.g., change in policy or legislation, change in behaviour, etc.)
3	Examining the <b>feasibility</b> of the plan
4	Analyzing the characteristics of the <b>target audience</b>
5	Formulating a <b>goal</b> and <b>objectives</b>
6	Developing the <b>content</b> and <b>methods</b> used in the HRE activities
7	Ensuring a <b>gender perspective</b> throughout the HRE activities
8	Determining an appropriate <b>timeframe</b> in which to conduct the activities and ensure monitoring, evaluation, and follow-up
9	Evaluating the short, medium, and long term <b>results</b> of the HRE activities.



## Reference Sheet 10: Human Rights Content

As indicated in **Reference Sheet 4**, Equitas' understanding of HRE is that it is a **process of social transformation that begins with the individual and branches out to encompass society at large.**

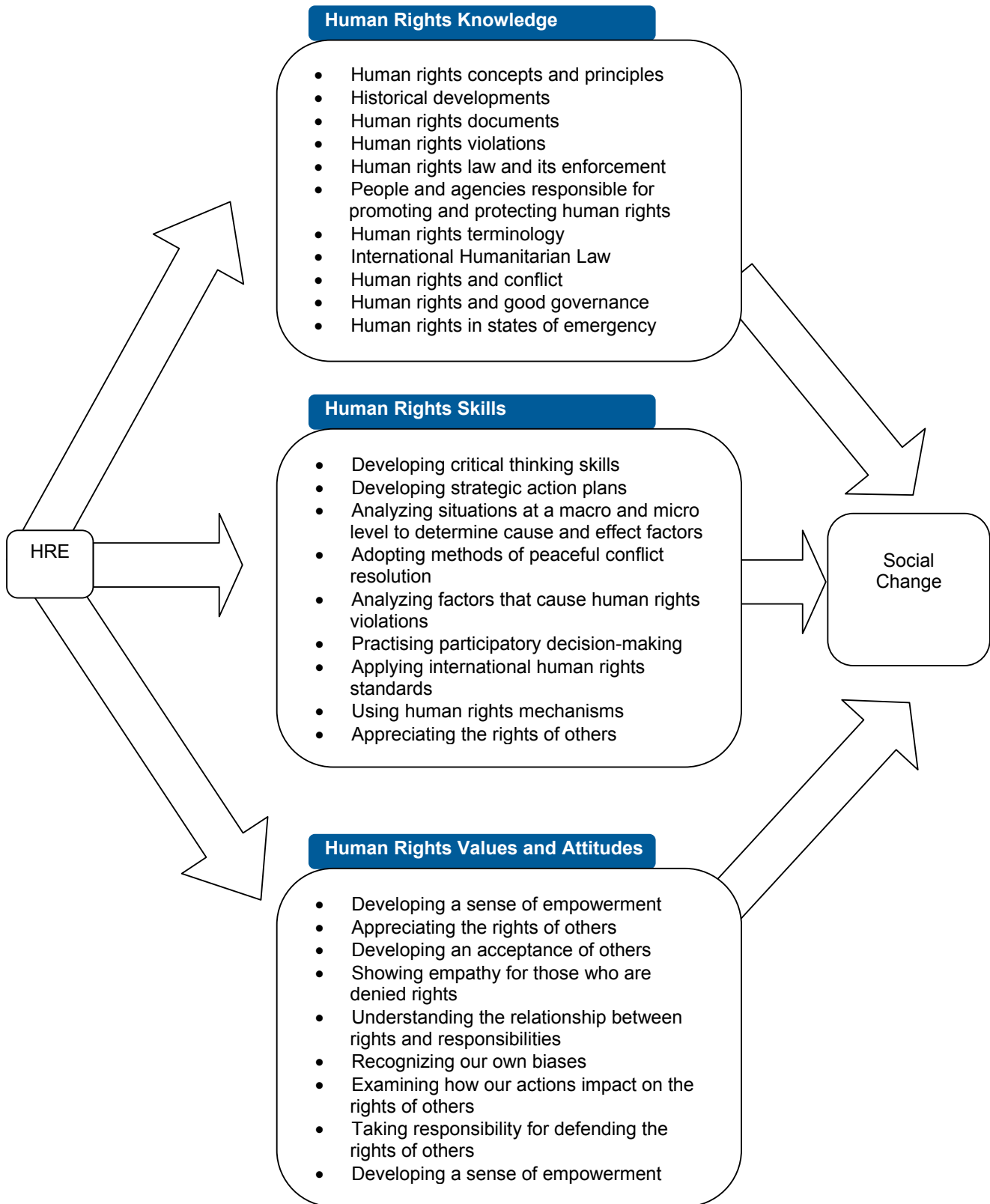
The **goal** of human rights education is **empowerment**. The result is **social change**. HRE involves the exploration of human rights principles and instruments and the promotion of critical reflection and inquiry. Ultimately, human rights education inspires people to take control of their own lives and the decisions that affect their lives.

HRE is used as a means to assist people to develop knowledge and skills and to help them fully realize their rights. The notion of empowerment as the primary goal of effective HRE brings about several specific aspects of **HRE content**, namely knowledge building, skills development, and a reflection and clarification of values and attitudes:

- *Enhance knowledge* about human rights, e.g., knowledge about the range of constitutionally protected human rights as well as present-day declarations, conventions and covenants.
- Enable people to *develop critical understanding* of their life situation, e.g., questioning the barriers and structures which prevent the full enjoyment of their rights and freedoms.
- Help in the process of *value clarification*, as thinking people reflect on such values as fairness, equality, and justice.
- Bring about *attitudinal changes*, e.g., teaching tolerance among and between members of different ethnic and national groups.
- Promote *attitudes of solidarity*, e.g., helping people recognize the struggles of others both at home and abroad as our fellow human beings seek to meet their needs and respond to violations of human rights.
- Effect *behavioral change*, bringing about action that reflects people's respect for one another, e.g., men behaving in nonabusive ways toward women, government officials behaving respectfully toward citizens by honoring everyone's human rights, etc.

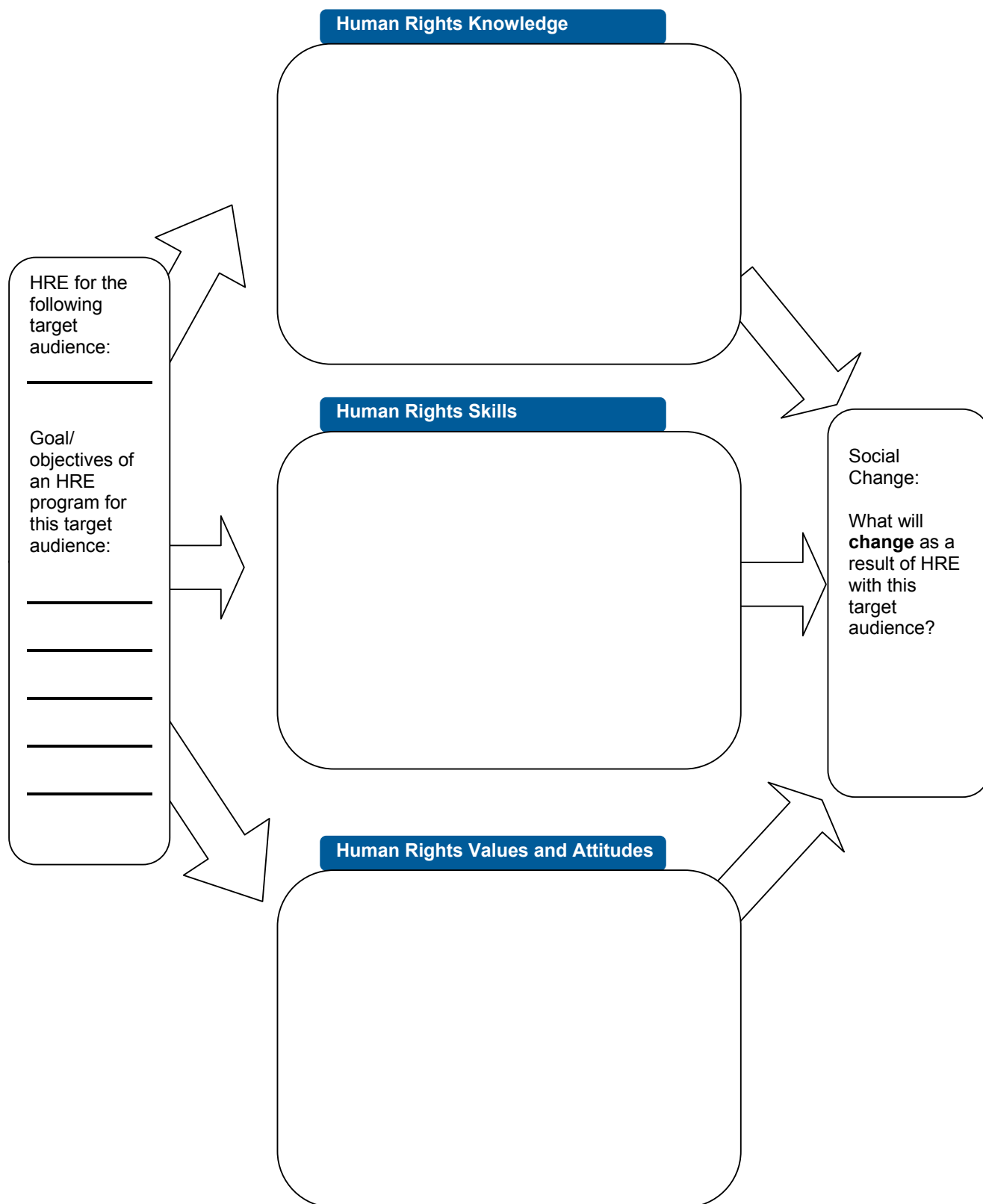
Source: Claude, R. P. Methodologies for Human Rights Education. Available online: <http://www.pdhre.org/materials/methodologies.html>.

## Reference Sheet 11: Human Rights Knowledge, Skills, Attitudes and Values





## Worksheet 4: Human Rights Content for Specific Target Audiences



## Activity 2 Measuring the Impact of HRE

### Objective

To identify ways to measure the impact of our HRE work.

### Time

1 hr 45 min

### Description

#### Summary

In the previous activity, you discussed different aspects of human rights content and methodology. But how do we know our HRE work is effective? This activity looks at different levels of results and how these results can be measured.

This activity is divided into two parts.

In **Part A**, the facilitator will present a framework for evaluating the impact of HRE.

In **Part B**, you will discuss and comment on the use of this framework to your HRE activities.

45 min

#### Part A Presentation on Results

The facilitator explains different levels of results (**Reference Sheet 12**), namely:

1. Short-term results (outputs)
2. Medium-term results (outcomes)
3. Long-term results (impact)

The facilitator explains how results are measurable through the use of indicators (**Reference Sheet 13**).

The facilitator uses the example of the MENA Program (**Reference Sheet 14**) to illustrate results at different levels.

*Continued ▶ ▶ ▶*

*Activity 2 cont'd***45 min****Part B Large Group Discussion**

The facilitator leads a large group discussion to generate ideas about evaluation methods that would enable us to measure the impact of HRE.

Questions to guide your discussion:

- How do you know that you achieved what you set out to do with your HRE work? What are the immediate outputs from your work?
- Suppose you conducted a training event. After the event, what did the participants do with what they learned during the training event? What were the outcomes?
- Can you give examples of positive changes at the societal level which can be linked to your HRE work?

**End of Activity ■**

## Reference Sheet 12: Assessing the Impact of HRE

### IMPACT – Long-term results

An impact is the longer-term result that is the consequence of the achievement of outcomes.

*What are the changes at the **societal** level?*

### OUTCOMES – Medium-term results

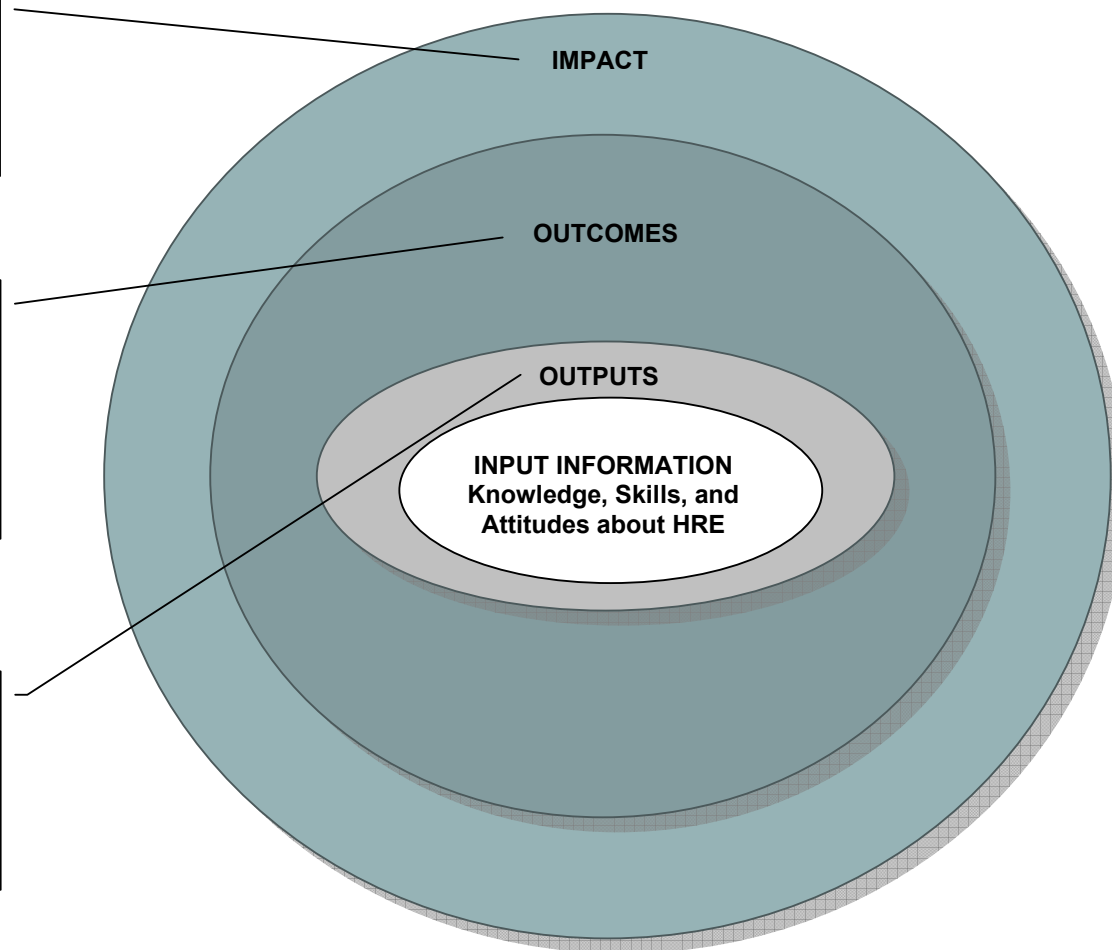
Outcomes are logical consequences of outputs achieved. This is generally the level where the end users take ownership of HRE work.

*What are the changes at the **institutional / organizational** level?*

### OUTPUTS – Short-term results

Outputs refer to immediate, visible, concrete and tangible consequences of HRE work. Capacity building begins at the level of the individual.

*What are the changes at the **individual** level?*



## Reference Sheet 13: Indicators: Key Definitions

### Indicator

An indicator is a measure or pointer that helps to quantify or describe achievement of results. It helps to demonstrate progress when things go right and provides an early warning signal when things go wrong. Indicators only indicate—they do not tell the whole story. For example, indicators do not explain why progress did or did not occur. Selecting the “right” indicators is critical. Data for indicators must be reliable and consistent over time, sensitive to progress toward results, feasible and affordable to collect and analyze, and useful for decision making.

### Baseline Data

The set of conditions existing at the outset of a program/project. Results will be measured or assessed against such baseline data. Another similar term used is **benchmark**: a point of reference from which measurements may be made.

### Quantitative Indicators

Measures of quantity, including statistical statements. Quantitative indicators have a numerical value.

- Number of...
- Frequency of...
- Percentage of...
- Ratio of...

### Qualitative Indicators

Judgments, opinions, perceptions and attitudes derived from subjective analysis.

- Presence of...
- Quality of...
- Extent of...
- Level of...

### Sources:

Results-Based Management in CIDA - Policy Statement. Available from:  
<http://www.acdi-cida.gc.ca/>.

UNFPA. (2000). Results-Based Management at UNFPA. Available online:  
<http://www.unfpa.org/results/docs/rbminfomaterials.doc>.

## Reference Sheet 14: Program Performance Framework for the Equitas MENA Program

Expected Results	Performance Indicators	Risks & Assumptions
<p><b>Impact</b></p> <p>Empowered civil society to effectively participate in the realization of a culture of human rights where governments fulfil their obligations to respect, protect, and promote human rights.</p>	<p>Enhanced culture of human rights with improved gender equality in the region. E.g.:</p> <ul style="list-style-type: none"> <li>• Ratification of international and regional human rights instruments</li> <li>• Adoption of human rights-friendly constitutions, laws or practices</li> <li>• Revision of existing domestic legislation to ensure it is in conformity with human rights obligations that include gender equality</li> </ul>	<p>Regional and national political context render the human rights situation precarious in many countries in addition to the volatile level of tensions and conflict. May affect at times the implementation of the program in some parts of the region.</p>
<p><b>Outcomes</b></p> <p>1. Utilization of a human rights framework to analyze and address issues and situations in participants' countries and in the overall region including a gender equality perspective.</p> <p>2. Effective use of knowledge and skills to design and implement HRE initiatives to promote human rights within organizations, societies and governments, with particular efforts in Iraq and including a gender equality perspective.</p> <p>3. Effective and efficient program management and achievement of results.</p>	<p>1. Change in utilization of human rights instruments and mechanisms, values and principles, as tools for understanding and addressing human rights violations.</p> <p>2. Use of methods and strategies to teach human rights that include gender equality within participants' organizations, in their societies and with their governments.</p> <p>3. Examples of networking and planned networking, highlighting exchange of expertise or joint activities towards a common goal.</p> <p>4. Number of programs implemented and participants' perceptions of improved results of HRE activities undertaken; improved integration of gender issues into activities and programs.</p>	<p>Limited resources available to NGOs in relation to competing demands may make a sustained commitment to following up on HRE activities difficult.</p>

Expected Results	Performance Indicators	Risks & Assumptions
<p><b>Outputs</b></p> <p>110-Increased capacity in HRE for 36 IH RTP participants.</p> <p>210-230-Program rooted in the region by increased buy-in from regional stakeholders.</p> <p>220-Increased capacity of 25-30 participants in the region to develop, implement and evaluate HRE programs and maintain a network for sharing lessons learned.</p> <p>240-Increased knowledge of 25-30 Iraqis of human rights instruments and mechanisms and use of them in the promotion of human rights.</p> <p>250-Increased capacity of ToT participants' organizations to develop, implement and evaluate effective HRE activities and use them as a tool for social change.</p> <p>310-Effective and efficient program management in Canada.</p>	<p>110-1) Change in IH RTP participants' level of skills and knowledge (measured through questionnaires and interviews).</p> <p>210-1) Level of participation of stakeholders (program ownership) and their understanding of the needs and added value of the program in the region including Iraq (measured by session's evaluation).</p> <p>220-1) 25-30 participants from the region are able to design and implement HRE activities (measured by evaluation of workshops, questionnaires and HRE workplans).</p> <p>220-2) Number of participants active in networking by collaborating and sharing lessons learned.</p> <p>240-1) Change in 25-30 Iraqi participants' human rights knowledge and skills; (measured by evaluation and questionnaires).</p> <p>250-1) Evaluation activities reveal that local organizations have changed or improved their capacity to implement HRE activities (measured by questionnaires to participants in local activities).</p> <p>310-1) Information collected during inception mission used to prepare activities for first year of implementation (AWP).</p> <p>310-2) Annual Work Plans and Reports are submitted on time and provide Equitas &amp; CIDA relevant information to monitor progress (measured through CIDA's feedback).</p>	<p>Professional mobility of individuals may undermine the results of the program activities (participants may not necessarily stay with the same organization throughout the course of the MENA program).</p>
<p>320-Effective and efficient program management in the field including support for networking activities.</p>	<p>320-1) Reports submitted on time to Equitas head office; channels of communication in place (measured by regular evaluations).</p> <p>320-2) Satisfaction of participants with program implementation (measured through questionnaires and evaluations).</p>	

### Activity 3 HRE Workplan Phase 3

#### Objective

To complete Phase 3 of the HRE Workplan.

#### Time

2 hrs

#### Description

Participants take the time to complete Phase 3 of their HRE Workplan, which helps them put together all the parts of the Workplan in order to present it on the final day of the workshop. Refer to “**Phase 3: Refining and Finalizing Your Workplan**” in the HRE Workplan.

End of Activity ■



## Module 6

### Next Steps

Activity		Time
Activity 1	Strengthening HRE Networks	1 hr 15 min
Activity 2	HRE Workplan Phase 4: Presentation of HRE Workplans	2 hrs
Activity 3	Next Steps	1 hr
Activity 4	Workshop Evaluation and Closing	1 hr

#### Overview

**In Module 6 – Next Steps**, participants present their HRE Workplans and identify ways to strengthen the network of organizations working in HRE in Iraq.



## Activity 1 Strengthening HRE Networks

### Objective

To identify advantages and challenges for effective HRE activities through networks in the context of Iraq.

To develop methods to benefit from the advantages and to address the challenges associated with networking.

### Time

1 hr 15 min

### Description

#### Summary

In the previous Module, you examined different types of human rights knowledge, skills, and attitudes/values for a number of different target audiences. An organization's HRE work can be significantly strengthened by networking and sharing experiences with other organizations. This activity explores some of those advantages, as well as some challenges associated with networking.

This activity is divided into three parts.

In **Part A**, the facilitator will present ideas on networks and coalitions.

In **Part B**, you will work in small groups to identify opportunities for networking.

In **Part C**, you will share the results of your discussion with the large group.

15 min

#### **Part A Establishing Networks: Advantages and Challenges**

The facilitator leads a brainstorming session on what “networks” and “coalitions” mean to participants. Refer to **Reference Sheet 15** for some definitions.

- What does “network” mean to you?

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*Continued* ▶ ▶ ▶

*Activity 1 cont'd*

- What does “coalition” mean to you?

