

A Guide to **HUMAN RIGHTS**

Institutions, Standards, Procedures

Edited by
Janusz Symonides and Vladimir Volodin



DROITS DE L'HOMME
Droits de l'homme
DERECHOS HUMANOS

**Dedicated to
the 35th anniversary of the adoption of the
International Covenants on Human Rights (1966)
and the International Year of Mobilization
against Racism, Racial Discrimination,
Xenophobia and Related Intolerance (2001)**

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Preface

The international system of promotion and protection of human rights has been substantially developed and strengthened during recent years. International human rights law now comprises an impressive number of standard-setting instruments adopted by universal and regional intergovernmental organizations*. Numerous bodies entitled to monitor the implementation of these instruments and entrusted with various responsibilities in the field of human rights have been established. Many international conferences, decades, years and days are dedicated to human rights and serve to sensitize the general public on violations of and threats to human rights, and to mobilize decision-makers and all actors of civil society to combat them. In many countries national institutions, such as ombudspersons and human rights commissions and even special human rights ministries, have been established.

A great number of non-governmental organizations make an extremely important contribution to the daily struggle for the defence of human rights. More than 600 institutions throughout the world specialized in human rights education and research undertake manifold activities related to the promotion of human rights. Human rights education has indeed become an important

* *A compilation of International Instruments*, Vol. I, First and Second Parts, Universal Instruments, New York, United Nations, 1993, lists 94 universal human rights instruments and Volume II, Regional Instruments, New York and Geneva, 1997, contains 50 regional human rights instruments.

means to encourage human rights implementation. The United Nations Decade for Human Rights Education (1995-2004) aims at making human rights education, which is itself a human right and an obligation of States, an integral part of formal and non-formal education at all levels.

It is becoming increasingly difficult for an interested person to steer through the huge amount of information and data on human rights. The work entitled *Encyclopedia of Human Rights* by Edward Lawson (Taylor and Francis Inc., New York/Philadelphia/Washington/London), an impressive volume of more than 1,900 pages, was published in 1991 and became the most comprehensive reference book on this subject. However, it is primarily of use to those who have already some knowledge about human rights rather than to non-specialists. To facilitate the comprehension of various notions and terms in human rights, several dictionaries have been published in this domain. These very useful terminological works include: *A Dictionary of Human Rights* by David Robertson (London, Europa Publications Limited, 1997); the *Dictionary of International Human Rights Law* by John S. Gibson (Lanham, Md./London, The Scarecrow Press, Inc., 1996); and *A Handbook of International Human Rights Terminology* by H. Victor Condé (University of Nebraska Press, 1999). However, until now, a concise comprehensive overview of human rights institutions, standards and procedures has not yet been presented in a single publication.

The present work is an attempt to provide such an overview. It includes more than 500 entries and presents data on major human rights instruments, human rights monitoring bodies and other mechanisms and procedures for human rights protection, on international organizations dealing with human rights, international days, years and decades, major conferences, key notions, etc. In view of the limited size of this book, the entries are concise. For those who wish to have more ample

information, a list of useful Internet addresses can be found at the end of this volume**. Cross references (printed in bold) are widely used throughout the publication.

This volume is a contribution to the implementation of the Plan of Action for the United Nations Decade for Human Rights Education which demands the elaboration of educational and information materials on human rights. It is dedicated to two major events in 2001: the thirty-fifth anniversary of the adoption in 1966 of the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, and the International Year of Mobilization against Racism, Racial Discrimination, Xenophobia and Related Intolerance (2001). UNESCO has, from its very creation, been involved actively in the promotion and implementation of the principle of non-discrimination.

The Organization attaches great importance to the International Year and to the major event within it – the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (Durban, South Africa, 31 August – 7 September 2001) – inasmuch as they will both give a new impetus to national, regional and global efforts to prevent and eradicate discrimination.

The editors express their deepest gratitude to all intergovernmental organizations of the United Nations system, in particular to the Office of the United Nations High Commissioner for Human Rights and to the International Labour Organisation,

** See Annex V for the list of selected human rights web-sites which helped in preparing this publication. Additional information on documentation, bibliographies and data bases can also be found in *Access to Human Rights Documentation*, prepared by Janusz Symonides and Vladimir Volodin, Paris, UNESCO, 1997, 3rd edition.

to the Council of Europe, and to all human rights specialists who have participated in the preparation of this publication. Our special thanks go to colleagues in UNESCO who helped in the revision of certain entries and, in particular, to Gillian Whitcomb, Head of the Publications Unit of the Social and Human Sciences Sector, for her valuable assistance in many respects. The editors express their profound gratitude to the consultants and interns in the Division of Human Rights, Democracy, Peace and Tolerance who have made important contributions to the preparation of the manuscript, especially to Birgit Roth, Clarisse Magnékou, Hagar Ligtvoet, Laia Torras, Karen Garner, Henrik Steenstrup and Konstantinos Tararas as well as to Wibke Weiss and Roxanne Kazancigil. Sheila Bennett, who was actively involved from the very beginning in the whole process of preparing this publication, must be especially thanked.

JANUSZ SYMONIDES VLADIMIR VOLODIN

P.S. Despite all the efforts to present an exhaustive set of entries and to give exact information, omissions and errors may have occurred. We would therefore be grateful if readers would send comments and suggestions to the following address:

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Academic freedom

Academic freedom can be defined as the freedom of researchers, teachers and students to teach, study, and pursue knowledge and research without unreasonable interference or restriction from law, institutional regulations, or public pressure. Academic freedom is closely related to the **right to education** stipulated in Article 26 of the **Universal Declaration of Human Rights** and in Article 13 of the **International Covenant on Economic, Social and Cultural Rights**. The justification for academic freedom lies in its benefits to society, which means that the interests of a society are best served when the educational process leads to the advancement of knowledge and the latter is best advanced without any restraints on inquiry. Nevertheless, academic freedom is not unlimited and is not inviolable during armed conflicts, economic depression, or political instability.

UNESCO has contributed to the promotion of academic freedom. This question was dealt with at the **International Congress on Education for Human Rights and Democracy** (Montreal, Canada, 8-11 March 1993). The **Recommendation concerning the Status of Higher-Education Teaching Personnel** adopted by the UNESCO General Conference in 1997 at its 29th session was the first intergovernmental instrument presenting academic freedom in a developed form.

Academic freedom is composed of the following rights: the right to become, on the basis of ability and competence without discrimination of any kind, a member of the academic community; the right of members of the academic community with research functions to freely determine the subject and methods of research; the right of members of the academic community with teaching functions to fully determine the content and methods of research;

the right of students to study, to choose their field of study, to participate in the organization of the educational process and to receive official recognition of the knowledge and experience acquired; the right of all members of the academic community to seek, receive, obtain and impart information and ideas of all kinds and in all forms; and the right of all members of the academic community to co-operate freely with their counterparts in any part of the world. In the case of restrictions, special facilities and protection shall be granted to members of the academic community carrying out research functions.

Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights – “Protocol of San Salvador” (OAS)

The Additional Protocol was adopted by the Organization of American States on 17 November 1988. It entered into force on 16 November 1999 and had been ratified by 12 States by the middle of 2001. The Protocol was approved in the spirit that “... in accordance with the **Universal Declaration of Human Rights** and the **American Convention on 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**”. Therefore, the instrument deals with the **right to work** (Article 6), just and satisfactory conditions of work (Article 7), trade union rights (Article 8), and the **right to strike** (Article 9). Furthermore, the Protocol includes the right to social security (Article 10), the **right to health** (Article 11), the **right to a healthy environment** (Article 12), the **right to adequate food** (Article 13), as well as the **right to education** (Articles 14 and 15). In its Article 16, the Protocol proclaims the rights to the benefits of culture, and in its Article 17 the right to the founding and the protection of families. Further on, the instrument stipulates the

rights and the protection of the child (Article 18), of the aged (Article 19) and of disabled persons (Article 20).

A second additional protocol to the Convention, the **Protocol to the American Convention on Human Rights to Abolish the Death Penalty**, was adopted in 1990.

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African Charter on Human and Peoples' Rights (OAU)

Adopted on 28 June 1981 by the **Organization of African Unity (OAU)**, the African Charter on Human and Peoples' Rights entered into force on 21 October 1986. By the middle of 2001, it had been ratified by 52 States. The instrument is based on both the **Universal Declaration of Human Rights** and on the Charter of the OAU, which stipulates that "freedom, equality, justice and dignity are essential objectives for the achievement of the legitimate aspirations of the African Peoples". Its aims are to protect and promote fundamental human and people's rights and freedoms. In particular, the Charter affirms that all people are equal, and that they have the **right of self-determination**, the right to dispose freely of their goods and natural resources, the right to economic, social and cultural development, the right to national and international peace and security and the right to a general satisfactory environment (Articles 19-24). The African Charter is the first international human rights convention which guarantees in a single instrument the **civil and political rights** of individuals as well as people's rights. Although the Charter offers no definition, "peoples' rights" has been interpreted as the collective rights of people as a group. The Charter obliges States Parties to promote teaching and education in human rights and to ensure that the content of the Charter is understood (Article 25). It also provides for the establishment of an **African Commission on Human and People's Rights** to monitor and ensure the promotion of human rights in Africa.

In 1998, the OAU adopted a Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an **African Court on Human and Peoples' Rights** which had not entered into force by the middle of 2001. The creation of this Court is intended to complement and strengthen the role of the African Commission on Human and Peoples' Rights established in 1987 to promote and protect human rights in Africa. The Court will have jurisdiction over cases submitted to it concerning the interpretation and implementation of the provisions of the Charter and other regional human rights instruments. Cases shall be referred to the Court by the African Commission, Member States and, on exceptional grounds, by individuals, groups of individuals and non-governmental organizations.

African Charter on the Rights and Welfare of the Child (OAU)

In recognition of the concern of Member States regarding the critical situation of most African children and the fact that children require particular care with regard to health, physical, moral and mental development and legal protection (Preamble), the **Organization of African Unity**, in July 1990, adopted the African Charter on the Rights and Welfare of the Child. It entered into force on 29 November 1999 and, by the middle of 2001, it had been ratified by 22 Member States. The aim of the Charter, which defines "child" as "every human being below the age of 18 years" (Article 2), is to provide protection for the rights of the child in all spheres of life. It stipulates that in all actions concerning the child undertaken by any person or authority the best interests of the child shall be the primary consideration (Article iv). To this end, the Charter imposes on the Member States the duty to ensure the survival, protection and development of the child, and to ensure the enjoyment of rights concerning, *inter alia*, the acquisition of name and nationality, **freedom of association**, thought, conscience and belief, privacy, and education and leisure, as well as to ensure

the prohibition of child labour and child abuse and to protect the special rights of handicapped and refugee children. The essential role of the family is also recognized in the Charter. Article 18 underlines that the family “shall enjoy the protection and support of the State for its establishment and development”. The instrument furthermore provides for the establishment of an African Committee on the Rights and Welfare of the Child (Article XXXII). This Committee shall be entrusted with the promotion and protection of the rights guaranteed under the Charter, in particular, by co-operating with other African, international and regional institutions and organizations and by monitoring the implementation of the Charter and ensuring the protection of the rights enshrined therein (Article XLII).

African Commission on Human and Peoples’ Rights (OAU)

The African Commission on Human and Peoples’ Rights was established in 1987 following the entry into force of the African Charter on Human and Peoples’ Rights. Its objective is to promote and protect the rights and freedoms of the individual in Africa. To this end, the Commission carries out studies and research, formulates and lays down principles and rules in the field, considers the activities undertaken by States Parties in implementing the Charter, interprets the provisions of the Charter and promotes co-operation with other African and international institutions working in the same field. The Commission is composed of eleven members chosen “from among African personalities of the highest reputation” (Article 31) and with recognized competence in the domain of human rights. Members, of which no two can be of the same nationality, are elected by the Assembly of Heads of State and Government for a six-year period and serve in their personal capacity. The Commission meets twice a year and is serviced in its daily work by the Secretariat situated in Banjul, Gambia. Its

activity also consists of the examination of any violation of rights guaranteed by the African Charter which is brought to its attention by means of communications from States Parties, individuals or non-governmental organizations, provided all local remedies have been exhausted. In response to such a communication and after carrying out all appropriate investigations and requesting from States Parties relevant information, a report, stating the facts, its findings and recommendations, is forwarded to the Assembly of Heads of State and Government, which decides on the appropriate action. If, after deliberation on a communication, the Commission suspects gross and massive violations of human rights, it draws the matter to the attention of the Assembly of Heads of State and Government, which can request the Commission to undertake in-depth investigation, followed by a report containing appropriate recommendations (Article 58). The Commission has no legal enforcement procedure and therefore the compliance with the provisions of the Charter depends on the will of the Member States.

African Court on Human and Peoples' Rights (OUA)

See African Charter on Human and Peoples' Rights.

American Bill of Rights

See Bill of Rights – United States of America – 1791.

American Convention on Human Rights

– “Pact of San José” (OAS)

The **American Convention on Human Rights** was adopted by the **Organization of American States (OAS)** on 22 November 1969 and entered into force on 18 July 1978. By the middle of 2001, it had been ratified by 25 Member States. The Convention aims at the protection of human rights in the western hemisphere. Its purpose is: “to consolidate in this hemisphere, within the framework of democratic institutions, a system of personal liberty and social justice based on respect for the essential rights of man” (Preamble). States Parties to this Convention “undertake to respect the rights and freedoms recognized herein and to ensure to all persons subject to their jurisdiction the free and full exercise of those rights and freedoms, without any discrimination” (Article 1). The Convention defines the rights and freedoms to be protected. Among the **civil and political rights** are the **right to life**, right to humane treatment, freedom from slavery, right to personal liberty, right to equality before the law, right to participate in government, freedom of conscience, religion and belief, and **freedom of association**. With regard to **social, economic and cultural rights**, States Parties pledge to adopt measures to ensure, progressively, “the full realization of the rights implicit in the economic, scientific, cultural standards set forth in the Charter of the Organization of American States” (Article 26). Part II of the instrument establishes the means to ensure that the commitments made by the Contracting Parties are fulfilled, namely through the creation of the **Inter-American Commission on Human Rights** and the **Inter-American Court of Human Rights**.

Since its inception, the Convention has been supplemented by two protocols. The first was the **Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights** “Protocol of San Salvador”, adopted on 17 November 1988. The second additional

protocol was the **Protocol to the American Convention on Human Rights to Abolish the Death Penalty**, adopted in 1990.

