

Capacity Building for Ran-Ham (2004-2009)

Strengthening Human Rights Protection in
Aceh, Indonesia



Workshop Manual

20 - 23 March 2006
Nanggroe Aceh Darussalam, Indonesia

equitas

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



Direktorat Jenderal
Perlindungan Ham
Departemen Hukum Dan
Hak Asasi Manusia

Equitas – International Centre for Human Rights Education
1425, René-Lévesque Blvd. West
Suite 407
Montréal, Québec
Canada H3G 1T7

Tel. : (514) 954-0382
Fax. : (514) 954-0659
E-mail : info@equitas.org
Web site: www.equitas.org

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Introduction

Background

Strengthening Human Rights Protection in the Tsunami-Affected Regions of Indonesia is a joint project of Equitas – International Centre for Human Rights Education and the Directorate General of Human Rights Protection (DG-Ham) of the Indonesian Ministry of Law and Human Rights (MOLAHR).

The project is designed to respond to the urgent challenges facing Indonesia in consolidating the transition to democracy as well as the long-term challenges of rebuilding social, economic and political infrastructure in the aftermath of the Tsunami.

Indonesia's National Plan of Action of Human Rights 2004-2009 (RANHAM) provides an important framework for the Government of Indonesia to implement its international and domestic human rights obligations and a strategic entry point for engaging the many agencies of Government at national, provincial and local levels on human rights issues. The plan recognizes the need to work closely with local government authorities and civil society through provincial and local RANHAM Committees in the context of Indonesia's ongoing process of decentralization.

Since the Tsunami, the Ministry of Law and Human Rights (MOLAHR) has made it a priority to strengthen the capacity of the RANHAM Committees in Nanggroe Aceh Darussalam (hereafter referred to as Aceh) and the surrounding provinces. Through these RANHAM Committees, the Ministry is engaging with the key local government bodies and civil society actors involved in reconstruction efforts to ensure that they take into account rights-based approaches that are in conformity with Indonesia's international and domestic human rights obligations.

This Workshop

The workshop outlined in this manual is the first in a series of human rights education activities designed for members of RANHAM Committees in the province of Aceh, Indonesia. The aim of these workshops is to enhance their capacity to implement their commitments under RANHAM in terms of human rights education and human rights information dissemination.

Workshop Goal

The **goal** of this workshop is to strengthen the capacity of the RANHAM Committees in Aceh to implement their human rights education and information dissemination commitments under RANHAM.

Objectives

The **objectives** of this workshop are to:

- Motivate participating institutions and organizations in Aceh to contribute actively to the implementation of RANHAM
- Strengthen participants' capacity to contribute to the effective implementation of RANHAM by:
 - reviewing basic human rights concepts and principles and Indonesia's international and domestic human rights obligations
 - analyzing issues and situations faced in their work using a rights-based approach
 - exploring participatory methods in the design, delivery and evaluation of their RANHAM Committee human rights education-related activities
 - identifying and sharing best practices from the Indonesian and Canadian experiences relevant to the effective implementation of the RANHAM
- Identify the human rights education capacity-building needs of the organizations and institutions engaged in the implementation of the RANHAM in Aceh (i.e. National and provincial RANHAM Committees, MOLAHR/DG-HAM, civil society).

Participants

Target participants for this workshop are members of the Aceh provincial RANHAM Committee. They include participating officials from Government agencies engaged in the implementation of RANHAM in Aceh and its surrounding provinces.

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 this content. 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.

The facilitators are skilled in adult education methods, knowledgeable about human rights and experienced in working with diverse groups. Internationally recognized human rights experts will be invited to give presentations and participate in panel discussions throughout the workshop.

About the Manual

This manual outlines the format of the workshop with objectives, descriptions of modules, and suggested time frames for each module. There are **Worksheets** and **Reference Sheets** for several of the modules. There are also Appendices with additional reference materials.

About the Organizers

Equitas - International Centre for Human Rights Education

Equitas - International Centre for Human Rights Education (formerly the Canadian Human Rights Foundation) is a global leader in human rights education and capacity-building for human rights organizations and institutions. Equitas 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. Equitas' capacity-building programs in Canada and abroad assist 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 has made an important contribution to the growth of the Indonesian human rights movement since Indonesians first began attending the International Human Rights Training Program (IHRTP) in Montreal in 1995. Its involvement in Indonesia has expanded to encompass a strong network of partnerships and relationships with civil society and government institutions alike across the country. In 2000, Equitas launched the Indonesia-Canada Human Rights Education Project (ICHREP) with financial support from CIDA. The program, which came to an end on March 31, 2005, has assisted in developing the capacity of civil society organizations to engage in effective human rights monitoring and policy advocacy. As part of this program, an Equitas office was opened in Jakarta. Equitas began working with DG HAM in June 2003 and implemented a joint training workshop “Building Capacity to Implement the Indonesian National Plan of Action on Human Rights - Training the Trainers” in December 2004.

DG HAM

The Ministry of Law and Human Rights (MOLAHHR) has played a key role in the development of the National Plan of Action of Human Rights 2004-2009 (RAN-Ham) and is responsible for coordinating its implementation at the national and local levels. Through its Directorate General of Human Rights and Protection (DG-HAM), MOLAHHR has requested Equitas' assistance in designing and delivering specialized training programs to build the capacity of institutions and organizations responsible for implementing the RAN-HAM. DG-HAM has been mandated the following functions:

- Preparing Government policies and regulations on human rights, including: promotion, protection, prevention as well as solutions to human rights problems;
- Co-ordinating and strengthening the formulation of integrated programs and plans of action; including governmental, non-governmental and individual actors;
- Enhancing the participation of civil society in the promotion and protection of human rights; and
- Reporting its evaluations, advice and recommendations in accordance with its human rights mandate to the president.

Canadian Partners

Four other Canadian organizations are working with Equitas in this project. They are:

1. Rights & Democracy, Montreal
2. The *Centre d'Études et de Recherches Internationales (CÉRIUM)* of the *Université de Montréal*, Montreal
3. Centre for Human Rights and Legal Pluralism, McGill University, Montreal
4. The Norman Patterson School of International Affairs, Carleton University, Ottawa

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The Directorate General for Human Rights Protection (DG-Ham) of the Ministry of Law and Human Rights (MOLAHR) and Equitas - International Centre for Human Rights Education are indebted to all those who have dedicated their time and expertise to the preparation of this workshop manual. Our gratitude goes to our partners and friends who provided human resources, technical and other forms of assistance to develop, print, and distribute this workshop manual.

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Agence canadienne de
développement international

Canadian International
Development Agency

Schedule

DAY 1 March 20 2006		
<i>Time</i>	<i>Module</i>	<i>Title</i>
8:30-8:45		Welcome and Opening Ceremony
	Module 1	Introductions, Expectations and Objectives
8:45-9:45	Activity 1	Getting to Know the Participants and Their Expectations
9:45-10:45	Activity 2	Workshop Overview, Objectives and Methodology
10:45-11:00	Break	
	Module 2	RANHAM and the Current Human Rights Situation in Indonesia and Aceh
11:00-12:00	Activity 1	Human Rights Within the Context of the Reform Process in Indonesia: RANHAM (2004-2009)
12:00-12:45	Activity 2	Examining Current Human Rights Issues in Indonesia and Aceh
12:45-14:15	Lunch	
14:15-15:00	Activity 2	Examining Current Human Rights Issues in Indonesia and Aceh (cont'd)
	Module 3	Human Rights Principles, Values and International Standards
15:00-15:30	Activity 1	Thinking about Human Rights
15:30-16:00	Activity 2	Your Understanding of Human Rights Principles and Values
16:00-16:45	Break	(afternoon prayer)
16:45-17:45	Activity 2	Your Understanding of Human Rights Principles and Values (cont'd)
17:45-18:00		Debriefing and End of Day Evaluation

DAY 2 March 21 2006		
Time	Module	Title
8:30-8:45		Review of Previous Day's Activities
	Module 3	Human Rights Principles, Values and International Standards
8:45-10:15	Activity 3	Equality, Non-Discrimination and Gender
10:15-10:30	Break	
10:30-12:30	Activity 4	The International Human Rights System
12:45-14:00	Lunch	
14:00-15:00	Activity 4	The International Human Rights System (cont'd)
15:00-15:45	Activity 5	Using a Rights-Based Approach in Your Work
15:45-16:30	Break	(afternoon prayer)
16:30-17:00	Activity 5	Using a Rights-Based Approach in Your Work (cont'd)
17:00-18:00	Activity 6	Presentation on Canadian Human Rights System
18:00-18:15		Debriefing and End of Day Evaluation

DAY 3 March 22 2006		
<i>Time</i>	<i>Module</i>	<i>Title</i>
8:30-8:45		Review of Previous Day's Activities
	Module 3	Human Rights Principles, Values and International Standards
8:45-10:15	Activity 7	Review of RANHAM's Expected Results at the Provincial Level
10:15-10:45	Break	
10:45-12:45	Activity 8	Implementing RANHAM in Aceh - SWOT Analysis
12:45-14:15	Lunch	
	Module 4	Planning RANHAM Activities in Aceh
14:15-15:15	Activity 1	What Should Aceh Look Like at the End of RANHAM?
15:15-15:45	Activity 2	Identifying Human Rights Education Needs for Implementing RANHAM
15:45-16:30	Break	(afternoon prayer)
16:30-17:30	Activity 2	Identifying Human Rights Education Needs for Implementing RANHAM (cont'd)
17:30-17:45		Debriefing and End of Day Evaluation

DAY 4 March 23 2006		
<i>Time</i>	<i>Module</i>	<i>Title</i>
8:30-8:45		Review of Previous Day's Activities
	Module 4	Planning RANHAM Activities in Aceh
8:45-10:15	Activity 3	Identifying Strategies and Activities
10:15-10:30	Break	
10:30-11:30	Activity 4	Achieving Results
11:30-12:30	Activity 5	Presenting Action Plans
12:30-14:00	Lunch	
	Module 5	Workshop Evaluation and Closing Ceremony
14:00-15:00	Activity 1	Workshop General Evaluation
15:00-15:30	Activity 2	Closing Ceremony

Module 1 Introductions, Expectations and Objectives

<i>Activity</i>		<i>Time</i>
Activity 1	Getting to Know Participants and Their Expectations	1 hr
Activity 2	Workshop Overview, Objectives and Methodology	1 hr

Activity 1 Getting to Know the Participants and Their Expectations

Objectives

- To meet the members of the group, including facilitators and resource persons.
- To map participants' expectations of the workshop with potential resources available within the group.
- To identify the ground rules that will be used for group work during the workshop.

Time

1 hr

Description

This activity is divided into three parts.

In **Part A**, you introduce yourself to the members of the group and present your expectations and resources for the workshop.

In **Part B**, you examine your expectations, and discover the resources available in the group.

In **Part C**, you work with the other participants to establish a set of rules for working effectively as a group.

30 min

Part A Introductions

1. The facilitators and resource persons begin by introducing themselves to the group and welcoming everyone to the workshop.
2. To prepare for the group introductions, the facilitator gives each person three metacards, which have been prepared in advance: (Sets of cards will be labeled and numbered. See example below.)
3. The facilitator explains how to complete the cards:
 - On the first card, participants clearly print their name and the name of their institution.

Cont'd ▶ ▶ ▶

Activity 1 cont'd

- On the second card, participants write one expectation they have for this workshop and on the third card, they write one resource they have to offer the other participants e.g., knowledge, skills, materials in a particular area that they feel would be useful to others during the workshop.

You have about three minutes to complete the cards.

4. In turn you present your name, your institution, your expectation and resource to the larger group.
5. The facilitator will then paste the completed metacards on a large version of **Worksheet 1**.

10 min

Part B Group Discussion

1. The facilitator reviews the group expectations/resources and comments on the commonalities.
2. Take a moment to identify available resources within the group that could help you with your work.

Sample Metacards

<p>1 Name/ Institution</p>	<p>1 Expectation</p>		<p>1 Resource</p>
<p>2 Name/ Institution</p>	<p>2 Expectation</p>		<p>2 Resource</p>

Cont'd ▶ ▶ ▶

Worksheet 1: Group Expectations and Resources

Name	Expectations	Resources

Cont'd ▶ ▶ ▶

Activity 2 Workshop Overview, Objectives, and Methodology

Objectives

- To relate participants' expectations to the workshop objectives and content.
- To describe the participatory methodology used in the workshop.

Time

1 hr

Description

This activity is divided into two parts.

In **Part A**, the facilitator provides an overview of the framework and objectives for the workshop to demonstrate how your expectations will be met.

In **Part B**, the facilitator leads a large group discussion on the participatory methodology used in the workshop.

30 min

Part A Group Presentation

The facilitator presents the workshop framework and objectives, while relating them to the expectations listed on the flipchart during **Activity 1**.