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**30 min**

**Part B Strengthening Networks and Coalitions**

Participants explore opportunities for supporting each other in HRE activities in Iraq. The facilitator divides participants into small groups. In each group, answer the questions in **Worksheet 5** and prepare to report back to the group in **Part C**.

**30 min**

**Part C Group Presentations**

The large group reconvenes. Each group reports on the results of their discussion (5 min each). The facilitator synthesizes the common elements.

**End of Activity ■**

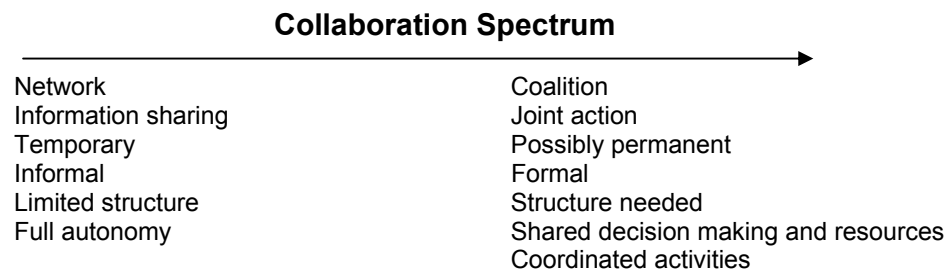
## Reference Sheet 15: Networks and Coalitions

### Network:

A group of individuals, groups, or institutions that exchange information and/or services. The emphasis in networking is on *exchange*.

### Coalition:

An alliance of organizations for joint action. Like networks, coalitions can exchange information and services, but the emphasis is on *action*. Coalitions are basically networks that go one step further in providing for action.



### Reasons to form a Network/Coalition:

- Speaking with a stronger voice/increasing the pressure.
- Enabling linkages with groups that do not necessarily do the same work as you but can support your advocacy campaign.
- Increasing the pool of information, experience, sharing of best practices, and contacts.
- Avoiding duplication of efforts.
- Coordinating quick responses to a crisis.
- Creating collective security.

### Reasons for Failed Networks/Coalitions

- Can actually drain individual groups' resources, rather than augment them.
- Environmental factors beyond the control of coalition members can also derail the effort to act as a collective.
- Communications barriers.
- Credibility: a human rights group will not want to associate with other groups that it feels could damage its credibility.
- Undemocratic decision-making.
- Loss of autonomy.
- Competition between coalition members.
- Financial tensions.

Adapted from: The Fund for Peace. (1994). A Handbook on Establishing and Sustaining Human Rights Organizations.

## Worksheet 5: Networks and Coalitions

Question	Notes
1. Why join a network/coalition? Is there a common basis for unity? Is there unity on a human rights issue or a program?	
2. What are the advantages of joining a network/coalition?	
3. What are the challenges of being part of a network/coalition?	
4. Is being part of a network or a coalition a priority for our organizations? Will joining a network/coalition help further our organization's agenda?	
5. What roles are necessary within the network/coalition in order for it to be sustainable?	

## Activity 2     HRE Workplan Phase 4: Presentation of HRE Workplans

### Objective

To complete Phase 4 of the HRE Workplan.

### Time

2 hrs

### Description

Participants present their Workplans to other participants in order to receive feedback.

End of Activity ■

## Activity 3    Next Steps

### Objective

To discuss the next steps in the program.

### Time

1 hr

### Description

The Equitas team leads a discussion on the next steps of the MENA Program.

End of Activity ■



## Activity 4 Workshop Evaluation and Closing

### Objectives

To evaluate and close the workshop.

### Time

1 hr

### Description

The facilitator provides you with a general evaluation questionnaire.

End of Activity ■



# Resource Pack

## Overview

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This Resource Pack contains additional information that complements the workshop activities. Each resource is labelled according to its corresponding Module. Therefore, the first resource for Module 1 is labelled “Resource 1-1.” The list of Resources is indicated in the below:

## Resources

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### **Module 1**

Resource 1-1: Effective Group Dynamics – The Life Cycle of Groups

Resource 1-2: Using a Participatory Approach to Learning

### **Module 2**

Resource 2-1: Concept Mapping

### **Module 3**

Resource 3-1: Elements of Conflict Situations and Possible Gender Dimensions

Resource 3-2: Gender Analysis

Resource 3-3: Definition of Terms – Conflict

Resource 3-4: HRE and Conflict Transformation

### **Module 4**

Resource 4-1: International Covenant on Civil and Political Rights

Resource 4-2: Optional Protocol to the International Covenant on Civil and Political Rights

Resource 4-3: Second Optional Protocol to the International Covenant on Civil and Political Rights

Resource 4-4: International Covenant on Economic, Social and Cultural Rights

Resource 4-5: Convention on the Elimination of All Forms of Discrimination against Women

Resource 4-6: Convention on the Rights of the Child

Resource 4-7: Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts

Resource 4-8: Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography

Resource 4-9: Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

### **Module 5**

Resource 5-1: Defining Social Transformation

Resource 5-2: Effective Training Techniques



### Resource 1-1: Effective Group Dynamics – The Life Cycle of Groups

Before a group of people can function well together in a training context, they have to pass through a series of stages (see below). The challenge for every good facilitator is to help their participants move through the various stages of group formation until they reach the final stage.

#### The Four Stages of Group Development

1. **Forming Stage:** the group is a collection of individuals, each with her/his own agenda and expertise and little or no shared experience. (i.e., at the beginning of a training session).
2. **Storming Stage:** individuals in a group become more familiar with one another, personal values and principles are challenged, roles and responsibilities are assumed and/or rejected, and the group's objectives and way of working together are defined.
3. **Norming Stage:** the group has settled down and developed a clear identity. Members have begun to understand their roles in relation to one another and establish a shared vision or goal. People know each other better; they have accepted the rules and probably developed little sub-groups.
4. **Performing Stage:** norms have been established and the group is ready to focus on output. It is in this phase that they work most effectively as a group. The confidence level of the group has reached the point where they are willing to take significant risks and try out new ideas on their own.

**Source:** IIED. (1997). PLA Notes. Issue 29, pp. 92-94. London.

## Resource 1-2: Using a Participatory Approach to Learning

The curriculum design model of this workshop is based on principles of adult experiential learning. The emphasis is on practical application and on the development of strategies for action. Continued reflection and evaluation are central to the learning process.

### Underlying Beliefs

People learn more effectively when:

- their own capacity and knowledge is valued
- they are able to share and analyze their experiences in a safe and collective environment
- they are active participants in the learning process

### Some Assumptions about a Learning Event (program, workshop, activity)

- Much of the content comes from the participants - the agenda or the program provides the framework for drawing out this content
- Participants bring analysis and experience to the program
- Participants will take responsibility for their own learning and interaction with other participants
- Everyone will participate fully in the sessions
- There will be tolerance of differences in approaches and strategies

### Some Assumptions about Ourselves as Educators

- We know less than the participants in our programs, about their particular social context
- Who we are has been shaped by our particular knowledge, experience, and perspectives
- We bring a knowledge of theory and practice of participatory education and will contribute it as appropriate

### The Curriculum Design Model

The “Spiral Model” (Diagram 1 on the next page), which is the design model used by Equitas in planning our HRE programs, incorporates what we know about effective adult education. This model suggests that:

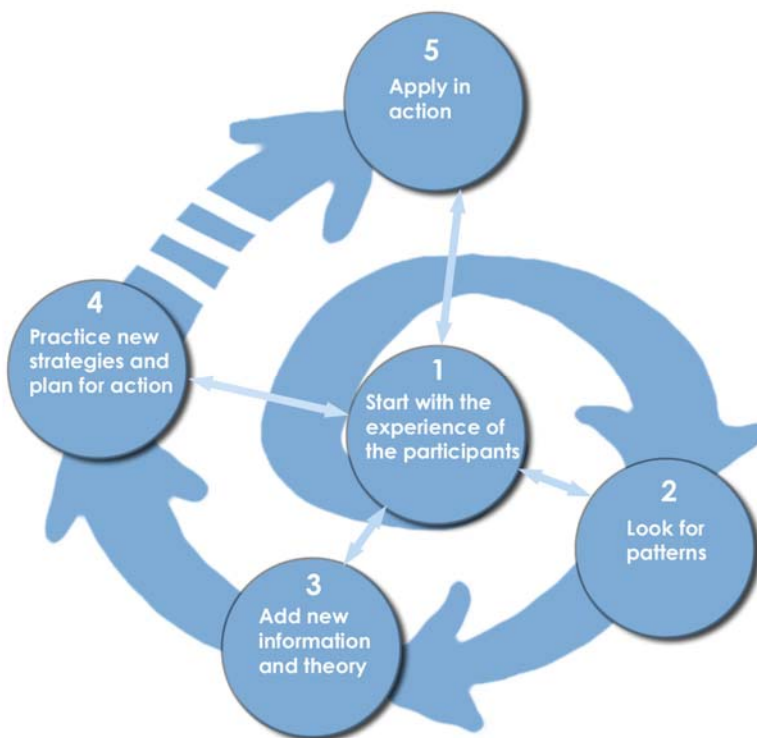
1. Learning begins with the experience and knowledge of the participants. The educational approach is learner-centered, and aims at reinforcing learners' self-esteem, self-confidence and the development of a positive and realistic self-concept.

2. After the participants have shared their experiences, they analyze that experience and look for patterns (i.e., what are the commonalities? what are the patterns?)
3. To complement the knowledge and experience of the participants, new information and theory from experts are added or new ideas are created collectively.
4. Participants need to practice what they have learned. They need to practice new skills, develop strategies and plan for action.
5. Afterwards (usually when they are back in their organizations and daily work) participants apply in action what they have learned.

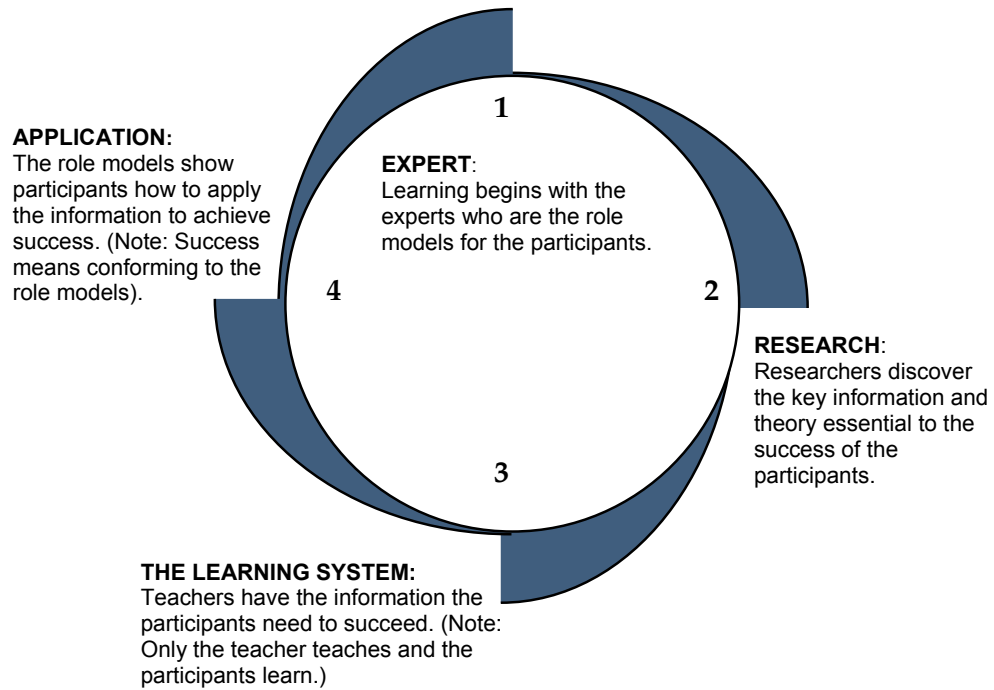
Reflection and evaluation are built into the program design and are systematically carried out throughout. They are not just done at the end.

The Spiral Model differs from more traditional types of education models such as the “Expert Model” (Diagram 2, next page) in that it values the knowledge and experiences of the participants rather than relying mainly on the knowledge of the teacher or expert to transmit information to participants as in the Expert Model. The Spiral Model also focuses on action leading to change as a result of participants’ changing perceptions, whereas the Expert Model focuses on participants maintaining the status quo.

**The Spiral Model – Diagram 1**



## The Expert Model – Diagram 2





## Resource 2-1: Concept Mapping

Concept mapping is a structured process that involves one or more people sharing their ideas on a topic and creating a picture of these ideas and the connections between them.

Concept mapping helps people to think more effectively as a group without losing their individuality. It helps groups manage complexity without trivializing or losing detail.

"Concept mapping", "mental mapping", "mind mapping", or "concept webbing" are all terms that have been used to describe this technique which results in the creation of a picture of someone's ideas.

Six steps in the concept mapping process:

### 1. Plan the Task

Determine the focus, the participants and the schedule.

### 2. Generate Ideas

Participants develop a large set of statements (i.e., words, symbols, images) that address the focus.

### 3. Select, Rate, and Organize Ideas

First, participants make a selection of the statements based on a relevant scale, which they determine. Second, participants organize the statements in preparation for mapping.

### 4. Create the Map

Participants display the statements in map form.

### 5. Interpret the Map

Participants develop a written explanation of their map.

### 6. Use the Map

Participants use the map to help address the original focus.

**Source:** Trochim, W. (2000). Concept Mapping. Adapted from:  
<http://trochim.human.cornell.edu/kb/conmap.html>.

### Resource 3-1: Elements of Conflict Situations and Possible Gender Dimensions

The following table highlights ways in which gender differences and inequalities may be relevant in conflict situations.

Elements of conflict situations and possible gender dimensions	
Pre-conflict situations	
<i>Elements of conflict situations</i>	<i>Possible gender dimensions</i>
<b>Increased mobilization of soldiers</b>	Increased commercial sex trade (including child prostitution) around military bases and army camps.
<b>Nationalist propaganda used to increase support for military action</b>	Gender stereotypes and specific definitions of masculinity and femininity are often promoted. There may be increased pressure on men to 'defend the nation.'
<b>Mobilization of pro-peace activists and organizations</b>	Women have been active in peace movements – both generally and in women-specific organizations. Women have often drawn moral authority from their role as mothers, but they have also been able to step outside traditional roles during conflict situations, taking up public roles in relief and political organizations.
<b>Increasing human rights violations</b>	Women's rights are not always recognized as human rights. Gender-based violence may increase.
During conflict situations	
<b>Psychological trauma, physical violence, casualties and death</b>	Men tend to be the primary soldiers/combatants. Yet, in various conflicts, women have made up significant numbers of combatants. Women and girls are often victims of sexual violence (including rape, sexual mutilation, sexual humiliation, forced prostitution and forced pregnancy) during armed conflict.
<b>Social networks disrupted and destroyed – changes in family structures and composition</b>	Gender relations can be subject to stress and change. The traditional division of labour within a family may be under pressure. Survival strategies often necessitate changes in the gender division of labour. Women may become responsible for an increased number of dependents.
<b>Mobilization of people for conflict. Every day life and work disrupted.</b>	The gender division of labour in workplaces can change. With men's mobilization for combat, women have often taken over traditionally male occupations and responsibilities. Women have challenged traditional gender stereotypes and roles by becoming combatants and taking on other non-traditional roles.
<b>Material shortages (shortages of food, health care, water, fuel, etc)</b>	Women's role as provider of the everyday needs of the family may mean increased stress and work as basic goods are more difficult to locate. Girls may also face an increased workload. Non-combatant men may also experience stress related to their domestic gender roles if they are expected, but unable, to provide for their families.

Elements of conflict situations and possible gender dimensions	
<b>Creation of refugees and displaced people</b>	People's ability to respond to an emergency situation is influenced by whether they are male or female. Women and men refugees (as well as boys and girls) often have different needs and priorities.
<b>Dialogue and peace negotiations</b>	Women are often excluded from formal discussions given their lack of participation and access in pre-conflict decision-making organizations and institutions.
<b>During reconstruction and rehabilitation</b>	
<b>Political negotiations and planning to implement peace accords</b>	Men and women's participation in these processes tends to vary, with women often playing only minor roles in formal negotiations or policy making.
<b>Media used to communicate messages</b>	Women's unequal access to media may mean that their interests, needs and perspectives are not represented and discussed.
<b>Use of outside investigators, peacekeepers, etc.</b>	Officials are not generally trained in gender equality issues (women's rights as human rights, how to recognize and deal with gender-specific violence).  Women and girls have been harassed and sexually assaulted by peacekeepers.
<b>Holding of elections</b>	Women face specific obstacles in voting, in standing for election and in having gender equality issues discussed as election issues.
<b>Internal investments in employment creation, health care, etc.</b>	Reconstruction programs may not recognize or give priority to supporting women's and girls' health needs, domestic responsibilities or needs for skills training and credit.
<b>Demobilization of combatants</b>	Combatants are often assumed to be all male. If priority is granted to young men, women do not benefit from land allocations, credit schemes, etc.
<b>Measures to increase the capacity of and confidence in civil society</b>	Women's participation in community organizations and NGOs is generally uneven. These organizations often lack the capacity and interest in granting priority to equality issues.

**Source:** UNDP. (2005). Gender Approaches in Conflict and Post-Conflict Situations. Available online: <http://www.undp.org/gender/docs/gendermanualfinalBCPR.pdf>.

## Resource 3-2: Gender Analysis

Through gender analysis we can identify the differences between women and men regarding their specific activities, conditions, needs, access and control over resources, and access to development benefits and decision-making. Three key elements have been highlighted in identifying gender analysis:

### Division of labour

- Men: productive tasks
- Women: reproductive tasks

### Division of resources

- Women often are not allowed to own capital assets and have no access and control over resources

### Needs

- Practical and strategic needs differ greatly between men and women

It is important to have a clear understanding of “who does what” within the society. Often women are relegated to reproductive tasks, but in conflict and emergency situations, they may also play an important role in productive activities. Moreover, a better understanding of women’s needs is crucial in deciding how benefits and resources are distributed and accessed by men and women during a crisis. Finally, it is fundamental to support not only women’s practical concerns, such as the need for fuel, wood, water, food and sustainable health, including reproductive health needs. It is also critical to support women’s strategic needs, including leadership, decision-making and empowerment. By supporting these qualities and focusing on women’s strengths rather than their weaknesses the entire community will be afforded better protection.

Gender analysis seeks to identify and address the impact of a policy, programme, action and initiative by men and women. This entails collecting sexually desegregated data and gender-sensitive information about the population concerned. Gender analysis is the first step in gender sensitive planning and for promoting gender equality. The following gender policies have been classified by Naila Kabee:

### Gender-blind policies

Recognize no distinction between the sexes. Assumptions incorporate biases in favour of existing gender relations and so tend to exclude women.

**Gender-aware policies**

Recognize that within a society, actors are women as well as men, that they are constrained in different, and often unequal ways, and they may consequently have differing and sometimes conflicting needs, interests and priorities.

**Gender neutral policy approaches**

Use the knowledge of gender differences in a given context to overcome biases in delivery, to ensure that they target and benefit both genders effectively in terms of their practical gender needs, and that they work within the existing gender division of resources and responsibilities.

**Gender specific policies**

Use the knowledge of gender differences in a given context to respond to the practical gender needs of a specific gender, working with the existing division of resources and responsibilities.

**Gender redistribution policies**

Are interventions that intend to transform existing distributions to create a more balanced relationship of gender. These policies may target both genders, or one gender specifically; touch on strategic gender interests; and may work with women's practical gender needs, but do so in ways which have transformatory potential to help build up the supportive conditions for women to empower themselves.

These different approaches are not mutually exclusive. For instance, in situations where gender-blind planning has been the norm, moving towards gender-neutral policies would be a significant step forward. In some situations, it may be counter-productive to start with gender-redistribution policies, and a better approach could focus more on needs specific to women.

**Source:** UNDP. (2005). Gender Approaches in Conflict and Post-Conflict Situations. Available online: <http://www.undp.org/gender/docs/gendermanualfinalBCPR.pdf>.

### Resource 3-3: Definition of Terms – Conflict

#### **Conflict Transformation**

A generic, comprehensive term referring to actions and processes which seek to alter the various characteristics and manifestations of conflict by addressing the root causes of a particular conflict over the long term. It aims to transform negative destructive conflict into positive constructive conflict and deals with structural, behavioural and attitudinal aspects of conflict. The term refers to both the process and the completion of the process. As such, it incorporates the activities of processes such as Conflict Prevention and Conflict Resolution and goes farther than Conflict Settlement or Conflict Management.

#### **Conflict Resolution**

Activities undertaken over the short term and medium term dealing with, and aiming at overcoming, the deep-rooted causes of conflict, including the structural, behavioural, or attitudinal aspects of the conflict. The process focuses more on the relationships between the parties than the content of a specific outcome.

#### **Conflict Management**

Activities undertaken to limit, mitigate and contain open conflict. In particular, it refers to actions that aim to control and handle a conflict in order to limit its negative effects and bring it to an end and to prevent the vertical (i.e., intensification of violence) or horizontal (territorial spread) escalation of existing violent conflict. One component is Crisis Management, which is active from the beginning of high tension to the cessation of violent conflict and crisis situations.

**Source:** Berghof Foundation. (2007). Berghof Handbook for Conflict Transformation. Available online: [http://www.berghof-handbook.net/uploads/download/glossary\\_handbook.pdf](http://www.berghof-handbook.net/uploads/download/glossary_handbook.pdf).

### Resource 3-4: HRE and Conflict Transformation

In the real world, you cannot just spell out human rights principles and hope people will adopt them. You have to relate them to local cultures and how they will help to bring about greater tolerance, equality, and integrity among people of different backgrounds with different interests. Human rights education must not be approached in a vacuum, but with direct application to the local environment. Human rights education does not work in communities fraught with conflict unless it is part of a comprehensive approach... In fact, such education can be counterproductive and lead to greater conflict if people become aware of rights which are not realized. In this respect, human rights education can increase the potential for conflict.

Some of the risks associated with providing human rights education during or post-conflict can be counter-productive and challenging due to the targeting of educational personnel and educational institutions, leading to the destruction of the infrastructure; years of lost schooling for youth in the community resulting in a vulnerable society; fear and disruption of regular life, lack of payment of salaries to educators due to economic resources being allocated elsewhere, and the fact that emergency donor agencies are reluctant to fund education-related activities if they are not seen as a 'development' issue.