American Declaration on the Rights and Duties of Man (OAS)

The American Declaration on the Rights and Duties of Man was adopted by the **Organization of American States (OAS)** on 2 May 1948 and still serves as a reference for those States not Parties to the **American Convention on Human Rights** (1969) but which are signatories to the Charter of the OAS. While it has the virtue of being the first international instrument of its type adopted at this level, it was not approved as a convention as had been hoped. Nonetheless, the Declaration proclaims the will of the American States to protect and promote the essential rights of the individual. It is important to note that the Declaration establishes that "... the essential rights of man are not derived from the fact that he is a national of a certain State, but are based upon attributes of his human personality" (Preamble). Thus, the American States recognize that States do not create or concede rights but rather recognize rights that existed prior to the formation of the State, rights that have their origins in the very nature of the individual. The Declaration comprises a Preamble and 38 articles defining the rights protected and the correlative duties. Chapter One contains 28 articles on basic rights including the **right to life**, liberty and personal security, the right to equality before the law, the right to religious freedom and worship, the **right to education**, the **right to work** and to fair remuneration, the **right to social security** and the right of assembly. Chapter Two elaborates in its 10 articles the individual's duties towards society and other persons, including the duty to vote, duty to obey the law, duty to serve the community and the nation and duty to pay taxes. Compliance with the Declaration is monitored by the **Inter-American Commission on Human Rights** which reports to the General

Assembly of the OAS on the state of progress in the realization of the goals set forth. The Commission also has the function of advising States Parties on any questions regarding the interpretation and application of the Declaration.

Amnesty International – AI

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Amnesty International (AI) is one of the most influential and most famous of numerous non-governmental organizations striving to promote and protect the human rights enshrined in the **Universal Declaration of Human Rights** and other international standard-setting instruments. In particular, it campaigns: to free all prisoners of conscience; to ensure fair and prompt trials for political prisoners; to abolish the death penalty, torture and other cruel treatment of prisoners; to end political killings, forced “disappearances” and human rights abuses by governments and opposition groups. AI is impartial and independent of any government, political persuasion or religious creed. It is financed largely by subscriptions and donations from its worldwide membership.

AI was launched in 1961 by British lawyer Peter Benenson. His newspaper appeal, *The Forgotten Prisoners*, was published worldwide on 28 May 1961 and brought in more than 1,000 offers of support for the idea of an international campaign to protect human rights. Within 12 months the new organization had sent delegations to four countries to make representations on behalf of prisoners, and had taken up 210 cases. AI members had organized national bodies in seven countries. The first year's expenditure was £6,040. The principles of strict impartiality and independence were established. The emphasis was placed on the international protection of human rights: Amnesty International members were to act on cases worldwide and not become involved in cases in their own countries.

Today, AI has more than one million members, subscribers and regular donors in more than 160 countries and territories. There are more than 5,300 local, youth and student, and

professional AI groups registered at the International Secretariat. Several thousand other youth and student groups, specialist groups, networks and coordinators are acting in more than 90 countries and territories throughout the world. There are nationally organized sections in 56 countries, 34 of them in Latin America and the Caribbean, Africa, Asia and the Middle East and Central Europe.

The International Secretariat, headed by the Secretary-General, is in London. It comprises more than 320 permanent posts as well as 95 volunteers from more than 50 countries.

In 1977, AI was awarded the Nobel Peace Prize for its tireless activities in the protection of the freedom of speech, religion and belief, in the fight against torture and discrimination and for the release of political prisoners. In 1978, on the occasion of the 30th anniversary of the **Universal Declaration of Human Rights**, it received the **United Nations Prize in the Field of Human Rights** for “outstanding achievements in the field of human rights”.

Arab Charter on Human Rights (League of Arab States)

The Arab Charter on Human Rights was adopted on 15 September 1994 by the Council of the League of Arab States (at the time of its adoption, the League comprised 22 Members: Algeria, Bahrain, Comoros, Djibouti, Egypt, Iraq, Jordan, Kuwait, Lebanon, Libyan Arab Jamahiriya, Mauritania, Morocco, Oman, Palestine, Qatar, Saudi Arabia, Somalia, Sudan, Syrian Arab Republic, Tunisia, United Arab Emirates and Yemen). It reaffirms the principles of the **Charter of the United Nations** and the **Universal Declaration of Human Rights**, the provisions of the **International Covenant on Civil and Political Rights** and of the **International Covenant on Economic, Social and Cultural Rights**, as well as those of the **Cairo Declaration on Human Rights in Islam**. It contains 43 articles enumerating civil and

political as well as certain **economic, social and cultural rights**. The Charter envisages the creation of a Committee of Experts on Human Rights, composed of seven members nominated by the States Parties to the Charter. The Committee is entitled to consider reports by States Parties. The Charter should enter into force two months after the deposit of the seventh instrument of ratification or accession. By the middle of 2001, there was no information about its entry into force.

Arab League Educational, Cultural and Scientific Organization – ALECSO

ALECSO was established on 25 July 1970 by the League of Arab States. Its primary responsibility is the promotion of educational, cultural and scientific activities in the Arab world. It encourages the development of Arab economic and social sciences and their application to daily issues and contributes to the establishment of an international culture which focuses on the basic human values. It plays an important role in preserving, restoring and safeguarding the Arabic-Islamic heritage in the fields of manuscripts, antiquities and historical sites.

Asian and Pacific Decade of Disabled Persons – 1993-2002 (UN)

The Asian and Pacific Decade of Disabled Persons was proclaimed on 23 April 1992 by the Economic and Social Commission for Asia and the Pacific (ESCAP), and endorsed by the **United Nations General Assembly** on 16 December 1992. The Decade provides an opportunity for the 56 countries and areas of the ESCAP region to consolidate the efforts initiated during the preceding **United Nations Decade of Disabled Persons (1983-1992)** through effective new policy initiatives and actions at the national, sub-regional and regional levels. In particular, it provides a context for the strengthening of technical co-operation among developing countries, as well as between the

region's developing and developed countries, in the resolution of key issues that affect the lives of people with disabilities, especially in the fields of rehabilitation, education and employment. To achieve the objectives of the Decade, an Agenda for Action for the Asian and Pacific region was elaborated on the basis of the **World Programme of Action concerning Disabled Persons**. The Agenda for Action provides a framework consisting of the major policy categories under which efforts will be made for the implementation of the Decade. These basic categories include: national co-ordination; legislation; information; public awareness; accessibility and communication; education; training and employment; prevention of causes of disability; rehabilitation services; assistive devices; and self-help organizations. To monitor and review the implementation of the Agenda for Action and to advise on means of attaining the aims and objectives of the Decade, the Executive Secretary of ESCAP has been called upon to submit biennial reports to the Commission throughout the Decade.

Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Violations of International Human Rights and Humanitarian Law (UN)

These principles were adopted by the **Commission on Human Rights** at its 56th session by its resolution 2000/41. Paragraph 2 of the resolution invites the **United Nations Secretary-General** to circulate to all Member States the text of the Basic Principles requesting they send their comments to the **Office of the United Nations High Commissioner for Human Rights (OHCHR)**.

Parts I and II of the Basic Principles concern the obligation, and its scope, to respect, ensure respect for and enforce international human rights and humanitarian law. Part III is devoted to violations of internationally recognized human rights and norms of humanitarian law that constitute crimes under international law. Part V defines the victims of such violations. Part VI concerns the treatment of victims, Part VII their right to a remedy and Part VIII their right to access to justice. The Principles also concern public access to information and possible forms of reparation and the relevant rights of victims. Concluding Part XII affirms the principle of non-discrimination in the treatment of the victims of violations of international human rights and humanitarian law.

Basic Principles for the Treatment of Prisoners (UN)

Adopted on 14 December 1990 by the **United Nations General Assembly** (resolution 45/111), on the recommendation

of the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, the Basic Principles for the Treatment of Prisoners is one of a number of instruments that sets important guidelines for States in the treatment of prisoners. While not binding, the eleven-point Basic Principles confirm fundamental prisoners' rights by stipulating, *inter alia*, that except for "those limitations that are demonstrably necessitated by the fact of incarceration", all prisoners should be afforded the human rights and fundamental freedoms set out in the universally recognized international instruments (Principle 5). In other words, all prisoners should be treated with due respect for their inherent dignity and value as human beings (Principle 1) and without discrimination of any kind (Principle 2). In particular, the Basic Principles provide that "all prisoners shall have the right to take part in cultural activities and education" (Principle 6), that efforts to abolish solitary confinement should be encouraged (Principle 7), and that prisoners shall have access to health services (Principle 9). By declaring these rights, the Basic Principles for the Treatment of Prisoners complements the provisions of the Standard Minimum Rules for the Treatment of Prisoners (1955) and the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (1988).

Basic Principles for the Use of Force and Firearms by Law Enforcement Officials (UN)

The Basic Principles for the Use of Force and Firearms was prepared by the Eighth United Nations Congress on Prevention of Crime and Treatment of Offenders (Havana, Cuba, 27 August-7 September 1990). In the Basic Principles, as in the Code of Conduct for Law Enforcement Officials, the term "law enforcement officials" includes all officers of the law, whether elected or appointed, who exercise police powers, especially the powers of arrest or detention. The twenty-six Principles include:

General Provisions; Special Provisions; Policing Unlawful Assemblies; Policing Persons in Custody or Detention; Qualifications, Training and Counseling; and Reporting and Review Procedures. According to Principle 4, “law enforcement officials, in carrying out their duty, shall, as far as possible, apply non-violent means before resorting to the use of force and firearms”. In the case of ineffectiveness, they may resort to violent means but only proportionately to the seriousness of the offence and under the condition of respecting and preserving human life (Principle 5). With regard to the Special Provisions, rules and regulations on the use of firearms should include guidelines enumerated in Principle 11. In their relations with persons in custody or detention, law enforcement officials shall neither use force nor firearms other than in exceptional cases (Principles 15 and 16). Furthermore, pursuant to Principle 18, it must be ensured that law enforcement officials receive “continuous and thorough professional training” and are “tested in accordance with appropriate proficiency standards in the use of force” (Principle 19), giving special attention to issues of ethics and human rights (Principle 20). Finally, effective reporting and review procedures must be established in favour of persons affected by the use of force and firearms.

Basic Principles on the Independence of the Judiciary (UN)

The Basic Principles on the Independence of the Judiciary were adopted by the **Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders** held at Milan, Italy, from 26 August to 6 September 1985. They were later that year endorsed by the **United Nations General Assembly** (resolution 40/146) of 13 December 1985. They are based upon draft guidelines elaborated by the **Committee on Crime Prevention and Control**, which the **United Nations Economic and Social Council (ECOSOC)** had submitted to the above-

mentioned Congress. This Congress decided that an abbreviated version of the guidelines, containing basic principles, would be more appropriate because of the different judicial systems of the Member States. These Principles should be “taken into account and respected by Governments within the framework of their national legislation and practised and be brought to the attention of judges, lawyers, members of the executive and the legislature and the public in general” (Preamble). They provide for the independence of the judiciary; the freedom of expression and association; qualifications, selection and training; conditions of service and tenure; and discipline, suspension and removal. In particular, “the independence of the judiciary shall be guaranteed by the State and enshrined in the constitution or the law of the country” (para. 1). Furthermore, “In accordance with the **Universal Declaration of Human Rights**, members of the judiciary are like other citizens entitled to freedom of expression, belief, association and assembly; ...” (para. 8) and “persons selected for judicial office shall be individuals of integrity and ability with appropriate training or qualifications in law” (para. 10). Finally, the conditions of service and tenure “... shall be adequately secured by law” (para. 11) and, regarding discipline, suspension and removal, proceedings shall be enforced “... in accordance with established standards of judicial conduct” (para. 19).

Basic Principles on the Role of Lawyers (UN)

The Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held in Havana, Cuba, from 27 August to 7 September 1990, adopted the Basic Principles on the Role of Lawyers. They have been formulated to assist Member States in their task of promoting and ensuring the proper role of lawyers, and are subdivided into the following: Access to Lawyers and Legal Services (Principles 1 to 4); Special Safeguards

in Criminal Justice Matters (Principles 5 to 8); Qualifications and Training (Principles 9 to 11); Duties and Responsibilities (Principles 12 to 15); Guarantees for the Functioning of Lawyers (Principles 16 to 22); Freedom of Expression and Association (Principle 23); Professional Associations of Lawyers (Principles 24 and 25); and Disciplinary Proceedings (Principles 26 to 29). On the whole, governments shall ensure the appropriate requirements for effective legal services and the equal access to them.

Beijing Declaration and Platform for Action (UN)

The Beijing Declaration and Platform for Action were adopted by the fourth **World Conference on Women** held in Beijing, China, from 4 to 15 September 1995. The participating governments recognized that, while the status of women had improved in the previous decade, progress had been uneven and inequalities persisted. They reaffirmed their commitment to achieve gender equality. The Platform for Action is “an agenda for women’s empowerment” (para. 1), which aims at eliminating obstacles to the active and equal participation of women in the decision-making process in the economic, social, cultural and political spheres and to strengthening the implementation of the **Nairobi Forward-Looking Strategies for the Advancement of Women** adopted at the third World Conference on Women in 1985. The Platform for Action, underlining the importance of the **Convention on the Elimination of All Forms of Discrimination against Women**, should be carried out at national, regional and international levels. Its strategic objectives for the elimination of discrimination against women include: access to education; equal development; measures to prevent and eliminate violence and all forms of traffic to which women are subject; advancement of women’s **economic rights**; elimination of job discrimination; access to and full participation in all levels of decision-making; *de jure* and *de facto* equality and non-discrimination; full implementation of

all human rights instruments; and the implementation of the Convention. Lastly, the Platform places emphasis on the elimination of discrimination against girls.

The Beijing Declaration and the Platform for Action were endorsed by the **United Nations General Assembly** in December 1995 (resolution 50/203), which called upon States, the **United Nations system**, non-governmental organizations and other actors to take effective action for their implementation.

In June 2000, the General Assembly, pursuant to its resolutions 52/100 of 12 December 1997 and 52/231 of 4 June 1998, held a special session on “Women 2000: Gender Equality, Development and Peace for the Twenty-First Century”. It assessed the progress achieved in implementing the Beijing Declaration and Platform for Action and the Nairobi Forward-Looking Strategies. It adopted a Political Declaration and a document entitled “Further actions and initiatives to implement the Beijing Declaration and Platform for Action” aimed at ensuring the full realization of the goals of gender equality, development and peace, *inter alia*, through mainstreaming a gender perspective into all policies and programmes and promoting full participation and empowerment of women, as well as strengthened international co-operation in the field.

Beijing Rules (UN)

Common name for the **United Nations Standard Minimum Rules for the Administration of Juvenile Justice**.