The basic framework for the workshop is presented in **Reference Sheet 1** for you to follow during this presentation.

30 min

Part B Group Discussion

The facilitator leads a discussion on “what is human rights education” and on the participatory methodology used in the design and implementation of this workshop.

A definition of human rights education and an overview of the participatory methodology are presented in **Reference Sheet 2** for you to refer to during this discussion.

Cont'd ▶ ▶ ▶

Activity 2 cont'd

The following questions may be used to guide the discussion.

- Why is a participatory approach appropriate for human rights education?
- What are the advantages of using a participatory approach?
- What are some of the difficulties you may encounter in using this approach in your human rights education work?

Note: Prior to Day 2 of the workshop each participant must complete the self-assessment questionnaire on the international instruments found in **Appendix 1**. The questionnaire will help you to reflect on your own knowledge of the documents listed. It is also aimed at providing facilitators with basic information about the group that will enable them to better prepare the session on the international instruments and make it more relevant to the needs of the group.

The answers to the questionnaire will remain anonymous.

End of Activity ■

Reference Sheet 1: Workshop Framework

Step 1 – Current Situation (Internal, External)

Where are we now? What is the current situation?

Activities and discussions will centre around taking stock of the current situation with respect to human rights promotion and protection in Aceh. This includes exploring Strengths, Weaknesses, Opportunities and Threats (SWOT analysis)

This step corresponds to the following activities:

Module 2 Activity 1: Human Rights Within the Context of the Reform Process in Indonesia RANHAM (2004-2009)

Activity 2: Examining Current HR issues in Aceh and Indonesia

Module 3 Activity 1: Thinking about Human Rights

Activity 2: Your Understanding of HR Principles and Values

Activity 3: Equality, Non-discrimination and Gender

Activity 4: The International Human Rights System

Activity 5: Using a Rights-Based Approach in Your Work

Activity 6: Review of RANHAM's Expected Results at the Provincial Level

Activity 7: Implementing RANHAM in Aceh - SWOT Analysis

Step 2 – Identifying the Desired Situation

Where do we want to be? What should the human rights situation look like in Aceh by 2009?

In this workshop, this step corresponds to the following activity:

Module 4 Activity 1: What Should Aceh Look Like at the End of RANHAM?

Step 3 – Identifying the Gaps Between the Current Situation and the Desired Situation (needs)

Identifying needs. What are the challenges to achieving this desired situation?

Building on the analysis and discussions in previous activities, this step corresponds to:

Module 4 Activity 2: Identifying Human Rights Education Needs for Implementing RANHAM

Step 4 – Identifying the Solutions

What do we do to respond to these challenges? How can we address the needs that were identified? What are the priorities? What objectives can we set that will enable the fulfilment of these needs?

In this workshop, this step corresponds to the following activities:

Module 4 Activity 3: Identifying Strategies and Activities

Activity 4: Measuring Results

Activity 5: Presenting Action Plans

Reference Sheet 2: Human Rights Education and a Participatory Approach

Source: Draft Plan of Action for the First Phase (2005 – 2007) of the proposed World Programme for Human Rights Education, 59th Session, General Assembly, October 2004.

1. Defining Human Rights Education

... “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, Part II.D, 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.

... **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:

- The strengthening of respect for human rights and fundamental freedoms;
- The full development of the human personality and the sense of its dignity;
- The promotion of understanding, tolerance, gender equality and friendship among all nations, indigenous peoples and racial, national, ethnic, religious and linguistic groups;
- The enabling of all persons to participate effectively in a free and democratic society governed by the rule of law;
- The building and maintenance of peace; and
- The promotion of people-centred sustainable development and social justice.

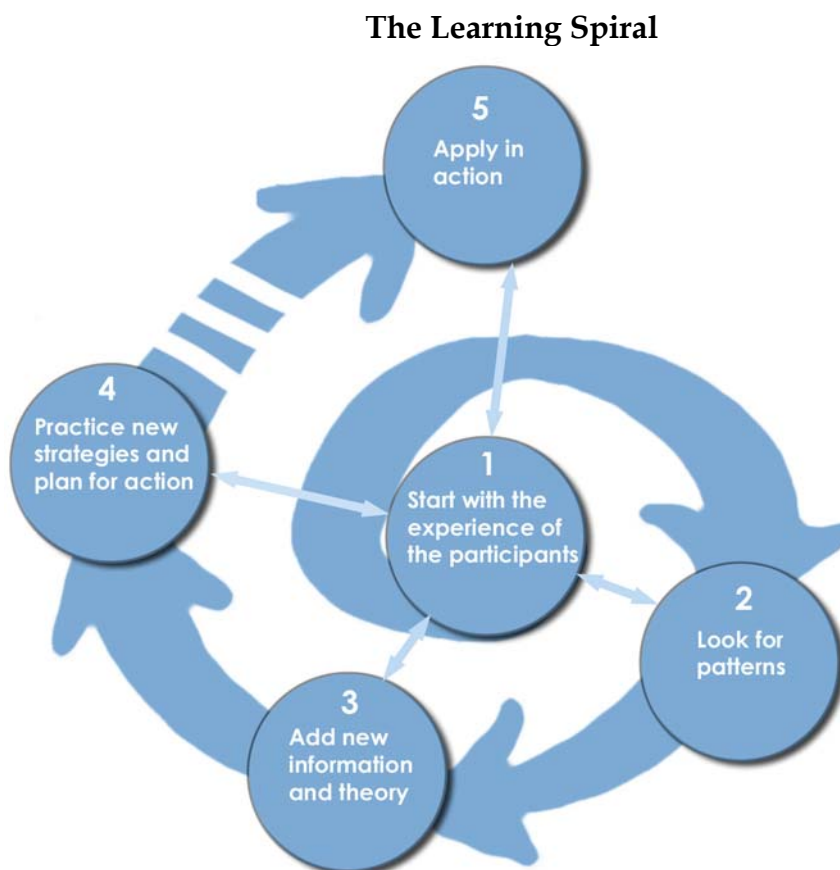
2. Main Elements of a Participatory Approach

A. Some assumptions about a participatory human rights program or lesson

- The program/lesson provides the framework for drawing out content from participants/learners. Participants bring analysis and experience to the learning process.
- Linking human rights concepts to the everyday experiences of the participants makes the concepts more accessible and more likely to be understood.
- Participants/learners take responsibility for their own learning and interaction with other participants.
- Everyone participates fully in the session.
- There will be tolerance of different approaches and strategies.

B. The Curriculum Design Model - The Learning Spiral

A participatory approach places the participant/learner at the centre of the learning process.



1. Learning begins with the experience or knowledge of the participants
2. After the participants have shared their experience, they look for patterns or analyze that experience (i.e., what are the commonalties? what are the patterns?)

3. To avoid being limited to the knowledge and experience of the people in the room, we also collectively add (from outside sources) or create, new information or theory
4. Participants need to practice what they have learned, to practice new skills, develop strategies and plan for action
5. Afterwards (usually when they are back in their organizations and daily work) they apply in action what they have learned

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

Module 2 RANHAM and the Current Human Rights Situation in Indonesia and Aceh

<i>Activity</i>		<i>Time</i>
Activity 1	Human Rights Within the Context of the Reform Process in Indonesia: RANHAM (2004-2009)	1 hr
Activity 2	Examining Current Human Rights Issues in Indonesia and Aceh	1 hr 30 min

Activity 1 Human Rights Within the Context of the Reform Process in Indonesia: RANHAM (2004-2009)

Objectives

- To review RANHAM, Indonesia's National Plan of Action for Human Rights.
- To identify what is expected of the provincial RANHAM Committees in Aceh regarding the implementation of RANHAM.

Time

1 hr

Description

This activity is divided into two parts.

In **Part A**, a resource person provides an overview of RANHAM, Indonesia's National Plan of Action for Human Rights.

In **Part B**, you have the opportunity to comment and ask questions.

30 min

Part A Presentation

The resource person presents an overview of RANHAM covering:

- Goals and objectives for the reform process in Indonesia.
- What is expected of the provincial RANHAM committees in Aceh, in terms of education/training and dissemination of information on human rights.
- Challenges presented by the tsunami and strategies to address them.
- Government strategies to address women's issues.

Resource Person: Dr. Hafid Abbas, Director of DG-HAM

30 min

Part B Open Forum

During this open forum you have the opportunity to comment and ask questions on any issues raised that will affect your work.

End of Activity ■

Activity 2 Examining Current Human Rights Issues in Indonesia and Aceh

Objective

To analyze the current human rights situation in Indonesia and Aceh.

Time

1 hr 30 min

Description

This activity is divided into three parts.

In **Part A**, you work in groups to describe the human rights situation in Indonesia and in your region.

In **Part B**, a reporter from each group reports back to the larger group.

In **Part C**, the facilitator synthesizes the information from the groups and identifies commonalities and differences.

45 min

Part A Group Work

1. The facilitator divides the participants into small groups.
2. Select a reporter for your group who will record your discussion on a flipchart version of **Worksheet 2** and report back to the whole group.
3. Together with the members of your group, prepare a description of the human rights situation in Indonesia and Aceh.

Questions to guide your discussion:

- What are the principal human rights problems in your society? Indicate whether these are traditional/long-standing problems or newer/emerging problems. Are there problems which are common across Indonesia? Are there problems that are more specific to Aceh?

Cont'd ▶ ▶ ▶

Activity 2 cont'd

- What are the principal factors contributing to the human rights problems? List the groups that violate human rights in your society. Are they the most powerful? If they are the most powerful, briefly explain why.
- What measures are in place to promote equality between men and women? Are they effective? Why or why not?
- Has the capacity of government and/or non-government institutions in your province to deal with traditional/longstanding or new/emerging human rights problems increased or decreased in the last 5 years? Please explain.
- What can your institutions do to help address the human rights issues in Aceh?

30 min

Part B Group Presentations

The reporter presents a summary of your group's discussion. Reporters should highlight in their summary common human rights problems in Indonesia and contributing factors as well as any notable particularities in Aceh. Report should not be longer than five minutes.

15 min

Part C Large Group Discussion

The facilitator/resource person leads a discussion on the current situation making reference to the information presented by each group commenting on commonalities and differences.

End of Activity ■

Worksheet 2: The Current Human Rights Situation in Indonesia and in Aceh

For Part A, fill in the group’s descriptions of the human rights situation.

Indonesia and Aceh		
Principal HR Problems	Main Contributing Factors	What your institutions can do to help address the human rights issues in Aceh.
Longstanding:		
Emerging:		

Module 3 Human Rights Principles, Values and International Standards

<i>Activity</i>		<i>Time</i>
Activity 1	Thinking About Human Rights	30 min
Activity 2	Your Understanding of Human Rights Principles and Values.	1 hr 30 min
Activity 3	Equality, Non-discrimination and Gender	1 hr 30 min
Activity 4	The International Human Rights System	2 hrs
Activity 5	Using a Rights-Based Approach in Your Work	1 hr 30 min
Activity 6	Presentation – The Canadian Human Rights System	1 hr
Activity 7	Review of RANHAM's Expected Results at the Provincial Level	1 hr 30 min
Activity 8	Implementing RANHAM in Aceh - SWOT Analysis	2 hrs

Activity 1 Thinking About Human Rights

Objective

To reflect on your personal notions of human rights.

Time

30 min

Description

This activity is divided into two parts.

In **Part A**, you reflect on the meaning of human rights.

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

5 min

Part A Individual Work

Take a few moments to respond individually to the question below.

What do "human rights" mean to you? Give some examples. Write your ideas in the space below.

Some definitions for you to refer to **after** completing **Part A** above are provided on **Worksheet 3**.

25 min

Part B Group Discussion

Share your ideas with the group. Consider some of these questions:

- Do you think that human rights are universal? Why or why not?
- Which of the rights contained in the Universal Declaration of Human Rights (UDHR) seem most important to you? Refer to the summary of the UDHR in the **Reference Sheet 4**.
- Do you feel that the group shares a common understanding of human rights?

End of Activity ■

Reference Sheet 3: Definitions of Human Rights

“Human rights are the rights and freedoms ... that everybody has from the moment of birth, simply because they are human beings. They are not privileges, which need to be won, and they apply equally to everybody, regardless of age, sex, race, ethnicity, wealth or social standing. Because they are rights, they cannot be taken away from anyone by the government (although they can be limited and sometimes suspended during states of emergency).

It is very important to remember that these rights belong to everyone. This means that people have a responsibility to respect other people’s human rights. Also, these rights do not replace the laws we already have, and so people must respect these laws as well. For example, the fact that I have a right to follow my own customs does not mean that I can do whatever I want. I must make sure in following my customs that I do not infringe anyone else’s rights.”