To be successful, human rights education must be part of a total program. It must not only focus on building people's knowledge about their rights, but also on enhancing their capacity, confidence and skills to exercise their rights. Moreover, it must include skills in conflict resolution, problem-solving and tolerance promotion. Providing education in times of conflict, and post-conflict can provide positive possibilities for the community such as, re-establishing schooling leading to the restoration of a sense of normality to the community; schools provide a level of protection to high-risk children; education provides a channel for survival around HIV / AIDS; the flexibility and cost of distance learning has been appropriate for post-conflict situations; post-conflict reconstruction allows for the re-development of curriculum including human rights education and civic education.

Through linking human rights education and [conflict resolution]... we can also work towards addressing structural causes of conflict and building relationships among parties. Experience with intra-state conflict in Africa indicates that both should be taken into account if we are to deal with conflict in an effective manner.

#### Sources:

Pitts, D. (2001). Human Rights Education in Diverse, Developing Nations: A Case in Point - South Africa. Available online: <http://usinfo.state.gov/journals/itdhr/0302/ijde/pitts1.htm>. Washington, DC: US State Department.

Tomlinson, K., Benefield, P., Education and Conflict: Research and Research Possibilities, National Foundation for Educational Research, January 2005.

## Resource 4-1: International Covenant on Civil and Political Rights

**G.A. res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force Mar. 23, 1976.**

### **PREAMBLE**

The States Parties to the present Covenant,

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Recognizing that these rights derive from the inherent dignity of the human person,

Recognizing that, in accordance with the Universal Declaration of Human Rights, the ideal of free human beings enjoying civil and political freedom and freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his civil and political rights, as well as his economic, social and cultural rights,

Considering the obligation of States under the Charter of the United Nations to promote universal respect for, and observance of, human rights and freedoms,

Realizing that the individual, having duties to other individuals and to the community to which he belongs, is under a responsibility to strive for the promotion and observance of the rights recognized in the present Covenant,

Agree upon the following articles:

### **PART I**

#### **Article I**

1. All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

2. All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.

3. The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations.



## PART II

### 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.

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 legislative or other measures as may be necessary to give effect to the rights recognized in the present Covenant.

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;

(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;

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

### Article 3

The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all civil and political rights set forth in the present Covenant.

### 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.

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

3. Any State Party to the present Covenant availing itself of the right of derogation shall immediately inform the other States Parties to the present Covenant, through the intermediary of the Secretary-General of the United Nations, of the provisions

from which it has derogated and of the reasons by which it was actuated. A further communication shall be made, through the same intermediary, on the date on which it terminates such derogation.

### **Article 5**

1. Nothing in the present Covenant may be interpreted as implying for any State, group or person any right to engage in any activity or perform any act aimed at the destruction of any of the rights and freedoms recognized herein or at their limitation to a greater extent than is provided for in the present Covenant.
2. There shall be no restriction upon or derogation from any of the fundamental human rights recognized or existing in any State Party to the present Covenant pursuant to law, conventions, regulations or custom on the pretext that the present Covenant does not recognize such rights or that it recognizes them to a lesser extent.

## **PART III**

### **Article 6**

1. 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.
2. In countries which have not abolished the death penalty, sentence of death may be imposed only for the most serious crimes in accordance with the law in force at the time of the commission of the crime and not contrary to the provisions of the present Covenant and to the Convention on the Prevention and Punishment of the Crime of Genocide. This penalty can only be carried out pursuant to a final judgment rendered by a competent court.
3. When deprivation of life constitutes the crime of genocide, it is understood that nothing in this article shall authorize any State Party to the present Covenant to derogate in any way from any obligation assumed under the provisions of the Convention on the Prevention and Punishment of the Crime of Genocide.
4. Anyone sentenced to death shall have the right to seek pardon or commutation of the sentence. Amnesty, pardon or commutation of the sentence of death may be granted in all cases.
5. Sentence of death shall not be imposed for crimes committed by persons below eighteen years of age and shall not be carried out on pregnant women.
6. Nothing in this article shall be invoked to delay or to prevent the abolition of capital punishment by any State Party to the present Covenant.

**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.

**Article 8**

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

2. No one shall be held in servitude.

3.

(a) No one shall be required to perform forced or compulsory labour;

(b) Paragraph 3 (a) shall not be held to preclude, in countries where imprisonment with hard labour may be imposed as a punishment for a crime, the performance of hard labour in pursuance of a sentence to such punishment by a competent court;

(c) For the purpose of this paragraph the term "forced or compulsory labour" shall not include:

(i) Any work or service, not referred to in subparagraph (b), normally required of a person who is under detention in consequence of a lawful order of a court, or of a person during conditional release from such detention;

(ii) Any service of a military character and, in countries where conscientious objection is recognized, any national service required by law of conscientious objectors;

(iii) Any service exacted in cases of emergency or calamity threatening the life or well-being of the community;

(iv) Any work or service which forms part of normal civil obligations.

**Article 9**

1. Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.

2. Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him.

3. Anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release. It shall not be the general rule that persons awaiting trial shall be detained in custody, but release may be subject to guarantees to appear for trial, at any other stage of the judicial proceedings, and, should occasion arise, for execution of the judgement.

4. Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful.

5. Anyone who has been the victim of unlawful arrest or detention shall have an enforceable right to compensation.

#### **Article 10**

1. All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.

2.

(a) Accused persons shall, save in exceptional circumstances, be segregated from convicted persons and shall be subject to separate treatment appropriate to their status as unconvicted persons;

(b) Accused juvenile persons shall be separated from adults and brought as speedily as possible for adjudication. 3. The penitentiary system shall comprise treatment of prisoners the essential aim of which shall be their reformation and social rehabilitation. Juvenile offenders shall be segregated from adults and be accorded treatment appropriate to their age and legal status.

#### **Article 11**

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

#### **Article 12**

1. Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence.

2. Everyone shall be free to leave any country, including his own.

3. The above-mentioned rights shall not be subject to any restrictions except those which are provided by law, are necessary to protect national security, public order (ordre public), public health or morals or the rights and freedoms of others, and are consistent with the other rights recognized in the present Covenant.

4. No one shall be arbitrarily deprived of the right to enter his own country.

#### **Article 13**

An alien lawfully in the territory of a State Party to the present Covenant may be expelled therefrom only in pursuance of a decision reached in accordance with law and shall, except where compelling reasons of national security otherwise require, be allowed to submit the reasons against his expulsion and to have his case reviewed by, and be represented for the purpose before, the competent authority or a person or persons especially designated by the competent authority.

#### **Article 14**

1. All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law. The press and the public may be excluded from all or part of a trial for reasons of morals, public order (ordre public) or national security in a democratic society, or when the interest of the private lives of the parties so requires, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice; but any judgement rendered in a criminal case or in a suit at law shall be made public except where the interest of juvenile persons otherwise requires or the proceedings concern matrimonial disputes or the guardianship of children.

2. Everyone charged with a criminal offence shall have the right to be presumed innocent until proved guilty according to law.

3. In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality:

(a) To be informed promptly and in detail in a language which he understands of the nature and cause of the charge against him;

(b) To have adequate time and facilities for the preparation of his defence and to communicate with counsel of his own choosing;

(c) To be tried without undue delay;

(d) To be tried in his presence, and to defend himself in person or through legal assistance of his own choosing; to be informed, if he does not have legal assistance, of this right; and to have legal assistance assigned to him, in any case where the interests of justice so require, and without payment by him in any such case if he does not have sufficient means to pay for it;

(e) To examine, or have examined, the witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;

(f) To have the free assistance of an interpreter if he cannot understand or speak the language used in court;

(g) Not to be compelled to testify against himself or to confess guilt.

4. In the case of juvenile persons, the procedure shall be such as will take account of their age and the desirability of promoting their rehabilitation.

5. Everyone convicted of a crime shall have the right to his conviction and sentence being reviewed by a higher tribunal according to law.

6. When a person has by a final decision been convicted of a criminal offence and when subsequently his conviction has been reversed or he has been pardoned on the

ground that a new or newly discovered fact shows conclusively that there has been a miscarriage of justice, the person who has suffered punishment as a result of such conviction shall be compensated according to law, unless it is proved that the non-disclosure of the unknown fact in time is wholly or partly attributable to him.

7. No one shall be liable to be tried or punished again for an offence for which he has already been finally convicted or acquitted in accordance with the law and penal procedure of each country.

### **Article 15**

1. 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 shall benefit thereby.

2. Nothing in this article shall prejudice the trial and punishment of any person for any act or omission which, at the time when it was committed, was criminal according to the general principles of law recognized by the community of nations.

### **Article 16**

Everyone shall have the right to recognition everywhere as a person before the law.

### **Article 17**

1. No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation.

2. Everyone has the right to the protection of the law against such interference or attacks.

### **Article 18**

1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.

2. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.

3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others. 4. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.

### **Article 19**

## **116**

1. Everyone shall have the right to hold opinions without interference.
2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.
3. The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:
  - (a) For respect of the rights or reputations of others;
  - (b) For the protection of national security or of public order (ordre public), or of public health or morals.

#### **Article 20**

1. Any propaganda for war shall be prohibited by law.
2. Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.

#### **Article 21**

The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others.

#### **Article 22**

1. Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests.
2. No restrictions may be placed on the exercise of this right other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others. This article shall not prevent the imposition of lawful restrictions on members of the armed forces and of the police in their exercise of this right.
3. Nothing in this article shall authorize States Parties to the International Labour Organisation Convention of 1948 concerning Freedom of Association and Protection of the Right to Organize to take legislative measures which would prejudice, or to apply the law in such a manner as to prejudice, the guarantees provided for in that Convention.

#### **Article 23**

1. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

2. The right of men and women of marriageable age to marry and to found a family shall be recognized.
3. No marriage shall be entered into without the free and full consent of the intending spouses.
4. States Parties to the present Covenant shall take appropriate steps to ensure equality of rights and responsibilities of spouses as to marriage, during marriage and at its dissolution. In the case of dissolution, provision shall be made for the necessary protection of any children.

#### **Article 24**

1. Every child shall have, without any discrimination as to race, colour, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as are required by his status as a minor, on the part of his family, society and the State.
2. Every child shall be registered immediately after birth and shall have a name.
3. Every child has the right to acquire a nationality.

#### **Article 25**

Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions:

- (a) To take part in the conduct of public affairs, directly or through freely chosen representatives;
- (b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;
- (c) To have access, on general terms of equality, to public service in his country.

#### **Article 26**

All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

#### **Article 27**

In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.

### **PART IV**



**Article 28**

1. There shall be established a Human Rights Committee (hereafter referred to in the present Covenant as the Committee). It shall consist of eighteen members and shall carry out the functions hereinafter provided.
2. The Committee shall be composed of nationals of the States Parties to the present Covenant who shall be persons of high moral character and recognized competence in the field of human rights, consideration being given to the usefulness of the participation of some persons having legal experience.
3. The members of the Committee shall be elected and shall serve in their personal capacity.

**Article 29**

1. The members of the Committee shall be elected by secret ballot from a list of persons possessing the qualifications prescribed in article 28 and nominated for the purpose by the States Parties to the present Covenant.
2. Each State Party to the present Covenant may nominate not more than two persons. These persons shall be nationals of the nominating State.
3. A person shall be eligible for renomination.

**Article 30**

1. The initial election shall be held no later than six months after the date of the entry into force of the present Covenant.
2. At least four months before the date of each election to the Committee, other than an election to fill a vacancy declared in accordance with article 34, the Secretary-General of the United Nations shall address a written invitation to the States Parties to the present Covenant to submit their nominations for membership of the Committee within three months.
3. The Secretary-General of the United Nations shall prepare a list in alphabetical order of all the persons thus nominated, with an indication of the States Parties which have nominated them, and shall submit it to the States Parties to the present Covenant no later than one month before the date of each election.
4. Elections of the members of the Committee shall be held at a meeting of the States Parties to the present Covenant convened by the Secretary General of the United Nations at the Headquarters of the United Nations. At that meeting, for which two thirds of the States Parties to the present Covenant shall constitute a quorum, the persons elected to the Committee shall be those nominees who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.

**Article 31**

1. The Committee may not include more than one national of the same State.

2. In the election of the Committee, consideration shall be given to equitable geographical distribution of membership and to the representation of the different forms of civilization and of the principal legal systems.

### **Article 32**

1. The members of the Committee shall be elected for a term of four years. They shall be eligible for re-election if renominated. However, the terms of nine of the members elected at the first election shall expire at the end of two years; immediately after the first election, the names of these nine members shall be chosen by lot by the Chairman of the meeting referred to in article 30, paragraph 4.

2. Elections at the expiry of office shall be held in accordance with the preceding articles of this part of the present Covenant.

### **Article 33**

1. If, in the unanimous opinion of the other members, a member of the Committee has ceased to carry out his functions for any cause other than absence of a temporary character, the Chairman of the Committee shall notify the Secretary-General of the United Nations, who shall then declare the seat of that member to be vacant.

2. In the event of the death or the resignation of a member of the Committee, the Chairman shall immediately notify the Secretary-General of the United Nations, who shall declare the seat vacant from the date of death or the date on which the resignation takes effect.

### **Article 34**

1. When a vacancy is declared in accordance with article 33 and if the term of office of the member to be replaced does not expire within six months of the declaration of the vacancy, the Secretary-General of the United Nations shall notify each of the States Parties to the present Covenant, which may within two months submit nominations in accordance with article 29 for the purpose of filling the vacancy.

2. The Secretary-General of the United Nations shall prepare a list in alphabetical order of the persons thus nominated and shall submit it to the States Parties to the present Covenant. The election to fill the vacancy shall then take place in accordance with the relevant provisions of this part of the present Covenant.

3. A member of the Committee elected to fill a vacancy declared in accordance with article 33 shall hold office for the remainder of the term of the member who vacated the seat on the Committee under the provisions of that article.

### **Article 35**

The members of the Committee shall, with the approval of the General Assembly of the United Nations, receive emoluments from United Nations resources on such terms and conditions as the General Assembly may decide, having regard to the importance of the Committee's responsibilities.

### **Article 36**

The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Covenant.

### **Article 37**

1. The Secretary-General of the United Nations shall convene the initial meeting of the Committee at the Headquarters of the United Nations.
2. After its initial meeting, the Committee shall meet at such times as shall be provided in its rules of procedure.
3. The Committee shall normally meet at the Headquarters of the United Nations or at the United Nations Office at Geneva.

### **Article 38**

Every member of the Committee shall, before taking up his duties, make a solemn declaration in open committee that he will perform his functions impartially and conscientiously.

### **Article 39**

1. The Committee shall elect its officers for a term of two years. They may be re-elected.
2. The Committee shall establish its own rules of procedure, but these rules shall provide, *inter alia*, that:
  - (a) Twelve members shall constitute a quorum;
  - (b) Decisions of the Committee shall be made by a majority vote of the members present.

### **Article 40**

1. The States Parties to the present Covenant undertake to submit reports on the measures they have adopted which give effect to the rights recognized herein and on the progress made in the enjoyment of those rights:
  - (a) Within one year of the entry into force of the present Covenant for the States Parties concerned;
  - (b) Thereafter whenever the Committee so requests.
2. All reports shall be submitted to the Secretary-General of the United Nations, who shall transmit them to the Committee for consideration. Reports shall indicate the factors and difficulties, if any, affecting the implementation of the present Covenant.
3. The Secretary-General of the United Nations may, after consultation with the Committee, transmit to the specialized agencies concerned copies of such parts of the reports as may fall within their field of competence.

4. The Committee shall study the reports submitted by the States Parties to the present Covenant. It shall transmit its reports, and such general comments as it may consider appropriate, to the States Parties. The Committee may also transmit to the Economic and Social Council these comments along with the copies of the reports it has received from States Parties to the present Covenant.

5. The States Parties to the present Covenant may submit to the Committee observations on any comments that may be made in accordance with paragraph 4 of this article.

#### **Article 41**

1. A State Party to the present Covenant may at any time declare under this article that it recognizes the competence of the Committee to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under the present Covenant. Communications under this article may be received and considered only if submitted by a State Party which has made a declaration recognizing in regard to itself the competence of the Committee. No communication shall be received by the Committee if it concerns a State Party which has not made such a declaration. Communications received under this article shall be dealt with in accordance with the following procedure:

(a) If a State Party to the present Covenant considers that another State Party is not giving effect to the provisions of the present Covenant, it may, by written communication, bring the matter to the attention of that State Party. Within three months after the receipt of the communication the receiving State shall afford the State which sent the communication an explanation, or any other statement in writing clarifying the matter which should include, to the extent possible and pertinent, reference to domestic procedures and remedies taken, pending, or available in the matter;

(b) If the matter is not adjusted to the satisfaction of both States Parties concerned within six months after the receipt by the receiving State of the initial communication, either State shall have the right to refer the matter to the Committee, by notice given to the Committee and to the other State;

(c) The Committee shall deal with a matter referred to it only after it has ascertained that all available domestic remedies have been invoked and exhausted in the matter, in conformity with the generally recognized principles of international law. This shall not be the rule where the application of the remedies is unreasonably prolonged;

(d) The Committee shall hold closed meetings when examining communications under this article;

(e) Subject to the provisions of subparagraph (c), the Committee shall make available its good offices to the States Parties concerned with a view to a friendly solution of the matter on the basis of respect for human rights and fundamental freedoms as recognized in the present Covenant;

- (f) In any matter referred to it, the Committee may call upon the States Parties concerned, referred to in subparagraph (b), to supply any relevant information;
  - (g) The States Parties concerned, referred to in subparagraph (b), shall have the right to be represented when the matter is being considered in the Committee and to make submissions orally and/or in writing;
  - (h) The Committee shall, within twelve months after the date of receipt of notice under subparagraph (b), submit a report:
  - (i) If a solution within the terms of subparagraph (e) is reached, the Committee shall confine its report to a brief statement of the facts and of the solution reached;
  - (ii) If a solution within the terms of subparagraph (e) is not reached, the Committee shall confine its report to a brief statement of the facts; the written submissions and record of the oral submissions made by the States Parties concerned shall be attached to the report. In every matter, the report shall be communicated to the States Parties concerned.
2. The provisions of this article shall come into force when ten States Parties to the present Covenant have made declarations under paragraph I of this article. Such declarations shall be deposited by the States Parties with the Secretary-General of the United Nations, who shall transmit copies thereof to the other States Parties. A declaration may be withdrawn at any time by notification to the Secretary-General. Such a withdrawal shall not prejudice the consideration of any matter which is the subject of a communication already transmitted under this article; no further communication by any State Party shall be received after the notification of withdrawal of the declaration has been received by the Secretary-General, unless the State Party concerned has made a new declaration.

## Article 42

1.

(a) If a matter referred to the Committee in accordance with article 41 is not resolved to the satisfaction of the States Parties concerned, the Committee may, with the prior consent of the States Parties concerned, appoint an ad hoc Conciliation Commission (hereinafter referred to as the Commission). The good offices of the Commission shall be made available to the States Parties concerned with a view to an amicable solution of the matter on the basis of respect for the present Covenant;

(b) The Commission shall consist of five persons acceptable to the States Parties concerned. If the States Parties concerned fail to reach agreement within three months on all or part of the composition of the Commission, the members of the Commission concerning whom no agreement has been reached shall be elected by secret ballot by a two-thirds majority vote of the Committee from among its members.

2. The members of the Commission shall serve in their personal capacity. They shall not be nationals of the States Parties concerned, or of a State not Party to the present Covenant, or of a State Party which has not made a declaration under article 41.

3. The Commission shall elect its own Chairman and adopt its own rules of procedure.

4. The meetings of the Commission shall normally be held at the Headquarters of the United Nations or at the United Nations Office at Geneva. However, they may be held at such other convenient places as the Commission may determine in consultation with the Secretary-General of the United Nations and the States Parties concerned.

5. The secretariat provided in accordance with article 36 shall also service the commissions appointed under this article.

6. The information received and collated by the Committee shall be made available to the Commission and the Commission may call upon the States Parties concerned to supply any other relevant information. 7. When the Commission has fully considered the matter, but in any event not later than twelve months after having been seized of the matter, it shall submit to the Chairman of the Committee a report for communication to the States Parties concerned:

(a) If the Commission is unable to complete its consideration of the matter within twelve months, it shall confine its report to a brief statement of the status of its consideration of the matter;

(b) If an amicable solution to the matter on the basis of respect for human rights as recognized in the present Covenant is reached, the Commission shall confine its report to a brief statement of the facts and of the solution reached;

(c) If a solution within the terms of subparagraph (b) is not reached, the Commission's report shall embody its findings on all questions of fact relevant to the issues between the States Parties concerned, and its views on the possibilities of an amicable solution of the matter. This report shall also contain the written submissions and a record of the oral submissions made by the States Parties concerned;

(d) If the Commission's report is submitted under subparagraph (c), the States Parties concerned shall, within three months of the receipt of the report, notify the Chairman of the Committee whether or not they accept the contents of the report of the Commission.

8. The provisions of this article are without prejudice to the responsibilities of the Committee under article 41.

9. The States Parties concerned shall share equally all the expenses of the members of the Commission in accordance with estimates to be provided by the Secretary-General of the United Nations.

10. The Secretary-General of the United Nations shall be empowered to pay the expenses of the members of the Commission, if necessary, before reimbursement by the States Parties concerned, in accordance with paragraph 9 of this article.

#### **Article 43**

The members of the Committee, and of the ad hoc conciliation commissions which may be appointed under article 42, shall be entitled to the facilities, privileges and immunities of experts on mission for the United Nations as laid down in the relevant sections of the Convention on the Privileges and Immunities of the United Nations.

#### **Article 44**

The provisions for the implementation of the present Covenant shall apply without prejudice to the procedures prescribed in the field of human rights by or under the constituent instruments and the conventions of the United Nations and of the specialized agencies and shall not prevent the States Parties to the present Covenant from having recourse to other procedures for settling a dispute in accordance with general or special international agreements in force between them.

#### **Article 45**

The Committee shall submit to the General Assembly of the United Nations, through the Economic and Social Council, an annual report on its activities.