Berne Convention for the Protection of Literary and Artistic Works

The Berne Convention was adopted in 1886 to guarantee international protection of literary and artistic works. By the middle of 2001, it had been ratified by 140 States. Both the **Paris Convention for the Protection of Industrial Property** (1883) and the Berne Convention led to the creation of an international

bureau called the United International Bureau for the Protection of Intellectual Property, best known by its French name *Bureau international réuni pour la protection de la propriété intellectuelle (BIRPI)*. In 1967, the **World Intellectual Property Organization (WIPO)** succeeded BIRPI.

Bill of Rights

– England, 1689

The English Bill of Rights, formally called “An Act Declaring the Rights and Liberties of the Subject and Settling the Succession of the Crown”, passed by Parliament in 1689, is one of the basic instruments of the British Constitution. Resulting from the struggle between the royal power, the people and Parliament, the Act aimed at protecting the rights of Parliament by preventing the monarch from exercising “...the pretended power of suspending of laws...” or “...the pretended power of dispensing with laws...”. Concerning civil liberties, the English Bill of Rights – despite its common name – did not delineate any new civil rights and did not even attempt to impose revolutionary ideas. Demands for individual freedoms were restricted to protecting the fairness of the judicial system. Since the Act was not an entrenched code of rights, it did not play the same role as the **American Bill of Rights**.

Bill of Rights

– United States of America, 1791

The first ten Amendments to the Constitution of the United States of America, ratified on 15 December 1791 as a single unit by all states, are also called the **American Bill of Rights**. It is aimed at guaranteeing the country’s citizens their rights as well as certain protection against their violation. The American Bill of Rights covers a wide range of the most important civil liberties and individual rights as they were interpreted at the end of the 18th century and imposes limitations on federal and

state governments. The First Amendment provides freedom of speech, whereas the Fourth Amendment protects against illegal search and arrest, and the Fifth Amendment guarantees the right to silence in criminal trials. The American Bill of Rights can be traced back to the **Magna Carta** (1215) and the **English Bill of Rights** (1689).

Bioethics and human rights

The bioethics reflection aims at setting out ethical and legal principles to ensure that life sciences develop in a way that is respectful of human rights and fundamental freedoms. The Nuremberg Code (1947), pioneer in contemporary bioethics law, was followed by many other instruments inside and outside the **United Nations system**. These are, for example, the Recommendation Guiding Physicians in Biomedical Research Involving Human Subjects (Declaration of Helsinki) adopted in 1964 by the World Medical Association (WMA), the International Guidelines for Biomedical Research Involving Human Subjects, adopted in 1993 by the Council for International Organizations of Medical Sciences (CIOMS) and the **World Health Organization (WHO)**, and the **Universal Declaration on the Human Genome and Human Rights**, the first universal instrument in the field of bioethics and human rights, adopted in 1997 by UNESCO. Other instruments adopted by the **United Nations** relating more generally to human rights are particularly relevant in this field, such as the **Universal Declaration of Human Rights** (1948), the **International Covenant on Civil and Political Rights** (1966) and the **International Covenant on Economic, Social and Cultural Rights** (1966). These instruments focus on the respect for human dignity, the prohibition of discrimination based on personal genetic data and the prohibition of the commercialization of the human body. They also protect other basic human rights such as the right to confidentiality of personal data, the **right to health** and medical services, the right not to be submitted to any intervention

without the informed consent of the person concerned, the right to know or not to know the result of a medical exam, etc.

In 1993, UNESCO created the International Bioethics Committee (IBC). A unique body within the United Nations system, it is composed of 36 leading figures in biology, medicine, law, philosophy or sociology the world over. It is entrusted with examining crucial ethical issues raised by genetic research and its applications and, in particular, with identifying practices that could be contrary to human dignity. It is also responsible for encouraging action to heighten awareness among the general public, specialized groups and public and private decision-makers, and for advising on the follow-up of the Universal Declaration on the Human Genome and Human Rights. The IBC holds annual sessions and its reports, state-of-the-art presentations and round table debates are published in the proceedings of these sessions.

B

Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (UN)

On 9 December 1988, the United Nations General Assembly adopted the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (resolution 43/173). The 39 Principles and one general clause contained in the instrument are designed to ensure that all persons under any form of detention or imprisonment are treated in a humane manner with respect for the inherent dignity of the human person (Principle 1). These Principles are to be applied to all persons within the territory of any given State, without distinction of any kind (Principle 5). The Principles provide that arrest, detention or imprisonment shall only be carried out in accordance with the law and by persons authorized for that purpose (Principle 2). It further provides that anyone who is arrested shall be informed at the time of his arrest of the reason for his arrest (Principle 10) and that such persons shall be subject

to treatment appropriate to their unconvicted status. For example, arrested persons shall, whenever possible, be kept separate from imprisoned persons (Principle 8). The Body of Principles urges States to prohibit by law any act contrary to the rights and duties contained in these Principles and to make any such act subject to appropriate sanctions (Principle 7). These acts include compelling a detained or imprisoned person to confess, to incriminate himself/herself otherwise or to testify against any other person (Principle 21) or to subject a detained or imprisoned person to any medical or scientific experimentation which may be detrimental to his/her health (Principle 22). States are also urged to conduct impartial investigations of complaints (Principle 7) and to have a competent authority, distinct from the authority directly in charge of the administration of the place of detention or imprisonment, regularly visit such places to ensure strict observance of relevant laws and regulations (Principle 29).

Cairo Declaration on Human Rights in Islam (Islamic Conference of Foreign Ministers)

The Cairo Declaration was adopted on 5 August 1990 at the 19th Islamic conference of Foreign Ministers at its Session of Peace, Interdependence and Development. In its Preamble, it recognizes the importance of issuing a document on human rights in Islam to serve as a guide for Member States in all aspects of life. The Declaration expresses the belief that fundamental rights and freedoms according to Islam are an integral part of the Islamic religion. It contains 25 articles which affirm the principles of non-discrimination (Article 1), proclaim the **right to life** (Article 2), the **right to education** (Article 9), the **right to own property** acquired in a legitimate way (Article 15), the right to equality before the law (Article 19) and various other rights. Article 24 lays down that all the rights and freedoms stipulated in the Declaration are subject to the Islamic Shari'ah.

Cartagena Declaration on Refugees

The Cartagena Declaration on Refugees was adopted by the Central American States, joined by Mexico and Panama, at a colloquium held at Cartagena, Colombia, from 19 to 22 November 1984. The Declaration seeks to provide protection to refugees in Central America, Mexico and Panama. Although not formally binding, the Cartagena Declaration on Refugees has become the basis of refugee policy in the region and has brought international protection to people who may not be covered by the 1951 **Convention relating to the Status of Refugees** of the **United Nations** and its 1967 Protocol. The Declaration fully reaffirms the principles enshrined in those international instruments and urges

States "... to carry out, if they have not yet done so, the constitutional procedures for accession to the 1951 Convention and the 1967 Protocol relating to the Status of Refugees" (para. (a)). It also calls upon States Parties to the 1969 **American Convention on Human Rights** to implement this instrument when dealing with refugees who are in their territories (para. 10). In response to regional considerations, the Declaration extends the definition of a refugee as contained in the 1951 Convention and in the 1967 Protocol. Hence it includes among refugees "persons who have fled their country because their lives, safety or freedom have been threatened by generalized violence, foreign aggression, internal conflicts, massive violation of human rights or other circumstances which have seriously disturbed public order" (para. 3). It also invites the countries of the region to set a minimum standard of treatment for refugees, on the basis of the provisions of the 1951 Convention, the 1967 Protocol thereto and the 1969 American Convention on Human Rights, with a view to ensuring the full enjoyment by refugees of their economic, social and cultural rights (para. 8 to 11). In particular, the Declaration calls for the full observance of the following principles: the principle of *non-refoulement* (para. 5), according to which people may not be returned against their will to a territory where they may be exposed to persecution; the voluntary and individual character of repatriation of refugees (para. 12); the principle of reunification of families (para. 13). The Declaration also stresses the importance of close co-ordination and co-operation between national, non-governmental, international organizations and the **United Nations High Commissioner for Refugees (UNHCR)** in order to strengthen the international protection of refugees.

Charter of Paris for a New Europe (CSCE/OSCE)

In November 1990 in Paris, 34 Heads of State or Government adopted the Charter of Paris for a New Europe aimed at proclaiming common values and freedoms for the post-Cold War period. The Charter of Paris marked the beginning of the transformation of the **Conference on Security and Co-operation in Europe (CSCE)** from a series of conferences (as its name implies) to an operational institution, reflecting the changes in Europe and the new challenges in a new international environment. The CSCE was renamed **Organization for Security and Co-operation in Europe (OSCE)** in 1994. The Charter of Paris underscores the resolve of the participating States to strengthen democracy and stresses the need to promote human rights. It further states that democracy is the best safeguard of freedom of expression, tolerance of all groups of society, and equality of opportunity for each person.

New Guidelines for the Future were formulated and the CSCE's first permanent institutions were created: the Secretariat in Prague, the Conflict Prevention Centre in Vienna and the Office for Free Elections in Warsaw. The Charter also set up three main political consultative bodies: the Council of Ministers, comprising foreign ministers from the Participating States; a Committee of Senior Officials to assist the Council and manage day-to-day business; and regular summit meetings of Heads of State or Government. Meanwhile, newly independent States from Central and Eastern Europe and the former Soviet Union joined the CSCE and the number of CSCE (now OSCE) participating States expanded to 55. In the framework of the CSCE/OSCE process, several measures have been adopted aimed at strengthening security and stability throughout Europe as well as promoting human rights, including: the signature in 1990 of an important arms control treaty – the Treaty on Conventional Armed Forces in Europe (CFE); the establishment the same year

of the **Office for Democratic Institutions and Human Rights (ODIHR)**; the creation in 1992 of the **Forum for Security Co-operation (FSC)** and of the post of the **High Commissioner for National Minorities (HCNM)**; the creation of the **Court of Conciliation and Arbitration** under the OSCE Convention on Conciliation and Arbitration adopted in 1992; and the creation in 1997 of the position of the Representative on Freedom of the Media.

Charter of the United Nations (United Nations Charter)

The Charter of the **United Nations** was signed on 26 June 1945 at the conclusion of the United Nations Conference on International Organization, held in San Francisco. It entered into force on 24 October 1945. Since this date, 24 October is universally celebrated as **United Nations Day**. The United Nations Charter is the constituting instrument of the Organization, defining the rights and obligations of Member States, and establishing the United Nations organs and procedures. The Statute of the **International Court of Justice**, the principal judicial organ of the United Nations, forms an integral part of the Charter. As it is an international treaty, the Charter codifies the major principles of international relations. The Preamble to the Charter expresses the determination of Member States to "... reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women". The Charter describes the purposes of the United Nations: to maintain international peace and security; to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples; to co-operate in solving international economic, social, cultural and humanitarian problems, and in promoting or encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion; and to be a centre for harmonizing

the actions of nations in attaining these common goals. The United Nations Charter reflects the awareness of the close relationship between the maintenance of international peace and the promotion of international economic and social stability, as well as the safeguarding of human rights and fundamental freedoms.

Civil rights

Together with **political rights**, civil rights are called by some specialists “first generation” rights, since they already appeared in **Magna Carta** (1215), the **Declaration of the Rights of Man and of the Citizen** adopted by the French National Assembly (1789) and the **American Bill of Rights** (1791). Civil rights include: the right to **freedom of movement and residence** within the border of the State; the **right to leave any country, including one’s own, and to return to one’s country**; and the rights to nationality, to marriage and choice of spouse, the **right to own property** alone as well as in association with others, the right to inherit, the right to **freedom of thought, conscience and religion**, the right to **freedom of opinion and expression**, and the right to **freedom of peaceful assembly** and association. Civil rights are by and large of an individualistic character and are immediately applicable. Moreover, they are guaranteed by States to their citizens, whereby it is implied that a government should not arbitrarily act to infringe them for political reasons. The legal instruments whose very purpose is either to proclaim civil rights or to guarantee them include the **Universal Declaration of Human Rights** (1948), the **American Declaration of the Rights and Duties of Man** (1948), the **European Convention for the Protection of Human Rights and Fundamental Freedoms** (1950) and its Additional Protocols N° 1 (1952) and N° 4 (1963), the **International Covenant on Civil and Political Rights** (1966) and the **American Convention on Human Rights** (1969), together with a number of specific instruments concerning particular civil rights, such as the **Convention on the Nationality of Married Women** (1957).

Code of Conduct for Law Enforcement Officials (UN)

The Code of Conduct was adopted by the **United Nations General Assembly** on 17 December 1979 (resolution 34/169). In addition to eight Articles, which set out a series of principles that ensure the humane performance of law enforcement functions, it contains commentaries providing information to facilitate the use of the Code within the framework of national legislation or practice. It admonishes all law enforcement officials to perform their tasks diligently and with dignity (Article 1), in full respect for and compliance with the human rights of all persons (Article 2). Pursuant to Article 3, the use of force should only be exceptional, matters of confidential nature should be kept confidential (Article 4) and according to Article 5, “no law enforcement official may inflict, instigate or tolerate any act of torture or other cruel, inhuman or degrading treatment or punishment”. Furthermore, law enforcement officials shall secure medical attention (Article 6), any act of **corruption** is prohibited (Article 7) and the personnel shall “respect the law and the present Code... and prevent and rigorously oppose any violations of them” (Article 8).

Code of Sports Ethics (Council of Europe)

See European Sport for All Charter.

Commissioner for Human Rights (Council of Europe)

The institution of the Office of the Commissioner for Human Rights was approved in October 1997 and subsequently the resolution setting out the terms of reference was adopted at the 104th session of the Committee of Ministers of the **Council of Europe** held in Budapest, Hungary, in May 1999. The Commissioner is elected for a non-renewable term of six years,

must be a national of a Council of Europe Member State and have recognized expertise in the field of human rights.

The Commissioner is responsible for furthering human rights education and awareness in Member States and ensuring full and effective respect of normative instruments of the Council of Europe. The Commissioner does not handle individual petitions and, in exercising his/her functions with complete independence and impartiality, provides advice and relevant information on the protection of human rights and the prevention of human rights violations.