Building a Culture of Human Rights Workshop Manual,
South African Human Rights Commission
British Council and Humanitas Educational

“Human rights are commonly understood as being those rights which are inherent to the human being. The concept of human rights acknowledges that every single human being is entitled to enjoy his or her human rights without distinction as to race, colour, sex, language, religion, political or others opinion, national or social origin, property, birth or other status.

Human rights are legally guaranteed by human rights law, protecting individuals and groups against actions that interfere with the fundamental freedoms and human dignity.”

Human Rights: A Basic Handbook for UN Staff, OHCHR, UN Staff College Project 1999 p. 3

Reference Sheet 4: Summary of the Articles of the UDHR

<ol style="list-style-type: none"> 1. Right to equality 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 	<ol style="list-style-type: none"> 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
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Activity 2 Your Understanding of Human Rights Principles and Values

Objective

To reflect on some of the underlying principles and values of human rights.

Time

1 hr 30 min

Description

This activity is divided into two parts.

In **Part A**, you work in small groups to reflect on some of the underlying human rights principles of the Universal Declaration of Human Rights (UDHR).

In **Part B**, as part of a large group discussion, you present the results of your discussion.

30 min

Part A Small Group Work

1. The facilitator divides participants into four groups.
2. The facilitator assigns to each group two of the human rights principles listed below.

Human Rights Principles

- Equality
- Non-discrimination
- Inalienability
- Responsibility
- Universality
- Human dignity
- Indivisibility
- Interdependency

Cont'd ▶ ▶ ▶

Activity 2 cont'd

3. Each group prepares a 5-minute presentation on the principles they have been assigned. Review the descriptions of the principles provided on **Reference Sheet 5** and add your own ideas. Prepare to explain the terms to the larger group.

1 hr

Part B Presentations and Large Group Discussion

1. Each group in turn presents their understanding of the principles to the larger group.
2. The facilitator leads a large group discussion on the interpretations and applications of the terms.
3. As a group, address the following questions:
 - What do these principles mean in your context? (e.g., equality of men and women)
 - How are they applied? (e.g., gender – sensitive policies)
 - What are some barriers to their full application? (e.g., cultural norms and practices)
 - How do these human rights principles respond to individual and collective needs and values?
 - How do these principles relate to the work you are doing for RANHAM?
4. The facilitator or resource person explains how the principles discussed are reflected in the Universal Declaration of Human Rights (UDHR). See **Reference Sheet 4** for a summary of the UDHR articles.

End of Activity

Reference Sheet 5: Underlying Principles of 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.

Equality

The equality concept expresses the notion of respect for the inherent dignity of all human beings. As specified in Article 1 of the Universal Declaration of Human Rights, it is the basis of human rights: "All human beings are born free and equal in dignity and rights."

Non-discrimination

Non-discrimination is integral to the concept of equality. It ensures that no one is denied the protection of their human rights based on some external factors. Reference to some factors that contribute to discrimination contained in international human rights treaties include: race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, or other status. The criteria identified in the treaties, however, are only examples, it does not mean that discrimination is allowed on other grounds.

Universality

Certain moral and ethical values are shared in all regions of the world, and governments and communities should recognize and uphold them. The universality of rights does not mean, however, that the rights cannot change or that they are experienced in the same manner by all people.

Human dignity

The principles of human rights are founded on the notion that each individual, regardless of age, culture, faith, ethnicity, race, gender, sexual orientation, language, disability or social class, deserves to be honored or esteemed.

Inalienability

The rights that individuals have cannot be taken away, surrendered, or transferred.

Responsibility

Government responsibility: human rights are not gifts bestowed at the pleasure of governments. Nor should governments withhold them or apply them to some people but not to others. When they do so, they must be held accountable.

Individual responsibility: Every individual has a responsibility to teach human rights, to respect human rights, and to challenge institutions and individuals that abuse them.

Other responsible entities: Every organ of society, including corporations, non-governmental organizations, foundations, and educational institutions, also shares responsibility for the promotion and protection of human rights.

Indivisibility

Human rights should be addressed as an indivisible body, including civil, political, social, economic, cultural, and collective rights.

Interdependency

Human rights concerns appear in all spheres of life -- home, school, workplace, courts, markets -- everywhere! Human rights violations are interconnected; loss of one right detracts from other rights. Similarly, promotion of human rights in one area supports other human rights.

Activity 3 Equality, Non-discrimination and Gender

Objectives

- To identify key concepts of gender and gender roles in society.
- To define the principles of non-discrimination and equality as they apply to human rights.

Time

1 hr 30 min

Description

The equal right of men and women to the enjoyment of all human rights is one of the fundamental principles recognized under international law and enshrined in the main international human rights instruments.

Gender affects the equal right of men and women to the enjoyment of their rights. An understanding of the concept of gender in society is essential to ensuring the equal enjoyment of human rights by men and women.

A key document which helps clarify equality between women and men is the Committee on Economic, Social and Cultural Rights' **General Comment 16: The Equal Right of Men and Women to the Enjoyment of All Economic, Social and Cultural Rights.**

This activity is divided into three parts.

In **Part A**, the resource person leads a group discussion on understanding of sex and gender.

In **Part B**, participants view and discuss a short film on the concept of gender roles in society.

In **Part C**, the resource person leads a group discussion on the principles of gender equality and non-discrimination as applied to human rights.

Cont'd ▶ ▶ ▶

Activity 3 cont'd

30 min

Part A Group Discussion

1. Begin by brainstorming your understanding of the distinction between sex and gender. Record your ideas in the table below.

Sex	Gender

2. The resource person has participants share their ideas on the distinction between sex and gender. Then he/she leads a discussion on communicating the concept of gender in society. Questions for discussion:

- How is the concept of “gender” expressed or articulated in different languages and dialects in your country? Does the term exist? How is it used? What meaning does it carry?

- Do you think the general population is aware of or understands the distinction between sex and gender?

- How would you explain the distinction between sex and gender to a group of men and women in a small, rural community? What examples would you use to explain gender?

Cont'd ▶ ▶ ▶

Activity 3 cont'd

- How would you explain the concept of gender to other target groups you work with? How would you explain it to colleagues?

- Why is an understanding of the concept of gender important in human rights?

30 min

Part B Group Discussion

1. You will view a short film on the impact of gender roles between men and women entitled "*The Impossible Dream*".

Gender Roles in Society

Gender is a socially constructed concept that can change over time and vary among different cultures.

The gender roles assigned to men and women depend on a number of factors, including:

1. What a particular society considers appropriate for men and women within society, social roles and division of labour
2. How power is used, who uses it, and how it is shared between men and women

Race, class, religion, ethnicity, economic circumstances and age all influence gender roles.

Source: *Gender Approaches in Conflict and Post-Conflict Situations*, UNDP, 2003.

Cont'd ▶ ▶ ▶

Activity 3 cont'd

2. The facilitator leads a large group discussion on gender roles in society. As a group, you address the following :
 - What are some of the main gender issues addressed in the film?
 - How do these issues compare with the situation in your society?
 - What are some of the gender roles in your society regarding:
 - Social roles
 - Division of labour
 - Participation in decision making (positions of power)
 - Access to and control over resources (land ownership, access to justice/education/health services, etc.)
 - Have gender roles changed over time? If so, how?
 - Has the war or the tsunami played a role in shaping some gender roles?

30 min

Part C Group Discussion

1. The resource person leads a large group discussion on gender equality and how it is applied to human rights.
2. An overview of gender equality and non-discrimination are presented in **Reference Sheet 6** for you to refer to during this discussion.
3. As a group, you address the following questions:
 - What is gender equality?
 - What is non-discrimination?
 - Provide an example of how gender equality is applied in your work.

End of Activity ■

Reference Sheet 6: Principles of Gender Equality and Non-discrimination

Gender equality

Gender equality is based on the concept that all human beings, both men and women, are free to develop their personal abilities and make choices without the limitations set by stereotypes, rigid gender roles, or prejudices.

Gender equality means that the different behaviours, aspirations and needs of women and men are considered, valued and favoured equally. It does not mean that women and men have to become the same, but that their rights, responsibilities and opportunities will not depend on whether they are born male or female.

Source: *ABC of Women Worker's Rights and Gender Equality, Geneva: ILO, 2000.*

Non-discrimination

The principle of non-discrimination prohibits differential treatment of a person or a group of persons based on his/her or their particular status or situation, such as race, colour, sex, language, religion, birth, or other status, such as age, ethnicity, disability, marital, refugee or immigrant status.

Discrimination against women is “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 other field”.

Source: *General Comment 16, Committee on Economic Social and Cultural Rights, Geneva, 2005.*

Activity 4 The International Human Rights System

Objectives

- To review your level of knowledge on international human rights instruments.
- To examine the basic structure of the UN human rights system.
- To analyze four 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)

Time

3 hrs

Description

This activity is divided into four parts.

In **Part A**, as part of a large group discussion, you review your knowledge of the international human rights instruments.

In **Part B**, a resource person presents 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 C**, you work in groups to analyze one of the four international human rights instruments.

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

The resource person will offer support during the small group work and comment and provide feedback on the presentations.

Cont'd ▶ ▶ ▶

Activity 4 cont'd

30 min

Part A Group Discussion

1. Prior to this activity you should have completed the self-assessment questionnaire “*Your Familiarity with the International Human Rights System*” found in **Appendix 1**.
2. The facilitator reviews the overall results from the self-assessment questionnaire and explains that the results of this questionnaire give participants an idea of their own knowledge of the documents listed and allows them to reflect on their strengths or areas for improvement.

45 min

Part B Presentation

A resource person presents an overview of the international human rights system covering:

- 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.

45 min

Part C Small Group Work

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

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
 - the relevant materials in the Appendices section
 - the experience of the members of the group
2. Review the suggested format for presentation in the table **Main Features of International Human Rights Instruments** on **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.

Cont'd ▶ ▶ ▶

Activity 4 cont'd

4. Summarize the results of your discussion on a flipchart version of the table. Choose one or two spokespersons to deliver the presentation in plenary.
5. Other aspects to consider as you examine the instrument:
 - Differences between rights that address individuals or groups
 - Interpretation of the instrument in national legislations and constitutions
 - General Comments by the UN Human Rights Committees on certain rights

1 hr

Part D Group Presentations

1. Each group in turn delivers their ten-minute presentation.
2. After each presentation, the resource person comments and elaborates on the information provided.

End of Activity ■

Worksheet 3: Main Features of International Human Rights Instruments

Name of Instrument:	Date of Entry into Force:	Number of States Parties:
1) Rights protected		
2) Obligations imposed on the State		
3) Limitations		
4) Duties/Responsibilities imposed on the public		

Worksheet 3 cont'd

5) Mechanisms for monitoring compliance

6) Optional protocol(s) and purpose

7) Other special characteristics

8) Possible applications in Indonesia, i.e. issues.

Activity 5 Using a Rights-Based Approach in Your Work

Objectives

- To reflect on your understanding of a rights-based approach and the implications for your work with RANHAM.
- To apply a rights-based approach to an example from your work.

Time

1hr 45 min

Description

This activity is divided into four parts.

In **Part A**, The facilitator leads a brainstorming session on the meaning of a rights-based approach.

In **Part B**, you work in a small group to apply a rights-based approach for dealing with an example from your work.

In **Part C**, each group presents their example to the larger group

20 min

Part A Group Discussion

The facilitator leads a large group discussion on the meaning of a rights-based approach addressing the following concepts:

- what is a human right
- the difference between a right and a need
- elements of a rights-based approach
- a rights-based approach and human rights education

An overview of a rights-based approach is presented in **Reference Sheet 7** for you to refer to during this discussion.

Cont'd ▶ ▶ ▶

Activity 5 cont'd

30 min

Part B Small Group Work

1. The facilitator divides the participants into small groups.
2. You work with your group to apply a rights-based approach to address current human rights issues in Aceh.

Some examples of issues you might want to address are:

- Reintegration of Former GAM members into civilian life.
- Relocating persons/communities displaced by the Tsunami.
- Relocating persons/communities displaced by the TNI-GAM conflict.
- Funding for reconstruction in Tsunami-affected areas and funding for reintegration.

You may also choose an issue of your choice.

3. Use the questions on **Worksheet 4** to guide your analysis and the elements of a rights-based approach described in **Reference Sheet 7**.
4. Together with the members of your group, analyze the issue you have selected using the questions provided and referring to the information on **Reference Sheet 7** and describe what using a rights-based approach would involve in addressing the issue you select.
5. Select a reporter who will record your group's discussion on a flipchart to present to the other groups in **Part C**. Your presentation should not exceed five minutes.

40 min

Part C Group Presentations

Each group presents their example to the larger group.

The facilitator comments and provides feedback.