### **PART V**

#### **Article 46 .**

Nothing in the present Covenant shall be interpreted as impairing the provisions of the Charter of the United Nations and of the constitutions of the specialized agencies which define the respective responsibilities of the various organs of the United

Nations and of the specialized agencies in regard to the matters dealt with in the present Covenant.

#### **Article 47**

Nothing in the present Covenant shall be interpreted as impairing the inherent right of all peoples to enjoy and utilize fully and freely their natural wealth and resources.

### **PART VI**

#### **Article 48**

1. The present Covenant is open for signature by any State Member of the United Nations or member of any of its specialized agencies, by any State Party to the Statute of the International Court of Justice, and by any other State which has been invited by the General Assembly of the United Nations to become a Party to the present Covenant.
2. The present Covenant is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.
3. The present Covenant shall be open to accession by any State referred to in paragraph 1 of this article.
4. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.
5. The Secretary-General of the United Nations shall inform all States which have signed this Covenant or acceded to it of the deposit of each instrument of ratification or accession.

#### **Article 49**

1. The present Covenant shall enter into force three months after the date of the deposit with the Secretary-General of the United Nations of the thirty-fifth instrument of ratification or instrument of accession.
2. For each State ratifying the present Covenant or acceding to it after the deposit of the thirty-fifth instrument of ratification or instrument of accession, the present Covenant shall enter into force three months after the date of the deposit of its own instrument of ratification or instrument of accession.

#### **Article 50**

The provisions of the present Covenant shall extend to all parts of federal States without any limitations or exceptions.

#### **Article 51**

1. Any State Party to the present Covenant may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General of the United Nations shall thereupon communicate any proposed amendments to the States Parties to the present Covenant with a request that they notify him whether they favour a conference of States Parties for the purpose of considering and voting



upon the proposals. In the event that at least one third of the States Parties favours such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of the States Parties present and voting at the conference shall be submitted to the General Assembly of the United Nations for approval.

2. Amendments shall come into force when they have been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of the States Parties to the present Covenant in accordance with their respective constitutional processes. 3. When amendments come into force, they shall be binding on those States Parties which have accepted them, other States Parties still being bound by the provisions of the present Covenant and any earlier amendment which they have accepted.

### **Article 52**

Irrespective of the notifications made under article 48, paragraph 5, the Secretary-General of the United Nations shall inform all States referred to in paragraph I of the same article of the following particulars:

- (a) Signatures, ratifications and accessions under article 48;
- (b) The date of the entry into force of the present Covenant under article 49 and the date of the entry into force of any amendments under article 51.

### **Article 53**

1. The present Covenant, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.
2. The Secretary-General of the United Nations shall transmit certified copies of the present Covenant to all States referred to in article 48.

## Resource 4-2: Optional Protocol to the International Covenant on Civil and Political Rights

Optional Protocol to the International Covenant on Civil and Political Rights, G.A. res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 59, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 302, *entered into force* March 23, 1976.

### **The States Parties to the present Protocol,**

Considering that in order further to achieve the purposes of the International Covenant on Civil and Political Rights (hereinafter referred to as the Covenant) and the implementation of its provisions it would be appropriate to enable the Human Rights Committee set up in part IV of the Covenant (hereinafter referred to as the Committee) to receive and consider, as provided in the present Protocol, communications from individuals claiming to be victims of violations of any of the rights set forth in the Covenant.

Have agreed as follows:

### **Article I**

A State Party to the Covenant that becomes a Party to the present Protocol recognizes the competence of the Committee to receive and consider communications from individuals subject to its jurisdiction who claim to be victims of a violation by that State Party of any of the rights set forth in the Covenant. No communication shall be received by the Committee if it concerns a State Party to the Covenant which is not a Party to the present Protocol.

### **Article 2**

Subject to the provisions of article 1, individuals who claim that any of their rights enumerated in the Covenant have been violated and who have exhausted all available domestic remedies may submit a written communication to the Committee for consideration.

### **Article 3**

The Committee shall consider inadmissible any communication under the present Protocol which is anonymous, or which it considers to be an abuse of the right of submission of such communications or to be incompatible with the provisions of the Covenant.

### **Article 4**

1. Subject to the provisions of article 3, the Committee shall bring any communications submitted to it under the present Protocol to the attention of the

State Party to the present Protocol alleged to be violating any provision of the Covenant.

2. Within six months, the receiving State shall submit to the Committee written explanations or statements clarifying the matter and the remedy, if any, that may have been taken by that State.

### **Article 5**

1. The Committee shall consider communications received under the present Protocol in the light of all written information made available to it by the individual and by the State Party concerned.

2. The Committee shall not consider any communication from an individual unless it has ascertained that:

(a) The same matter is not being examined under another procedure of international investigation or settlement;

(b) The individual has exhausted all available domestic remedies. This shall not be the rule where the application of the remedies is unreasonably prolonged.

3. The Committee shall hold closed meetings when examining communications under the present Protocol.

4. The Committee shall forward its views to the State Party concerned and to the individual.

### **Article 6**

The Committee shall include in its annual report under article 45 of the Covenant a summary of its activities under the present Protocol.

### **Article 7**

Pending the achievement of the objectives of resolution 1514(XV) adopted by the General Assembly of the United Nations on 14 December 1960 concerning the Declaration on the Granting of Independence to Colonial Countries and Peoples, the provisions of the present Protocol shall in no way limit the right of petition granted to these peoples by the Charter of the United Nations and other international conventions and instruments under the United Nations and its specialized agencies.

### **Article 8**

1. The present Protocol is open for signature by any State which has signed the Covenant.

2. The present Protocol is subject to ratification by any State which has ratified or acceded to the Covenant. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.
3. The present Protocol shall be open to accession by any State which has ratified or acceded to the Covenant.
4. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.
5. The Secretary-General of the United Nations shall inform all States which have signed the present Protocol or acceded to it of the deposit of each instrument of ratification or accession.

#### **Article 9**

1. Subject to the entry into force of the Covenant, the present Protocol shall enter into force three months after the date of the deposit with the Secretary-General of the United Nations of the tenth instrument of ratification or instrument of accession.
2. For each State ratifying the present Protocol or acceding to it after the deposit of the tenth instrument of ratification or instrument of accession, the present Protocol shall enter into force three months after the date of the deposit of its own instrument of ratification or instrument of accession.

#### **Article 10**

The provisions of the present Protocol shall extend to all parts of federal States without any limitations or exceptions.

#### **Article 11**

1. Any State Party to the present Protocol may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate any proposed amendments to the States Parties to the present Protocol with a request that they notify him whether they favour a conference of States Parties for the purpose of considering and voting upon the proposal. In the event that at least one third of the States Parties favours such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of the States Parties present and voting at the conference shall be submitted to the General Assembly of the United Nations for approval.
2. Amendments shall come into force when they have been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of the States

Parties to the present Protocol in accordance with their respective constitutional processes.

3. When amendments come into force, they shall be binding on those States Parties which have accepted them, other States Parties still being bound by the provisions of the present Protocol and any earlier amendment which they have accepted.

### **Article 12**

1. Any State Party may denounce the present Protocol at any time by written notification addressed to the Secretary-General of the United Nations. Denunciation shall take effect three months after the date of receipt of the notification by the Secretary-General.

2. Denunciation shall be without prejudice to the continued application of the provisions of the present Protocol to any communication submitted under article 2 before the effective date of denunciation.

### **Article 13**

Irrespective of the notifications made under article 8, paragraph 5, of the present Protocol, the Secretary-General of the United Nations shall inform all States referred to in article 48, paragraph I, of the Covenant of the following particulars:

- (a) Signatures, ratifications and accessions under article 8;
- (b) The date of the entry into force of the present Protocol under article 9 and the date of the entry into force of any amendments under article 11;
- (c) Denunciations under article 12.

### **Article 14**

1. The present Protocol, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.

2. The Secretary-General of the United Nations shall transmit certified copies of the present Protocol to all States referred to in article 48 of the Covenant.

### Resource 4-3: Second Optional Protocol to the International Covenant on Civil and Political Rights

Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, G.A. res. 44/128, annex, 44 U.N. GAOR Supp. (No. 49) at 207, U.N. Doc. A/44/49 (1989), *entered into force* July 11, 1991.

The States Parties to the present Protocol,

Believing that abolition of the death penalty contributes to enhancement of human dignity and progressive development of human rights,

Recalling article 3 of the Universal Declaration of Human Rights, adopted on 10 December 1948, and article 6 of the International Covenant on Civil and Political Rights, adopted on 16 December 1966,

Noting that article 6 of the International Covenant on Civil and Political Rights refers to abolition of the death penalty in terms that strongly suggest that abolition is desirable,

Convinced that all measures of abolition of the death penalty should be considered as progress in the enjoyment of the right to life,

Desirous to undertake hereby an international commitment to abolish the death penalty,

Have agreed as follows:

#### **Article 1**

1. No one within the jurisdiction of a State Party to the present Protocol shall be executed.

2. Each State Party shall take all necessary measures to abolish the death penalty within its jurisdiction.

#### **Article 2**

1. No reservation is admissible to the present Protocol, except for a reservation made at the time of ratification or accession that provides for the application of the death penalty in time of war pursuant to a conviction for a most serious crime of a military nature committed during wartime.

2. The State Party making such a reservation shall at the time of ratification or accession communicate to the Secretary-General of the United Nations the relevant provisions of its national legislation applicable during wartime.

3. The State Party having made such a reservation shall notify the Secretary-General of the United Nations of any beginning or ending of a state of war applicable to its territory.

### **Article 3**

The States Parties to the present Protocol shall include in the reports they submit to the Human Rights Committee, in accordance with article 40 of the Covenant, information on the measures that they have adopted to give effect to the present Protocol.

### **Article 4**

With respect to the States Parties to the Covenant that have made a declaration under article 41, the competence of the Human Rights Committee to receive and consider communications when a State Party claims that another State Party is not fulfilling its obligations shall extend to the provisions of the present Protocol, unless the State Party concerned has made a statement to the contrary at the moment of ratification or accession.

### **Article 5**

With respect to the States Parties to the first Optional Protocol to the International Covenant on Civil and Political Rights adopted on 16 December 1966, the competence of the Human Rights Committee to receive and consider communications from individuals subject to its jurisdiction shall extend to the provisions of the present Protocol, unless the State Party concerned has made a statement to the contrary at the moment of ratification or accession.

### **Article 6**

1. The provisions of the present Protocol shall apply as additional provisions to the Covenant.

2. Without prejudice to the possibility of a reservation under article 2 of the present Protocol, the right guaranteed in article 1, paragraph 1, of the present Protocol shall not be subject to any derogation under article 4 of the Covenant.

### **Article 7**

1. The present Protocol is open for signature by any State that has signed the Covenant. 2. The present Protocol is subject to ratification by any State that has ratified the Covenant or acceded to it. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

3. The present Protocol shall be open to accession by any State that has ratified the Covenant or acceded to it.

4. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

5. The Secretary-General of the United Nations shall inform all States that have signed the present Protocol or acceded to it of the deposit of each instrument of ratification or accession.

### **Article 8**

1. The present Protocol shall enter into force three months after the date of the deposit with the Secretary-General of the United Nations of the tenth instrument of ratification or accession.

2. For each State ratifying the present Protocol or acceding to it after the deposit of the tenth instrument of ratification or accession, the present Protocol shall enter into force three months after the date of the deposit of its own instrument of ratification or accession.

### **Article 9**

The provisions of the present Protocol shall extend to all parts of federal States without any limitations or exceptions.

### **Article 10**

The Secretary-General of the United Nations shall inform all States referred to in article 48, paragraph 1, of the Covenant of the following particulars:

(a) Reservations, communications and notifications under article 2 of the present Protocol;

(b) Statements made under articles 4 or 5 of the present Protocol;

(c) Signatures, ratifications and accessions under article 7 of the present Protocol;

(d) The date of the entry into force of the present Protocol under article 8 thereof.

### **Article 11**

1. The present Protocol, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.

2. The Secretary-General of the United Nations shall transmit certified copies of the present Protocol to all States referred to in article 48 of the Covenant.



## Resource 4-4: International Covenant on Economic, Social and Cultural Rights

International Covenant on Economic, Social and Cultural Rights, G.A. res. 2200A (XXI), 21 U.N.GAOR Supp. (No. 16) at 49, U.N. Doc. A/6316 (1966), 993 U.N.T.S. 3, *entered into force* Jan. 3, 1976.

### PREAMBLE

The States Parties to the present Covenant, Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Recognizing that these rights derive from the inherent dignity of the human person,

Recognizing that, in accordance with the Universal Declaration of Human Rights, the ideal of free human beings enjoying freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his economic, social and cultural rights, as well as his civil and political rights,

Considering the obligation of States under the Charter of the United Nations to promote universal respect for, and observance of, human rights and freedoms,

Realizing that the individual, having duties to other individuals and to the community to which he belongs, is under a responsibility to strive for the promotion and observance of the rights recognized in the present Covenant,

Agree upon the following articles:

### PART I

#### Article 1

1. All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

2. All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.

3. The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations.

### PART II

## Article 2

1. Each State Party to the present Covenant undertakes to take steps, individually and through international assistance and co-operation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures.
2. The States Parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.
3. Developing countries, with due regard to human rights and their national economy, may determine to what extent they would guarantee the economic rights recognized in the present Covenant to non-nationals.

## Article 3

The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights set forth in the present Covenant.

## Article 4

The States Parties to the present Covenant recognize that, in the enjoyment of those rights provided by the State in conformity with the present Covenant, the State may subject such rights only to such limitations as are determined by law only in so far as this may be compatible with the nature of these rights and solely for the purpose of promoting the general welfare in a democratic society.

## Article 5

1. Nothing in the present Covenant may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights or freedoms recognized herein, or at their limitation to a greater extent than is provided for in the present Covenant.
2. No restriction upon or derogation from any of the fundamental human rights recognized or existing in any country in virtue of law, conventions, regulations or custom shall be admitted on the pretext that the present Covenant does not recognize such rights or that it recognizes them to a lesser extent.

## PART III

## Article 6

1. The States Parties to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right.
2. The steps to be taken by a State Party to the present Covenant to achieve the full realization of this right shall include technical and vocational guidance and training

programmes, policies and techniques to achieve steady economic, social and cultural development and full and productive employment under conditions safeguarding fundamental political and economic freedoms to the individual.

### **Article 7**

The States Parties to the present Covenant recognize the right of everyone to the enjoyment of just and favourable conditions of work which ensure, in particular:

- (a) Remuneration which provides all workers, as a minimum, with:
  - (i) Fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work;
  - (ii) A decent living for themselves and their families in accordance with the provisions of the present Covenant;
- (b) Safe and healthy working conditions;
- (c) Equal opportunity for everyone to be promoted in his employment to an appropriate higher level, subject to no considerations other than those of seniority and competence;
- (d) Rest, leisure and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays

### **Article 8**

1. The States Parties to the present Covenant undertake to ensure:

- (a) The right of everyone to form trade unions and join the trade union of his choice, subject only to the rules of the organization concerned, for the promotion and protection of his economic and social interests. No restrictions may be placed on the exercise of this right other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others;
- (b) The right of trade unions to establish national federations or confederations and the right of the latter to form or join international trade-union organizations;
- (c) The right of trade unions to function freely subject to no limitations other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others;
- (d) The right to strike, provided that it is exercised in conformity with the laws of the particular country.

2. This article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces or of the police or of the administration of the State.

3. Nothing in this article shall authorize States Parties to the International Labour Organisation Convention of 1948 concerning Freedom of Association and Protection of the Right to Organize to take legislative measures which would prejudice, or apply the law in such a manner as would prejudice, the guarantees provided for in that Convention.

### **Article 9**

The States Parties to the present Covenant recognize the right of everyone to social security, including social insurance.

### **Article 10**

The States Parties to the present Covenant recognize that:

1. The widest possible protection and assistance should be accorded to the family, which is the natural and fundamental group unit of society, particularly for its establishment and while it is responsible for the care and education of dependent children. Marriage must be entered into with the free consent of the intending spouses.

2. Special protection should be accorded to mothers during a reasonable period before and after childbirth. During such period working mothers should be accorded paid leave or leave with adequate social security benefits.

3. Special measures of protection and assistance should be taken on behalf of all children and young persons without any discrimination for reasons of parentage or other conditions. Children and young persons should be protected from economic and social exploitation. Their employment in work harmful to their morals or health or dangerous to life or likely to hamper their normal development should be punishable by law. States should also set age limits below which the paid employment of child labour should be prohibited and punishable by law.

### **Article 11**

1. The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.

2. The States Parties to the present Covenant, recognizing the fundamental right of everyone to be free from hunger, shall take, individually and through international co-operation, the measures, including specific programmes, which are needed:

(a) To improve methods of production, conservation and distribution of food by making full use of technical and scientific knowledge, by disseminating knowledge of the principles of nutrition and by developing or reforming agrarian systems in such a way as to achieve the most efficient development and utilization of natural resources;

(b) Taking into account the problems of both food-importing and food-exporting countries, to ensure an equitable distribution of world food supplies in relation to need.

### **Article 12**

1. The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.

2. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for:

(a) The provision for the reduction of the stillbirth-rate and of infant mortality and for the healthy development of the child;

(b) The improvement of all aspects of environmental and industrial hygiene;

(c) The prevention, treatment and control of epidemic, endemic, occupational and other diseases;

(d) The creation of conditions which would assure to all medical service and medical attention in the event of sickness.

### **Article 13**

1. The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace.

2. The States Parties to the present Covenant recognize that, with a view to achieving the full realization of this right:

(a) Primary education shall be compulsory and available free to all;

(b) Secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education;

(c) Higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education;

(d) Fundamental education shall be encouraged or intensified as far as possible for those persons who have not received or completed the whole period of their primary education;

(e) The development of a system of schools at all levels shall be actively pursued, an adequate fellowship system shall be established, and the material conditions of teaching staff shall be continuously improved.

3. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to choose for their children schools, other than those established by the public authorities, which conform to such minimum educational standards as may be laid down or approved by the State and to ensure the religious and moral education of their children in conformity with their own convictions.

4. No part of this article shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principles set forth in paragraph I of this article and to the requirement that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

#### **Article 14**

Each State Party to the present Covenant which, at the time of becoming a Party, has not been able to secure in its metropolitan territory or other territories under its jurisdiction compulsory primary education, free of charge, undertakes, within two years, to work out and adopt a detailed plan of action for the progressive implementation, within a reasonable number of years, to be fixed in the plan, of the principle of compulsory education free of charge for all.

#### **Article 15**

1. The States Parties to the present Covenant recognize the right of everyone:

(a) To take part in cultural life;

(b) To enjoy the benefits of scientific progress and its applications;

(c) To benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

2. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for the conservation, the development and the diffusion of science and culture.

3. The States Parties to the present Covenant undertake to respect the freedom indispensable for scientific research and creative activity.

4. The States Parties to the present Covenant recognize the benefits to be derived from the encouragement and development of international contacts and co-operation in the scientific and cultural fields.

## **PART IV**

### **Article 16**

1. The States Parties to the present Covenant undertake to submit in conformity with this part of the Covenant reports on the measures which they have adopted and the progress made in achieving the observance of the rights recognized herein.

2.

(a) All reports shall be submitted to the Secretary-General of the United Nations, who shall transmit copies to the Economic and Social Council for consideration in accordance with the provisions of the present Covenant;

(b) The Secretary-General of the United Nations shall also transmit to the specialized agencies copies of the reports, or any relevant parts therefrom, from States Parties to the present Covenant which are also members of these specialized agencies in so far as these reports, or parts therefrom, relate to any matters which fall within the responsibilities of the said agencies in accordance with their constitutional instruments.

### **Article 17**

1. The States Parties to the present Covenant shall furnish their reports in stages, in accordance with a programme to be established by the Economic and Social Council within one year of the entry into force of the present Covenant after consultation with the States Parties and the specialized agencies concerned.

2. Reports may indicate factors and difficulties affecting the degree of fulfilment of obligations under the present Covenant.

3. Where relevant information has previously been furnished to the United Nations or to any specialized agency by any State Party to the present Covenant, it will not be necessary to reproduce that information, but a precise reference to the information so furnished will suffice.

### **Article 18**

Pursuant to its responsibilities under the Charter of the United Nations in the field of human rights and fundamental freedoms, the Economic and Social Council may make arrangements with the specialized agencies in respect of their reporting to it on the progress made in achieving the observance of the provisions of the present Covenant falling within the scope of their activities. These reports may include particulars of decisions and recommendations on such implementation adopted by their competent organs.

### **Article 19**

The Economic and Social Council may transmit to the Commission on Human Rights for study and general recommendation or, as appropriate, for information the reports concerning human rights submitted by States in accordance with articles 16 and 17, and those concerning human rights submitted by the specialized agencies in accordance with article 18.

**Article 20**

The States Parties to the present Covenant and the specialized agencies concerned may submit comments to the Economic and Social Council on any general recommendation under article 19 or reference to such general recommendation in any report of the Commission on Human Rights or any documentation referred to therein.

**Article 21**

The Economic and Social Council may submit from time to time to the General Assembly reports with recommendations of a general nature and a summary of the information received from the States Parties to the present Covenant and the specialized agencies on the measures taken and the progress made in achieving general observance of the rights recognized in the present Covenant.

**Article 22**

The Economic and Social Council may bring to the attention of other organs of the United Nations, their subsidiary organs and specialized agencies concerned with furnishing technical assistance any matters arising out of the reports referred to in this part of the present Covenant which may assist such bodies in deciding, each within its field of competence, on the advisability of international measures likely to contribute to the effective progressive implementation of the present Covenant.

**Article 23**

The States Parties to the present Covenant agree that international action for the achievement of the rights recognized in the present Covenant includes such methods as the conclusion of conventions, the adoption of recommendations, the furnishing of technical assistance and the holding of regional meetings and technical meetings for the purpose of consultation and study organized in conjunction with the Governments concerned.

**Article 24**

Nothing in the present Covenant shall be interpreted as impairing the provisions of the Charter of the United Nations and of the constitutions of the specialized agencies which define the respective responsibilities of the various organs of the United Nations and of the specialized agencies in regard to the matters dealt with in the present Covenant.

**Article 25**

Nothing in the present Covenant shall be interpreted as impairing the inherent right of all peoples to enjoy and utilize fully and freely their natural wealth and resources.