C

Commissioner of the Council of the Baltic Sea States on Democratic Institutions and Human Rights, including the Rights of Persons Belonging to Minorities

The post of Commissioner for Democratic Institutions and Human Rights, including the Rights of Persons Belonging to Minorities was created in March 1992 by the Council of the Baltic Sea States (CBSS) to promote and strengthen democratic development and the protection of human rights, including the rights of persons belonging to minorities, among its members (there were 12 members as of May 2001: Denmark, Estonia, Finland, Germany, Iceland, Latvia, Lithuania, Norway, Poland, Russian Federation, Sweden and the **European Commission**). The Commissioner is appointed for a term of three years. He/she acts independently, guided by the provisions of the **United Nations Charter**, the standards of the **Council of Europe**, as well as other relevant international human rights norms. The Commissioner is also called upon to co-operate closely with national institutions for the protection of human rights, the **Council of Europe**, the **Organization for Security and Co-operation in Europe (OSCE)**, the **Office of the United Nations High Commissioner for Human Rights (OHCHR)**, as well as other relevant international institutions. The Commissioner's mandate

allows him/her to receive and handle communications from individuals, groups and organizations regarding human rights concerns. In this respect, his/her functions are comparable to those of an **Ombudsperson**. On the basis of such communications, the Commissioner may make recommendations to the relevant national authorities. The Commissioner is also in charge of studying and reporting on matters covered by his/her mandate and making recommendations to Member States of the CBSS. He/she can monitor the implementation of his/her recommendations as well as of the Council's decisions in relevant cases. The Council may decide to make publicly available Commissioner's reports. It meets once a year in the country of the CBSS Chairman.

Commission for Social Development (UN)

In 1946, the **Economic and Social Council (ECOSOC)** established the Social Commission as its functional body (ECOSOC resolution 10 II of 21 June 1946). In 1966, it was renamed the Commission for Social Development by ECOSOC resolution 1139 XLI of 29 July 1966 which increased its responsibilities for the whole range of social development issues. The Commission was mandated to provide ECOSOC with recommendations concerning: global social policies; practical measures aimed at improving social development; measures necessary for the co-ordination of activities in the social field as well as regarding relevant international instruments. At present, the Commission comprises 46 members elected by the ECOSOC for a four-year term and meets annually for a period of eight working days.

In 1995, ECOSOC (resolution 1995/60) entrusted the Commission with the primary responsibility for following-up and reviewing the implementation of the outcome of the **World Summit for Social Development** convened by the **United Nations** in Copenhagen, Denmark, in 1995. This World Summit

was the first major United Nations conference focusing on social development issues. At its conclusion, governments adopted the **Copenhagen Declaration and Programme of Action** which renewed their commitment to placing the improvement of the human condition at the centre of development strategies. The World Summit's core themes were the eradication of **poverty**, the achievement of full employment and the promotion of secure, stable and just societies. States were assigned the major role in the implementation of the Summit agreements with strong support from relevant **United Nations** agencies.

In June 2000, the **United Nations General Assembly** convened a special session in Geneva to evaluate the overall implementation of the Copenhagen Declaration and Programme of Action, and to plan further action.

Commission on Crime Prevention and Criminal Justice (UN)

The Commission on Crime Prevention and Criminal Justice, a functional commission of the **Economic and Social Council (ECOSOC)**, was established on 7 February 1992 following the dissolving of the Committee on Crime Prevention. It consists of 40 members, elected by the ECOSOC on the basis of equitable geographical distribution. Meeting annually since its first session in Vienna in April 1992, the Commission's main functions are: to provide policy guidelines to the **United Nations** in the field of crime prevention and criminal justice; to develop, monitor and review the implementation of the **United Nations Crime Prevention Programme**; to facilitate and help to co-ordinate the activities of the inter-regional and regional institutes on the prevention of crime and the treatment of offenders; to mobilize the support of Member States; and to prepare the **United Nations Congress[es] on the Prevention of Crime and the Treatment of Offenders**.

Commission on Human Rights (UN)

A subsidiary body of the **Economic and Social Council** (ECOSOC) and one of the principal organs of the United Nations in the field of human rights, the Commission is a functional body which meets once a year in Geneva, for a period of six weeks. It was established by ECOSOC on 16 February 1946 in pursuance of Article 68 of the Charter of the United Nations. Charged with the task of drawing up an International Bill of Human Rights to define the human rights and freedoms referred to in the Charter, and determining ways and means for its effective implementation, the mandate of the Commission led eventually to the drafting of the **Universal Declaration of Human Rights** in 1948 and of the **International Covenants on Human Rights** in 1966. Beginning in 1967, the powers of the Commission were extended to include studying situations revealing a consistent pattern of violations of human rights, and reporting and making recommendations to ECOSOC. Then in 1979, the Council added the following provision to its mandate: "The Commission shall assist the Economic and Social Council in the co-ordination of activities concerning human rights in the **United Nations system**". In addition to emphasizing the importance of preparing standard-setting instruments and establishing national and local human rights institutions, the Commission has also sought to foster greater knowledge and awareness by the peoples of the world of their human rights. Recent actions taken by the Commission reflect this goal. It has emphasized the central role of grass-roots efforts in promoting human rights, undertaken and disseminated studies on various aspects of human rights, and urged all Governments to consider action to facilitate publicity regarding United Nations human rights activities. Moreover, in pursuance of its mandate to consider publicly situations concerning violations of human rights and fundamental freedoms in any part of the world, the Commission on Human Rights is also the body

primarily responsible within the United Nations for dealing with the complaints of individuals and organizations alleging such violations. The membership of the Commission has been increased over the years and now comprises 53 Member States. The **Sub-Commission on the Promotion and Protection of Human Rights** (formerly the **Sub-Commission on Prevention of Discrimination and Protection of Minorities**) is a subsidiary body of the Commission.

Commission on the Status of Women (UN)

The Commission on the Status of Women was established by the **Economic and Social Council (ECOSOC)** on 21 June 1946 to prepare recommendations and reports to the Council on promoting women's rights in political, economic, civil, social and educational fields. The Commission was also called upon to make recommendations to the Council on urgent problems in the field of women's rights with a view to implementing the principle that men and women shall have equal rights, and to develop proposals to give effect to such recommendations. On 26 May 1987, the mandate of the Commission was broadened to include promoting the objectives of equality, development and peace, monitoring the implementation of measures for the advancement of women, and reviewing and appraising the progress made at the national, sub-regional, regional, sectoral and global levels. The members of the Commission, whose number has increased over the years from 15 to 45, are elected by ECOSOC with due respect to the principle of equitable geographical distribution. Its annual regular sessions are attended not only by members and their alternates, but also by observers of Member States of the **United Nations** and representatives of bodies and agencies of the **United Nations system**, and intergovernmental and non-governmental organizations. The Commission, apart from resolutions and decisions, has adopted a number of draft

documents on the basis of which the **United Nations General Assembly** approved: the **Convention on the Political Rights of Women** (1952); the **Convention on the Nationality of Married Women** (1957); the **Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages** (1962); **Declaration on the Elimination of Discrimination against Women** (1967); and the **Convention on the Elimination of All Forms of Discrimination against Women** (1979), as well as the **Optional Protocol** to this Convention (1999).

Committee against Torture

Established on 26 November 1987 in accordance with Part II, Articles 17-24, of the **Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment** (1984), the Committee against Torture monitors the implementation of the provisions of the Convention. Composed of ten experts elected by States Parties to the Convention for a term of four years, it began its functions on 1 January 1988 and held its first session in April 1988. Since 1989, it holds two regular sessions each year. The Committee elects from among its members a Chairman, three vice-Chairmen and a Rapporteur. The terms of reference of the Committee are as follows: to monitor the progress made in the implementation of the Convention, and in particular to consider the reports submitted by States Parties on the measures they have taken to ensure their undertakings within the Convention; to make such general comments on these reports as it considers appropriate; to receive and consider written communication from individuals who claim to be victims of a violation of the provisions of the Convention by a State Party (which recognizes the competence of the Committee) and who have exhausted all available domestic remedies, and from States Parties claiming that another State Party (which recognizes the competence of the Committee) is not fulfilling its obligations under the Convention. By the middle of 2001, 42 States had recognized the competence of the Committee to consider

individual and State-to-State communications. Another three States had recognized the competence of the Committee to consider State-to-State communications only. The Committee reports on its activities annually to the **United Nations General Assembly**. In addition, the Committee, when it receives reliable information indicating that torture is being practiced systematically in the territory of a State Party, also has the authority to nominate, in agreement with the State Party concerned, one or more of its members to make confidential inquiries. Such inquiries may include visits to the State's territory. After examining the findings of the inquiry, the Committee then transmits them to the State Party concerned together with its comments or suggestions. Although all such proceedings are confidential, the Committee may decide to include a summary account of them in its annual report. An open-ended working group has been established by the Committee against Torture to elaborate an Optional Protocol to the Convention.

Committee on Crime Prevention and Control (UN)

The Committee on Crime Prevention and Control was first established as an *ad hoc* advisory committee of experts by the **United Nations General Assembly** on 1 December 1950. In 1971, the Committee was authorized by the **Economic and Social Council (ECOSOC)** to advise the **United Nations Secretary-General**, the **Commission for Social Development**, the **Commission on Human Rights**, and other concerned bodies in devising and formulating programmes for study on an international basis and policies for international action in the field of crime prevention and criminal justice. Its members are elected by ECOSOC for a term of four years, with half the membership elected every two years, from among experts with the necessary qualifications nominated by Member States. It normally meets in March of alternate years in Vienna. Since 1978,

the primary task of the Committee, together with the **Commission on Crime Prevention and Criminal Justice**, has been the preparation of **United Nations Congresses** on the **Prevention of Crime and Treatment of Offenders**.

Committee on Economic, Social and Cultural Rights – CESCR (UN)

The **Committee on Economic, Social and Cultural Rights** was not foreseen by the **International Covenant on Economic, Social and Cultural Rights** and was established by the **Economic and Social Council (ECOSOC)** on 28 May 1985 and held its first session in Geneva in March 1987. It holds two regular sessions annually for a period of three weeks and may have, if authorized by ECOSOC, extraordinary sessions. The Committee is composed of 18 experts with recognized competence in the field of human rights serving in their personal capacity. Candidates are nominated by States Parties to the **International Covenant on Economic, Social and Cultural Rights** and elected by ECOSOC for a term of four years. The Committee's mandate is to assist ECOSOC to fulfill its responsibilities under Articles 21 and 22 of the **International Covenant on Economic, Social and Cultural Rights**, which call upon ECOSOC to submit to the **United Nations General Assembly** reports, with recommendations of a general nature, and a summary of the information received from the States Parties, on the measures that States have adopted and the progress they have made in achieving observance of the rights recognized in the Covenant. The Committee thus reports annually to ECOSOC regarding its consideration of the State reports, in light of relevant information from **United Nations** specialized agencies and statements from non-governmental organizations. Its reports identify positive aspects as well as principal subjects of concern, factors and difficulties impeding the implementation of the Covenant, and suggestions and

recommendations. Suggestions may include a request that the State Party concerned accept a mission of one or two of the Committee's Members to visit the country to assist it in complying with the Covenant, and to assess the need for technical and advisory services. The Committee is also expected to bring to the attention of other organs of the United Nations, their subsidiary bodies and specialized agencies concerned with furnishing technical assistance, any matters arising out of the reports which may assist such bodies in deciding on international measures aimed at contributing to the effective progressive implementation of the Covenant.

Committee on the Elimination of Discrimination against Women – CEDAW

Since 16 April 1982, the Committee on the Elimination of Discrimination against Women, a treaty body established in accordance with the **Convention on the Elimination of All Forms of Discrimination against Women** (Part V), has assumed the task of monitoring measures taken by Governments to put an end to discrimination on the grounds of gender. The Committee is composed of 23 members, elected by the States Parties for a term of two years. It normally meets once a year, for a period of two weeks, preceded by a one-week pre-session working group to prepare the list of issues to be taken up with the representatives of those Governments whose reports are scheduled for consideration at the session. In order to create as complete a picture as possible regarding the implementation of the Convention and the progress achieved in the realization of the rights contained therein, the Committee: considers the reports of States Parties on the legislative, judicial, administrative and other measures which they have adopted in achieving observance of the Convention; prepares suggestions and general recommendations based on the reports and other information received from States Parties (since 1986, the Committee has formulated 24 general

recommendations dealing, *inter alia*, with reporting by States Parties on temporary special measures, violence against women, equal remuneration, female circumcision, equality in marriage and family relations); invites specialized agencies to submit reports on the implementation of the Convention in areas falling within the scope of their activities; and reports, through United Nations Economic and Social Council (ECOSOC), annually to the United Nations General Assembly on its activities.

Committee on the Elimination of Racial Discrimination – CERD

The Committee on the Elimination of Racial Discrimination was established on 10 July 1969, pursuant to Article 8 of the **International Convention on the Elimination of All Forms of Racial Discrimination** (1965), to monitor the implementation of the Convention. The Committee is composed of 18 elected members of acknowledged competence and impartiality, who serve in their personal capacity as experts for a term of four years. After holding its first session in New York in January 1970, the normal pattern has since called for two public sessions of three weeks' duration each year. The terms of reference of the Committee, as set out in Part II of the Convention, are as follows: to review the periodic reports submitted by States Parties on measures taken to give effect to the provisions of the Convention; to make suggestions and general recommendations to the States Parties and to the **United Nations General Assembly** on ways in which the Convention could be more effectively implemented; and to report annually to the United Nations General Assembly on its activities. Since 3 December 1982, the Committee has also been authorized to establish permanent working groups and *ad hoc* conciliation commissions to consider respectively communications from individuals and/or disputes between two States relating to obligations under the Convention (the Committee may not receive communication concerning a State Party which has not recognized

the Committee's competence in this regard) and to prepare a report embodying such recommendations as it thinks proper for the amicable settlement of the dispute. In addition, Part II of the Convention assigns to the Committee certain advisory responsibilities relating to the attainment of the principles and objectives of the Convention in Trust and Non-Self-Governing Territories. The Committee is developing measures aimed at the prevention of racial discrimination. These include early-warning measures to prevent existing problems from escalating into conflicts, the preparation of guidelines with a view to combating prejudices which lead to racial discrimination, confidence-building initiatives towards strengthening racial tolerance and "on the spot" missions to areas of particular concern.

Committee on the Rights of the Child – CRC

The Committee on the Rights of the Child, established on 27 February 1991 in accordance with Part II of the **Convention on the Rights of the Child** (1989), is a body composed of 18 independent experts which devotes its full time and attention to monitoring the implementation of the provisions of the Convention. Its first session took place in the fall of 1991. The Committee is responsible for examining and identifying positive aspects as well as principal concerns in the periodic reports submitted by States Parties on the legislative, judicial, administrative or other measures they have taken to implement the Convention, and forwarding suggestions and recommendations to the concerned States Parties. The Committee also transmits requests and indicates needs for technical advice and assistance arising from States' reports. During the examination of country reports, **United Nations** specialized agencies may be present, and are invited to submit information or advice on their special areas of expertise. The **United Nations Children's Fund (UNICEF)**, which plays an important role in promoting the Convention, is, for example, a significant participant in these proceedings. The Committee is also authorized to recommend to the **United Nations General Assembly** that studies

on specific issues relating to the rights of the child be undertaken by the **United Nations Secretary-General**.