End of Activity ■

Reference Sheet 7: A Rights-Based Approach

A Rights-Based Approach

A **rights-based approach** is a conceptual framework based on values and principles of human rights. It is based on the premise that every human being, by virtue of being human, is a holder of rights.

Human Rights

Human rights belong to every individual, man or woman, girl or boy, infant or elder simply because he or she is a human being. A human right is what enables me to live in dignity.

Once something is defined or identified as a right it means that:

- There is an obligation on the part of the government to respect, promote, protect, and fulfill that right.
- The right can be enforced.

Rights and Needs

A right is different from a need. A **need** is an aspiration. A need can be legitimate however; it is not necessarily associated with a government obligation. Satisfying a need cannot be enforced. A **right** entails a government obligation and can be enforced. Rights are associated with “being”. Needs are associated with “having”.

Rights Approach	Needs Approach
<ul style="list-style-type: none"> • Rights are realized • Rights always imply duties and obligations • Rights are universal • Rights can only be realized by attention to both outcome and process • All rights are equally important 	<ul style="list-style-type: none"> • Needs are met or satisfied • Needs do not imply duties or obligations • Needs are not necessarily universal • Basic needs can be met by goal or outcome oriented strategies • Needs can be ranked in hierarchical priorities

Principles of a Rights-Based Approach

1. DIRECT LINKS TO RIGHTS

- Establishes direct links to international, regional and national human rights instruments.
- Considers the full range of indivisible, interdependent and interrelated rights: civil, cultural, economic, political and social.

2. Increased levels of ACCOUNTABILITY

- Identifies claim-holders (and their entitlements) and corresponding duty-holders (and their obligations).
- Identifies the positive obligations of duty-holders (to protect, promote and provide) and their negative obligations (to abstain from violations).

3. Move from dependency to EMPOWERMENT

- Focuses on beneficiaries as the owners of rights and the directors of development instead of the objects of programs and actions to address their needs.
- Gives people the power, capabilities and access needed to change their own lives, improve their own communities and influence their own destinies. Places a higher emphasis on the strengths of individuals and communities including children to play a more active part in the societies in which they live.

4. PARTICIPATION

- Aims for a high degree of participation, from communities, civil society, minorities, indigenous peoples, women, children and others.
- Sees youth and children as active participants in finding constructive solutions.

5. NON-DISCRIMINATION

- Gives particular attention to discrimination, equality, equity and marginalized groups. These groups may include women, minorities, indigenous peoples and prisoners. A rights-based approach requires that the question of who is marginalized here and now be answered locally.

Using a rights-based approach to address issues involves ensuring that these principles are used and respected.

Human Rights Education and a Rights-Based Approach

Human rights education involves learning how to put a rights-based approach into practice. Two essential objectives of human rights education are:

- Learning *about* human rights (i.e., human rights history, documents, implementation mechanisms).
- Learning *for* human rights (i.e., understanding and embracing the principles of human equality and dignity and the commitment to respect and protect the rights of all people). It includes values clarification, attitude change, development of solidarity and the skills for advocacy and action.

The principles of a rights-based approach should guide the content and practice of human rights education.

Information on a Rights-Based Approach has been adapted from:

- UNICEF Canada, Children's Rights, CIDA, Continuous Learning Human Resources, December 2001.
- World Health Organisation, 25 Questions & Answers on Health & Human Rights, Health & Human Rights Publication Series, Issue No. 1, July 2002.
- Rios-Kohn, Rebecca, A Review of a UNICEF Country Programme, Based on Human Rights: The Case of Peru, UNICEF, November 2001.
- Institute for Child Rights & Interagency Coalition on AIDS and Development, Filling the Gaps: Using a Rights-Based Approach to Address HIV/AIDS and its Affects on South African Children, Youth and Families, Care and Support Guidelines, 2001.
- UNHCR website, <http://www.unhcr.ch/development/approaches-04.html>

Worksheet 4: Applying a Rights-Based Approach

ISSUE: _____

Principles of a Rights-Based Approach	Implementing a Rights-Based Approach Would Involve
<p>1. Link to Rights: Which rights are of potential concern with regard to this issue?</p>	
<p>2. Accountability: Who are the claim holders? Who are the duty holders? What are the obligations of the duty holders? Positive and negative.</p>	
<p>3. Empowerment: How can we ensure empowerment of claim holders?</p>	

Principles of a Rights-Based Approach	Implementing a Rights-Based Approach Would Involve
<p>4. Participation:</p> <p>Who should be consulted/involved in the decision making?</p>	
<p>5. Non-discrimination:</p> <p>Who are the marginalized individuals/groups?</p> <p>What can be done to ensure they are not discriminated against?</p>	

Activity 6 Presentation – The Canadian Human Rights System

Objective

- To examine human rights protection and promotion mechanisms in Canada.

Time

1 hr

Description

This activity is divided into two parts.

In **Part A**, a resource person from Canada provides an overview of the Canadian human rights system.

In **Part B**, you participate in an open forum and have the opportunity to make comments and ask questions.

20 min

Part A Presentation

A resource person from Canada makes a presentation on the Canadian human rights system so that you can examine how the human rights protection and promotion mechanism functions in Canada.

40 min

Part B Open Forum

There will be an open forum for you to ask questions and comment on the presentation.

End of Activity ■

Activity 7 Review of RANHAM's Expected Results at the Provincial Level

Objectives

- To review RANHAM objectives, activities, expected results and schedule at the provincial level.
- To review what is expected of your institution and of the provincial RANHAM Committee in terms of human rights education and information dissemination.

Time

1 hr 30 min

Description

This activity is divided into two parts.

In **Part A**, a resource person reviews the objectives, activities, expected results and schedule pursued by RANHAM for implementation at the provincial level.

In **Part B**, you will participate in an open forum.

45 min

Part A Presentation

The resource person reviews the objectives, activities, expected results and schedule pursued by RANHAM with a focus on expectations in terms of human rights education and information dissemination. He/she also reviews Indonesia's domestic obligations for human rights protection and promotion in the context of RANHAM.

45 min

Part B Open Forum

During this open forum you have the opportunity to comment and ask questions.

The resource person responds to participants' comments and questions. He/she then leads a large group discussion comparing RANHAM's objectives and activities to the rights and HR principles enshrined in international instruments.

End of Activity ■

Activity 8 Implementing RANHAM in Aceh - SWOT Analysis

Objective

- To identify strengths, weaknesses, opportunities and threats to the implementation of RANHAM by the Aceh RANHAM Committee.

Time

2 hrs

Description

This activity is divided into two parts.

In **Part A**, the facilitator will lead a SWOT analysis on the group's capacity to implement RANHAM.

In **Part B**, the facilitator will lead a large group discussion on the findings from the SWOT analysis.

1 hr

Part A Presentation

1. The facilitator begins the SWOT analysis by having participants reflect on the information gathered through the activities in Modules 2 and 3 on the current situation in their society, regarding the following:
 - the current human rights situation in Indonesia and in Aceh
 - the current level of knowledge and/or experience in the group on working with human rights principles, concepts, methodologies, human rights instruments and a rights-based approach
 - RANHAM's expected results at the provincial level
2. The facilitator then leads the participants through a SWOT analysis of the Aceh RANHAM Committee's capacity to implement RANHAM. Participants reflect on the capacity of their own institution and of the RANHAM Committee to carry out their mandates in the area of human rights education.
3. The facilitator prepares a flipchart version of **Worksheet 5** to demonstrate how to carry out a SWOT analysis. During this presentation you may follow along using **Reference Sheet 8**.

Cont'd ▶ ▶ ▶

Activity 8 cont'd

1 hr

Part B Open Forum

1. There will be an open forum to address how the results of the SWOT analysis can be used to develop strategies for the effective implementation of RANHAM.
2. The SWOT analysis results will also be used to help identify the needs for improving your institution's and the committee's capacity to implement RANHAM with a particular focus on human rights education and information dissemination.

End of Activity ■

Reference Sheet 8: SWOT Analysis

Definition

A *SWOT Analysis* is a technique that is usually used to identify and analyze the **Strengths** and **Weaknesses** internal to an institution as well as the **Opportunities** and **Threats** or **Challenges** based on information gathered on the external environment. It can also be a useful technique to plan the way forward when implementing a complex process.

Why is SWOT analysis useful?

To develop a plan that takes into consideration many different internal and external factors, and maximizes the potential of the strengths and opportunities while minimizing the impact of the weaknesses and threats or challenges.

When to use it?

While developing a strategic plan or planning a solution to a challenge, after you have analyzed the external environment.

How to use it:

- *Internal Analysis*: Examine the capabilities of your institution. This can be done by analyzing your institution's **strengths** and **weaknesses**.
- *External Analysis*: Look at the main points in the environmental analysis, and identify those points that pose **opportunities** for your institution, and those that pose **threats** or **challenges** to performance.

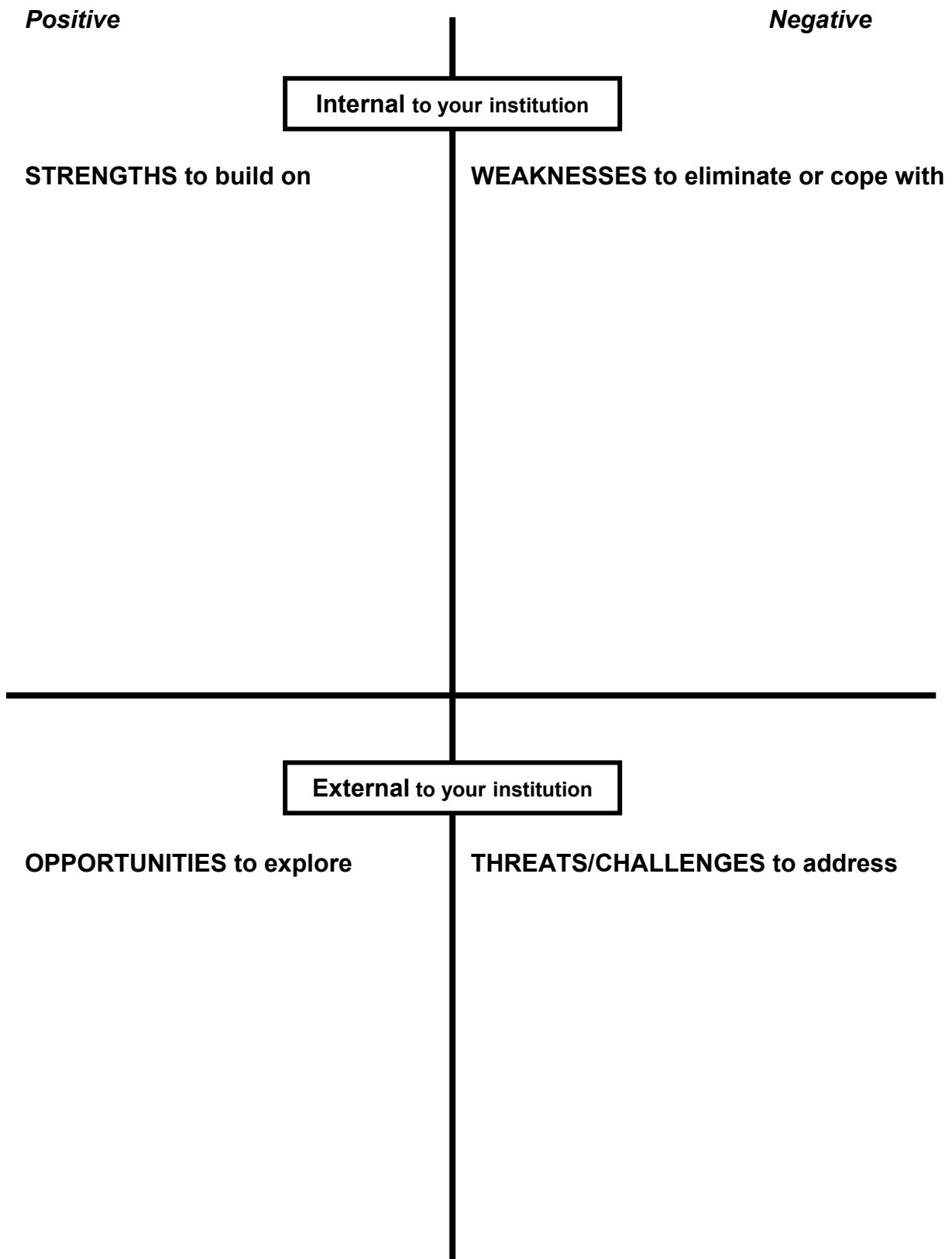
Decide whether the answers or the data collected reveal external **opportunities** or **challenges**.

- Enter the information you have collected in steps one and two into a table as illustrated below:

	POSITIVE	NEGATIVE
INTERNAL	Strengths	Weaknesses
EXTERNAL	Opportunities	Threats/Challenges

- You can use this information to help you develop a strategy that uses the **strengths** and **opportunities** to reduce the **weaknesses** and **threats/challenges**, and to identify the objectives of your program.