**PART V**



**Article 26**

1. The present Covenant is open for signature by any State Member of the United Nations or member of any of its specialized agencies, by any State Party to the Statute of the International Court of Justice, and by any other State which has been invited by the General Assembly of the United Nations to become a party to the present Covenant.
2. The present Covenant is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.
3. The present Covenant shall be open to accession by any State referred to in paragraph 1 of this article.
4. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.
5. The Secretary-General of the United Nations shall inform all States which have signed the present Covenant or acceded to it of the deposit of each instrument of ratification or accession.

**Article 27**

1. The present Covenant shall enter into force three months after the date of the deposit with the Secretary-General of the United Nations of the thirty-fifth instrument of ratification or instrument of accession.
2. For each State ratifying the present Covenant or acceding to it after the deposit of the thirty-fifth instrument of ratification or instrument of accession, the present Covenant shall enter into force three months after the date of the deposit of its own instrument of ratification or instrument of accession.

**Article 28**

The provisions of the present Covenant shall extend to all parts of federal States without any limitations or exceptions.

**Article 29**

1. Any State Party to the present Covenant may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate any proposed amendments to the States Parties to the present Covenant with a request that they notify him whether they favour a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that at least one third of the States Parties favours such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of the States Parties present and voting at the conference shall be submitted to the General Assembly of the United Nations for approval.
2. Amendments shall come into force when they have been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of the States

Parties to the present Covenant in accordance with their respective constitutional processes.

3. When amendments come into force they shall be binding on those States Parties which have accepted them, other States Parties still being bound by the provisions of the present Covenant and any earlier amendment which they have accepted.

### **Article 30**

Irrespective of the notifications made under article 26, paragraph 5, the Secretary-General of the United Nations shall inform all States referred to in paragraph I of the same article of the following particulars:

- (a) Signatures, ratifications and accessions under article 26;
- (b) The date of the entry into force of the present Covenant under article 27 and the date of the entry into force of any amendments under article 29.

### **Article 31**

1. The present Covenant, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.
2. The Secretary-General of the United Nations shall transmit certified copies of the present Covenant to all States referred to in article 26.

### Resource 4-5: Convention on the Elimination of All Forms of Discrimination against Women

Convention on the Elimination of All Forms of Discrimination against Women, G.A. res. 34/180, 34 U.N. GAOR Supp. (No. 46) at 193, U.N. Doc. A/34/46, *entered into force* Sept. 3, 1981.

#### **The States Parties to the present Convention,**

Noting that the Charter of the United Nations reaffirms faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women,

Noting that the Universal Declaration of Human Rights affirms the principle of the inadmissibility of discrimination and proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, including distinction based on sex,

Noting that the States Parties to the International Covenants on Human Rights have the obligation to ensure the equal rights of men and women to enjoy all economic, social, cultural, civil and political rights,

Considering the international conventions concluded under the auspices of the United Nations and the specialized agencies promoting equality of rights of men and women,

Noting also the resolutions, declarations and recommendations adopted by the United Nations and the specialized agencies promoting equality of rights of men and women,

Concerned, however, that despite these various instruments extensive discrimination against women continues to exist,

Recalling that discrimination against women violates the principles of equality of rights and respect for human dignity, is an obstacle to the participation of women, on equal terms with men, in the political, social, economic and cultural life of their countries, hampers the growth of the prosperity of society and the family and makes more difficult the full development of the potentialities of women in the service of their countries and of humanity,

Concerned that in situations of poverty women have the least access to food, health, education, training and opportunities for employment and other needs,

Convinced that the establishment of the new international economic order based on equity and justice will contribute significantly towards the promotion of equality between men and women,

Emphasizing that the eradication of apartheid, all forms of racism, racial discrimination, colonialism, neo-colonialism, aggression, foreign occupation and domination and interference in the internal affairs of States is essential to the full enjoyment of the rights of men and women,

Affirming that the strengthening of international peace and security, the relaxation of international tension, mutual co-operation among all States irrespective of their social and economic systems, general and complete disarmament, in particular nuclear disarmament under strict and effective international control, the affirmation of the principles of justice, equality and mutual benefit in relations among countries and the realization of the right of peoples under alien and colonial domination and foreign occupation to self-determination and independence, as well as respect for national sovereignty and territorial integrity, will promote social progress and development and as a consequence will contribute to the attainment of full equality between men and women,

Convinced that the full and complete development of a country, the welfare of the world and the cause of peace require the maximum participation of women on equal terms with men in all fields,

Bearing in mind the great contribution of women to the welfare of the family and to the development of society, so far not fully recognized, the social significance of maternity and the role of both parents in the family and in the upbringing of children, and aware that the role of women in procreation should not be a basis for discrimination but that the upbringing of children requires a sharing of responsibility between men and women and society as a whole,

Aware that a change in the traditional role of men as well as the role of women in society and in the family is needed to achieve full equality between men and women,

Determined to implement the principles set forth in the Declaration on the Elimination of Discrimination against Women and, for that purpose, to adopt the measures required for the elimination of such discrimination in all its forms and manifestations,

Have agreed on the following:

## **PART I**

### **Article I**

For the purposes of the present Convention, the term "discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.

### **Article 2**

States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:

- (a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;
- (b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;
- (c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;
- (d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;
- (e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;
- (f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;
- (g) To repeal all national penal provisions which constitute discrimination against women.

### **Article 3**

States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.

### **Article 4**

1. Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.

2. Adoption by States Parties of special measures, including those measures contained in the present Convention, aimed at protecting maternity shall not be considered discriminatory.

### **Article 5**

States Parties shall take all appropriate measures:

- (a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;
- (b) To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.

### **Article 6**

States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.

## **PART II**

### **Article 7**

States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:

- (a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;
- (b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;
- (c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.

### **Article 8**

States Parties shall take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations.

### **Article 9**

1. States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.
2. States Parties shall grant women equal rights with men with respect to the nationality of their children.

## PART III

### Article 10

States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women:

- (a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training;
- (b) Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;
- (c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods;
- (d) The same opportunities to benefit from scholarships and other study grants;
- (e) The same opportunities for access to programmes of continuing education, including adult and functional literacy programmes, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women;
- (f) The reduction of female student drop-out rates and the organization of programmes for girls and women who have left school prematurely;
- (g) The same Opportunities to participate actively in sports and physical education;
- (h) Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning.

### Article 11

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:

- (a) The right to work as an inalienable right of all human beings;
- (b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;
- (c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational

training and retraining, including apprenticeships, advanced vocational training and recurrent training;

(d) The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;

(e) The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;

(f) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.

2. In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:

(a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;

(b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;

(c) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;

(d) To provide special protection to women during pregnancy in types of work proved to be harmful to them.

3. Protective legislation relating to matters covered in this article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary.

## **Article 12**

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning.

2. Notwithstanding the provisions of paragraph 1 of this article, States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.

## **Article 13**

# **150**



States Parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular:

- (a) The right to family benefits;
- (b) The right to bank loans, mortgages and other forms of financial credit;
- (c) The right to participate in recreational activities, sports and all aspects of cultural life.

#### **Article 14**

1. States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetized sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of the present Convention to women in rural areas.

2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:

- (a) To participate in the elaboration and implementation of development planning at all levels;
- (b) To have access to adequate health care facilities, including information, counselling and services in family planning;
- (c) To benefit directly from social security programmes;
- (d) To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency;
- (e) To organize self-help groups and co-operatives in order to obtain equal access to economic opportunities through employment or self employment;
- (f) To participate in all community activities;
- (g) To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;
- (h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.

#### **PART IV**

## Article 15

1. States Parties shall accord to women equality with men before the law.
2. States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.
3. States Parties agree that all contracts and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void.
4. States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.

## Article 16

1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:
  - (a) The same right to enter into marriage;
  - (b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent;
  - (c) The same rights and responsibilities during marriage and at its dissolution;
  - (d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;
  - (e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;
  - (f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;
  - (g) The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;
  - (h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.

2. The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

## **PART V**

### **Article 17**

1. For the purpose of considering the progress made in the implementation of the present Convention, there shall be established a Committee on the Elimination of Discrimination against Women (hereinafter referred to as the Committee) consisting, at the time of entry into force of the Convention, of eighteen and, after ratification of or accession to the Convention by the thirty-fifth State Party, of twenty-three experts of high moral standing and competence in the field covered by the Convention. The experts shall be elected by States Parties from among their nationals and shall serve in their personal capacity, consideration being given to equitable geographical distribution and to the representation of the different forms of civilization as well as the principal legal systems.

2. The members of the Committee shall be elected by secret ballot from a list of persons nominated by States Parties. Each State Party may nominate one person from among its own nationals.

3. The initial election shall be held six months after the date of the entry into force of the present Convention. At least three months before the date of each election the Secretary-General of the United Nations shall address a letter to the States Parties inviting them to submit their nominations within two months. The Secretary-General shall prepare a list in alphabetical order of all persons thus nominated, indicating the States Parties which have nominated them, and shall submit it to the States Parties.

4. Elections of the members of the Committee shall be held at a meeting of States Parties convened by the Secretary-General at United Nations Headquarters. At that meeting, for which two thirds of the States Parties shall constitute a quorum, the persons elected to the Committee shall be those nominees who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.

5. The members of the Committee shall be elected for a term of four years. However, the terms of nine of the members elected at the first election shall expire at the end of two years; immediately after the first election the names of these nine members shall be chosen by lot by the Chairman of the Committee.

6. The election of the five additional members of the Committee shall be held in accordance with the provisions of paragraphs 2, 3 and 4 of this article, following the thirty-fifth ratification or accession. The terms of two of the additional members elected on this occasion shall expire at the end of two years, the names of these two members having been chosen by lot by the Chairman of the Committee.

7. For the filling of casual vacancies, the State Party whose expert has ceased to function as a member of the Committee shall appoint another expert from among its nationals, subject to the approval of the Committee.

8. The members of the Committee shall, with the approval of the General Assembly, receive emoluments from United Nations resources on such terms and conditions as the Assembly may decide, having regard to the importance of the Committee's responsibilities.

9. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Convention.

### **Article 18**

1. States Parties undertake to submit to the Secretary-General of the United Nations, for consideration by the Committee, a report on the legislative, judicial, administrative or other measures which they have adopted to give effect to the provisions of the present Convention and on the progress made in this respect:

(a) Within one year after the entry into force for the State concerned;

(b) Thereafter at least every four years and further whenever the Committee so requests.

2. Reports may indicate factors and difficulties affecting the degree of fulfilment of obligations under the present Convention.

### **Article 19**

1. The Committee shall adopt its own rules of procedure.

2. The Committee shall elect its officers for a term of two years.

### **Article 20**

1. The Committee shall normally meet for a period of not more than two weeks annually in order to consider the reports submitted in accordance with article 18 of the present Convention.

2. The meetings of the Committee shall normally be held at United Nations Headquarters or at any other convenient place as determined by the Committee.

### **Article 21**

1. The Committee shall, through the Economic and Social Council, report annually to the General Assembly of the United Nations on its activities and may make suggestions and general recommendations based on the examination of reports and information received from the States Parties. Such suggestions and general recommendations shall be included in the report of the Committee together with comments, if any, from States Parties.

2. The Secretary-General of the United Nations shall transmit the reports of the Committee to the Commission on the Status of Women for its information.

### **Article 22**

The specialized agencies shall be entitled to be represented at the consideration of the implementation of such provisions of the present Convention as fall within the scope of their activities. The Committee may invite the specialized agencies to submit reports on the implementation of the Convention in areas falling within the scope of their activities.

## **PART VI**

### **Article 23**

Nothing in the present Convention shall affect any provisions that are more conducive to the achievement of equality between men and women which may be contained:

- (a) In the legislation of a State Party; or
- (b) In any other international convention, treaty or agreement in force for that State.

### **Article 24**

States Parties undertake to adopt all necessary measures at the national level aimed at achieving the full realization of the rights recognized in the present Convention.

### **Article 25**

1. The present Convention shall be open for signature by all States.
2. The Secretary-General of the United Nations is designated as the depositary of the present Convention.
3. The present Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.
4. The present Convention shall be open to accession by all States. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

### **Article 26**

1. A request for the revision of the present Convention may be made at any time by any State Party by means of a notification in writing addressed to the Secretary-General of the United Nations.
2. The General Assembly of the United Nations shall decide upon the steps, if any, to be taken in respect of such a request.

### **Article 27**

1. The present Convention shall enter into force on the thirtieth day after the date of deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession.
2. For each State ratifying the present Convention or acceding to it after the deposit of the twentieth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after the date of the deposit of its own instrument of ratification or accession.

#### **Article 28**

1. The Secretary-General of the United Nations shall receive and circulate to all States the text of reservations made by States at the time of ratification or accession.
2. A reservation incompatible with the object and purpose of the present Convention shall not be permitted.
3. Reservations may be withdrawn at any time by notification to this effect addressed to the Secretary-General of the United Nations, who shall then inform all States thereof. Such notification shall take effect on the date on which it is received.

#### **Article 29**

1. Any dispute between two or more States Parties concerning the interpretation or application of the present Convention which is not settled by negotiation shall, at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration the parties are unable to agree on the organization of the arbitration, any one of those parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court.
2. Each State Party may at the time of signature or ratification of the present Convention or accession thereto declare that it does not consider itself bound by paragraph 1 of this article. The other States Parties shall not be bound by that paragraph with respect to any State Party which has made such a reservation.
3. Any State Party which has made a reservation in accordance with paragraph 2 of this article may at any time withdraw that reservation by notification to the Secretary-General of the United Nations.

**Article 30**

The present Convention, the Arabic, Chinese, English, French, Russian and Spanish texts of which are equally authentic, shall be deposited with the Secretary-General of the United Nations.

IN WITNESS WHEREOF the undersigned, duly authorized, have signed the present Convention.

## Resource 4-6: Convention on the Rights of the Child

Convention on the Rights of the Child, G.A. res. 44/25, annex, 44 U.N. GAOR Supp. (No. 49) at 167, U.N. Doc. A/44/49 (1989), entered into force Sept. 2 1990.

### Preamble

#### **The States Parties to the present Convention,**

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Bearing in mind that the peoples of the United Nations have, in the Charter, reaffirmed their faith in fundamental human rights and in the dignity and worth of the human person, and have determined to promote social progress and better standards of life in larger freedom,

Recognizing that the United Nations has, in the Universal Declaration of Human Rights and in the International Covenants on Human Rights, proclaimed and agreed that everyone is entitled to all the rights and freedoms set forth therein, 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,

Recalling that, in the Universal Declaration of Human Rights, the United Nations has proclaimed that childhood is entitled to special care and assistance,

Convinced that the family, as the fundamental group of society and the natural environment for the growth and well-being of all its members and particularly children, should be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community,

Recognizing that the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding,

Considering that the child should be fully prepared to live an individual life in society, and brought up in the spirit of the ideals proclaimed in the Charter of the United Nations, and in particular in the spirit of peace, dignity, tolerance, freedom, equality and solidarity,

Bearing in mind that the need to extend particular care to the child has been stated in the Geneva Declaration on the Rights of the Child of 1924 and in the Declaration of the Rights of the Child adopted by the General Assembly on 20 November 1959 and recognized in the Universal Declaration of Human Rights, in the International Covenant on Civil and Political Rights (in particular in articles 23 and 24), in the International Covenant on Economic, Social and Cultural Rights (in particular in article 10) and in the statutes and relevant instruments of specialized agencies and international organizations concerned with the welfare of children,



Bearing in mind that, as indicated in the Declaration of the Rights of the Child, the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth,

Recalling the provisions of the Declaration on Social and Legal Principles relating to the Protection and Welfare of Children, with Special Reference to Foster Placement and Adoption Nationally and Internationally; the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules); and the Declaration on the Protection of Women and Children in Emergency and Armed Conflict,

Recognizing that, in all countries in the world, there are children living in exceptionally difficult conditions, and that such children need special consideration,

Taking due account of the importance of the traditions and cultural values of each people for the protection and harmonious development of the child,

Recognizing the importance of international co-operation for improving the living conditions of children in every country, in particular in the developing countries,

**... have agreed as follows:**

## **Part I**

### **Article 1**

For the purposes of the present Convention, a child means every human being below the age of 18 years unless, under the law applicable to the child, majority is attained earlier.

### **Article 2**

States Parties shall respect and ensure the rights set forth in this Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.

States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.

### **Article 3**

In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her

parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures.

States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision.

#### **Article 4**

States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention. With regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international co-operation.

#### **Article 5**

States Parties shall respect the responsibilities, rights, and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the present Convention.

#### **Article 6**

States Parties recognize that every child has the inherent right to life.

States Parties shall ensure to the maximum extent possible the survival and development of the child.

#### **Article 7**

The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality, and, as far as possible, the right to know and be cared for by his or her parents.

States Parties shall ensure the implementation of these rights in accordance with their national law and their obligations under the relevant international instruments in this field, in particular where the child would otherwise be stateless.

#### **Article 8**

States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference.

Where a child is illegally deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view to speedily re-establishing his or her identity.

## Article 9

States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. Such determination may be necessary in a particular case such as one involving abuse or neglect of the child by the parents, or one where the parents are living separately and a decision must be made as to the child's place of residence.

In any proceedings pursuant to paragraph 1, all interested parties shall be given an opportunity to participate in the proceedings and make their views known.

States Parties shall respect the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis, except if it is contrary to the child's best interests.

Where such separation results from any action initiated by a State Party, such as the detention, imprisonment, exile, deportation or death (including death arising from any cause while the person is in the custody of the State) of one or both parents or of the child, that State Party shall, upon request, provide the parents, the child or, if appropriate, another member of the family with the essential information concerning the whereabouts of the absent member(s) of the family unless the provision of the information would be detrimental to the well-being of the child. States Parties shall further ensure that the submission of such a request shall of itself entail no adverse consequences for the person(s) concerned.

## Article 10

In accordance with the obligation of States Parties under article 9, paragraph 1, applications by a child or his or her parents to enter or leave a State Party for the purpose of family reunification shall be dealt with by States Parties in a positive, humane and expeditious manner. States Parties shall further ensure that the submission of such a request shall entail no adverse consequences for the applicants and for the members of their family.

A child whose parents reside in different States shall have the right to maintain on a regular basis, save in exceptional circumstances personal relations and direct contacts with both parents. Towards that end and in accordance with the obligation of States Parties under article 9, paragraph 1, States Parties shall respect the right of the child and his or her parents to leave any country, including their own, and to enter their own country. The right to leave any country shall be subject only to such restrictions as are prescribed by law and which are necessary to protect the national security, public order (order public), public health or morals or the rights and freedoms of others and are consistent with the other rights recognized in the present Convention.

## Article 11

States Parties shall take measures to combat the illicit transfer and non-return of children abroad.

To this end, States Parties shall promote the conclusion of bilateral or multilateral agreements or accession to existing agreements.

### **Article 12**

States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.

For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.

### **Article 13**

The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice.

The exercise of this right may be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:

For respect of the rights or reputations of others; or

For the protection of national security or of public order (ordre public), or of public health or morals.

### **Article 14**

States Parties shall respect the right of the child to freedom of thought, conscience and religion.

States Parties shall respect the rights and duties of the parents and, when applicable, legal guardians, to provide direction to the child in the exercise of his or her right in a manner consistent with the evolving capacities of the child.

Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others.

### **Article 15**

States Parties recognize the rights of the child to freedom of association and to freedom of peaceful assembly.

No restrictions may be placed on the exercise of these rights other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others.

#### **Article 16**

No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, nor to unlawful attacks on his or her honour and reputation.

The child has the right to the protection of the law against such interference or attacks.

#### **Article 17**

States Parties recognize the important function performed by the mass media and shall ensure that the child has access to information and material from a diversity of national and international sources, especially those aimed at the promotion of his or her social, spiritual and moral well-being and physical and mental health. To this end, States Parties shall:

Encourage the mass media to disseminate information and material of social and cultural benefit to the child and in accordance with the spirit of article 29;

Encourage international co-operation in the production, exchange and dissemination of such information and material from a diversity of cultural, national and international sources;

Encourage the production and dissemination of children's books;

Encourage the mass media to have particular regard to the linguistic needs of the child who belongs to a minority group or who is indigenous;

Encourage the development of appropriate guidelines for the protection of the child from information and material injurious to his or her well-being, bearing in mind the provisions of articles 13 and 18.

#### **Article 18**

States Parties shall use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child. Parents or, as the case may be, legal guardians, have the primary responsibility for the upbringing and development of the child. The best interests of the child will be their basic concern.

For the purpose of guaranteeing and promoting the rights set forth in the present Convention, States Parties shall render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities and services for the care of children.

States Parties shall take all appropriate measures to ensure that children of working parents have the right to benefit from child-care services and facilities for which they are eligible.

### **Article 19**

States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.

Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.

### **Article 20**

A child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State.

States Parties shall in accordance with their national laws ensure alternative care for such a child.

Such care could include, inter alia, foster placement, Kafala of Islamic law, adoption or if necessary placement in suitable institutions for the care of children. When considering solutions, due regard shall be paid to the desirability of continuity in a child's upbringing and to the child's ethnic, religious, cultural and linguistic background.

### **Article 21**

States Parties that recognize and/or permit the system of adoption shall ensure that the best interests of the child shall be the paramount consideration and they shall:

Ensure that the adoption of a child is authorized only by competent authorities who determine, in accordance with applicable law and procedures and on the basis of all pertinent and reliable information, that the adoption is permissible in view of the child's status concerning parents, relatives and legal guardians and that, if required, the persons concerned have given their informed consent to the adoption on the basis of such counselling as may be necessary;

Recognize that inter-country adoption may be considered as an alternative means of child's care, if the child cannot be placed in a foster or an adoptive family or cannot in any suitable manner be cared for in the child's country of origin;

Ensure that the child concerned by inter-country adoption enjoys safeguards and standards equivalent to those existing in the case of national adoption;

Take all appropriate measures to ensure that, in inter-country adoption, the placement does not result in improper financial gain for those involved in it;

Promote, where appropriate, the objectives of the present article by concluding bilateral or multilateral arrangements or agreements, and endeavour, within this framework, to ensure that the placement of the child in another country is carried out by competent authorities or organs.

## **Article 22**

States Parties shall take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law and procedures shall, whether unaccompanied or accompanied by his or her parents or by any other person, receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in the present Convention and in other international human rights or humanitarian instruments to which the said States are Parties.