Communication procedures of the International Labour Organisation (ILO)

A regular machinery for supervising the observance of obligations arising under or relating to International Labour Conventions and Recommendations has been established since 1926. The Committee of Experts (20 members appointed by the Governing Body in a personal capacity among impartial persons of technical competence and independent standing) and the Conference Committee on the Application of Standards examine each year the report submitted by the Governments on ratified conventions and the information from employers' and workers' organizations. In addition, the Constitution provides for a procedure of representation as to the observance of ratified Conventions allowing any employers' or workers' organizations to present to the ILO a claim that a Member State has failed to comply with its obligations in respect of a convention it has ratified. A second procedure allows a Member State – or a delegate to the ILO – to make a complaint against another Member State if it considers that the latter is not securing effective observance of any convention which they have both ratified. Such complaints as the infringement of freedom of association may be filed, regardless of whether the country concerned is bound by any of the conventions in the field of **freedom of association** by national or international organizations or employers or workers. The complaints are examined by the Committee on Freedom of Association which submits its conclusions and recommendations to the Governing Body.

Communication Procedure

– “1503” Procedure (UN)

In 1967, the **United Nations Economic and Social Council (ECOSOC)** authorized the **Commission on Human Rights** and the **Sub-Commission on Prevention of Discrimination and Protection of Minorities** (now **Sub-Commission on the Promotion and Protection of Human Rights**) to examine information relevant to gross violations of human rights and fundamental freedoms in all countries. The Commission was allowed, in appropriate cases: “to make a thorough study of situations which reveal a consistent pattern of violations of human rights”, report, and make recommendations on these violations to the Council. In 1970, the Council adopted a “procedure for dealing with communications relating to violations of human rights and fundamental freedoms” (known as the “1503” procedure because it had been approved by ECOSOC resolution 1503 (XLVIII) of 27 May 1970).

The “1503” procedure concerns situations that affect a large number of people over a protracted period of time. The working-method is that every month members of the Sub-Commission on the Promotion and Protection of Human Rights receive from the **United Nations Secretary-General** a list of communications, with a short description in each case, together with any replies submitted by governments. This list is also distributed to the members of the Commission on Human Rights. During two weeks every year a five-member Working Group of the Sub-Commission meets to consider all the communications and governments’ replies, and to select for the attention of the Sub-Commission cases where there seems to be reliable evidence of a consistent pattern of gross violations of human rights and fundamental freedoms. The Sub-Commission then considers the communications and decides whether to refer situations of apparently consistent patterns of human rights violations to the Commission on Human Rights which determines whether a

thorough study of a particular situation is needed and may also decide to appoint an *ad hoc* committee to make an investigation.

The Sub-Commission has drawn up rules of procedure to decide what communications may be accepted for examination. The communication must not be inconsistent with the principles of the **United Nations Charter**, the **Universal Declaration of Human Rights** and applicable human rights treaties. The communications can be sent by individuals or groups who claim to be victims of human rights violations or by any person or group of people who have direct, reliable knowledge of violations. Each communication must describe the facts, the purpose of the petition, and the rights that have been violated. All actions which are connected with the “1503” procedure remain confidential until a situation is referred to ECOSOC. Since 1978, the Chairman of the Commission on Human Rights announces in public sessions the names of countries which have been under examination, but makes a distinction between countries where the Commission continues to keep human rights situation under review, and those where it has been decided to take no further action. Sometimes ECOSOC decides, on its own initiative, that secrecy can be lifted. The Commission works through direct contacts with Governments of countries where human rights violations have allegedly occurred in order to establish a dialogue. The authors of communications are not involved at any stage of its treatment.

Communication procedure – UNESCO

Under Article 1 (para. 1) of its Constitution, UNESCO's purpose is “... to contribute to peace and security by promoting collaboration among the nations through education, science and culture in order to further universal respect for justice, for the rule of law and for the human rights and fundamental freedoms which are affirmed for the peoples of the world, without distinction of race, sex, language or religion, by the **Charter of the United Nations**”. Accordingly, in 1978, the Executive Board of UNESCO laid down a confidential procedure for the examination of

communications (complaints) received by the Organization concerning alleged violations of human rights in its field of competence, namely education, science, culture and information. The procedure is set out in 104 EX/Decision 3.3 of the Executive Board, entitled “Study of the Procedures Which Should Be Followed in the Examination of Cases and Questions Which Might Be Submitted to UNESCO Concerning the Exercise of Human Rights in the Spheres of Its Competence, in Order to Make Its Action More Effective: Report of the Working Party of the Executive Board”. According to this decision, individuals, groups of individuals and non-governmental organizations may submit communications to UNESCO. The Committee on Conventions and Recommendations, which is a subsidiary body of the Executive Board, examines communications in private sessions. In the first instance, it examines their admissibility. In para. 14 (a) of the Decision, ten conditions concerning admissibility are stipulated. For example, the communication must not be anonymous; it must not be manifestly ill-founded and must appear to contain relevant evidence; it must be neither offensive nor an abuse of the right to submit communications; and it must be submitted within a reasonable time-limit following the facts which constitute its subject-matter or within a reasonable time-limit after the facts have become known. Once a communication has been declared admissible, the Committee proceeds to examine the substance of the allegations put forward. The procedure is set out in para. 14 (b) of the Decision. If violations of human rights or fundamental freedoms are massive, systematic or flagrant, they should be considered by the Executive Board and the General Conference in public meetings (para. 18 of 104 EX/Decision 3.3). Since the Committee is not in any way an international tribunal, it endeavours to resolve the problem in a spirit of international co-operation, dialogue, conciliation and mutual understanding.

The procedure laid down in 104 EX/Decision 3.3 has specific characteristics in comparison with similar procedures in other organizations of the **United Nations system**. The right to present communications does not result from any specific human rights instruments adopted by UNESCO. A complaint may be directed at any Member State without any additional commitment on its behalf for the simple reason that it is a member of UNESCO.

Communication procedures

– United Nations system

Every year, communications (complaints) concerning alleged violations of human rights reach the **United Nations system**. By these means, individuals, groups or States in a written statement may submit to the attention of an international organ an alleged violation of a human right. A number of procedures have been established by human rights instruments and their handling has become a major function of several international organs, such as the **human rights treaty bodies** (or **human rights treaty monitoring bodies**) as well as the **Commission on Human Rights**, its **Sub-Commission on the Promotion and Protection of Human Rights** (formerly the **Sub-Commission on Prevention of Discrimination and Protection of Minorities**), and the **Commission on the Status of Women**. Procedures have thus been adopted by **United Nations** organs such as the **Economic and Social Council (ECOSOC)**, the **United Nations General Assembly** and the **Security Council**, the **International Labour Organisation (ILO)** and **UNESCO**.

The **International Covenant on Civil and Political Rights** and its **Optional Protocol** entered into force on March 1976. By the middle of 2001, 95 States had accepted the competence of the **Human Rights Committee** to deal with individual complaints under the **Optional Protocol**. This means that the States Parties to the **Optional Protocol** have bound themselves to accept a

specific procedure of examining claims brought against them. A communication must not be anonymous and it must come from a person, or persons who live under the jurisdiction of a State which is party to the Optional Protocol. It should be submitted by the individual who claims that his or her rights have been violated by the State. Before the Committee, or its Working Group, decides whether a communication is admissible or not, the alleged victim or the State concerned may be asked to provide additional written information or observations for which a time limit is set. The Committee shall not consider any communication from an individual until it has ascertained that the same matter is not being examined under another procedure of international investigation or settlement. Moreover, the communication may be considered only if the individual has exhausted all available domestic remedies.

The victim and the State are informed of all actions taken by the Committee or its Working Group. The victim has the opportunity to comment on any written submission by the State.

There are some other procedures available for people who believe their human rights are being violated. Those established under the **International Convention on the Elimination of All Forms of Racial Discrimination** and the **Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment** are dealt with by the **Committee on the Elimination of Racial Discrimination** and the **Committee against Torture** respectively. The **Committee on the Elimination of Discrimination against Women** and the **Commission on Status of Women** are also concerned in communication procedures.

Conference for Security and Co-operation in Europe – CSCE

See **Organization for Security and Co-operation in Europe (OSCE)**.

Convention (N° 11) concerning the Right of Association and Combination of Agricultural Workers (ILO)

The Convention (N° 11) concerning the Right of Association and Combination of Agricultural Workers was adopted by the General Conference of the **International Labour Organisation (ILO)** on 12 November 1921. Since entering into force on 11 May 1923, it had been ratified by the middle of 2001 by 120 States. According to the Convention, each Contracting Party “undertakes to secure to all those engaged in agriculture the same rights of association and combination as to industrial workers, and to repeal any statutory or other provisions restricting such rights in the case of those engaged in agriculture” (Article 1).

Convention (N° 29) concerning Forced or Compulsory Labour (ILO)

The Convention (N° 29) concerning Forced or Compulsory Labour was adopted by the General Conference of the **International Labour Organisation (ILO)** on 28 June 1930 and entered in force on 1 May 1932. It had become binding for 158 States by the middle of 2001. For the purposes of the Convention, the term “forced or compulsory labour” means “all work or service which is extracted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily” (Article 2). The Convention provides for the suppression of such labour in all its forms within the shortest possible period (Article 1), subject to exceptions relating to compulsory military service, normal civic obligations, convict labour and minor communal services (Article 2). Similarly, the objectives it contains do not apply to “any work or service exacted in cases of emergency” (Article 2). Pursuant to Article 22 of the Constitution of the ILO, Contracting Parties agree to provide to the ILO annual reports on the measures they have taken to give

effect to the provisions of this Convention. These provisions were further developed in the **Convention (N° 105) concerning the Abolition of Forced Labour**, adopted in June 1957.

Convention (N° 87) concerning Freedom of Association and Protection of the Right to Organise (ILO)

The Convention (N° 87) concerning Freedom of Association and Protection of the Right to Organise, adopted on 9 July 1948, is a major **International Labour Organisation (ILO)** instrument concerning **freedom of association** and trade union rights. Coming into force on 4 July 1950, the Convention had been ratified by 134 States by the middle of 2001. The guarantees to which it requires States Parties to give effect include the rights of “workers and employers, without distinction whatsoever ... to establish and, subject only to the rules of the organization concerned, to join organizations of their own choosing without previous authorization” (Article 2). The Convention also provides for certain rights and guarantees permitting these organizations, and any federations or confederations they may establish, to draw up their own constitutions and rules, to organize their administration and activities, and to formulate their programmes, without any interference from the public authorities which would restrict this right (Article 3). Similarly, provisions to protect workers against anti-union discrimination, and to afford workers’ and employers’ organizations adequate protection against acts of interference by each other or each other’s agents or members in their establishment, functioning or administration, are also contained in the Convention (Article 4). The right to establish and join federations and confederations and to affiliate with international organizations or workers and employers is further recognized (Articles 5 and 6). In exercising the rights listed in the Convention, workers, employers and their organizations should respect the law of the land, but the law of the land should not

impair, or be applied to impair, the guarantees provided for in the Convention (Article 8).

Convention (N° 97) concerning Migration for Employment – revised (ILO)

The Convention (N° 97) concerning Migration for Employment (Revised) was adopted by the **International Labour Organisation (ILO)** on 1 July 1949 and entered into force on 22 January 1952. By the middle of 2001, it had been ratified by 41 States. Its Article 6, para. 1, states that: “Each Member ... undertakes to apply, without discrimination in respect of nationality, race, religion or sex, to immigrants lawfully within its territory, treatment no less favourable than that which it applies to its own nationals” concerning remuneration, hours of work, overtime arrangements, holidays with pay, restriction on home work, minimum age for employment, apprenticeship and training, women’s work and the work of young persons; membership of trade unions and enjoyment of the benefits of collective bargaining; accommodation, social security, etc. Article 4 envisages that States Parties shall present, at the request of the ILO and its Member States, information on measures undertaken to implement the Convention.

Convention (N° 98) concerning the Application of the Principles of the Right to Organise and Bargain Collectively (ILO)

Freedom of association in regard to trade unions and the freedom to join them for the protection of one’s interests, is provided for in the **Universal Declaration of Human Rights** (Article 23), in the **International Covenant on Civil and Political Rights** (Article 22) and in the **International Covenant on Economic, Social and Cultural Rights** (Article 8). Trade union rights are also defined, in greater detail, in the **International Labour Organisation (ILO)** instruments, and, in particular, in

the Convention (N° 98) concerning the Application of the Principles of the Right to Organise and Bargain Collectively which was adopted on 1 July 1949 and came into force on 18 July 1951. By the middle of 2001, it had been ratified by 149 States. This Convention contains provisions regarding the protection of workers against acts of anti-union discrimination, in particular in regard to employment and dismissal (Article 1), and the protection of organizations of employers and workers from mutual interference in the activities of their establishment, functioning or administration (Article 2). Those States Parties to the Convention agree to establish appropriate machinery to ensure respect for these rights (Article 3) and to take measures to encourage and promote voluntary negotiation between employers or employers' organizations and workers' organizations (Article 4).

Convention (N° 100) concerning Equal Remuneration for Men and Women Workers for Work of Equal Value (ILO)

Adopted on 29 June 1951, the Convention (N° 100) concerning Equal Remuneration for Men and Women Workers for Work of Equal Value entered into force on 23 May 1953. By the middle of 2001, it had been ratified by 152 States. The Convention specifies that “equal remuneration for men and women workers for work of equal value” refers to “rates of remuneration established without discrimination based on sex” (Article 1). Differential rates between workers which correspond, without regard to sex, to differences as determined by objective appraisal of the work to be performed, shall not, however, be considered as being contrary to this principle (Article 3). Under Article 2 of the Convention, each Member which is bound by the Convention shall, “by all means appropriate to the methods in operation for determining rates of remuneration, promote and ... ensure the application to all workers of the principle of equal remuneration for men and women workers for work of equal value”. This principle may be applied by:

national laws or regulations; legally established or recognized machinery for wage determination; collective agreements between employers and workers; or a combination of these various means (Article 2). The Convention also provides that measures be taken to promote objective appraisal of jobs on the basis of work to be performed (Article 3).

Convention (N° 102) concerning Minimum Standards of Social Security (ILO)

This Convention was adopted by the **International Labour Organisation (ILO)** on 28 June 1952 and entered into force on 27 April 1955. By the middle of 2001, 40 States had ratified it. It defines the persons entitled to various benefits which are enumerated in its Parts II to X: medical care; sickness benefit; unemployment benefit; old-age benefit; employment injury benefit; family benefit; maternity benefit; invalidity benefit; and survivors' benefit. Part XII concerns the equality of treatment for non-national residents.