Worksheet 5: The SWOT Matrix



Module 4 Planning RANHAM Activities in Aceh

<i>Activity</i>		<i>Time</i>
Activity 1	What Should Aceh Look Like at the End of RANHAM?	1 hr
Activity 2	Identifying Human Rights Education Needs for Implementing RANHAM	1 hr 30 min
Activity 3	Identifying Strategies and Activities	1 hr 30 min
Activity 4	Measuring Results	1 hr
Activity 5	Presenting Action Plans	1 hr

Activity 1 What Should Aceh Look Like at the End of RANHAM?

Objectives

- To build a common strategic vision for the future of human rights in Aceh.
- To provide a common framework for situating your work within the broader context in Aceh.

Time

1 hr

Description

This activity is divided into two parts.

In **Part A**, participants work in small groups to brainstorm ideas around what they believe the human rights situation should look like in Aceh at the end of RANHAM.

In **Part B**, the facilitator leads a large group discussion to help build a common strategic vision.

20 min

Part A Small Group Work

1. The facilitator divides participants into small groups to brainstorm keywords for a vision statement about human rights in Aceh at the end of RANHAM.
2. Record the results of your discussion on a piece of flipchart paper.

40 min

Part B Large Group Discussion

1. The groups reconvene and in-turn share their keywords for a vision statement.
2. The facilitator posts the lists on the wall.
3. Keeping in mind all of these elements, the facilitator then leads a large group discussion to develop a common strategic vision statement about human rights in Aceh at the end of RANHAM.

Cont'd ▶ ▶ ▶

Activity 1 cont'd

4. The facilitator writes the common strategic vision statement arrived at by participants on flipchart.
 - A resource person offers comments at the end of the large group discussion.
 - The facilitator informs participants that they will subsequently identify needs and explore strategies or sets of activities that will enable them to implement this vision.

End of Activity ■

Activity 2 Identifying Human Rights Education Needs for Implementing RANHAM

Objectives

- To identify human rights education needs for implementing RANHAM objectives in terms of human rights education and information dissemination.
- To identify human rights education needs of your institution and of the provincial RANHAM committee.

Time

1 hr 30 min

Description

This activity is divided into four parts.

In **Part A**, the facilitator leads a large group discussion on determining human rights education needs.

In **Part B**, you work in groups to identify human rights education needs.

In **Part C**, each group presents their list of human rights education needs to the large group.

In **Part D**, you take part in an open forum on the needs identified.

15 min

Part A Large Group Discussion

1. The facilitator leads a discussion on how human rights education can help achieve the vision identified in Activity 1.
2. Some questions to consider are:
 - What do you feel is needed at the level of your institution for individuals to make this vision a reality?
 - What is needed for the general population of Aceh to embrace this vision?

Cont'd ▶ ▶ ▶

Activity 2 cont'd

30 min

Part B Small Group Work

1. The facilitator divides the participants into small groups.
2. Determine the human rights education needs of your institution to implement your commitments under RANHAM and to achieve the vision and record them on **Worksheet 6**. To help identify these needs:
 - Review your current capacity (See results SWOT analysis results **Module 3 Activity 7**) and compare your capacity with the provincial expectations of RANHAM. List any needs you identify.
 - Compare the RANHAM committee's capacity with the vision of Aceh (**Module 4 Activity 1**) to determine any other internal human rights education needs.
 - Compare the vision of Aceh with the current human rights situation in Aceh (**Module 2 Activity 2**) and list any human rights education needs that you identify.
3. Record your needs on a flipchart.

30 min

Part C Group Presentations

1. The groups reconvene and in-turn present their list of human rights education needs.
2. Post your list on the wall.

15 min

Part D Group Discussion

The facilitator leads a discussion on the needs presented, identifying commonalities and differences. He/she also asks participants to identify which of the needs are most pressing.

End of Activity ■

Worksheet 6: Identifying Human Rights Education Needs

Examples: Understand human rights terminology
Guidance in applying a rights based approach

Activity 3 Identifying Strategies and Activities

Objectives

- To identify strategies for implementing RANHAM human rights education and information dissemination objectives.
- To identify strategies for internal capacity building, in both your institution and the RANHAM Committee, through human rights education.

Time

1 hr 30 min

Description

This activity is divided into three parts.

In **Part A**, you work in small groups to identify strategies for internal capacity building and for implementing RANHAM human rights information dissemination and human rights education objectives.

In **Part B**, your group shares your strategies with the large group.

In **Part C**, there will be a group discussion on common strategies and areas of collaboration.

30 min

Part A Small Group Work

1. The facilitator divides the participants into small groups.
2. Using **Worksheet 7**, your group identifies:
 - Strategies for internal capacity building, of your institution and/or the RANHAM Committee, through human rights education that addresses the needs previously identified.
 - Strategies for implementing RANHAM's human rights information dissemination and human rights education objectives, based upon the needs previously identified.
 - Activities you could undertake to implement the strategies.
 - Any potential areas of collaboration among RANHAM members and other stakeholders.
3. Record your group's findings on a flipchart.

Cont'd ▶ ▶ ▶

Activity 3 cont'd

30 min

Part B Large Group Discussion

1. The groups reconvene and each group in-turn presents the results of their discussion to the large group.
2. You may make comments and ask questions on the strategies and activities presented.

30 min

Part C Large Group Discussion

1. The facilitator begins by commenting on the strategies and activities presented and highlights common strategies and any potential areas of collaboration among participants.
2. As a group, discuss the following questions:
 - Do the strategies and activities presented seem feasible? If not why?
 - What are the potential challenges in implementing these strategies?
 - Do you foresee any risks?
3. The facilitator records any new ideas on the flip chart.

End of Activity ■

Worksheet 7: Developing Strategies and Activities

Strategies	Activities for implementation
<p>Example Strategy 1: <i>Strengthening of education on human rights in higher learning and human rights institutions.</i></p>	<ul style="list-style-type: none"> ▪ <i>Increase the collection of reference materials in libraries of higher learning institutions, and government and non government institutions involved with the RANHAM implementation</i> ▪ <i>Include human rights material in the curriculum of higher learning institutions</i> ▪ <i>Continue cooperation for scholarships on human rights in overseas learning institutions</i>

Question to keep in mind: How can we address the needs that we have identified?

Activity 4 Measuring Results

Objectives

- To recognize the importance of measuring results.
- To develop expected results (outputs, outcomes, impacts) for the human rights education strategies and activities previously identified.

Time

1 hr

Description

This activity is divided into three parts.

In **Part A**, the facilitator reviews some useful information related to evaluation.

In **Part B**, you work in small groups to develop results for your strategies and activities.

In **Part C**, you share your work with the large group.

Cont'd ▶ ▶ ▶

Activity 4 cont'd

20 min

Part A Large Group Discussion

1. The facilitator begins by going over the information found below.

When thinking about results keep in mind the following concepts.

A result should be “**SMART**”:

S pecific	It should specify the nature of the change, the target groups, the target region, etc.
M easurable	It can be measured by using indicators
A chievable	It is realistic
R elevant	It is an answer to the identified need
T ime bound	It can be achieved in the time frame of the project

2. For this particular evaluation process, there are three types of results: output, outcome and impact.
3. The facilitator will go over the definitions and examples of results in **Reference Sheets 9 and 10**.

Cont'd ▶ ▶ ▶

Activity 4 cont'd

20 min

Part B Group Work

1. The facilitator divides participants into small groups and assigns to each group the same strategy and activities to work on.
2. As a group you develop results (outputs, outcomes and impact) for your strategy and activities. Deciding on results is a collaborative process that demands time. In this activity, the aim is not to have you determine perfect results, but to practice using this process in your work. Use **Worksheet 8** to record your results.

20 min

Part C Group Discussion

1. The groups reconvene and in-turn you share some of your results.
2. The facilitator leads a discussion on any commonalities and differences in responses from each group.

End of Activity ■

Reference Sheet 9: Results: Key Definitions

The Results Chain

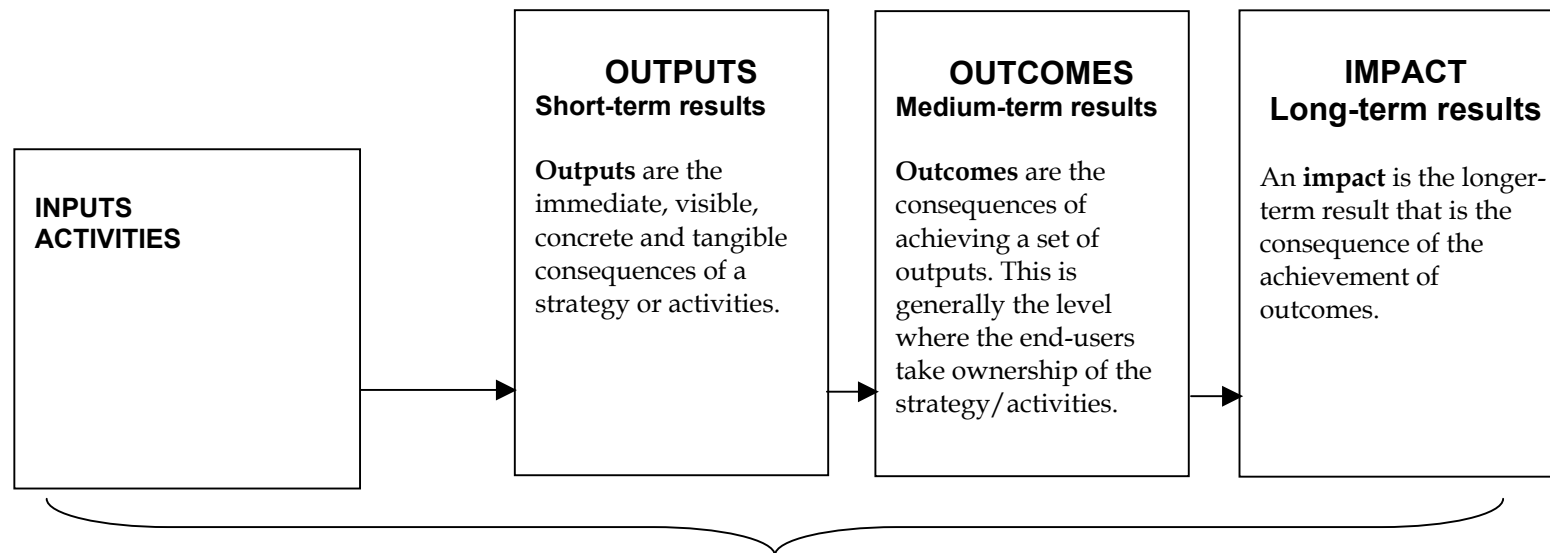
The Results Chain is a logically linked set of results, some immediate, others more distant. Results at each level aggregate to produce the results at the next higher level.

Inputs

The resources required (e.g., organizational, political, administrative, intellectual, human, physical, material, monetary) to produce a result. The inputs are required to carry out activities that will lead to results.

Results

Results are the consequences of actions taken to meet certain purposes. A result is a describable or measurable change that is derived from a cause and effect relationship.



The Results Chain

Source: Results-Based Management in CIDA - Policy Statement.

Available from: <http://www.acdi-cida.gc.ca/>.

Reference Sheet 10: Examples of Results		
Results	Definition	Example: Provide human rights training to RANHAM committee members.
Outputs	Short-term results that are the logical consequences of completed project activities.	<ul style="list-style-type: none"> • Individuals better able to analyze human rights issues • Individuals better able to identify HRE activities • Individuals transfer new knowledge and skills to their organizations • Provincial, institutional and personal networks created amongst the participants
Outcomes	Medium-term results that are the logical consequences of achieving a combination of outputs.	<ul style="list-style-type: none"> • Increased capacity of Aceh RANHAM Committee to undertake human rights education activities
Impact	Longer-term result that is the logical consequence of achieving the outcomes.	<ul style="list-style-type: none"> • Emergence of a culture of human rights leading to greater respect by both provincial and national government of their human rights obligations and prevention of human rights abuses

Worksheet 8: Developing Results

Strategy and Activities	Results (specify the type of result: output, outcome, or impact, and a description of the result)

Activity 5 Presenting Action Plans

Objectives

- To identify the next steps for implementing RANHAM in Aceh.
- To identify the next steps in our own work.

Time

1 hr

Description

1. The facilitator leads a discussion on the next steps that need to be taken in terms of human rights education capacity building to ensure the successful implementation of RANHAM.
2. As a group discuss the following questions:
 - What are the next steps that need to be undertaken with respect to the timeline for RANHAM's implementation?
 - What are the next steps that need to be undertaken by you in your work?