For this purpose, States Parties shall provide, as they consider appropriate, co-operation in any efforts by the United Nations and other competent intergovernmental organizations or non-governmental organizations co-operating with the United Nations to protect and assist such a child and to trace the parents or other members of the family of any refugee child in order to obtain information necessary for reunification with his or her family. In cases where no parents or other members of the family can be found, the child shall be accorded the same protection as any other child permanently or temporarily deprived of his or her family environment for any reason, as set forth in the present Convention.

## **Article 23**

States Parties recognize that a mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance, and facilitate the child's active participation in the community.

States Parties recognize the right of the disabled child to special care and shall encourage and ensure the extension, subject to available resources, to the eligible child and those responsible for his or her care, of assistance for which application is made and which is appropriate to the child's condition and to the circumstances of the parents or others caring for the child.

Recognizing the special needs of a disabled child, assistance extended in accordance with paragraph 2 of the present article shall be provided free of charge, whenever possible, taking into account the financial resources of the parents or others caring for the child, and shall be designed to ensure that the disabled child has effective access to and receives education, training, health care services, rehabilitation services, preparation for employment and recreation opportunities in a manner



conducive to the child's achieving the fullest possible social integration and individual development, including his or her cultural and spiritual development.

States Parties shall promote, in the spirit of international co-operation, the exchange of appropriate information in the field of preventive health care and of medical, psychological and functional treatment of disabled children, including dissemination of and access to information concerning methods of rehabilitation, education and vocational services, with the aim of enabling States Parties to improve their capabilities and skills and to widen their experience in these areas. In this regard, particular account shall be taken of the needs of developing countries.

#### **Article 24**

States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services.

States Parties shall pursue full implementation of this right and, in particular, shall take appropriate measures:

To diminish infant and child mortality;

To ensure the provision of necessary medical assistance and health care to all children with emphasis on the development of primary health care;

To combat disease and malnutrition including within the framework of primary health care, through, inter alia, the application of readily available technology and through the provision of adequate nutritious foods and clean drinking water, taking into consideration the dangers and risks of environmental pollution;

To ensure appropriate pre-natal and post-natal health care for mothers;

To ensure that all segments of society, in particular parents and children, are informed, have access to education and are supported in the use of basic knowledge of child health and nutrition, the advantages of breast-feeding, hygiene and environmental sanitation and the prevention of accidents;

To develop preventive health care, guidance for parents, and family planning education and services.

States Parties shall take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children.

States Parties undertake to promote and encourage international co-operation with a view to achieving progressively the full realization of the right recognized in the present article. In this regard, particular account shall be taken of the needs of developing countries.

#### **Article 25**

States Parties recognize the right of a child who has been placed by the competent authorities for the purposes of care, protection or treatment of his or her physical or



mental health, to a periodic review of the treatment provided to the child and all other circumstances relevant to his or her placement.

### **Article 26**

States Parties shall recognize for every child the right to benefit from social security, including social insurance, and shall take the necessary measures to achieve the full realization of this right in accordance with their national law.

The benefits should, where appropriate, be granted, taking into account the resources and the circumstances of the child and persons having responsibility for the maintenance of the child, as well as any other consideration relevant to an application for benefits made by or on behalf of the child.

### **Article 27**

States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.

The parent(s) or others responsible for the child have the primary responsibility to secure, within their abilities and financial capacities, the conditions of living necessary for the child's development.

States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing.

States Parties shall take all appropriate measures to secure the recovery of maintenance for the child from the parents or other persons having financial responsibility for the child, both within the State Party and from abroad. In particular, where the person having financial responsibility for the child lives in a State different from that of the child, States Parties shall promote the accession to international agreements or the conclusion of such agreements, as well as the making of other appropriate arrangements.

### **Article 28**

States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:

Make primary education compulsory and available free to all;

Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;

Make higher education accessible to all on the basis of capacity by every appropriate means;

Make educational and vocational information and guidance available and accessible to all children;

Take measures to encourage regular attendance at schools and the reduction of drop-out rates.

States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention.

States Parties shall promote and encourage international co-operation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods. In this regard, particular account shall be taken of the needs of developing countries.

### **Article 29**

States Parties agree that the education of the child shall be directed to:

The development of the child's personality, talents and mental and physical abilities to their fullest potential;

The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;

The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;

The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;

The development of respect for the natural environment.

No part of the present article or article 28 shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principles set forth in paragraph 1 of the present article and to the requirements that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

### **Article 30**

In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language.

### **Article 31**

States Parties recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.

States Parties shall respect and promote the right of the child to fully participate in cultural and artistic life and shall encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity.

### **Article 32**

State Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.

States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article. To this end, and having regard to the relevant provisions of other international instruments, States Parties shall in particular:

Provide for a minimum age or minimum ages for admission to employment;

Provide for appropriate regulation of the hours and conditions of employment;

Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article.

### **Article 33**

States Parties shall take all appropriate measures, including legislative, administrative, social and educational measures, to protect children from the illicit use of narcotic drugs and psychotropic substances as defined in the relevant international treaties, and to prevent the use of children in the illicit production and trafficking of such substances.

### **Article 34**

States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent:

The inducement or coercion of a child to engage in any unlawful sexual activity;

The exploitative use of children in prostitution or other unlawful sexual practices;

The exploitative use of children in pornographic performances and materials.

### **Article 35**

States Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form.

### **Article 36**

States Parties shall protect the child against all other forms of exploitation prejudicial to any aspects of the child's welfare.

### **Article 37**

States Parties shall ensure that:

No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below 18 years of age;

No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time;

Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age. In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances;

Every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his or her liberty before a court or other competent, independent and impartial authority, and to a prompt decision on any such action.

### **Article 38**

States Parties undertake to respect and to ensure respect for rules of international humanitarian law applicable to them in armed conflicts which are relevant to the child.

States Parties shall take all feasible measures to ensure that persons who have not attained the age of 15 years do not take a direct part in hostilities.

States Parties shall refrain from recruiting any person who has not attained the age of 15 years into their armed forces. In recruiting among those persons who have attained the age of 15 years but who have not attained the age of 18 years, States Parties shall endeavour to give priority to those who are oldest.

In accordance with their obligations under international humanitarian law to protect the civilian population in armed conflicts, States Parties shall take all feasible measures to ensure protection and care of children who are affected by an armed conflict.

### **Article 39**

States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child.

#### **Article 40**

States Parties recognize the right of every child alleged as, accused of, or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth, which reinforces the child's respect for the human rights and fundamental freedoms of others and which takes into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society.

To this end, and having regard to the relevant provisions of international instruments, States Parties shall, in particular, ensure that:

No child shall be alleged as, be accused of, or recognized as having infringed the penal law by reason of acts or omissions that were not prohibited by national or international law at the time they were committed;

Every child alleged as or accused of having infringed the penal law has at least the following guarantees:

To be presumed innocent until proven guilty according to law;

To be informed promptly and directly of the charges against him or her, and, if appropriate, through his or her parents or legal guardians, and to have legal or other appropriate assistance in the preparation and presentation of his or her defence;

To have the matter determined without delay by a competent, independent and impartial authority or judicial body in a fair hearing according to law, in the presence of legal or other appropriate assistance and, unless it is considered not to be in the best interest of the child, in particular, taking into account his or her age or situation, his or her parents or legal guardians;

Not to be compelled to give testimony or to confess guilt; to examine or have examined adverse witnesses and to obtain the participation and examination of witnesses on his or her behalf under conditions of equality;

If considered to have infringed the penal law, to have this decision and any measures imposed in consequence thereof reviewed by a higher competent, independent and impartial authority or judicial body according to law;

To have the free assistance of an interpreter if the child cannot understand or speak the language used; (vii) To have his or her privacy fully respected at all stages of the proceedings.

To have his or her privacy fully respected at all stages of the proceedings. 3. States Parties shall seek to promote the establishment of laws, procedures, authorities and

institutions specifically applicable to children alleged as, accused of, or recognized as having infringed the penal law, and, in particular:

States Parties shall seek to promote the establishment of laws, procedures, authorities and institutions specifically applicable to children alleged as, accused of, or recognized as having infringed the penal law, and in particular:

The establishment of a minimum age below which children shall be presumed not to have the capacity to infringe the penal law;

Whenever appropriate and desirable, measures for dealing with such children without resorting to judicial proceedings, providing that human rights and legal safeguards are fully respected.

A variety of dispositions, such as care, guidance and supervision orders; counselling; probation; foster care; education and vocational training programmes and other alternatives to institutional care shall be available to ensure that children are dealt with in a manner appropriate to their well being and proportionate both to their circumstances and the offence.

#### **Article 41**

Nothing in the present Convention shall affect any provisions which are more conducive to the realization of the rights of the child and which may be contained in:

The law of a State Party; or

International law in force for that State

### **Part II Implementation and monitoring**

#### **Article 42**

States Parties undertake to make the principles and provisions of the Convention widely known, by appropriate and active means to adults and children alike.

#### **Article 43**

For the purpose of examining the progress made by States Parties in achieving the realization of the obligations undertaken in the present Convention, there shall be established a Committee on the Rights of the Child, which shall carry out the functions hereinafter provided.

The Committee shall consist of ten experts of high moral standing and recognized competence in the field covered by this Convention. the members of the Committee shall be elected by States Parties from among their nationals and shall serve in their personal capacity, consideration being given to equitable geographical distribution, as well as to the principal legal systems.

The members of the Committee shall be elected by secret ballot from a list of persons nominated by States Parties. Each State Party may nominate one person from among its own nationals.

The initial election to the Committee shall be held no later than six months after the date of the entry into force of the present Convention and thereafter every second year. At least four months before the date of each election, the Secretary-General of the United Nations shall address a letter to States Parties inviting them to submit their nominations within two months. The Secretary-General shall subsequently prepare a list in alphabetical order of all persons thus nominated, indicating States Parties which have nominated them, and shall submit it to the States Parties to the present Convention.

The elections shall be held at meetings of States Parties convened by the Secretary-General at United Nations Headquarters. At those meetings, for which two thirds of States Parties shall constitute a quorum, the persons elected to the Committee shall be those who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.

The members of the Committee shall be elected for a term of four years. They shall be eligible for re-election if renominated. The term of five of the members elected at the first election shall expire at the end of two years; immediately after the first election, the names of these five members shall be chosen by lot by the Chairman of the meeting.

If a member of the Committee dies or resigns or declares that for any other cause he or she can no longer perform the duties of the Committee, the State Party which nominated the member shall appoint another expert from among its nationals to serve for the remainder of the term, subject to the approval of the Committee.

The Committee shall establish its own rules of procedure.

The Committee shall elect its officers for a period of two years.

The meetings of the Committee shall normally be held at United Nations Headquarters or at any other convenient place as determined by the Committee. The Committee shall normally meet annually. The duration of the meetings of the Committee shall be determined, and reviewed, if necessary, by a meeting of the States Parties to the present Convention, subject to the approval of the General Assembly.

The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Convention.

With the approval of the General Assembly, the members of the Committee established under the present Convention shall receive emoluments from the United Nations resources on such terms and conditions as the Assembly may decide.

#### **Article 44**

States Parties undertake to submit to the Committee, through the Secretary-General of the United Nations, reports on the measures they have adopted which give effect to the rights recognized herein and on the progress made on the enjoyment of those rights:



Within two years of the entry into force of the Convention for the State Party concerned;

Thereafter every five years.

Reports made under the present article shall indicate factors and difficulties, if any, affecting the degree of fulfilment of the obligations under the present Convention. Reports shall also contain sufficient information to provide the Committee with a comprehensive understanding of the implementation of the Convention in the country concerned.

A State Party which has submitted a comprehensive initial report to the Committee need not, in its subsequent report submitted in accordance with paragraph 1 (b) of the present article, repeat basic information previously provided.

The Committee may request from States Parties further information relevant to the implementation of the Convention.

The Committee shall submit to the General Assembly of the United Nations through the Economic and Social Council, every two years, reports on its activities.

States Parties shall make their reports widely available to the public in their own countries.

#### **Article 45**

In order to foster the effective implementation of the Convention and to encourage international co-operation in the field covered by the Convention:

The specialized agencies, the United Nations Children's Fund, and other United Nations organs shall be entitled to be represented at the consideration of the implementation of such provisions of the present Convention as fall within the scope of their mandate. The Committee may invite the specialized agencies, the United Nations Children's Fund and other competent bodies as it may consider appropriate to provide expert advice on the implementation of the Convention in areas falling within the scope of their respective mandates. The Committee may invite the specialized agencies, the United Nations Children's Fund, and other United Nations organs to submit reports on the implementation of the Convention in areas falling within the scope of their activities;

The Committee shall transmit, as it may consider appropriate, to the specialized agencies, the United Nations Children's Fund and other competent bodies, any reports from States Parties that contain a request, or indicate a need, for technical advice or assistance along with the Committee's observations and suggestions, if any, on these requests or indications;

The Committee may recommend to the General Assembly to request the Secretary-General to undertake on its behalf studies on specific issues relating to the rights of the child;

The Committee may make suggestions and general recommendations based on information received pursuant to articles 44 and 45 of the present Convention. Such suggestions and general recommendations shall be transmitted to any State Party



concerned and reported to the General Assembly, together with comments, if any, from States Parties

### **Part III**

#### **Article 46**

The present Convention shall be open for signature by all States.

#### **Article 47**

The present Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

#### **Article 48**

The present Convention shall remain open for accession by any State. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

#### **Article 49**

The present Convention shall enter into force on the thirtieth day following the date of deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession.

For each State ratifying or acceding to the Convention after the deposit of the twentieth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after the deposit by such State of its instrument of ratification or accession.

#### **Article 50**

Any State Party may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate the proposed amendment to States Parties, with a request that they indicate whether they favor a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that, within four months from the date of such communication, at least one third of the States Parties favor such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of States Parties present and voting at the conference shall be submitted to the General Assembly for approval.

An amendment adopted in accordance with paragraph 1 of the present article shall enter into force when it has been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of States Parties.

When an amendment enters into force, it shall be binding on those States Parties which have accepted it, other States Parties still being bound by the provisions of the present Convention and any earlier amendments which they have accepted.

### **Article 51**

The Secretary-General of the United Nations shall receive and circulate to all States the text of reservations made by States at the time of ratification or accession.

A reservation incompatible with the object and purpose of the present Convention shall not be permitted.

Reservations may be withdrawn at any time by notification to that effect addressed to the Secretary-General of the United Nations, who shall then inform all States. Such notification shall take effect on the date on which it is received by the Secretary-General.

### **Article 52**

A State Party may denounce the present Convention by written notification to the Secretary-General of the United Nations. Denunciation becomes effective one year after the date of receipt of the notification by the Secretary-General.

### **Article 53**

The Secretary-General of the United Nations is designated as the depositary of the present Convention.

### **Article 54**

The original of the present Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

In witness thereof the undersigned plenipotentiaries, being duly authorized thereto by their respective Governments, have signed the present Convention.

### Resource 4-7: Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts

Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts, G.A. Res. 54/263, Annex I, 54 U.N. GAOR Supp. (No. 49) at 7, U.N. Doc. A/54/49, Vol. III (2000), *entered into force* February 12, 2002.

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*The General Assembly,*

*Recalling* all its previous resolutions on the rights of the child topic, and in particular its resolution 54/149 of 17 December 1999, in which it strongly supported the work of the open-ended inter-sessional working groups and urged them to finalize their work before the tenth anniversary of the entry into force of the Convention on the Rights of the Child,

*Expressing* its appreciation to the Commission on Human Rights for having finalized the texts of the two optional protocols to the Convention on the Rights of the Child, on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography,

*Conscious* of the tenth anniversaries, in the year 2000, of the World Summit for Children and the entry into force of the Convention on the Rights of the Child and of the symbolic and practical importance of the adoption of the two optional protocols to the Convention on the Rights of the Child before the special session of the General Assembly for the follow-up to the World Summit for Children, to be convened in 2001,

*Adhering* to the principle that the best interests of the child are to be a primary consideration in all actions concerning children,

*Reaffirming* its commitment to strive for the promotion and protection of the rights of the child in all avenues of life,

*Recognizing* that the adoption and implementation of the two optional protocols will make a substantial contribution to the promotion and protection of the rights of the child,

1. *Adopts* and opens for signature, ratification and accession the two optional protocols to the Convention on the Rights of the Child,<sup>1</sup> on the involvement of

children in armed conflict and on the sale of children, child prostitution and child pornography, the texts of which are annexed to the present resolution;

2. *Invites* all States that have signed, ratified or acceded to the Convention on the Rights of the Child to sign and ratify or accede to the annexed optional protocols as soon as possible in order to facilitate their early entry into force;

3. *Decides* that the two optional protocols to the Convention on the Rights of the Child will be opened for signature at the special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century", to be convened from 5 to 9 June 2000 in New York, and thereafter at United Nations Headquarters, at the special session of the General Assembly, entitled "World Summit for Social Development and beyond: achieving social development for all in a globalizing world", to be convened from 26 to 30 June 2000 in Geneva, and at the Millennium Summit of the United Nations, to be convened from 6 to 8 September 2000 in New York;

4. *Requests* the Secretary-General to include information on the status of the two optional protocols in his regular report to the General Assembly on the status of the Convention on the Rights of the Child.

## **Annex I**

### **Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict**

*The States Parties to the present Protocol,*

*Encouraged* by the overwhelming support for the Convention on the Rights of the Child,<sup>1</sup> demonstrating the widespread commitment that exists to strive for the promotion and protection of the rights of the child,

*Reaffirming* that the rights of children require special protection, and calling for continuous improvement of the situation of children without distinction, as well as for their development and education in conditions of peace and security,

*Disturbed* by the harmful and widespread impact of armed conflict on children and the long-term consequences this has for durable peace, security and development,

*Condemning* the targeting of children in situations of armed conflict and direct attacks on objects protected under international law, including places generally having a significant presence of children, such as schools and hospitals,

2 A/CONF.183/9.

*Noting* the adoption of the Statute of the International Criminal Court, in particular, its inclusion as a war crime of conscripting or enlisting children under the age of 15 years or using them to participate actively in hostilities in both international and non-international armed conflicts,

*Considering*, therefore, that to strengthen further the implementation of rights recognized in the Convention on the Rights of the Child there is a need to increase the protection of children from involvement in armed conflict,

*Noting* that article 1 of the Convention on the Rights of the Child specifies that, for the purposes of that Convention, a child means every human being below the age of 18 years unless, under the law applicable to the child, majority is attained earlier,

*Convinced* that an optional protocol to the Convention raising the age of possible recruitment of persons into armed forces and their participation in hostilities will contribute effectively to the implementation of the principle that the best interests of the child are to be a primary consideration in all actions concerning children,

*Noting* that the twenty-sixth international Conference of the Red Cross and Red Crescent in December 1995 recommended, inter alia, that parties to conflict take every feasible step to ensure that children under the age of 18 years do not take part in hostilities,

*Welcoming* the unanimous adoption, in June 1999, of International Labour Organization Convention No. 182 on the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, which prohibits, inter alia, forced or compulsory recruitment of children for use in armed conflict,

*Condemning* with the gravest concern the recruitment, training and use within and across national borders of children in hostilities by armed groups distinct from the armed forces of a State, and recognizing the responsibility of those who recruit, train and use children in this regard,

*Recalling* the obligation of each party to an armed conflict to abide by the provisions of international humanitarian law,

*Stressing* that this Protocol is without prejudice to the purposes and principles contained in the Charter of the United Nations, including Article 51, and relevant norms of humanitarian law,

*Bearing* in mind that conditions of peace and security based on full respect of the purposes and principles contained in the Charter and observance of applicable human rights instruments are indispensable for the full protection of children, in particular during armed conflicts and foreign occupation,

*Recognizing* the special needs of those children who are particularly vulnerable to recruitment or use in hostilities contrary to this Protocol owing to their economic or social status or gender,

*Mindful* of the necessity of taking into consideration the economic, social and political root causes of the involvement of children in armed conflicts,

*Convinced* of the need to strengthen international cooperation in the implementation of this Protocol, as well as the physical and psychosocial rehabilitation and social reintegration of children who are victims of armed conflict,

*Encouraging* the participation of the community and, in particular, children and child victims in the dissemination of informational and educational programmes concerning the implementation of the Protocol,

*Have agreed* as follows:

### **Article 1**

States Parties shall take all feasible measures to ensure that members of their armed forces who have not attained the age of 18 years do not take a direct part in hostilities.

### **Article 2**

States Parties shall ensure that persons who have not attained the age of 18 years are not compulsorily recruited into their armed forces.

### **Article 3**

1. States Parties shall raise the minimum age for the voluntary recruitment of persons into their national armed forces from that set out in article 38, paragraph 3, of the Convention on the Rights of the Child, taking account of the principles contained in that article and recognizing that under the Convention persons under 18 are entitled to special protection.

2. Each State Party shall deposit a binding declaration upon ratification of or accession to this Protocol that sets forth the minimum age at which it will permit voluntary recruitment into its national armed forces and a description of the safeguards that it has adopted to ensure that such recruitment is not forced or coerced.

3. States Parties that permit voluntary recruitment into their national armed forces under the age of 18 shall maintain safeguards to ensure, as a minimum, that:

- (a) Such recruitment is genuinely voluntary;
- (b) Such recruitment is done with the informed consent of the person's parents or legal guardians;
- (c) Such persons are fully informed of the duties involved in such military service;
- (d) Such persons provide reliable proof of age prior to acceptance into national military service.

4. Each State Party may strengthen its declaration at any time by notification to that effect addressed to the Secretary-General of the United Nations, who shall inform all States Parties. Such notification shall take effect on the date on which it is received by the Secretary-General.

5. The requirement to raise the age in paragraph 1 of the present article does not apply to schools operated by or under the control of the armed forces of the States Parties, in keeping with articles 28 and 29 of the Convention on the Rights of the Child.

#### **Article 4**

1. Armed groups that are distinct from the armed forces of a State should not, under any circumstances, recruit or use in hostilities persons under the age of 18 years.
2. States Parties shall take all feasible measures to prevent such recruitment and use, including the adoption of legal measures necessary to prohibit and criminalize such practices.
3. The application of the present article under this Protocol shall not affect the legal status of any party to an armed conflict.

#### **Article 5**

Nothing in the present Protocol shall be construed as precluding provisions in the law of a State Party or in international instruments and international humanitarian law that are more conducive to the realization of the rights of the child.