Convention (N° 105) concerning the Abolition of Forced Labour (ILO)

In response to the existence in the world of vast systems of forced or "corrective" labour employed as a means of political coercion or as punishment for holding or expressing political views, the International Labour Conference adopted, on 25 June 1957, the Convention (N° 105) concerning the Abolition of Forced Labour. Since entering into force on 17 January 1959, it had been ratified, by the middle of 2001 by 154 States. The aim of the Convention is to abolish "certain forms of compulsory labour constituting a violation of the rights of man referred to in the Charter of the **United Nations** and enunciated in the **Universal Declaration of Human Rights**" (Preamble). Under Article 1, each Member State of **International Labour Organisation (ILO)** which ratifies the Convention undertakes to suppress and not to

make use of any form of forced or compulsory labour: for political purposes; as a method of mobilizing and using labour for purposes of economic development; as a means of labour discipline; as a punishment for having participated in strikes; and as a means of racial, social, national or religious discrimination. Each State Party also agrees to “undertake effective measures to secure the immediate abolition of forced or compulsory labour as specified in Article 1” (Article 2).

Convention (N° 111) concerning Discrimination in Respect of Employment and Occupation (ILO)

The Convention (N° 111) concerning Discrimination in Respect of Employment and Occupation was adopted on 25 June 1958 by the General Conference of the **International Labour Organisation (ILO)** and entered into force on 15 June 1960. It had been ratified by 148 States by the middle of 2001. It defines “discrimination” as “any distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation” (Article 1). The Convention requires States Parties “to declare and pursue a national policy designed to promote, by methods appropriate to national conditions and practice, equality of opportunity and treatment in respect of employment and occupation, with a view to eliminating any discrimination in respect thereof” (Article 2). The measures to be taken for the application of such a national policy are enumerated in Article 3, which states that each contracting Member “... shall seek the co-operation of employers’ and workers’ organisations and other appropriate bodies in promoting the acceptance and observance of this policy” and “to enact such legislation and promote such educational programmes as may be calculated to secure the acceptance and observance of the policy”. States Parties

further agree “to indicate in their annual reports on the application of the Convention the action taken in pursuance of the policy and the results secured by such action” (Article 3).

Convention (N° 118) concerning Equality of Treatment of Nationals and Non-Nationals in Social Security (ILO)

This Convention was adopted by the **International Labour Organisation (ILO)** on 28 June 1962 and entered into force on 25 April 1964. It had been ratified by 38 States by the middle of 2001. According to this instrument, each State Party shall grant to the nationals of other States Parties, as well as to refugees and stateless persons equality of treatment under its social security legislation with its own nationals (Articles 3 and 10). Both coverage and the right to benefits are concerned in respect of every branch of social security for which the State has accepted the obligations. Accordingly, invalidity benefits, old-age benefits, survivors’ benefits, death grants and employment injury pensions should be guaranteed both to the nationals of the given State Party or to nationals of any other State Party (Articles 5 and 6).

Convention (N° 122) concerning Employment Policy (ILO)

The enjoyment of the **right to work** and the right to freedom of choice of employment are recognized in the **International Labour Organisation (ILO) Convention (N° 122) concerning Employment Policy** adopted by the ILO on 9 July 1964 and entered into force on 15 July 1966. This Convention had been ratified by 92 States by the middle of 2001. The Convention requires that, with a view to “... overcoming unemployment and underemployment, each Member shall declare and pursue, as a major goal, an active policy designed to promote full, productive and freely chosen employment” (Article 1, para. 1). According to Article 1, para. 2.(c), this policy shall aim at ensuring “... freedom

of choice of employment and the fullest possible opportunity for each worker to qualify for, and to use his skills and endowments in a job for which he is well suited, irrespective of race, colour, sex, religion, political opinion, national extraction or social origin”.

Convention (N° 135) concerning Protection and Facilities to be Afforded to Workers’ Representatives in the Undertaking (ILO)

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The Convention (N° 135) concerning Protection and Facilities to be Afforded to Workers’ Representatives in the Undertaking was adopted on 23 June 1971 and entered into force on 30 June 1973. By the middle of 2001, it had been ratified by 68 States. For the purposes of the Convention, the term “workers’ representatives” means persons recognized as such under national law or practice, whether they are trade union representatives or representatives freely elected by workers in the undertaking (Article 3). Supplementing the terms of the **Convention (N° 98) concerning the Application of the Principles of the Right to Organise and Bargain Collectively** of 1949, this Convention provides that: “Workers’ representatives in the undertaking shall enjoy effective protection against any act prejudicial to them, including dismissal, based on their status or activities as a workers’ representative or in union membership or participation in union activities, in so far as they act in conformity with existing laws or collective agreements or other jointly agreed arrangements” (Article 1). Workers’ representatives must also be afforded such facilities in the undertaking “as may be appropriate in order to enable them to carry out their functions promptly and efficiently” (Article 2).

Convention (N° 138) concerning Minimum Age for Admission to Employment (ILO)

The Convention (N° 138) concerning Minimum Age for Admission to Employment was adopted by the **International**

Labour Organisation (ILO) on 26 June 1975 and entered into force of 19 June 1976. By the middle of 2001, it had been ratified by 107 States. The Convention summarizes and further develops the provisions of conventions concerning the minimum age of work in various sectors adopted by the ILO between 1919 and 1965. Its Article 1 is designed to ensure the effective abolition of child labour and to raise progressively the minimum age for admission to employment to a level consistent with the fullest physical and mental development of young persons. This age shall not be less than the age of completion of compulsory schooling and, in any case, shall not be less than 15 years. Furthermore, Article 3, para. 1, states that: "The minimum age for admission to any type of employment or work which by its nature or the circumstances in which it is carried out is likely to jeopardise the health, safety or morals of young persons shall not be less than 18 years". This Convention has recently been supplemented by the entry into force on 19 November 2000 of the **Convention (N°182) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour**.

Convention (N° 141) concerning Organisations of Rural Workers and their Role in Economic and Social Development (ILO)

The Convention (N° 141) concerning Organisations of Rural Workers and their Role in Economic and Social Development was adopted on 23 June 1975 and came into force on 24 November 1977. It was binding on 37 States by the middle of 2001. Under this Convention, all categories of rural workers, whether wage-earners or self-employed, have the right to establish and, subject only to the rules of the organization concerned, to join organizations of their own choosing without previous authorization. Rural workers' organizations, according to the Convention, shall be independent and voluntary in character

and shall remain free from all interference, coercion or repression. In order to enable rural workers to play their role in economic and social development, States Parties to the Convention agree to pursue a policy of active encouragement to rural workers' organizations, particularly with a view to eliminating obstacles to their establishment, their growth and the pursuit of their lawful activities.

Convention (N° 143) concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers (ILO)

The Convention (N° 143) concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers was adopted by the **International Labour Organisation (ILO)** on 24 June 1975 and entered into force on 9 December 1978. By the middle of 2001, it had been ratified by 18 States. In its Preamble, it states that considering the right of everyone to leave any country, including his own and to enter his own country, as set forth in the **Universal Declaration of Human Rights** and the **International Covenant on Civil and Political Rights**, minimum conditions should be enjoyed by migrants in transit and on arrival. It also aims at the elimination of abuses caused by illicit and clandestine trafficking and at the promotion of equality of opportunity and treatment of migrant workers at least equal to those of nationals. Article 1 stipulates that each Member: "... undertakes to respect the basic human rights of all migrant workers". The Convention determines the term "migrant worker" as "a person who migrates or who has migrated from one country to another with a view to being employed otherwise than on his own account and includes any person regularly admitted as a migrant worker" (Article 11, para. 1). Article 3(a) concerns the suppression of clandestine movements of migrants for employment and illegal employment

of migrants. Article 9, para. 4, lays down that: “Nothing in this Convention shall prevent Members for giving persons who are illegally residing or working within the country the right to stay and to take up legal employment”. According to Article 10, States Parties undertake to: “... declare and pursue a national policy designed to promote and to guarantee, by methods appropriate to national conditions and practice, equality of opportunity and treatment in respect of employment and occupation, of social security, of trade union and cultural rights and of individual and collective freedoms for persons who as migrant workers or as members of their families are lawfully within its territory”.

Convention (N° 151) concerning Protection of the Right to Organise and Procedures for Determining Conditions of Employment in the Public Service (ILO)

The Convention (N° 151) concerning Protection of the Right to Organise and Procedures for Determining Conditions of Employment in the Public Service was adopted on 27 June 1978 by the General Conference of the **International Labour Organisation (ILO)**. It entered into force on 25 February 1981 and, by the middle of 2001, had been ratified by 39 States. Recalling that the **Convention (N° 98) concerning the Application of the Principles of the Right to Organise and Bargain Collectively** of 1949 does not cover certain categories of public employees and noting the considerable expansion of public service activities in many countries, this Convention seeks to address the need for sound labour relations between public authorities and public employees’ organizations (Preamble). For the purposes of the instrument, the term “public employees’ organisation” means “any organisation, however composed, the purpose of which is to further and defend the interests of public employees” (Article 3). As outlined in Article 1, the Convention applies to all persons employed by public authorities, except for

high-level employees whose functions are normally considered as policy-making or managerial, employees whose duties are of a highly confidential nature, and the armed forces and the police. The Convention provides that public employees shall “enjoy adequate protection against acts of anti-union discrimination in respect of their employment” (Article 4), and that public employees’ organizations shall enjoy complete independence from public authorities, and “adequate protection against any acts of interference by a public authority in their establishment, functioning or administration” (Article 5). It further provides that settlement of disputes arising in connection with the determination of terms and conditions of employment shall be sought, through negotiation between the parties, or through independent or impartial machinery, such as mediation, conciliation or arbitration (Article 8).

Convention (N° 154) concerning the Promotion of Collective Bargaining (ILO)

Adopted on 19 June 1981, this Convention entered into force on 11 August 1983. By the middle of 2001, it had been ratified by 32 States. For the purpose of this Convention, the term “collective bargaining” extends to all negotiations which take place between an employer, a group of employers, or their organizations, on the one hand, and the workers’ organizations on the other, with the purpose of: “... determining working conditions and terms of employment; and/or regulating relations between employers and workers; and/or regulating relations between employers or their organisations and a workers’ organisation or workers’ organisations” (Article 2). The provisions of the Convention should be made effective by means of collective agreements, arbitration awards or in such other manner as may be consistent with national practice (Article 4). Article 5 concerns concrete measures aimed at the promotion of collective bargaining. Article 7 stipulates that “Measures taken by

public authorities to encourage and promote the development of collective bargaining shall be the subject of prior consultation and, wherever possible, agreement between public authorities and employers' and workers' organisations". Article 8 lays down that: "The measures taken with a view to promoting collective bargaining shall not be so conceived or applied as to hamper the freedom of collective bargaining".

Convention (N° 156) concerning Equal Opportunities and Equal Treatment for Men and Women Workers: Workers with Family Responsibilities (ILO)

The Convention (N° 156) concerning Equal Opportunities and Equal Treatment for Men and Women Workers: Workers with Family Responsibilities was adopted by the International Labour Conference on 23 June 1981 and entered into force on 11 August 1983. By the middle of 2001, it had been ratified by 33 States. It provides that men and women with family responsibilities, whether dependent children or other members of their immediate family who clearly need their care and support, should be able to exercise their **right to work** without being discriminated against because of those responsibilities.

Convention (N° 168) concerning Employment Promotion and Protection against Unemployment (ILO)

This Convention was adopted on 21 June 1988 and entered into force on 17 October 1991. By the middle of 2001, it had been ratified by 6 States. It is aimed at increasing the protection against unemployment in view of new developments which have occurred since the adoption of previous **International Labour Organisation (ILO)** instruments concerning unemployment. The Convention contains a number of sections which deal with: promotion of productive employment; contingencies covered;

persons protected; methods of protection; benefits to be provided; special provisions for new applicants for employment; legal, administrative and financial guarantees.

Convention (N° 169) concerning Indigenous and Tribal Peoples in Independent Countries (ILO)

This Convention was adopted by the **International Labour Organisation (ILO)** on 27 June 1989 to revise the Indigenous and Tribal Populations Convention and Recommendation of 1957. It entered into force on 5 September 1991 and by the middle of 2001 had been ratified by 14 States. The Convention considers that "... the developments which have taken place in international law since 1957, as well as developments in the situation of indigenous and tribal peoples in all regions of the world, have made it appropriate to adopt new international standards on the subject with a view to removing the assimilationist orientation of the earlier standards ... (Preamble). It thus provides that "Indigenous and tribal peoples shall enjoy the full measure of human rights and fundamental freedoms without hindrance or discrimination..." (Article 3, para. 1) and adds that "Special measures shall be adopted as appropriate for safeguarding the persons, institutions, property, labour, cultures and environment of the people concerned" (Article 4, para. 1). The Convention applies to "tribal peoples in independent countries whose social, cultural and economic conditions distinguish them from other sections of the national community, and whose status is regulated wholly or partially by their own customs or traditions or by special laws or regulations" (Article 1, para. 1(a)). In applying the provisions of the Convention, Governments shall: "consult the people concerned... (Article 6, para. 1(a)); establish means by which these peoples can freely participate ... at all levels of decision-making in elective institutions and administrative and other bodies responsible for policies and programmes which

concern them” (Article 6, para. 1(b)); and “establish means for the full development of these peoples’ own institutions and initiatives, and in appropriate cases provide the resources necessary for this purpose (Article 6, para. 1(c)).

Convention (N°182) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (ILO)

This Convention was adopted by the **International Labour Organisation (ILO)** on 17 June 1999 and came into force on 19 November 2000. By the middle of 2001, it had been ratified by 74 States. However, the **Convention (N°139) concerning Minimum Age for Admission to Employment** of 1973 remains the principal instrument on child labour. Convention N°182 includes among the worst forms of child labour: the sale and trafficking of children; debt bondage; serfdom; forced or compulsory labour; forced or compulsory recruitment of child soldiers; use, procuring or offering of children for prostitution or pornography; use, procuring or offering of children for illegal activities such as the production and trafficking of drugs; all forms of slavery and any work which will harm the health, safety or morals of children (Article 3). Therefore, Member States are urged to establish and implement immediate action, in consultation with employers’ and workers’ organizations, in order to effectively eliminate the worst forms of child labour. In particular, such action must take into account the importance of basic education and must provide penal or other relevant sanctions to implement and enforce the principles set out in the Convention (Article 7). To this end, enhanced international co-operation and/or assistance in economic and social development, poverty eradication and universal education is also necessary (Article 8). The Convention is complemented by the Worst Forms of Child Labour Recommendation which calls for the compilation of relevant and comprehensive data regarding the

nature and extent of child labour in a State. This will help States in effectively struggling against child labour abuses.