End of Activity ■

Module 5 Workshop Evaluation and Closing Ceremony

<i>Activity</i>		<i>Time</i>
Activity 1	Workshop General Evaluation	1 hr
Activity 2	Closing Ceremony	30 min

Activity 1 Workshop General Evaluation

Objective

To evaluate the workshop.

Time

1 hr

Description

30 min

Part A

Participants complete the final evaluation questionnaire.

30 min

Part B

The facilitator leads a discussion on the participants' evaluation of the workshop.

End of Activity ■

Activity 2 Closing Ceremony

Time

30 min

Description

During the closing ceremony there will be a distribution of certificates and closing statements.

End of Activity ■

Appendices

<i>Appendix</i>	
Appendix 1	Self Assessment Questionnaire of Your Familiarity with the International Human Rights System
Appendix 2	Summary of the International Covenant on Civil and Political Rights
Appendix 3	International Covenant on Civil and Political Rights
Appendix 4	Summary of the International Covenant on Economic, Social and Cultural Rights
Appendix 5	International Covenant on Economic, Social and Cultural Rights
Appendix 6	Summary of the Convention on the Rights of the Child
Appendix 7	Convention on the Rights of the Child
Appendix 8	Summary of the Convention on the Elimination of All Forms of Discrimination Against Women
Appendix 9	Convention on the Elimination of All Forms of Discrimination Against Women

Appendix 1: Self Assessment Questionnaire of Your Familiarity with the International Human Rights System

Your Familiarity with the International Human Rights System				
1) International Human Rights Documents				
Rate your familiarity with each of the documents listed below by placing an (X) in the appropriate column. Use the legend below to guide you.				
Legend:				
(NF) Not familiar = No experience with document				
(SF) Somewhat familiar = Limited experience with document				
(F) Familiar = Work with documents occasionally				
(VF) Very Familiar = Work with documents regularly				
	NF	SF	F	VF
a. Universal Declaration of Human Rights (UDHR)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. International Covenant on Civil and Political Rights (ICCPR)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. International Covenant on Economic, Social and Cultural Rights (ICESCR)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Convention on the Rights of the Child (CRC)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. International Covenant on the Elimination of All Forms of Discrimination (CERD)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g. International Convention on the Protection of the Rights of All Migrant Workers (MWC)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h. Declaration on Human Rights Defenders	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2) Which of the international treaties listed above has your country ratified?				

3) Which of these documents do you use most often in your work? Briefly explain how.

4) Do you use the UN human rights instruments in your work? Briefly explain how.

5) Which national instruments and/or mechanisms do you use most often in your work?

Appendix 2: Summary of the International Covenant on Civil and Political Rights

Overview

The International Covenant on Civil and Political Rights (ICCPR) was adopted in 1966 and came into force in 1976. As of November 24, 2004, 154 States have become parties to the Covenant (7 States are remaining signatories). The Covenant also contains two Optional Protocols. As of June 9, 2004, there are 104 States parties (5 States are remaining signatories) to the first Optional Protocol, which defines the provisions for individual complaints, and there are 50 States parties (7 States are remaining signatories) to the second Optional Protocol, which aims to abolish the death penalty.

Article 1 deals with the question of self-determination. Article 2, deals with the obligation of State parties to undertake necessary steps to respect and ensure to all individuals the rights recognized in the Covenant. The rights should be ensured to all individuals 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. Article 3 deals with the obligation of ensuring the equal rights of men and women. Article 4 deals with derogation principles. Article 5 deals with the obligation not to misrepresent any of the articles of the Covenant in such a manner to undermine the rights and freedoms recognized in the Covenant. Articles 6 to 27 deal with the following specific rights:

- The right to life (art.6)
- Prohibition against torture or cruel, inhuman or degrading treatment or punishment (art.7)
- Prohibition against slavery, slave trade, servitude and forced or compulsory labour (art.8)
- Prohibition against arbitrary arrest or detention (art.9)
- Obligation to treat with humanity all persons deprived of their liberty (art.10)
- Prohibition against imprisonment merely on the ground of inability to fulfil a contractual obligation (art.11)
- The right to freedom of movement and freedom to choose a residence (art.12)
- Limitations on the expulsion of aliens lawfully in the territory of a State party (art.13)

- Equality of all persons before the courts and tribunals and for guarantees for fair hearing in criminal and civil proceedings (art.14)
- Prohibition against use of retroactive penal laws (art.15)
- Right of everyone to be recognized as a person before the law (art.16)
- Prohibition against arbitrary or unlawful interference with an individual's privacy, family, home or correspondence and of unlawful attacks on his honour and reputation (art. 17).
- The rights to freedom of thought, conscience and religion (art.18)
- Freedom of opinion and expression (art.19)
- Prohibition by law of any propaganda for war and of any advocacy of national, racial or religious hatred (art.20)
- The right of peaceful assembly (art.21)
- The right to freedom of association (art. 22)
- The protection of the family (art. 23)
- The rights of children (art.24)
- The right of every citizen to take part in the conduct of public affairs, to vote and to be elected, and access to public service in his country (art. 25)
- Equality before the law and equal protection of the law (art.26)
- Protection of the rights of ethnic, religious and linguistic minorities (art.27)

Monitoring Mechanism

Under the International Covenant on Civil and Political Rights, a Human Rights Committee has been established to monitor the compliance of rights recognized under the Covenant. The Human Rights Committee consists of eighteen independent experts who are elected from the State parties to the Covenant.

The responsibilities of the Committee are;

- (a) consideration of reports submitted by State parties;
- (b) the preparation of general comments; and
- (c) examining communications from individuals alleging violations of any of the rights contained in the Covenant, as provided by the first Optional Protocol to the Covenant.

The Committee decided in 1982 to prepare "General comments" on the rights and provisions contained in the Covenant with a view to assisting States parties in fulfilling their reporting obligations and to provide greater interpretative clarity as to the intent, meaning and content of the Covenant. There have been 28 General comments since 1982; the last one being in 2000 on the equality of rights between men and women. The General comments can be found on the UN's web site (www.unhchr.ch). The Human Rights Committee adopted a new and revised General Comment on Article 2 (right to an effective remedy) under the Covenant during its session held from 15 March to 2 April 2004.

Provisions

ARTICLE 2: Obligation of State Parties

Article 2 deals with the obligation of State parties to undertake necessary steps to respect and ensure to all individuals the rights recognized in the Covenant.

The obligation under this article has two elements:

1. Obligation of State parties to undertake necessary steps to respect and ensure to all individuals the rights recognized in the Covenant.
2. The rights should be ensured to all individuals 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.

As for implementation at the national level, the Human Rights Committee has concluded that the implementation does not depend solely on constitutional or legislative provisions. They may not be sufficient by themselves.

The Committee has held that it is not merely the question of respecting the rights but the State parties have an obligation to ensure the enjoyment of these rights to all the individuals under their jurisdiction.

The obligation of State parties under the Covenant also includes development of special remedies, especially judicial remedies, for situations in which a right or freedom recognized in the Covenant is being violated (art.2 (3)).

The obligation under article 2 is of both a negative and a positive nature. The States parties have an obligation to respect the free exercise of the rights and freedoms set forth in the Covenant. They

also have an obligation to create favourable condition for the full enjoyment of all rights and freedoms by all individuals under the jurisdiction of the State party.

The Committee has stressed that individuals should know their rights under the Covenant. It is also important that all administrative and judicial authorities are aware of the obligations that the State party has assumed under the Covenant

The Committee has also emphasized that the rights set forth in the Covenant apply to everyone, irrespective of his or her nationality or statelessness. Thus, they should guarantee the rights to all individuals despite the fact whether they are citizen or aliens. However, some rights such as the right to political participation (art.25) are applicable only to citizens. On the other hand, limitation on the expulsion of aliens lawfully in the territory of a State party (art.13) applies only to aliens. A State party may impose restrictions on the entry of aliens. However, once it allows an alien to enter its territory, a State party is obligated to respect all the rights enshrined in the Covenant.

ARTICLE 2 (1): Non- discrimination

Under article 2 (1), the rights enshrined in the Covenant should be ensured to all individuals 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. The Committee has stated that the term "discrimination" as used in the Covenant should be understood to imply any distinction, exclusion, restriction or preference which has the purpose or effect of nullifying or impairing the enjoyment or exercise by all persons, on an equal footing, of all rights and freedoms.

The non-discrimination clause should be discussed in conjunction with the right of equality before the law and equal protection of the law without any discrimination (art.26). Article 26 only entitles all persons to equality before the law and equal protection of the law. It 'prohibits any discrimination under the law and guarantees to all persons equal and effective protection against discrimination'. Both the principle of non-discrimination and equality before the law 'constitute a basic and general principle relating to the protection of human rights.

The fundamental nature of the principle of non-discrimination is reflected in article 3 that obligates each State party to ensure the equal right of men and women in the enjoyment of the rights enshrined in the Covenant. Moreover, article 4 allows for derogation of certain obligations by State parties during a public

emergency does not involve discrimination solely on the ground of race, colour, sex, language, religion or social origin. Thus, a State party should protect the principle of non-discrimination even during a public emergency.

The Covenant also provides for States parties to prohibit, by law any advocacy of national, racial or religious hatred which is incitement to discrimination (art. 20 (2)).

The principle of non-discrimination and that of equality before the law and equal protection of the law are referred to in articles relating to particular categories of human rights. Article 14, paragraph 1, provides that all persons shall be equal before the courts and tribunals, and paragraph 3 of the same article provides that, in the determination of any criminal charge against him, everyone shall be entitled, in full equality, to the minimum guarantees. Similarly, article 25 provides for the equal participation in public life of all citizens, without any of the distinctions mentioned in article 2.

State parties are obliged to undertake specific legislative, administrative or other measures to guarantee the equality in the enjoyment of rights. The Committee has observed that the principle of equality sometimes requires States parties to take affirmative action in order to diminish or eliminate conditions that cause or help to perpetuate discrimination prohibited by the Covenant.

ARTICLE 3: Obligation to Ensure the Equal Rights of Men and Women

This article deals with one of the grounds for discrimination identified in article 2(1). It addresses the importance to enable women to enjoy civil and political rights on an equal footing with men. The article requires that State parties undertake affirmative action to ensure the equality of men and women.

According to the Committee, simply enacting laws cannot do it. Therefore, the Committee has sought information regarding the role of women in practice to find out what measures, besides purely legislative measures of protection, have been or are being taken to give effect to the precise and positive obligations under article 3. The Committee has recommended that States parties give special attention to review laws or measures that inherently draw a distinction between men and women.

ARTICLE 4: Derogation of Rights at the Time of a Public Emergency

This article allows for State parties to derogate from a number of rights when a public emergency threatens the life of a nation. However, the article also specifies certain rights State parties should protect even during a public emergency.

No derogation is allowed regarding the following rights:

- The right to life (art.6)
- Prohibition against torture or cruel, inhuman or degrading treatment or punishment (art.7)
- No one shall be held in slavery; prohibition of slavery and slave trade; no one shall be held in servitude (art.8 (1) (2))
- Prohibition against imprisonment merely on the ground of inability to fulfill a contractual obligation (art 11)
- Prohibition against use of retroactive penal laws (art.15)
- Right of everyone to be recognized as a person before the law (art.16)
- The rights to freedom of thought, conscience and religion (art.18)

The Committee has stated that ‘measures taken under article 4 are of an exceptional and temporary nature and may only last as long as the life of the nation concerned is threatened and that, in times of emergency, the protection of human rights becomes all the more important, particularly those right from which no derogation can be made.’

Optional Protocols

Under the first Optional Protocol to the International Covenant on Civil and Political Rights, the Human Rights Committee is authorized to receive complaints from individuals claiming to be victims of violations of rights contained in the Covenant. The Second Optional Protocol to the International Covenant on Civil and Political Rights aims at the abolition of the death penalty.

Appendix 3: 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 I 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 judgement 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

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.

Source: <http://www1.umn.edu/humanrts/instree/b3ccpr.htm>

Appendix 4: Summary of the International Covenant on Economic, Social and Cultural Rights

Overview

The Covenant on Economic, Social and Cultural Rights (ICESCR) was adopted by UN General Assembly on December 16, 1966 and entered into force on January 3, 1976. As of November 24, 2004, 151 States have become parties to the Covenant (6 States are remaining signatories).

Unlike civil and political rights, economic, social and cultural rights are often viewed with 'suspicion, caution and scepticism'. At times even 'treated with an air of triviality'. In the human rights field, economic, social and cultural rights are most often accorded secondary status by governments and NGOs.

However, the economic, social and cultural rights are indivisible part of human rights. First, ESC rights have intrinsic value. They create the condition for enhancing a person's capability by eradicating deprivation. They expand the freedom to lead a life that we value. The potentialities of the human person may be expressed through civil and political rights but the unfolding of these potentialities requires adequate social and economic circumstances.