## **Article 6**

1. Each State Party shall take all necessary legal, administrative and other measures to ensure the effective implementation and enforcement of the provisions of this Protocol within its jurisdiction.
2. States Parties undertake to make the principles and provisions of the present Protocol widely known and promoted by appropriate means, to adults and children alike.
3. States Parties shall take all feasible measures to ensure that persons within their jurisdiction recruited or used in hostilities contrary to this Protocol are demobilized or otherwise released from service. States Parties shall, when necessary, accord to these persons all appropriate assistance for their physical and psychological recovery and their social reintegration.

## **Article 7**

1. States Parties shall cooperate in the implementation of the present Protocol, including in the prevention of any activity contrary to the Protocol and in the rehabilitation and social reintegration of persons who are victims of acts contrary to this Protocol, including through technical cooperation and financial assistance. Such assistance and cooperation will be undertaken in consultation with concerned States Parties and relevant international organizations.
2. States Parties in a position to do so shall provide such assistance through existing multilateral, bilateral or other programmes, or, inter alia, through a voluntary fund established in accordance with the rules of the General Assembly.

## **Article 8**

1. Each State Party shall submit, within two years following the entry into force of the Protocol for that State Party, a report to the Committee on the Rights of the Child providing comprehensive information on the measures it has taken to implement the provisions of the Protocol, including the measures taken to implement the provisions on participation and recruitment.
2. Following the submission of the comprehensive report, each State Party shall include in the reports they submit to the Committee on the Rights of the Child, in accordance with article 44 of the Convention, any further information with respect to the implementation of the Protocol. Other States Parties to the Protocol shall submit a report every five years.
3. The Committee on the Rights of the Child may request from States Parties further information relevant to the implementation of this Protocol.



### **Article 9**

1. The present Protocol is open for signature by any State that is a party to the Convention or has signed it.
2. The present Protocol is subject to ratification and is open to accession by any State. Instruments of ratification or accession shall be deposited with the Secretary-General of the United Nations.
3. The Secretary-General, in his capacity as depositary of the Convention and the Protocol, shall inform all States Parties to the Convention and all States that have signed the Convention of each instrument of declaration pursuant to article 13.

### **Article 10**

1. The present Protocol shall enter into force three months after the deposit of the tenth instrument of ratification or accession.
2. For each State ratifying the present Protocol or acceding to it after its entry into force, the present Protocol shall enter into force one month after the date of the deposit of its own instrument of ratification or accession.

### **Article 11**

1. Any State Party may denounce the present Protocol at any time by written notification to the Secretary-General of the United Nations, who shall thereafter inform the other States Parties to the Convention and all States that have signed the Convention. The denunciation shall take effect one year after the date of receipt of the notification by the Secretary-General. If, however, on the expiry of that year the denouncing State Party is engaged in armed conflict, the denunciation shall not take effect before the end of the armed conflict.
2. Such a denunciation shall not have the effect of releasing the State Party from its obligations under the present Protocol in regard to any act that occurs prior to the date on which the denunciation becomes effective. Nor shall such a denunciation prejudice in any way the continued consideration of any matter that is already under consideration by the Committee prior to the date on which the denunciation becomes effective.

### **Article 12**

1. Any State Party may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate the proposed amendment to States Parties, with a request that they indicate whether they favour a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that, within four months from the date of such communication, at least one third of the States Parties favour such a conference, the

Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of States Parties present and voting at the conference shall be submitted to the General Assembly for approval.

2. An amendment adopted in accordance with paragraph 1 of the present article shall enter into force when it has been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of States Parties.

3. When an amendment enters into force, it shall be binding on those States Parties that have accepted it, other States Parties still being bound by the provisions of the present Protocol and any earlier amendments that they have accepted.

### **Article 13**

1. The present Protocol, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.

2. The Secretary-General of the United Nations shall transmit certified copies of the present Protocol to all States Parties to the Convention and all States that have signed the Convention.

#### Resource 4-8: Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography

Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, G.A. Res. 54/263, Annex II, 54 U.N. GAOR Supp. (No. 49) at 6, U.N. Doc. A/54/49, Vol. III (2000),  
entered into force January 18, 2002.

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The General Assembly,

*Recalling* all its previous resolutions on the rights of the child topic, and in particular its resolution 54/149 of 17 December 1999, in which it strongly supported the work of the open-ended inter-sessional working groups and urged them to finalize their work before the tenth anniversary of the entry into force of the Convention on the Rights of the Child,

*Expressing* its appreciation to the Commission on Human Rights for having finalized the texts of the two optional protocols to the Convention on the Rights of the Child, on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography,

*Conscious* of the tenth anniversaries, in the year 2000, of the World Summit for Children and the entry into force of the Convention on the Rights of the Child and of the symbolic and practical importance of the adoption of the two optional protocols to the Convention on the Rights of the Child before the special session of the General Assembly for the follow-up to the World Summit for Children, to be convened in 2001,

*Adhering* to the principle that the best interests of the child are to be a primary consideration in all actions concerning children,

*Reaffirming* its commitment to strive for the promotion and protection of the rights of the child in all avenues of life,

*Recognizing* that the adoption and implementation of the two optional protocols will make a substantial contribution to the promotion and protection of the rights of the child,

1. *Adopts* and opens for signature, ratification and accession the two optional protocols to the Convention on the Rights of the Child,<sup>1</sup> on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography, the texts of which are annexed to the present resolution;
2. *Invites* all States that have signed, ratified or acceded to the Convention on the Rights of the Child to sign and ratify or accede to the annexed optional protocols as soon as possible in order to facilitate their early entry into force;
3. *Decides* that the two optional protocols to the Convention on the Rights of the Child will be opened for signature at the special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century", to be convened from 5 to 9 June 2000 in New York, and thereafter at United Nations Headquarters, at the special session of the General Assembly, entitled "World Summit for Social Development and beyond: achieving social development for all in a globalizing world", to be convened from 26 to 30 June 2000 in Geneva, and at the Millennium Summit of the United Nations, to be convened from 6 to 8 September 2000 in New York;
4. *Requests* the Secretary-General to include information on the status of the two optional protocols in his regular report to the General Assembly on the status of the Convention on the Rights of the Child.

## **Annex II**

### **Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography**

The States Parties to the present Protocol,

*Considering* that, in order further to achieve the purposes of the Convention on the Rights of the Child<sup>1</sup> and the implementation of its provisions, especially articles 1, 11, 21, 32, 33, 34, 35 and 36, it would be appropriate to extend the measures that States Parties should undertake in order to guarantee the protection of the child from the sale of children, child prostitution and child pornography,

*Considering* also that the Convention on the Rights of the Child recognizes the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development,

*Gravely concerned* at the significant and increasing international traffic of children for the purpose of the sale of children, child prostitution and child pornography,

*Deeply concerned* at the widespread and continuing practice of sex tourism, to which children are especially vulnerable, as it directly promotes the sale of children, child prostitution and child pornography,

*Recognizing* that a number of particularly vulnerable groups, including girl children, are at greater risk of sexual exploitation, and that girl children are disproportionately represented among the sexually exploited,

*Concerned* about the growing availability of child pornography on the Internet and other evolving technologies, and recalling the International Conference on Combating Child Pornography on the Internet (Vienna, 1999) and, in particular, its conclusion calling for the worldwide criminalization of the production, distribution, exportation, transmission, importation, intentional possession and advertising of child pornography, and stressing the importance of closer cooperation and partnership between Governments and the Internet industry,

*Believing* that the elimination of the sale of children, child prostitution and child pornography will be facilitated by adopting a holistic approach, addressing the contributing factors, including underdevelopment, poverty, economic disparities, inequitable socio-economic structure, dysfunctioning families, lack of education, urban-rural migration, gender discrimination, irresponsible adult sexual behaviour, harmful traditional practices, armed conflicts and trafficking of children,

*Believing* that efforts to raise public awareness are needed to reduce consumer demand for the sale of children, child prostitution and child pornography, and also believing in the importance of strengthening global partnership among all actors and of improving law enforcement at the national level,

*Noting* the provisions of international legal instruments relevant to the protection of children, including the Hague Convention on the Protection of Children and Cooperation with Respect to Inter-Country Adoption, the Hague Convention on the Civil Aspects of International Child Abduction, the Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in Respect of Parental Responsibility and Measures for the Protection of Children, and International Labour Organization Convention No. 182 on the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour,

*Encouraged* by the overwhelming support for the Convention on the Rights of the Child, demonstrating the widespread commitment that exists for the promotion and protection of the rights of the child,

3 Official Records of the Economic and Social Council, 1992, Supplement No. 2 (E/1992/22), chap. II, sect. A, resolution 1992/74, annex.

4 A/51/385, annex.

*Recognizing* the importance of the implementation of the provisions of the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography<sup>3</sup> and the Declaration and Agenda for Action adopted at the World Congress against Commercial Sexual Exploitation of Children, held at Stockholm from 27 to 31 August 1996,<sup>4</sup> and the other relevant decisions and recommendations of pertinent international bodies,

*Taking* due account of the importance of the traditions and cultural values of each people for the protection and harmonious development of the child,

*Have agreed* as follows:

### **Article 1**

States Parties shall prohibit the sale of children, child prostitution and child pornography as provided for by the present Protocol.

### **Article 2**

For the purpose of the present Protocol:

(a) Sale of children means any act or transaction whereby a child is transferred by any person or group of persons to another for remuneration or any other consideration;

(b) Child prostitution means the use of a child in sexual activities for remuneration or any other form of consideration;

(c) Child pornography means any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes.

### **Article 3**

1. Each State Party shall ensure that, as a minimum, the following acts and activities are fully covered under its criminal or penal law, whether these offences are committed domestically or transnationally or on an individual or organized basis:

(a) In the context of sale of children as defined in article 2:

(i) The offering, delivering or accepting, by whatever means, a child for the purpose of:

- a. Sexual exploitation of the child;
  - b. Transfer of organs of the child for profit;
  - c. Engagement of the child in forced labour;
- (ii) Improperly inducing consent, as an intermediary, for the adoption of a child in violation of applicable international legal instruments on adoption;
- (b) Offering, obtaining, procuring or providing a child for child prostitution, as defined in article 2;
- (c) Producing, distributing, disseminating, importing, exporting, offering, selling or possessing for the above purposes child pornography as defined in article 2.
2. Subject to the provisions of a State Party's national law, the same shall apply to an attempt to commit any of these acts and to complicity or participation in any of these acts.
3. Each State Party shall make these offences punishable by appropriate penalties that take into account their grave nature.
4. Subject to the provisions of its national law, each State Party shall take measures, where appropriate, to establish the liability of legal persons for offences established in paragraph 1 of the present article. Subject to the legal principles of the State Party, this liability of legal persons may be criminal, civil or administrative.
5. States Parties shall take all appropriate legal and administrative measures to ensure that all persons involved in the adoption of a child act in conformity with applicable international legal instruments.

#### **Article 4**

1. Each State Party shall take such measures as may be necessary to establish its jurisdiction over the offences referred to in article 3, paragraph 1, when the offences are committed in its territory or on board a ship or aircraft registered in that State.
2. Each State Party may take such measures as may be necessary to establish its jurisdiction over the offences referred to in article 3, paragraph 1, in the following cases:
- (a) When the alleged offender is a national of that State or a person who has his habitual residence in its territory;
  - (b) When the victim is a national of that State.

3. Each State Party shall also take such measures as may be necessary to establish its jurisdiction over the above-mentioned offences when the alleged offender is present in its territory and it does not extradite him or her to another State Party on the ground that the offence has been committed by one of its nationals.

4. This Protocol does not exclude any criminal jurisdiction exercised in accordance with internal law.

### **Article 5**

1. The offences referred to in article 3, paragraph 1, shall be deemed to be included as extraditable offences in any extradition treaty existing between States Parties and shall be included as extraditable offences in every extradition treaty subsequently concluded between them, in accordance with the conditions set forth in those treaties.

2. If a State Party that makes extradition conditional on the existence of a treaty receives a request for extradition from another State Party with which it has no extradition treaty, it may consider this Protocol as a legal basis for extradition in respect of such offences. Extradition shall be subject to the conditions provided by the law of the requested State.

3. States Parties that do not make extradition conditional on the existence of a treaty shall recognize such offences as extraditable offences between themselves subject to the conditions provided by the law of the requested State.

4. Such offences shall be treated, for the purpose of extradition between States Parties, as if they had been committed not only in the place in which they occurred but also in the territories of the States required to establish their jurisdiction in accordance with article 4.

5. If an extradition request is made with respect to an offence described in article 3, paragraph 1, and if the requested State Party does not or will not extradite on the basis of the nationality of the offender, that State shall take suitable measures to submit the case to its competent authorities for the purpose of prosecution.

### **Article 6**

1. States Parties shall afford one another the greatest measure of assistance in connection with investigations or criminal or extradition proceedings brought in respect of the offences set forth in article 3, paragraph 1, including assistance in obtaining evidence at their disposal necessary for the proceedings.

2. States Parties shall carry out their obligations under paragraph 1 of the present article in conformity with any treaties or other arrangements on mutual legal



assistance that may exist between them. In the absence of such treaties or arrangements, States Parties shall afford one another assistance in accordance with their domestic law.

### **Article 7**

States Parties shall, subject to the provisions of their national law:

- (a) Take measures to provide for the seizure and confiscation, as appropriate, of:
  - (i) Goods such as materials, assets and other instrumentalities used to commit or facilitate offences under the present protocol;
  - (ii) Proceeds derived from such offences;
- (b) Execute requests from another State Party for seizure or confiscation of goods or proceeds referred to in subparagraph (a) (i);
- (c) Take measures aimed at closing, on a temporary or definitive basis, premises used to commit such offences.

### **Article 8**

1. States Parties shall adopt appropriate measures to protect the rights and interests of child victims of the practices prohibited under the present Protocol at all stages of the criminal justice process, in particular by:

- (a) *Recognizing* the vulnerability of child victims and adapting procedures to recognize their special needs, including their special needs as witnesses;
- (b) *Informing* child victims of their rights, their role and the scope, timing and progress of the proceedings and of the disposition of their cases;
- (c) *Allowing* the views, needs and concerns of child victims to be presented and considered in proceedings where their personal interests are affected, in a manner consistent with the procedural rules of national law;
- (d) *Providing* appropriate support services to child victims throughout the legal process;
- (e) *Protecting*, as appropriate, the privacy and identity of child victims and taking measures in accordance with national law to avoid the inappropriate dissemination of information that could lead to the identification of child victims;
- (f) *Providing*, in appropriate cases, for the safety of child victims, as well as that of their families and witnesses on their behalf, from intimidation and retaliation;

(g) *Avoiding* unnecessary delay in the disposition of cases and the execution of orders or decrees granting compensation to child victims.

2. States Parties shall ensure that uncertainty as to the actual age of the victim shall not prevent the initiation of criminal investigations, including investigations aimed at establishing the age of the victim.

3. States Parties shall ensure that, in the treatment by the criminal justice system of children who are victims of the offences described in the present Protocol, the best interest of the child shall be a primary consideration.

4. States Parties shall take measures to ensure appropriate training, in particular legal and psychological training, for the persons who work with victims of the offences prohibited under the present Protocol.

5. States Parties shall, in appropriate cases, adopt measures in order to protect the safety and integrity of those persons and/or organizations involved in the prevention and/or protection and rehabilitation of victims of such offences.

6. Nothing in the present article shall be construed as prejudicial to or inconsistent with the rights of the accused to a fair and impartial trial.

## **Article 9**

1. States Parties shall adopt or strengthen, implement and disseminate laws, administrative measures, social policies and programmes to prevent the offences referred to in the present Protocol. Particular attention shall be given to protect children who are especially vulnerable to these practices.

2. States Parties shall promote awareness in the public at large, including children, through information by all appropriate means, education and training, about the preventive measures and harmful effects of the offences referred to in the present Protocol. In fulfilling their obligations under this article, States Parties shall encourage the participation of the community and, in particular, children and child victims, in such information and education and training programmes, including at the international level.

3. States Parties shall take all feasible measures with the aim of ensuring all appropriate assistance to victims of such offences, including their full social reintegration and their full physical and psychological recovery.

4. States Parties shall ensure that all child victims of the offences described in the present Protocol have access to adequate procedures to seek, without discrimination, compensation for damages from those legally responsible.

5. States Parties shall take appropriate measures aimed at effectively prohibiting the production and dissemination of material advertising the offences described in the present Protocol.

### **Article 10**

1. States Parties shall take all necessary steps to strengthen international cooperation by multilateral, regional and bilateral arrangements for the prevention, detection, investigation, prosecution and punishment of those responsible for acts involving the sale of children, child prostitution, child pornography and child sex tourism. States Parties shall also promote international cooperation and coordination between their authorities, national and international non-governmental organizations and international organizations.

2. States Parties shall promote international cooperation to assist child victims in their physical and psychological recovery, social reintegration and repatriation.

3. States Parties shall promote the strengthening of international cooperation in order to address the root causes, such as poverty and underdevelopment, contributing to the vulnerability of children to the sale of children, child prostitution, child pornography and child sex tourism.

4. States Parties in a position to do so shall provide financial, technical or other assistance through existing multilateral, regional, bilateral or other programmes.

### **Article 11**

Nothing in the present Protocol shall affect any provisions that are more conducive to the realization of the rights of the child and that may be contained in:

(a) The law of a State Party;

(b) International law in force for that State.

### **Article 12**

1. Each State Party shall submit, within two years following the entry into force of the Protocol for that State Party, a report to the Committee on the Rights of the Child providing comprehensive information on the measures it has taken to implement the provisions of the Protocol.

2. Following the submission of the comprehensive report, each State Party shall include in the reports they submit to the Committee on the Rights of the Child, in accordance with article 44 of the Convention, any further information with respect to the implementation of the Protocol. Other States Parties to the Protocol shall submit a report every five years.

3. The Committee on the Rights of the Child may request from States Parties further information relevant to the implementation of this Protocol.

### **Article 13**

1. The present Protocol is open for signature by any State that is a party to the Convention or has signed it.
2. The present Protocol is subject to ratification and is open to accession by any State that is a party to the Convention or has signed it. Instruments of ratification or accession shall be deposited with the Secretary-General of the United Nations.

### **Article 14**

1. The present Protocol shall enter into force three months after the deposit of the tenth instrument of ratification or accession.
2. For each State ratifying the present Protocol or acceding to it after its entry into force, the present Protocol shall enter into force one month after the date of the deposit of its own instrument of ratification or accession.

### **Article 15**

1. Any State Party may denounce the present Protocol at any time by written notification to the Secretary-General of the United Nations, who shall thereafter inform the other States Parties to the Convention and all States that have signed the Convention. The denunciation shall take effect one year after the date of receipt of the notification by the Secretary-General of the United Nations.
2. Such a denunciation shall not have the effect of releasing the State Party from its obligations under this Protocol in regard to any offence that occurs prior to the date on which the denunciation becomes effective. Nor shall such a denunciation prejudice in any way the continued consideration of any matter that is already under consideration by the Committee prior to the date on which the denunciation becomes effective.

### **Article 16**

1. Any State Party may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate the proposed amendment to States Parties, with a request that they indicate whether they favour a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that, within four months from the date of such communication, at least one third of the States Parties favour such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of States Parties present and voting at the conference shall be submitted to the General Assembly for approval.

2. An amendment adopted in accordance with paragraph 1 of the present article shall enter into force when it has been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of States Parties.
3. When an amendment enters into force, it shall be binding on those States Parties that have accepted it, other States Parties still being bound by the provisions of the present Protocol and any earlier amendments that they have accepted.

**Article 17**

1. The present Protocol, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.
  2. The Secretary-General of the United Nations shall transmit certified copies of the present Protocol to all States Parties to the Convention and all States that have signed the Convention.
1. Resolution 44/25, annex.

## Resource 4-9: Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, G.A. res. 39/46, [annex, 39 U.N. GAOR Supp. (No. 51) at 197, U.N. Doc. A/39/51 (1984)], *entered into force* June 26, 1987.

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### The States Parties to this Convention,

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Recognizing that those rights derive from the inherent dignity of the human person,

Considering the obligation of States under the Charter, in particular Article 55, to promote universal respect for, and observance of, human rights and fundamental freedoms,

Having regard to article 5 of the Universal Declaration of Human Rights and article 7 of the International Covenant on Civil and Political Rights, both of which provide that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment,

Having regard also to the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the General Assembly on 9 December 1975,

Desiring to make more effective the struggle against torture and other cruel, inhuman or degrading treatment or punishment throughout the world,

Have agreed as follows:

## PART I

### Article I

1. For the purposes of this Convention, the term "torture" means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is

inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.

2. This article is without prejudice to any international instrument or national legislation which does or may contain provisions of wider application.

## **Article 2**

1. Each State Party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction.

2. No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture.

3. An order from a superior officer or a public authority may not be invoked as a justification of torture.

## **Article 3**

1. No State Party shall expel, return ("refouler") or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture.

2. For the purpose of determining whether there are such grounds, the competent authorities shall take into account all relevant considerations including, where applicable, the existence in the State concerned of a consistent pattern of gross, flagrant or mass violations of human rights.

## **Article 4**

1. Each State Party shall ensure that all acts of torture are offences under its criminal law. The same shall apply to an attempt to commit torture and to an act by any person which constitutes complicity or participation in torture.

2. Each State Party shall make these offences punishable by appropriate penalties which take into account their grave nature.

## **Article 5**

1. Each State Party shall take such measures as may be necessary to establish its jurisdiction over the offences referred to in article 4 in the following cases:

(a) When the offences are committed in any territory under its jurisdiction or on board a ship or aircraft registered in that State;

(b) When the alleged offender is a national of that State;

(c) When the victim is a national of that State if that State considers it appropriate.

2. Each State Party shall likewise take such measures as may be necessary to establish its jurisdiction over such offences in cases where the alleged offender is present in any territory under its jurisdiction and it does not extradite him pursuant to article 8 to any of the States mentioned in paragraph 1 of this article.

3. This Convention does not exclude any criminal jurisdiction exercised in accordance with internal law.

### **Article 6**

1. Upon being satisfied, after an examination of information available to it, that the circumstances so warrant, any State Party in whose territory a person alleged to have committed any offence referred to in article 4 is present shall take him into custody or take other legal measures to ensure his presence. The custody and other legal measures shall be as provided in the law of that State but may be continued only for such time as is necessary to enable any criminal or extradition proceedings to be instituted.