Convention against Discrimination in Education (UNESCO)

On 14 December 1960 the General Conference of UNESCO adopted the Convention against Discrimination in Education. The Convention entered into force on 22 May 1962 and had been ratified by 89 Member States by the middle of 2001. Its purpose is not only to eliminate and prevent all discrimination, but also to promote equal opportunity and treatment in education. The injustices fought against include both discrimination which results from legislative provisions or administrative practices and involves deliberate denial of the **right to education** of certain members of the community, and inequalities which often derive not so much from deliberate intention as from a combination of social, geographical, economic and historical circumstances. This Convention commits States Parties to a national policy which will promote equality of opportunity and treatment in matters of education. To this end, States Parties undertake to abrogate or modify any statutory provisions and to discontinue any administrative practices which involve discrimination, and also to forbid any different treatment or preferences based solely on the ground that an individual belongs to a particular group (Article 3). The procedures for supervising the execution of the Convention hinge essentially on reports submitted by States to a Special Committee on Conventions and Recommendations (Article 7).

In 1962 a **Protocol Instituting a Conciliation and Good Offices Commission to be Responsible for Seeking the Settlement of any Disputes which may Arise between States Parties to the Convention against Discrimination in Education** was adopted by the General Conference of UNESCO.

Convention concerning the Protection of the World Cultural and Natural Heritage (UNESCO)

The Convention concerning the Protection of the World Cultural and Natural Heritage was adopted by the General Conference of UNESCO on 16 November 1972, and entered into force on 17 December 1974. By the middle of 2001, it had been ratified by 159 States. The Convention is one of the most universal international legal instruments for the protection of cultural and natural heritage. The organs which under the Convention are directly involved in its implementation are: the Intergovernmental Committee for the Protection of the World Cultural and Natural Heritage called the **World Heritage Committee** and the Secretariat of the Committee (7 members). The most significant feature of the Convention is that it links together the concepts of nature conservation and the preservation of cultural sites in one single document. It defines international protection of the world cultural and natural heritage as "... the establishment of a system of international co-operation and assistance designed to support States Parties to the Convention in their efforts to conserve and identify that heritage" (Article 7). By signing the Convention, each country makes a pledge to conserve the world heritage sites situated on its territory and also to protect its national heritage. Furthermore, the Convention provides that the World Heritage Committee shall supervise the protection of items recognized by the Convention as those of outstanding universal value from the point of view of history, art, science or aesthetics. The Convention describes its function and explains how the World Heritage Fund is to be used and managed, and under what conditions international financial assistance may be provided. The World Heritage Committee meets once a year to examine applications on the basis of technical evaluations. As stated by the Convention, the Committee shall establish, keep up to date and publish, under the title of the **World Heritage List**, a

list of properties forming part of the cultural heritage and natural heritage. The applications for a site to be inscribed on the list must come from the country itself and have to include details of how it is managed and protected in national legislation. The criteria for the selection are explained in the Operational Guidelines which are revised regularly by the Committee to match the evolution of the concept of the world heritage itself. By the middle of 2001, there were 630 properties on the World Heritage List (among them 128 natural and 22 mixed properties in 118 States Parties).

**Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine:
Convention on Human Rights and Biomedicine
(Council of Europe)**

The Convention on human rights and biomedicine is the first international treaty on the new biomedical technologies and the protection of human rights. It was signed and opened to signature on 4 April 1997 in Oviedo, Spain. It came into force on 1 December 1999, after having received the five required ratifications, including those of four member states. By the middle of 2001, it was ratified by the following States: Denmark, Georgia, Greece, San Marino, Slovakia, Slovenia, Spain.

The aim of the Convention is to guarantee the rights and fundamental freedoms of individuals and, in particular, their integrity in the biomedical sphere. The first article asserts the primacy of the human being over the sole interest of science or society. In the event of a conflict, the former must prevail. The whole Convention is infused with the principle of the primacy of the human being, and all its articles must be interpreted in this light. The Convention affirms at the international level the well-established rule that human beings should consent to any intervention involving themselves, and establishes detailed rules

for the protection of persons not able to consent. The Convention also addresses issues such as genetic testing and genetic discrimination, non-selection of sex, embryo research, organ transplantation, private life and right to information. Once ratified, the Convention becomes binding and each ratifying State has to take in its internal law the necessary measures to implement its provisions.

Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (Council of Europe)

This Convention was adopted by the **Council of Europe** on 20 January 1981, and entered into force on 1 October 1985. By the middle of 2001, the Convention had been ratified by 22 of 43 Member States. Based on the fundamental rights and freedoms enshrined in the **European Convention for the Protection of Human Rights and Fundamental Freedoms** and especially on the right of everyone to privacy (Article 8), the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data aims to protect the privacy of individuals, both within the State and internationally, with regard to the growing amount of personal data undergoing automatic processing. The Convention provides general principles for data protection including guidelines for obtaining and processing data, for data storage and use, and for ensuring its accuracy. It also contains special provisions for data concerning health, criminal convictions and sexual life, namely, that such data may only be automatically processed if domestic law provides sufficient safeguards (Article 6). The Convention also envisages measures enabling the data subject to have knowledge of the existence of any data file and to have access to its content. This instrument further provides for the establishment of a Consultative Committee (Articles 18-20). The Committee, composed of one representative of each State Party, held its first

session in 1986. It is charged with proposing amendments to both domestic law and to the Convention itself, making comments on any amendments proposed by the States Parties, and submitting reports to the Committee of Ministers on its work and on the implementation of the Convention.

Convention for the Protection of the Architectural Heritage of Europe (Council of Europe)

This Convention was adopted on 3 October 1985 in Granada, Spain. It entered into force on 1 December 1987. By the middle of 2001, it had been ratified by 34 States. The aim of the Convention is to achieve a greater unity and co-operation between its parties for the purpose of safeguarding and realizing the ideals and principles which are their common heritage, inasmuch as the architectural heritage constitutes an irreplaceable expression of the richness and diversity of Europe's cultural heritage and bears an inestimable witness to the past.

Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (UN)

Approved by the United Nations General Assembly on 2 December 1949 by resolution 317 (iv) and entered into force on 25 July 1951, this Convention consolidated international instruments on the subject prepared under the auspices of the League of Nations. By the middle of 2001, it had been ratified by 73 States. The States Parties agree to punish any person who "procures, entices or leads away, for purposes of prostitution, another person", or "exploits the prostitution of another person, even with the consent of that person" (Article 1). The Convention also demands the punishment of any person who "keeps or manages, or knowingly finances or takes part in the financing of a brothel", or similar place for the purpose of the prostitution of

others (Article 2). Parties to the instrument agree to encourage through their educational, health, social, economic and other related services, measures for the prevention of prostitution and for the rehabilitation of the victims of prostitution (Article 16). They also agree to undertake, in connection with immigration and emigration, to check the traffic in persons of either sex for the purpose of prostitution (Article 17). Parties to the Convention also agree to communicate to the **United Nations Secretary-General** such laws and regulations concerning the application of the Convention which have already been promulgated in their States and thereafter annually such laws and regulations as may be promulgated (Article 21).

Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (ICAO)

The Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation was adopted by the **International Civil Aviation Organization (ICAO)** in 1971. Known as the “Montreal Convention”, it applies to acts of sabotage such as bombings aboard aircraft in flight or placing an explosive device on an aircraft. It makes an offence any act of violence against a person on board an aircraft in flight, if that act is likely to endanger the safety of that aircraft. It requires parties to the Convention to make such offences punishable by “severe penalties;” and parties that have custody of offenders to either extradite the offender or submit the case for prosecution. This Convention is one of 12 major multilateral instruments aimed at the struggle against **terrorism** and acts affecting in-flight safety.

Convention for the Suppression of Unlawful Seizure of Aircraft (ICAO)

This Convention was adopted by the **International Civil Aviation Organization (ICAO)**, on 16 December 1970. Known as the “Hague Convention”, it requires States Parties to make

hijackings punishable by “severe penalties;” makes it an offence for any person on board an aircraft in flight to “unlawfully, by force or threat thereof, or any other form of intimidation, to seize or exercise control of that aircraft” or to attempt to do so; requires parties that have custody of offenders to either extradite the offender or submit the case for prosecution; and requires parties to assist each other in connection with criminal proceedings brought under the Convention. It is one of 12 major multilateral conventions and protocols dealing with **terrorism** and acts affecting in-flight safety.

Convention Governing the Specific Aspects of Refugee Problems in Africa (OAU)

The Assembly of Heads of State or Government of the **Organization of African Unity (OAU)** adopted, on 10 September 1969, the Convention Governing the Specific Aspects of Refugee Problems in Africa. Since entering into force on 20 June 1974, 45 Member States had deposited their instrument of ratification by the middle of 2001. The main objective of the Convention, designed to complement the **Convention relating to the Status of Refugees** adopted by the **United Nations** in 1951 and modified by the Protocol of 1967, is to improve conditions for refugees in Africa and to promote a humanitarian approach for solving problems in this field. Article 1, para. 1, defines the term “refugee” as “every person who, owing to well-grounded fear of being prosecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unwilling to return to it”. The Convention equally recognizes as a refugee a person who has been compelled to leave his country for reasons of external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country of origin or nationality (Article 1, para. 2). States Parties are obliged to use their best endeavours to receive refugees and to

ensure their settlement (Article 2), while at the same time preventing refugees residing in their respective territories from carrying out acts that may cause tension, such as fomenting subversion in another State (Article 3). The Convention also contains provisions stating that the granting of asylum is to be considered a peaceful and humanitarian act, that the provisions of the Convention are to be applied without discrimination of any kind and that repatriation may only be realized with the full and voluntary consent of the refugee. While the Convention contains no provisions for the establishment of a monitoring mechanism, it does stipulate that in the case of a dispute between States Parties regarding the interpretation or application of the Convention, the question is to be referred to the Committee for Mediation, Conciliation and Arbitration of the Secretariat of the OAU, which shall advise on the matter.

Convention of Belem do Para (OAS)

See **Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women**

Convention on Asylum (OAS)

The Convention on Asylum was adopted by the Pan-American Union, the forerunner of the **Organization of American States (OAS)**, on 20 February 1928 and entered into force on 21 May 1929. By the middle of 2001, it had been ratified by 15 of the 35 OAS Member States. This Convention aims at laying down the rules governing the relations between States Parties with regard to asylum. It stipulates that persons requesting asylum on political grounds should be guaranteed such a request to the extent to which it is recognized by the Conventions or by the laws of the granting country, or on humanitarian grounds. It further stipulates that, in addition to State territory, asylum may be granted in legations, warships, and military aircraft or installations, but only in emergencies and only for the limited

period of time necessary to ensure the safety of the asylum-seeker. Under the Convention, States Parties agree to promptly report to the Minister of Foreign Relations of the concerned State that one of its nationals has sought asylum. The receiving State is also obliged, upon request of the concerned State and after a guarantee of the safety of the asylum-seeker, to deport the asylum-seeker. Excluded from the right to enjoyment of the provisions of the Convention are persons who are accused or convicted of common crimes and persons who are deserters from the armed forces. Two later instruments, the **Convention on Political Asylum** (1933) and the **Convention on Territorial Asylum** (1954), complement the Convention of 1928.

Convention on Combating Bribery of Foreign Public Officials in International Business Transactions (OECD)

This Convention was adopted by the Organisation for Economic Co-operation and Development (OECD), uniting the developed countries of the world on 21 November 1997. It entered into force on 15 February 1999. By the middle of 2001, it had been ratified by 32 Member and non-Member States (Argentina, Australia, Austria, Belgium, Brazil, Bulgaria, Canada, Chile, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Italy, Japan, Luxembourg, Mexico, Netherlands, Norway, Poland, Portugal, Republic of Korea, Slovak Republic, Spain, Sweden, Switzerland, Turkey, United Kingdom and United States of America). The Convention is among the first international instruments aimed at the struggle against **corruption**. It includes measures to be taken concerning: the offence of bribery of foreign public officials (Article 1); money laundering (Article 7); mutual legal assistance (Article 9) and extradition (Article 10). To strengthen the combat against corruption, the OECD has set up an Anti-Corruption Unit as well as an Anti-Corruption Network for Transition Economies.

Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages (UN)

Adopted by the United Nations General Assembly on 7 November 1962 by resolution 1763A (XVII), and entered into force on 9 December 1964, this Convention is aimed at the abolition of customs and practices of child marriages and the betrothal of young girls. By the middle of 2001, it had been ratified by 49 States. The Convention provides that no marriage shall be legally entered into without the full and free consent of the partners, that a minimum age of marriage shall be legislatively specified (although the Convention leaves the specification of the minimum age to each State Party, the Recommendation of 1965 adopted by the United Nations General Assembly on this subject states that the minimal age shall in any case not be less than fifteen years) and that no marriage shall be legally entered into by any person under this age, and that all marriages shall be registered in an official register by the competent authorities (Articles 1-3).

Convention on Diplomatic Asylum (OAS)

Based on the Convention on Asylum (1933) and complementing the Convention on Territorial Asylum (1954), this Convention was adopted by the Organization of American States (OAS) on 28 March 1954 and entered into force on 29 December the same year. By the middle of 2001, it had been ratified by 14 of the 35 OAS Member States. The aim of the Convention is to define the rules concerning asylum when granted in legations, war vessels and military camps or aircraft located in the territory of another State Party. For the purposes of the Convention, a legation is “any seat of a regular diplomatic mission, the residence of chiefs of mission, and the premises provided by them for the dwelling places of asylees” (Article 1). The Convention applies to persons being sought or persecuted for

political reasons or for political offences, with the exception of individuals who are under indictment, under trial or have been convicted for common offenses. States are not obliged to grant asylum (Article 2). It is to be granted only in “urgent cases and only for the period of time strictly necessary” (Article 5), that is, until the asylee’s safety can be assured, and it is to be respected by the State of the person requesting it. The Convention also contains provisions on the transfer of the asylee from his territorial State to another, the diplomatic procedures to be followed, and the obligation of the granting State to provide the concerned State with information regarding the granting of asylum, and the settlement of the asylee once in the country giving him or her protection.

Convention on Human Rights and Biomedicine (Council of Europe)

See **Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine: Convention on Human Rights and Biomedicine**

Convention on Offences and Certain Other Acts Committed on Board Aircraft (ICAO)

This Convention was adopted by the **International Civil Aviation Organization (ICAO)** on 14 September 1963. It entered into force on 4 December 1969. It is one of 12 major multilateral conventions and protocols aimed against **terrorism** and acts affecting in-flight safety.