The concept of human dignity is the foundation for civil and political and economic, social and cultural rights. These rights can neither be given nor taken away. Human dignity is denied when civil and political rights and economic, social and cultural rights are not guaranteed. Two common elements mediate both sets of rights - security and equality. Security of the person includes socio-economic security and equality before law encompasses equality of opportunities.

The development of international human rights law has shown the indivisibility of the civil, political and economic, social and cultural rights. For example, the Convention on the Elimination of All Forms of Discriminations Against Women and the Convention on the Rights of the Child incorporate protection of both sets of rights.

Violations of Economic, Social and Cultural Rights

The notion of violation applied vigorously to civil and political rights is normally not used regarding economic, social and cultural rights. The Committee on Economic, Social and Cultural Rights has developed the concept of 'minimum core obligations'. The Committee developed this concept mainly to refute the argument that lack of resources hinders fulfillment of obligations. The Committee has stated that every State has a minimum core obligation to satisfy minimum essential levels of each of the right of

the Covenant. The Committee has clarified that a State party 'in which any significant number of individuals is deprived of essential foodstuffs, of essential primary health care, of basic shelter and housing, or of the most basic forms of education is prima facie, failing to discharge its obligations under the Covenant'.

Thus, it can be construed that failure to fulfill minimum core obligations will be a violation of the rights enshrined in the Covenant. However, the notion of violation of economic, social and cultural rights needs to be further developed. A group of distinguished experts in international law have developed principles known as the Limburg Principles. These principles provide some basic framework to develop the notion of violation of economic, social and cultural rights. According to the Limburg Principles, 'A failure by a State party to comply with an obligation contained in the Covenant is, under international law, a violation of the Covenant.'

In determining what amounts to a failure to comply, it must be borne in mind that the Covenant affords to a State party a margin of discretion in selecting the means for carrying out its objects, and that factors beyond its reasonable control may adversely affect its capacity to implement particular rights.

A State party will be in violation of the Covenant, inter alia, if:

It fails to take a step which it is required to take by the Covenant;

It fails to remove promptly obstacles which it is under a duty to remove to permit the immediate fulfillment of a right;

It fails to implement without delay a right which it is required by the Covenant to provide immediately;

It wilfully fails to meet a generally accepted international minimum standard of achievement, which is within its powers to meet;

It applies a limitation to a right recognized in the Covenant other than in accordance with the Covenant;

It deliberately retards or halts the progressive realization of a right, unless it is acting within a limitation permitted by the Covenant or it does so due to a lack of available resources or force majeure;

It fails to submit reports as required under the Covenant.'

Monitoring Mechanism

The Committee on Economic, Social and Cultural Rights was established in 1985 and is comprised of 18 members who are independent and serve in their personal capacity, not as representatives of Governments.

The primary function of the Committee is to monitor the implementation of the Covenant by States parties. Under articles 16 and 17 of the Covenant, States parties undertake to submit periodic reports to the Committee-within two years of the entry into force of the Covenant for a particular State party, and thereafter once every five years-outlining the legislative, judicial, policy and other measures which they have taken to ensure the enjoyment of the rights contained in the Covenant. States parties are also requested to provide detailed data on the degree to which the rights are implemented and areas where particular difficulties have been faced in this respect.

The Committee has assisted the reporting process by providing States parties with a detailed 22-page set of reporting guidelines specifying the types of information the Committee requires in order to monitor compliance with the Covenant effectively (available at the UN's web site: www.unhchr.ch).

The Committee can also assist Governments in fulfilling their obligations under the Covenant by issuing specific legislative, policy and other suggestions and recommendations such that economic, social and cultural rights are more effectively secured.

The Committee decided in 1988 to prepare "General Comments" on the rights and provisions contained in the Covenant with a view to assisting States parties in fulfilling their reporting obligations and to provide greater interpretative clarity as to the intent, meaning and content of the Covenant. The General Comments, the most recent being General Comment No. 16 on equality between women and men, can be found on the UN's web site (www.unhchr.ch).

The Committee was the first treaty body to provide NGOs with the opportunity to submit written statements and make oral submissions dealing with issues relating to the enjoyment or non-enjoyment of the rights contained in the ICESCR in specific countries.

Provisions

Articles 2(2) and 3: Non-discrimination

Article 2 (2) and Article 3 deal with the non-discrimination aspect. Article 2 (2) is similar to other instruments in stating that the rights should be enjoyed without discrimination on the grounds of 'race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.'

Article 3, on the other hand is more specific. It provides for the 'equal right of men and women to the enjoyment of rights...set forth in the Covenant.'

The concept of 'progressive realization' is not applicable to the non-discrimination clause and the obligation to ensure equal rights of men and women. The obligation is to ensure it immediately and not progressively.

The obligation to ensure the equal rights of men and women includes affirmative action to eliminate conditions that contribute to discrimination.

The Committee has followed the practice that discrimination is not restricted to those grounds identified under the Covenant and includes discrimination based on age, health status, or disability. The non-discriminatory clause of the Covenant covers discriminatory acts of both public authorities and private individuals.

Article 4: Limitations

Article 4, of the Covenant deals with the limitation clause. The ICESCR does not recognize any particular right to be non-derogable in the manner it is done under the ICCPR. However, Article 4, states that limitations imposed on the enjoyment of rights should be 'determined by law' and should be done solely for the purpose of 'promoting the general welfare in a democratic society.'

Article 2 (1): Obligation of States

Article 2 (1) of the Covenant deals with the obligation of States parties under the Covenant. According to the Committee on Economic, Social and Cultural Rights, 'Article 2 is of particular importance to a full understanding of the Covenant and must be seen as having a dynamic relationship with all of the other provisions of the Covenant. It describes the nature of the general legal obligations undertaken by States parties to the Covenant.'

Article 2 (1) of the Covenant states that,

'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 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.'

Thus, obligations of States parties are expressed through the use of terms 'undertakes to take steps,' 'to the maximum available resources,' 'achieving progressively the full realization,' and 'by all appropriate means including particularly the adoption of legislative measures.'

In contrast, these terms are not used in the civil and political rights Covenant. The Article 2 (1) of the Covenant on Civil and Political Rights states that, 'Each State Party to the present Covenant undertakes to respect and to ensure to all individuals... the rights recognized in the present Covenant...'. It is normally argued that the Covenant on Economic, Social and Cultural Rights does not belong to the same genre as that of the civil and political rights. Hence, it is important to understand the meaning of terms used in Article 2(1) of the International Covenant on Economic, Social and Cultural Rights (ICESCR) to comprehend the obligations under the Covenant.

Obligation of Conduct and Obligation of Result

The Committee on Economic, Social and Cultural Rights has made it clear that the obligations of States parties include both obligation of conduct and obligation of result. The International Law Commission has formulated these two categories and the Committee has referred to it to elaborate on the obligations of States parties under the Covenant.

Obligation of conduct means that, a State has to undertake a specific step. For example, prohibiting forced labour is an act of conduct. Obligation of result means attaining a particular outcome through active implementation of policies and programmes. However, conduct and result cannot be separated. The concept of obligation of conduct and result provides an effective tool for monitoring the implementation of economic, social and cultural rights. It also shows that realization of economic, social and cultural rights is a dynamic process involving both immediate and long-term intervention.

Meaning of 'Undertakes to Take Steps'

The use of the term 'Each State Party . . . undertakes to take steps,' in Article 2 (1) of the ICESCR is normally construed as implying progressive implementation of the Covenant. However, it should be noted that a similar term is used in Article 2 (2) of the ICCPR and in Article 2 (1) of the Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment. Thus, the term cannot be construed to imply progressive implementation. In fact, the Committee on Economic, Social and Cultural Rights has clarified that, 'while the full realization of the relevant rights may be achieved progressively, steps towards that goal must be taken within a reasonably short time after the Covenant's entry into force for the States concerned. Such steps should be deliberate, concrete and targeted as clearly as possible towards meeting the obligations recognized in the Covenant.'

Meaning of 'By All Appropriate Means, Including Particularly the Adoption of Legislative Measures'

The Committee on Economic, Social and Cultural Rights has recognized that States must decide the appropriate means and it may depend on the right that is being implemented. However, the Committee has stated that, 'States parties reports should indicate not only the measures that have been taken but also the basis on which they are considered to be the most "appropriate" under the circumstances.'

It is clear from the interpretation given by the Committee that the term 'all appropriate means' is linked to both conduct and result. A State party cannot avoid its obligations by merely saying that its policies are aimed at economic development and poverty or illiteracy will be eradicated eventually.

As for the term 'adoption of legislative measures,' the Committee has stated that it by no means exhausts the obligation of State parties. A mere existence of laws is not sufficient to prove that a State party is carrying out its obligation under the Covenant. For example, while considering the Canadian report, a member of the Committee commented that, 'When reports focused too narrowly on legal aspects, the suspicion naturally arose that there might be some gap between law and practice.'

In addition to laws, the Committee has also stressed the need for 'provision of judicial remedies with respect to rights which may, in accordance with the national legal system, be considered justifiable.'

Meaning of 'Achieving Progressively'

It is normally assumed that due to the resources required for the realization of economic, social and cultural rights, they are incapable of immediate implementation. On the other hand, the Committee has stated that,

'The fact that realization over time, or in other words progressively, is foreseen under the Covenant should not be misinterpreted as depriving the obligation of all meaningful content. It is on the one hand a necessary flexibility device, reflecting the realities of the real world and the difficulties involved for any country in ensuring full realization of economic, social and cultural rights. On the other hand, the phrase must be read in the light of the overall objective, indeed the *raison d'être*, of the Covenant that is to establish clear obligations for States parties in respect of the full realization of the rights in question. It thus imposes an obligation to move as expeditiously and effectively as possible towards that goal.'

The Committee has made it clear that 'progressive realization' is not an escape clause. Such an interpretation provides activists an

important conceptual perspective against the notion of 'gradualism' in economic policies. It means that ensuring social welfare is a gradual long - term process where the growth of the economy will percolate to everyone. However, most often growth becomes an end in itself whether it is socially desirable or not. The position of the Committee seems to be that the process of economic growth should be combined with the realization of human rights.

The Committee has also concluded that 'progressive realization' includes not only continuous improvement but also the obligation to ensure that there are no regressive developments. The Committee has stated that, 'any deliberately retrogressive measures . . . would require the most careful consideration and would need to be fully justified by reference to the totality of the rights provided for in the Covenant and in the context of the full use of the maximum of available resources.'

Meaning of 'To the Maximum of Its Available Resources'

The notion that economic resources are essential for the implementation of economic, social and cultural rights has been the major justification for considering it secondary to civil and political rights. The Committee has acknowledged the importance of resources in fulfilling the rights but does not consider that resource availability as an escape clause. For example, it has stated that 'in cases where significant numbers of people live in poverty and hunger, it is for the State to show that its failure to provide for the persons concerned was beyond its control.'

The Committee developed the idea of 'minimum core obligations' to refute the argument that lack of resource' hinders fulfillment of obligations. The Committee has observed that every State has a minimum core obligation to satisfy minimum essential levels of each of the right of the Covenant. It has clarified that a State party 'in which a significant number of individuals is deprived of essential foodstuffs, of essential primary health care, of basic shelter and housing, or of the most basic forms of education is prima facie, failing to discharge its obligations under the Covenant.... In order for a State party to be able to attribute its failure to meet at least its minimum core obligations to a lack of available resources it must demonstrate that every effort has been made to use all resources that are at its disposition in an effort to satisfy, as a matter of priority, those minimum obligations.'

The Committee has made it clear that, 'even where the available resources are demonstrably inadequate, the obligations remains for a State party to ensure the widest possible enjoyment of the relevant rights under the prevailing circumstances.' In addition, the Committee has also stated that, 'even in times of severe resource

constraints . . . vulnerable members of society can and indeed must be protected by the adoption of relatively low-cost targeted programmes.

Optional Protocol

The Committee on Economic, Social and Cultural Rights has been considering a draft Optional Protocol to the ICESCR granting the right of individuals or groups to submit communications (complaints) concerning non-compliance with the Covenant. The elaboration of the draft optional protocol was recommended during the 1993 World Conference on Human Rights in Vienna.

Upon the advice of an independent expert, the Commission on Human Rights established a Working Group for an Optional Protocol to the ICESCR. At the close of its 60th session in April 2004, the Commission on Human Rights approved the renewal for a further two years of the mandate of the open-ended Working Group to consider options regarding the elaboration of an Option Protocol to the ICESCR. This continues the process for the adoption of the Optional Protocol. Currently there is no mechanism for individual complaints when their rights under the ICESCR are violated. Mechanisms for individual complaints already exist under the ICCPR, CEDAW, CAT, CERD and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, but several governments have resisted a similar move for the ICESCR. Comments, suggestions, recommendations and observations on the draft Optional Protocol could be sent to the Office of the High Commissioner for Human Rights in Geneva (webadmin.hchr@unog.ch).