2. Such State shall immediately make a preliminary inquiry into the facts.

3. Any person in custody pursuant to paragraph 1 of this article shall be assisted in communicating immediately with the nearest appropriate representative of the State of which he is a national, or, if he is a stateless person, with the representative of the State where he usually resides.

4. When a State, pursuant to this article, has taken a person into custody, it shall immediately notify the States referred to in article 5, paragraph 1, of the fact that such person is in custody and of the circumstances which warrant his detention. The State which makes the preliminary inquiry contemplated in paragraph 2 of this article shall promptly report its findings to the said States and shall indicate whether it intends to exercise jurisdiction.

### **Article 7**

1. The State Party in the territory under whose jurisdiction a person alleged to have committed any offence referred to in article 4 is found shall in the cases contemplated in article 5, if it does not extradite him, submit the case to its competent authorities for the purpose of prosecution.

2. These authorities shall take their decision in the same manner as in the case of any ordinary offence of a serious nature under the law of that State. In the cases referred to in article 5, paragraph 2, the standards of evidence required for prosecution and



conviction shall in no way be less stringent than those which apply in the cases referred to in article 5, paragraph 1.

3. Any person regarding whom proceedings are brought in connection with any of the offences referred to in article 4 shall be guaranteed fair treatment at all stages of the proceedings.

### **Article 8**

1. The offences referred to in article 4 shall be deemed to be included as extraditable offences in any extradition treaty existing between States Parties. States Parties undertake to include such offences as extraditable offences in every extradition treaty to be concluded between them.

2. If a State Party which makes extradition conditional on the existence of a treaty receives a request for extradition from another State Party with which it has no extradition treaty, it may consider this Convention as the legal basis for extradition in respect of such offences. Extradition shall be subject to the other conditions provided by the law of the requested State.

3. States Parties which do not make extradition conditional on the existence of a treaty shall recognize such offences as extraditable offences between themselves subject to the conditions provided by the law of the requested State.

4. Such offences shall be treated, for the purpose of extradition between States Parties, as if they had been committed not only in the place in which they occurred but also in the territories of the States required to establish their jurisdiction in accordance with article 5, paragraph 1.

### **Article 9**

1. States Parties shall afford one another the greatest measure of assistance in connection with criminal proceedings brought in respect of any of the offences referred to in article 4, including the supply of all evidence at their disposal necessary for the proceedings.

2. States Parties shall carry out their obligations under paragraph 1 of this article in conformity with any treaties on mutual judicial assistance that may exist between them.

### **Article 10**

1. Each State Party shall ensure that education and information regarding the prohibition against torture are fully included in the training of law enforcement personnel, civil or military, medical personnel, public officials and other persons

who may be involved in the custody, interrogation or treatment of any individual subjected to any form of arrest, detention or imprisonment.

2. Each State Party shall include this prohibition in the rules or instructions issued in regard to the duties and functions of any such person.

### **Article 11**

Each State Party shall keep under systematic review interrogation rules, instructions, methods and practices as well as arrangements for the custody and treatment of persons subjected to any form of arrest, detention or imprisonment in any territory under its jurisdiction, with a view to preventing any cases of torture.

### **Article 12**

Each State Party shall ensure that its competent authorities proceed to a prompt and impartial investigation, wherever there is reasonable ground to believe that an act of torture has been committed in any territory under its jurisdiction.

### **Article 13**

Each State Party shall ensure that any individual who alleges he has been subjected to torture in any territory under its jurisdiction has the right to complain to, and to have his case promptly and impartially examined by, its competent authorities. Steps shall be taken to ensure that the complainant and witnesses are protected against all ill-treatment or intimidation as a consequence of his complaint or any evidence given.

### **Article 14**

1. Each State Party shall ensure in its legal system that the victim of an act of torture obtains redress and has an enforceable right to fair and adequate compensation, including the means for as full rehabilitation as possible. In the event of the death of the victim as a result of an act of torture, his dependants shall be entitled to compensation.

2. Nothing in this article shall affect any right of the victim or other persons to compensation which may exist under national law.

### **Article 15**

Each State Party shall ensure that any statement which is established to have been made as a result of torture shall not be invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made.

### **Article 16**

1. Each State Party shall undertake to prevent in any territory under its jurisdiction other acts of cruel, inhuman or degrading treatment or punishment which do not amount to torture as defined in article 1, when such acts are committed by or at the

instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. In particular, the obligations contained in articles 10, 11, 12 and 13 shall apply with the substitution for references to torture of references to other forms of cruel, inhuman or degrading treatment or punishment.

2. The provisions of this Convention are without prejudice to the provisions of any other international instrument or national law which prohibits cruel, inhuman or degrading treatment or punishment or which relates to extradition or expulsion.

## **PART II**

### **Article 17**

1. There shall be established a Committee against Torture (hereinafter referred to as the Committee) which shall carry out the functions hereinafter provided. The Committee shall consist of ten experts of high moral standing and recognized competence in the field of human rights, who shall serve in their personal capacity. The experts shall be elected by the States Parties, consideration being given to equitable geographical distribution and to the usefulness of the participation of some persons having legal experience.

2. The members of the Committee shall be elected by secret ballot from a list of persons nominated by States Parties. Each State Party may nominate one person from among its own nationals. States Parties shall bear in mind the usefulness of nominating persons who are also members of the Human Rights Committee established under the International Covenant on Civil and Political Rights and who are willing to serve on the Committee against Torture.

3. Elections of the members of the Committee shall be held at biennial meetings of States Parties convened by the Secretary-General of the United Nations. At those meetings, for which two thirds of the States Parties shall constitute a quorum, the persons elected to the Committee shall be those who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.

4. The initial election shall be held no later than six months after the date of the entry into force of this Convention. At least four months before the date of each election, the Secretary-General of the United Nations shall address a letter to the States Parties inviting them to submit their nominations within three months. The Secretary-General shall prepare a list in alphabetical order of all persons thus nominated, indicating the States Parties which have nominated them, and shall submit it to the States Parties.

5. The members of the Committee shall be elected for a term of four years. They shall be eligible for re-election if renominated. However, the term of five of the members elected at the first election shall expire at the end of two years; immediately after the first election the names of these five members shall be chosen by lot by the chairman of the meeting referred to in paragraph 3 of this article.

6. If a member of the Committee dies or resigns or for any other cause can no longer perform his Committee duties, the State Party which nominated him shall appoint another expert from among its nationals to serve for the remainder of his term, subject to the approval of the majority of the States Parties. The approval shall be considered given unless half or more of the States Parties respond negatively within six weeks after having been informed by the Secretary-General of the United Nations of the proposed appointment.

7. States Parties shall be responsible for the expenses of the members of the Committee while they are in performance of Committee duties.

### **Article 18**

1. The Committee shall elect its officers for a term of two years. They may be re-elected.

2. The Committee shall establish its own rules of procedure, but these rules shall provide, inter alia, that:

(a) Six members shall constitute a quorum;

(b) Decisions of the Committee shall be made by a majority vote of the members present.

3. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under this Convention.

4. The Secretary-General of the United Nations shall convene the initial meeting of the Committee. After its initial meeting, the Committee shall meet at such times as shall be provided in its rules of procedure.

5. The States Parties shall be responsible for expenses incurred in connection with the holding of meetings of the States Parties and of the Committee, including reimbursement to the United Nations for any expenses, such as the cost of staff and facilities, incurred by the United Nations pursuant to paragraph 3 of this article.

### Article 19

1. The States Parties shall submit to the Committee, through the Secretary-General of the United Nations, reports on the measures they have taken to give effect to their undertakings under this Convention, within one year after the entry into force of the Convention for the State Party concerned. Thereafter the States Parties shall submit supplementary reports every four years on any new measures taken and such other reports as the Committee may request.
2. The Secretary-General of the United Nations shall transmit the reports to all States Parties.
3. Each report shall be considered by the Committee which may make such general comments on the report as it may consider appropriate and shall forward these to the State Party concerned. That State Party may respond with any observations it chooses to the Committee.
4. The Committee may, at its discretion, decide to include any comments made by it in accordance with paragraph 3 of this article, together with the observations thereon received from the State Party concerned, in its annual report made in accordance with article 24. If so requested by the State Party concerned, the Committee may also include a copy of the report submitted under paragraph I of this article.

### Article 20

1. If the Committee receives reliable information which appears to it to contain well-founded indications that torture is being systematically practised in the territory of a State Party, the Committee shall invite that State Party to co-operate in the examination of the information and to this end to submit observations with regard to the information concerned.
2. Taking into account any observations which may have been submitted by the State Party concerned, as well as any other relevant information available to it, the Committee may, if it decides that this is warranted, designate one or more of its members to make a confidential inquiry and to report to the Committee urgently.
3. If an inquiry is made in accordance with paragraph 2 of this article, the Committee shall seek the co-operation of the State Party concerned. In agreement with that State Party, such an inquiry may include a visit to its territory.
4. After examining the findings of its member or members submitted in accordance with paragraph 2 of this article, the Commission shall transmit these findings to the State Party concerned together with any comments or suggestions which seem appropriate in view of the situation.

5. All the proceedings of the Committee referred to in paragraphs 1 to 4 of this article shall be confidential, and at all stages of the proceedings the co-operation of the State Party shall be sought. After such proceedings have been completed with regard to an inquiry made in accordance with paragraph 2, the Committee may, after consultations with the State Party concerned, decide to include a summary account of the results of the proceedings in its annual report made in accordance with article 24.

## Article 21

1. A State Party to this Convention may at any time declare under this article that it recognizes the competence of the Committee to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under this Convention. Such communications may be received and considered according to the procedures laid down in this article only if submitted by a State Party which has made a declaration recognizing in regard to itself the competence of the Committee. No communication shall be dealt with by the Committee under this article if it concerns a State Party which has not made such a declaration. Communications received under this article shall be dealt with in accordance with the following procedure;

(a) If a State Party considers that another State Party is not giving effect to the provisions of this Convention, it may, by written communication, bring the matter to the attention of that State Party. Within three months after the receipt of the communication the receiving State shall afford the State which sent the communication an explanation or any other statement in writing clarifying the matter, which should include, to the extent possible and pertinent, reference to domestic procedures and remedies taken, pending or available in the matter;

(b) If the matter is not adjusted to the satisfaction of both States Parties concerned within six months after the receipt by the receiving State of the initial communication, either State shall have the right to refer the matter to the Committee, by notice given to the Committee and to the other State;

(c) The Committee shall deal with a matter referred to it under this article only after it has ascertained that all domestic remedies have been invoked and exhausted in the matter, in conformity with the generally recognized principles of international law. This shall not be the rule where the application of the remedies is unreasonably prolonged or is unlikely to bring effective relief to the person who is the victim of the violation of this Convention;

(d) The Committee shall hold closed meetings when examining communications under this article;

(e) Subject to the provisions of subparagraph (c), the Committee shall make available its good offices to the States Parties concerned with a view to a friendly solution of the matter on the basis of respect for the obligations provided for in this Convention. For this purpose, the Committee may, when appropriate, set up an ad hoc conciliation commission;

(f) In any matter referred to it under this article, the Committee may call upon the States Parties concerned, referred to in subparagraph (b), to supply any relevant information;

(g) The States Parties concerned, referred to in subparagraph (b), shall have the right to be represented when the matter is being considered by the Committee and to make submissions orally and/or in writing;

(h) The Committee shall, within twelve months after the date of receipt of notice under subparagraph (b), submit a report:

(i) If a solution within the terms of subparagraph (e) is reached, the Committee shall confine its report to a brief statement of the facts and of the solution reached;

(ii) If a solution within the terms of subparagraph (e) is not reached, the Committee shall confine its report to a brief statement of the facts; the written submissions and record of the oral submissions made by the States Parties concerned shall be attached to the report. In every matter, the report shall be communicated to the States Parties concerned.

2. The provisions of this article shall come into force when five States Parties to this Convention have made declarations under paragraph 1 of this article. Such declarations shall be deposited by the States Parties with the Secretary-General of the United Nations, who shall transmit copies thereof to the other States Parties. A declaration may be withdrawn at any time by notification to the Secretary-General. Such a withdrawal shall not prejudice the consideration of any matter which is the subject of a communication already transmitted under this article; no further communication by any State Party shall be received under this article after the notification of withdrawal of the declaration has been received by the Secretary-General, unless the State Party concerned has made a new declaration.

## Article 22

1. A State Party to this Convention may at any time declare under this article that it recognizes the competence of the Committee to receive and consider communications from or on behalf of individuals subject to its jurisdiction who claim to be victims of a violation by a State Party of the provisions of the



Convention. No communication shall be received by the Committee if it concerns a State Party which has not made such a declaration.

2. The Committee shall consider inadmissible any communication under this article which is anonymous or which it considers to be an abuse of the right of submission of such communications or to be incompatible with the provisions of this Convention.

3. Subject to the provisions of paragraph 2, the Committee shall bring any communications submitted to it under this article to the attention of the State Party to this Convention which has made a declaration under paragraph I and is alleged to be violating any provisions of the Convention. Within six months, the receiving State shall submit to the Committee written explanations or statements clarifying the matter and the remedy, if any, that may have been taken by that State.

4. The Committee shall consider communications received under this article in the light of all information made available to it by or on behalf of the individual and by the State Party concerned.

5. The Committee shall not consider any communications from an individual under this article unless it has ascertained that:

(a) The same matter has not been, and is not being, examined under another procedure of international investigation or settlement;

(b) The individual has exhausted all available domestic remedies; this shall not be the rule where the application of the remedies is unreasonably prolonged or is unlikely to bring effective relief to the person who is the victim of the violation of this Convention.

6. The Committee shall hold closed meetings when examining communications under this article.

7. The Committee shall forward its views to the State Party concerned and to the individual.

8. The provisions of this article shall come into force when five States Parties to this Convention have made declarations under paragraph 1 of this article. Such declarations shall be deposited by the States Parties with the Secretary-General of the United Nations, who shall transmit copies thereof to the other States Parties. A declaration may be withdrawn at any time by notification to the Secretary-General. Such a withdrawal shall not prejudice the consideration of any matter which is the subject of a communication already transmitted under this article; no further



communication by or on behalf of an individual shall be received under this article after the notification of withdrawal of the declaration has been received by the Secretary General, unless the State Party has made a new declaration.

### **Article 23**

The members of the Committee and of the ad hoc conciliation commissions which may be appointed under article 21, paragraph I (*e*), shall be entitled to the facilities, privileges and immunities of experts on mission for the United Nations as laid down in the relevant sections of the Convention on the Privileges and Immunities of the United Nations.

### **Article 24**

The Committee shall submit an annual report on its activities under this Convention to the States Parties and to the General Assembly of the United Nations.

## **PART III**

### **Article 25**

1. This Convention is open for signature by all States. 2. This Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

### **Article 26**

This Convention is open to accession by all States. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

### **Article 27**

1. This Convention shall enter into force on the thirtieth day after the date of the deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession.

2. For each State ratifying this Convention or acceding to it after the deposit of the twentieth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after the date of the deposit of its own instrument of ratification or accession.

### **Article 28**

1. Each State may, at the time of signature or ratification of this Convention or accession thereto, declare that it does not recognize the competence of the Committee provided for in article 20.

2. Any State Party having made a reservation in accordance with paragraph I of this article may, at any time, withdraw this reservation by notification to the Secretary-General of the United Nations.

### **Article 29**

1 . Any State Party to this Convention may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary General shall thereupon communicate the proposed amendment to the States Parties with a request that they notify him whether they favour a conference of States Parties for the purpose of considering and voting upon the proposal. In the event that within four months from the date of such communication at least one third of the States Parties favours such a conference, the Secretary General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of the States Parties present and voting at the conference shall be submitted by the Secretary-General to all the States Parties for acceptance.

2. An amendment adopted in accordance with paragraph I of this article shall enter into force when two thirds of the States Parties to this Convention have notified the Secretary-General of the United Nations that they have accepted it in accordance with their respective constitutional processes.

3. When amendments enter into force, they shall be binding on those States Parties which have accepted them, other States Parties still being bound by the provisions of this Convention and any earlier amendments which they have accepted.

### **Article 30**

1. Any dispute between two or more States Parties concerning the interpretation or application of this Convention which cannot be settled through negotiation shall, at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration the Parties are unable to agree on the organization of the arbitration, any one of those Parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court.

2. Each State may, at the time of signature or ratification of this Convention or accession thereto, declare that it does not consider itself bound by paragraph I of this article. The other States Parties shall not be bound by paragraph I of this article with respect to any State Party having made such a reservation.

3. Any State Party having made a reservation in accordance with paragraph 2 of this article may at any time withdraw this reservation by notification to the Secretary-General of the United Nations.

**Article 31**

1. A State Party may denounce this Convention by written notification to the Secretary-General of the United Nations. Denunciation becomes effective one year after the date of receipt of the notification by the Secretary-General .
2. Such a denunciation shall not have the effect of releasing the State Party from its obligations under this Convention in regard to any act or omission which occurs prior to the date at which the denunciation becomes effective, nor shall denunciation prejudice in any way the continued consideration of any matter which is already under consideration by the Committee prior to the date at which the denunciation becomes effective.
3. Following the date at which the denunciation of a State Party becomes effective, the Committee shall not commence consideration of any new matter regarding that State.

**Article 32**

The Secretary-General of the United Nations shall inform all States Members of the United Nations and all States which have signed this Convention or acceded to it of the following:

- (a) Signatures, ratifications and accessions under articles 25 and 26;
- (b) The date of entry into force of this Convention under article 27 and the date of the entry into force of any amendments under article 29;
- (c) Denunciations under article 31.

**Article 33**

1. This Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.
2. The Secretary-General of the United Nations shall transmit certified copies of this Convention to all States.

## Resource 5-1: Defining Social Transformation

### Defining Social Transformation

Social transformation may involve changes in social structures, labor relations, urbanization, attitudes, beliefs, views, and values, freedoms and rights, the quality of education, competitive and comparative advantages, and effective governance.

### On Achieving Social Transformation

Taylor (1998), in reference to Paulo Freire's view on the goal of social transformation, indicates Freire "...is much more concerned about a social transformation via the unveiling of reality by the oppressed through the awakening of their critical consciousness, where they learn to perceive social, political and economic contradictions, and to take action against the oppressive elements of reality."

### Transformative Learning

Mezirow, who pioneered the theory of transformative learning, suggests that individuals can be transformed through a process of critical reflection. He goes on to explain that in transformative learning the most significant learning occurs in the communicative domain which "involves identifying problematic ideas, values, beliefs and feelings, critically examining the assumptions upon which they are based, testing their justification through rational discourse and making decisions predicated upon the resulting consensus." (Taylor, 1998, p. 43)

### Sources:

Alvi, H. (2005). The Human Rights of Women and Social Transformation in the Arab Middle East. *Middle East Review of International Affairs*, Vol. 9, June 2005, No. 2.

Nazzari, V., et al. (Canadian Human Rights Foundation, former name of Equitas). (2005). Using Transformative Learning as a Model for Human Rights Education: A Case Study of the Canadian Human Rights Foundation's International Human Rights Training Program, *Intercultural Education*, Vol. 16, No. 2, May 2005, pp. 171-186.

Taylor, E. (1998). *The Theory and Practice of Transformative Learning: A Critical Review*. Ohio: Vocational Education, Ohio State University. Available online at: [www.cete.org/acve/mp\\_taylor\\_01.asp](http://www.cete.org/acve/mp_taylor_01.asp) (accessed 6 October 2004).

## Resource 5-2: Effective Training Techniques

To Give Information (Knowledge)	To Teach Skills, Behaviours	To Change Attitudes, Values
<ul style="list-style-type: none"> <li>• <b>Presentation:</b> One resource person presents information or his/her point of view on an issue.</li> <li>• <b>Panel Presentation:</b> Two to three resource persons present different aspects of a common topic (moderator required).</li> <li>• <b>Debate:</b> Two resource persons state conflicting views and argue their points (moderator required).</li> <li>• <b>Dialogue:</b> Informal, conversational discourse between two resource persons.</li> <li>• <b>Dramatic Presentation:</b> A prepared play or skit.</li> <li>• <b>Appropriate follow-up activities</b> to presentations of one or more resource persons involving an audience.</li> <li>• <b>Forum:</b> Free, open, question/discussion period immediately following a presentation.</li> <li>• <b>Question Period:</b> Opportunity for anyone in the audience to directly question presenters.</li> <li>• <b>Buzz Groups:</b> Sub-groups of 4 to 6 individuals take about 5 minutes to discuss a particular issue or question raised by the resource person, then share it with the audience.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Case Study:</b> Presentation of a problem or case for a group to analyze and solve.</li> <li>• <b>Demonstration:</b> Facilitator verbally explains and performs an act, procedure, or process.</li> <li>• <b>Games, Structured Experiences:</b> Participants participate in a game requiring particular skills, usually led by the facilitator.</li> <li>• <b>Simulation:</b> Participants learn skills in a setting that simulates the real setting where skills are required.</li> <li>• <b>Teaching/Learning Team:</b> Working cooperatively, small groups of 3 to 6 persons teach and help each other to develop skills.</li> <li>• <b>Appropriate activities for follow-up</b> and practise of skills.</li> <li>• <b>Application Projects:</b> Activities that enable participants to practise skills in their own context and situations during the training.</li> <li>• <b>Practise:</b> Specific activities to apply learning after the training in their work context.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Circle Response:</b> Question posed to members of a group seated in a circle, each person in turn expressing a response.</li> <li>• <b>Field Trips, Tours:</b> Viewing or experiencing situations first hand for observation and study.</li> <li>• <b>Games:</b> Experiencing a game and discussing its application to real life.</li> <li>• <b>Group Discussion:</b> Mutual exchange of ideas and opinions by members of small groups (8 to 20 persons) on a problem or an issue of common concern for about 10 to 40 minutes depending on the size of the group.</li> <li>• <b>Role Playing:</b> Impromptu dramatization of a problem or situation followed by discussion.</li> <li>• <b>Simulation:</b> Experience in a situation as realistic as possible, followed by discussion.</li> <li>• <b>Skit:</b> Short, rehearsed dramatic presentation followed by discussion.</li> </ul>