Rights Under the Covenant

Article 6: The right to work

Article 7: Just and favourable conditions of work

Article 8: The right to form and join trade unions

Article 9: The right to social security

Article 10: Protection of the family

Article 11: The right to an adequate standard of living (food, housing)

Article 12: The right to health

Article 13: The right to education

Appendix 5: 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.

Source: <http://www1.umn.edu/humanrts/instree/b2esc.htm>

Appendix 6: Summary of the Convention on the Rights of the Child

Overview

The UN General Assembly adopted the Convention on the Rights of the Child (CRC) in 1989. The Convention came into force in 1990. An unprecedented number of States have ratified or acceded to the Convention. As of November 24, 2004, 192 States have become parties to the Convention (2 States are remaining signatories).

The Convention contains 54 articles and encompasses the whole range of human rights - civil, political, economic, social and cultural. The Convention recognizes the indivisibility of rights. The Convention provides for the enjoyment of rights by children without discrimination of any kind. The Convention recognizes the child as a subject and guarantees the freedom of expression and participation in making decisions affecting their rights. The Convention takes into account the situation of children of minority and indigenous groups and deals with children threatened by drug abuse and neglect.

Fundamental Principles of the Convention

Respect for the Child's Opinion

The corollary to children as subjects of rights is the principle that their opinion should be respected. It means that the child has the right to freedom of expression, freedom of thought, freedom of conscience and freedom of assembly.

Each Child has Rights

The recognition that children have equal value as adults implies that each child has rights. The principle that all children should enjoy rights is fundamental to the Convention. The principle is based on the notion that children are subjects and not objects of the rights. Moreover, children should enjoy their rights without discrimination. It means that girls should be given the same opportunities as the boys. Similarly, disabled children and children of disadvantageous groups should enjoy the same rights as others.

Equal Value as Human Beings

An underlying principle of the Convention is that of according children the same value as adults. This principle stresses that childhood has value in itself. It is not merely a preparatory stage for adulthood. The implication of this principle is that the society has

an obligation to create conditions for the child to enjoy his or her childhood.

Best Interests of the Child

While children have equal value as grownups they also need the protection and support from the society for enjoying their childhood. The principle of best interests of the child addresses this need. This principle is most clearly stated in article 3 (1) of the Convention.

'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.'

The interests of the child take precedent over the interests of parents or the state. The principle as stated in article 3 (1) applies to 'all actions concerning children' and not restricted to legal or administrative proceedings.

Monitoring Mechanism

The Convention sets up a Committee on the Rights of the Child to monitor the State parties compliance of their obligations under the Convention. The Committee consists of ten independent experts. All State parties should submit a report within two years after the ratification or accession to the Convention. The initial report should be followed by reports every five years. The reports submitted by State parties are normally considered within a year of their submission. The Committee strives to achieve this deadline despite its enormous workload. State parties in preparing their reports are expected to follow the guidelines provided by the Committee. The Convention is the only treaty that accords a role for NGOs in assisting the Committee to monitor the compliance of State parties obligations.

Provisions

Article 1

This article defines the child as a person below the age of 18 years. The article also allows for situations in which the age at majority is fixed lower than 18. However, the Convention by explicitly stating 18 provides a benchmark for defining the child.

Article 2

This article provides that the rights enshrined in the Convention apply to all children without any distinction. The grounds on which

no discrimination should be practiced include disability. Under this article States parties are obligated to '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

This article ensures that the 'best interests' of the child is taken into account in all actions concerning the children. The interests of the child take precedent over the interests of parents or the state. The principle as stated in article 3 (1) applies to 'all actions concerning children' and not restricted to legal or administrative proceedings.

The principle of 'best interests' of the child plays a vital role in the interpretation and implementation of the Convention. It is important in clarifying the rights enshrined in the Convention. The principle is also vital in mediating and resolving conflicts that may arise in implementing the Convention. Finally, it is a useful tool for assessing the laws and practices of State parties in protecting the rights of the child.

Article 4

This article stipulates that State parties should undertake concrete steps for ensuring the enjoyment of rights recognized in the Convention. The article also stresses that State parties should undertake measures 'to the maximum extent of their available resources'. The implication of this provision is that State parties should give priority for children and they should invest maximum of available resources to ensure the economic, social and cultural rights of the child. Article 4 also provides that ensuring the rights of the child should be a priority for international cooperation.

Article 5

This article respects parental rights. The State should respect the responsibilities, rights and duties of parents or legal guardians to provide 'appropriate direction' in the exercise by the child of his or her rights. Parental guidance should be provided 'taking into account the evolving capacities of the child.' It means that the child should have more control with greater age and maturity.

Article 6

This article recognizes the inherent right to life of every child. Under article 6(2) States parties have an obligation to ensure the survival and development of the child. The States should ensure it to the maximum extent possible. The use of the term 'survival' is unusual for human rights treaties. Thus, the right to life assumes a dynamic aspect and the obligation of the State parties includes

taking preventive action such as immunization. The term 'development' should be interpreted in a broad sense to include physical, mental, emotional, social and cultural development. The right to life guaranteed by article 6 creates the conditions for the enjoyment of other rights enshrined in the Convention.

Optional Protocols

There are two optional protocols under the Convention: The Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflicts, and the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography.

Appendix 7: Convention on the Rights of the Child

G. A. res. 44/25, 20 November 1989. Entered into force 2 September 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.

Source: <http://www.unhcr.ch/html/menu3/b/k2crc.htm>

Appendix 8: Summary of the Convention on the Elimination of All Forms of Discrimination Against Women

Overview

'The Convention on the Elimination of All Forms of Discrimination Against Women is perhaps best described as an international bill of rights for women as it sets out in detail both what is to be regarded as discrimination against women and the measures that have to be taken in order to eliminate this discrimination. Women's rights are conceptualized as human rights and a "non-discrimination" model is adopted, so that women's rights are seen to be violated if women are denied the same rights as men.'

The Convention was adopted by the General Assembly of the United Nations on 18 December 1979. It entered into force on 3 September 1981. As of October 20, 2004, 179 States have become parties to the Convention. The Convention has one Optional Protocol. As of November 20, 2004, 68 States are parties (76 States are signatories) to the Optional Protocol.

The preamble recalls that the elimination of discrimination against women and the promotion of equality between women and men are central principles of the United Nations Charter and constitute binding obligation under it. It further states that discrimination against women violates the principles of equality and obstructs women's participation, on equal terms with men, in the political, social, economic and cultural life of their countries.

Monitoring Mechanism

Article 17 of the Convention on the Elimination of All Forms of Discrimination against Women establishes the Committee on the Elimination of Discrimination against Women to oversee the implementation of its provisions. The Committee is composed of 23 experts and has since its inception, with only one exception, been composed entirely of women.

Under article 18 of the Convention, States parties are required to submit reports every four years to the Secretary-General of the United Nations on legislative, judicial and other measures that they have taken in accordance with the provisions of the Convention. These reports are for consideration by the Committee. The Committee has developed two sets of general guidelines for reporting in an effort to provide practical technical assistance to States parties.

Provisions

The provisions of the Convention are divided in to six parts. The first four deal with substantive rights.

Part I

Articles 1- 6 include the definition of discrimination against women. In addition, they also include legal, administrative and other measures that should be taken by State parties under the Convention.

Part II

Articles 7 - 9 contain obligations of States regarding the protection of women's rights in political and public life.

Part III

Articles 10 -14 contain provisions regarding elimination of discrimination against women in the field of education, employment, health, and economic, social and cultural life. This part also includes obligation of States regarding special problems of rural women.

Part IV

Articles 15 -16 contains provisions regarding affording equality of women with men before the law, in the exercise of their legal rights, and in marriage and family law.

Part V

Articles 17 - 22 deals with the establishment of a Committee on the Elimination of Discrimination Against Women to monitor the progress of the implementation of the Convention by State parties.

Part VI

Articles 23 - 30 deals with other procedural issues including provision for making reservation while ratifying or acceding to the Convention.

ARTICLE 1: Definition of Discrimination Against Women

Article 1 defines what constitutes "discrimination against women". The Convention defines discrimination against women broadly. Under the Convention "any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of hampering the enjoyment by women of their human rights. The rights enshrined in the Convention applies to all women, irrespective of their marital status. It prohibits discrimination in "political, economic, social, cultural, civil or any other" fields. More important, it covers discrimination in public and private ("or any other") actions. The Convention prohibits intentional and unintentional discrimination.

ARTICLE 2: Obligations of State Parties to the Convention

This article requires that State parties take appropriate constitutional, legal and administrative measures to guarantee equality. They also have an obligation to provide remedies and sanctions for public and private acts of discrimination and to repeal discriminatory laws. The States parties must take measures to eliminate practices that either risks threatening or actually threatens the enjoyments of the rights contained in the Convention.

ARTICLE 3: Obligation to Take Measures for Ensuring Equality Between Men and Women

Article 3 provides for equality between men and women which is a precondition for women's full enjoyment of human rights. The obligations of States parties includes development of appropriate programmes and measures to advance the status of women so that they can enjoy human rights on a basis of equality with men.

ARTICLE 4: Obligation to Take Positive Measures

Article 4 recognizes that State parties besides removing discriminatory practices should also take positive action to promote equality. Thus, it acknowledges that to ensure de facto equality, it may be necessary to take measures that discriminate in a positive way. The article also specifies that the adoption of special measures aiming at the protection of maternity shall not considered discriminatory

The Committee in its general recommendation no. 5, stated that, States parties make more use of temporary special measures such as positive action, preferential treatment or quota systems to advance women's integration into education, economy, politics and employment".

ARTICLE 5: Obligation to Take Measures for Elimination of Prejudices and Stereotyping of Sex Roles

The purpose of article 5 is to ensure that States parties take steps to modify social and cultural patterns of conduct elimination of prejudices based on the inferiority or superiority of either of the sexes and stereotyping of sex roles.

Article 5(b) recognizes that maternity has a social function. It states that men and women have a common responsibility in the upbringing of their children. The interest of the child should be fundamental in all actions taken by parents.

The Committee in its General Recommendation no. 3, stated that, The Committee based on the reports submitted by State parties has stated that the reports show existence of varying degrees of stereotyped conceptions of women. The Committee has urged, 'all

States parties effectively to adopt education and public information programmes, which will help eliminate prejudices and current practices that hinder the full operation of principle of the social equality of women'.

ARTICLE 6: Suppression of All Forms of Trafficking and Exploitation of Women

This article obligates State parties to take measures to suppress all forms of trafficking in women. It also calls action against those who profit from the exploitation of women, including the exploitation of girls.

The Committee in its General Recommendation No. 19 dealing with violence against women has stated that poverty and unemployment increase opportunities for trafficking in women. The Committee has also stated that, 'in addition to established forms of trafficking there are new forms of sexual exploitation, such as sex tourism, the recruitment of domestic labour from developing countries to work in developed countries, and organized marriages between women from developing countries and foreign nationals. These practices are incompatible with the equal enjoyment of rights by women and with respect for their rights and dignity'.

Optional Protocol

Under the Optional Protocol to the Convention, the Committee on the Elimination of Discrimination against Women is authorized to receive complaints from individuals claiming to be victims of violations of rights contained in the Convention. The Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women includes:

The Communications Procedure

Gives individuals and groups of women the right to complain to the Committee on the Elimination of Discrimination against Women about violations of the Convention. This procedure is known as "*the communications procedure*". United Nations communications procedures provide the right to petition or the right to complain about violations of rights. Under all procedures, the complaint must be in writing.

The Inquiry Procedure

It enables the Committee to conduct inquiries into grave or systematic abuse of women's human rights in countries that have become party to the Optional Protocol. Known as an *inquiry procedure*, this capacity is found in article 8 of the Optional Protocol.

The optional protocol includes an inquiry procedure, as well as a complaints procedure. An inquiry procedure enables the

Committee to conduct inquiries into serious and systematic abuses of women's human rights in countries that become States parties to the Optional Protocol. It is modelled on an existing human rights inquiry procedure, article 20 of the International Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The inquiry procedure:

- Allows investigation of substantial abuses of women's human rights by an international body of experts;
- Is useful where individual communications fail to reflect the systemic nature of widespread violations of women's rights;
- Allows widespread violations to be investigated where individuals or groups may be unable to make communications (for practical reasons or because of fear of reprisals);
- Gives the Committee an opportunity to make recommendations regarding the structural causes of violations;
- Allows the Committee to address a broad range of issues in a particular country.

Appendix 9: 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 1

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 I 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

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 I 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.

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