Convention on Political Asylum (OAS)

This Convention was adopted by the Pan-American Union, the forerunner to the **Organization of American States (OAS)**, on 26 December 1933. It entered into force on 28 March 1935 and, by the middle of 2001, had been ratified by 15 of the 35 OAS

Member States. The aim of the Convention is to ensure the rights of aliens to asylum on political grounds. It amends the provisions of the **Convention on Asylum** (1928) in order to bring it in line with the Convention on Extradition (1933). Furthermore, the OAS adopted the **Inter-American Convention on Extradition** in 1981.

Convention on Territorial Asylum (OAS)

As a complement to the **Convention on Political Asylum** (1933) and to the **Convention on Diplomatic Asylum** (1954), the Convention on Territorial Asylum was adopted by the **Organization of American States (OAS)** on 28 March 1954. It entered into force on 29 December 1954 and, by the middle of 2001, had been ratified by 12 of the 35 OAS Member States. In accordance with the Convention, States Parties undertake to recognize and respect the right of every State to “admit into its territory such persons as it deems advisable, without, through the exercise of this right, giving rise to complaint by any other State” (Article 1). It also contains provisions regarding the right of every State to refuse to expel or extradite from its territory persons persecuted for political reasons or offenses elsewhere, and the right of the asylee to freedom of expression, thought, assembly and association in the State granting asylum, without the interference of another State. These rights can be restricted if the asylee incites the use of force or violence against the government of another State. In such cases, the offended State may ask the State granting asylum to watch over or intern the alien at a reasonable distance from its borders. It is important to note that, under the Convention, the asylee can, at any time, inform the State in which he/she resides that he/she wishes to leave its territory.

Convention on the Elimination of All Forms of Discrimination against Women (UN)

This Convention, adopted by the **United Nations General Assembly** on 18 December 1979 (resolution 34/180), entered

into force on 3 September 1981 and is the most significant and comprehensive instrument with regard to furthering the advancement of women and eliminating gender-based discrimination. Ratified by 167 Member States by the middle of 2001, the Convention confirms standards formulated in earlier conventions and adds new important dimensions and principles. It defines the term “discrimination against women” as “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 1). In the broadest terms, the Convention provides that: “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 3). It also contains provisions relating to equality in: political and public life (Article 7); representation at the international level (Article 8); questions of nationality (Article 9); education (Article 10); opportunities and conditions of employment (Article 11); as well as before the law (Article 15); and in matters relating to marriage and family relations (Article 16). The Convention contains provisions requiring States to take a wide range of positive and constructive actions designed to advance the status of women in different fields. The implementation of the Convention is monitored by the **Committee on the Elimination of Discrimination against Women (CEDAW)** established under Article 17.

On 6 October 1999, the United Nations General Assembly adopted the **Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women**.

Convention on the International Right of Correction (UN)

To guard against the danger to peace and friendly relations between peoples arising from the publication of inaccurate reports, the **United Nations** adopted the Convention on the International Right of Correction on 16 December 1952 by resolution 630 (vii). Since entering into force on 24 August 1962, the Convention had been ratified by 15 States by the middle of 2001. Under the Convention, the “Contracting States agree that, when a State contends that a news dispatch capable of injuring its relations with other States or its national prestige or dignity transmitted from one country to another by correspondents or information agencies ... is false or distorted, it may submit its version of the facts to the Contracting State within whose territories such dispatch has been published or disseminated” (Article 2, para. 1). This communiqué must be “without comment or expression of opinion and be no longer than is necessary to correct the alleged inaccuracy or distortion” (Article 2, para. 2). In complying with the Convention, the receiving State is obliged to release the communiqué through the channels customarily used for the release of news concerning international affairs for publication (Article 3, para. 1). The Convention does not, however, impose a legal obligation on the press or other media to publish the communiqué. In the event that the receiving State does not fulfil its obligation, the complaining State may accord, on the basis of reciprocity, similar treatment to a communiqué submitted to it by the defaulting State (Article 3, para. 2). The complaining State also has the right to seek relief through the **United Nations Secretary-General**. In accordance with the instrument, the Secretary-General will give appropriate publicity to the communiqué, together with the original dispatch and the comments, if any, submitted to him by the State complained against (Article 4). The Convention also contains a compromise

clause by which disputes not settled by negotiation may be referred to the **International Court of Justice** (Article 5).

Convention on the Nationality of Married Women (UN)

Adopted by the **United Nations General Assembly** on 29 January 1957 by resolution 1040 (XI), this Convention entered into force on 11 August 1958. By the middle of 2001, it had been ratified by 70 States. The Convention proclaims that women shall have the same rights as men to acquire, change or retain their nationality. It provides that Contracting States agree that neither the celebration nor the dissolution of marriage between one of their nationals and an alien, nor the change of nationality by the husband during marriage, shall automatically affect the nationality of the wife (Article 1). It further stipulates that neither the voluntary acquisition of the nationality of another State, nor the renunciation of his nationality by a husband shall prevent the retention of the nationality by the wife (Article 2). In other words, no change may be made to the nationality of the wife without an expression of desire on her part for such a change. The Convention further provides that the alien wife of one of the nationals of a Contracting State may, at her request, acquire the nationality of her husband through specially privileged naturalization procedures (Article 3). The Convention, however, does not contain specific provisions concerning international mechanisms of implementation.

Convention on the Nationality of Women (OAS)

This Convention was adopted by the Pan-American Union, the forerunner to the **Organization of American States (OAS)**, on 26 December 1933. It entered into force on 29 August 1934 and, by the middle of 2001 had been ratified by 17 of the 35 OAS Member States. It contains one substantive provision stipulating that within Contracting States “there shall be no distinction based

on sex as regards nationality, in their legislation or in their practice” (Article 1).

Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity (UN)

The Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity was adopted by the **United Nations General Assembly** on 26 November 1968 by resolution 239 (XXIII), and entered into force on 11 November 1970. It had been ratified by 44 Member States by the middle of 2001. This Convention aims at affirming in international law the principle that there is no period of limitation for crimes against humanity. It also conveys the idea that certain norms are so basic to humanity and to the international community that grave infringements of these norms in no way lose their criminal character through the passage of time. The Convention treats as international crimes, war crimes, crimes against humanity whether committed in a time of war or peace (as defined in the Charter of the International Military Tribunal, Nuremberg, of 8 August 1945), eviction as a result of armed attack or occupation and inhuman acts which are the consequences of the policy of apartheid or the crime of genocide (Article I). The provisions of the Convention apply to “both representatives of the State authority and to private individuals who, as principals or accomplices, participate in, or who directly incite others, to the commission of any of the crimes cited above, or who conspire to commit them” (Article II). States Parties to the Convention agree to adopt all necessary domestic measures, legislative or otherwise, making possible the extradition of such persons as listed above (Article III), and to ensure that statutory or other limitations shall not apply to the prosecution and punishment of international crimes (Article IV).

Convention on the Participation of Foreigners in Public Life at Local Level (Council of Europe)

Adopted by the **Council of Europe** on 5 February 1992, this Convention entered into force on 1 May 1997. By the middle of 2001, it had been ratified by 6 Member States. The Convention aims to secure progressively genuine **civil** and **political rights** for foreign residents in local communities. It is based on the opinion of Member States that the participation of citizens in local government is a fundamental principle of all democratic regimes and, as stated in the Preamble, that the existence of lawfully resident foreigners in the national territory of Member States is a real and common feature. Three measures to enhance the participation of foreigners in public life at the local level and to protect their rights are envisaged in this instrument: the assurance of **freedom of expression, assembly and association** (Articles 3-4); the establishment of consultative bodies to represent foreign residents at the local level, to provide a forum for discussion and for the formulation of opinions and policies, and to foster their general integration into the life of the community (Article 5); and the guarantee of the right of foreign residents to vote in local elections and to stand for election provided that he or she has been a lawful resident for five years prior to the election (Articles 6-7). To secure the **civil** and **political rights** of foreign residents, Member States agree to ensure that no legal obstacles exist to prevent the establishment of the aforementioned consultative bodies and that links between local authorities and such organizations will be formed. Each Contracting State further agrees to keep the Secretary-General of the Council of Europe informed of any legislative measures adopted under the terms of the Convention. No monitoring body is envisaged by the instrument. In order to facilitate the procedures of ratification, Article 1 of the Convention contains provisions making it possible to adopt only parts of the Convention and abide by the remaining provisions later.

Convention on the Political Rights of Women (UN)

Upon recommendation of the **Commission on the Status of Women**, the Convention on the Political Rights of Women was adopted by the **United Nations General Assembly** on 31 March 1953 by resolution 640 (VII), and entered into force on 7 July 1954. By the middle of 2001, it had been ratified by 115 States. The Convention was designed as a further means to promote equality of status of men and women in the enjoyment and exercise of **political rights** in accordance with the provisions of the **Charter of the United Nations** and the **Universal Declaration of Human Rights**. It provides that women, on equal terms with men and without discrimination, shall: be entitled to vote in all elections (Article I); and be eligible for election to all publicly elected bodies, established by national law (Article II); and be entitled to hold public office and to exercise all public functions, established by national law (Article III). Though the Convention deals only with discrimination against women as far as the implementation of their political rights is concerned, it was the first universal binding instrument creating legal obligations for States Parties. It opened the way for the adoption by the **United Nations** of a series of instruments aimed at the elimination of discrimination against women in all of public and private life.

Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents (UN)

This Convention was adopted by the **United Nations General Assembly** on 14 December 1973, and entered into force on 20 February 1977. This instrument is aimed at the struggle against **terrorism**. By the middle of 2001, it had been ratified by 107 States. It includes in the category of “internationally protected persons”: Heads of State or government, Ministers for Foreign Affairs, representatives or officials of a State or of an

international organization who are entitled to special protection from attack under international law. It requires each State Party to criminalize and make punishable by appropriate penalties which take into account their grave nature: the intentional murder, kidnapping, or other attacks upon the security or liberty of an internationally protected persons; violent attacks upon the official premises, private accommodation, or the means of transport of such persons; threats or attempts to commit such attacks and acts constituting participation as accomplices.

The Convention provides that States Parties must establish criminal jurisdiction over offenders (for example, the State(s) where the offence takes place or, in some cases, the State of nationality of the perpetrator or victim). The State Party in whose territory the alleged offender is present shall take the appropriate measures under its internal law so as to ensure his presence for the purpose of prosecution or extradition

Any dispute between two or more States Parties concerning the interpretation or application of this 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 States Parties are unable to agree on the organization of the arbitration, any one of them may refer the dispute to the **International Court of Justice** by request in conformity with the Statute of the Court.

Convention on the Prevention and Punishment of the Crime of Genocide (UN)

This Convention was adopted by the **United Nations General Assembly** on 9 December 1948 by resolution 260A (III) and entered into force on 12 January 1951. It had been ratified by 132 States by the middle of 2001. Under the Convention, Contracting Parties “confirm that genocide, whether committed in time of peace or in time of war, is a crime under international law which they undertake to prevent and to punish” (Article 1). It

defines genocide as “any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: (i) killing members of the group; (ii) causing serious bodily or mental harm to members of the group; (iii) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (iv) imposing measures intended to prevent births within the group; (v) forcibly transferring children of the group to another group” (Article II). The Convention provides for persons charged with committing genocide, conspiracy to commit genocide, direct and public incitement to commit genocide, attempt to commit genocide or complicity in genocide (Article III) to be tried either by a competent tribunal in the State where the act was committed or by such an international penal tribunal as may have jurisdiction and has been accepted as competent by States Parties to the Convention (Article VI). The Convention also provides that any Contracting Party may call upon the competent organs of the **United Nations** for the prevention and suppression of acts of genocide (Article VIII). No limitation is applied to the crime of genocide as a crime against humanity, in conformity with the **Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity** (1968).

Convention on the Reduction of Statelessness (UN)

Taking into account the provision of the **Universal Declaration on Human Rights** that everyone has the **right to a nationality** (Article 15), the Convention on the Reduction of Statelessness was adopted on 30 August 1961, and entered into force on 13 December 1975. By the middle of 2001, it had been ratified by 23 States. This Convention was drawn up to guard against statelessness and to facilitate the exercise of human rights by refugees and stateless persons. It contains provisions for attributing a nationality to persons who

would otherwise be stateless and prohibits, subject to certain exceptions, the deprivation of nationality if such deprivation would render persons stateless (Articles 1 and 5-8). States Parties are also prohibited from depriving “any person or group of persons of their nationality on racial, ethnic, religious or political grounds” (Article 9). The Convention further provides that the States Parties promote the establishment, within the framework of the United Nations, of a body to which a person claiming the benefit of the Convention may apply for the examination of his/her claim and for assistance in presenting it to the appropriate authority (Article 11). In 1976, the General Assembly, after noting that the **United Nations High Commissioner for Refugees (UNHCR)** was already carrying out the functions described under the Convention, requested the UNHCR to continue to do so.

Convention on the Rights of the Child (UN)

Concerned that the situation of children in many parts of the world remained critical as a result of inadequate social conditions, natural disasters, armed conflicts, exploitation, hunger and disability, and convinced that urgent and effective national and international legislation was called for, the **United Nations General Assembly**, on 20 November 1989 (resolution 44/25), adopted the Convention on the Rights of the Child based on the **Declaration of the Rights of the Child (1959)**. Entering into force on 2 September 1990, the Convention which, by the middle of 2001, had been ratified by a record number of 191 States, recognizes and protects a wide range of rights and liberties of the child. In Article 1, for the purposes of the Convention, the term “child” is defined as every human being below 18 years of age unless, under the State law applicable to the child, majority is attained earlier. The Convention acknowledges the importance of a secure and healthy family or alternative environment, provides for education, leisure and cultural activities, states that children in emergency situations are entitled to special protection and that children in situations of conflict with the law must be guaranteed

basic rights, and protects children from any form of exploitation. The following general principles are also enunciated: non-discrimination; the obligation to take the best interest of the child into account; respect of the child's opinion; and the **right to life**, survival and development. The Convention also contains a number of provisions concerning its implementation, including the obligations of the States Parties in this regard. The implementation of the Convention is monitored by the **Committee on the Rights of the Child** established in conformity with its Article 43.

On 25 May 2000, the United Nations General Assembly adopted both the **Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography** and the **Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict**.

Universal Children's Day is observed on 20 November each year and the **International Day of Innocent Children Victims of Aggression** on 4 June.

Convention on the Status of Aliens (OAS)

Complementing the Convention Relative to the Rights of Aliens (1902), the Convention on the Status of Aliens was adopted by the Pan-American Union, the forerunner to the **Organization of American States (OAS)**, on 20 February 1928. Since entering into force on 29 August 1929, it had been ratified by 15 of the 35 OAS Member States by the middle of 2001. The aim of the Convention is to ensure the juridical status of aliens. It stipulates that, as a basic principle, aliens should be granted enjoyment of all essential **civil rights** equal to that of nationals or citizens.

Convention Relating to the Status of Refugees (UN)

The Convention Relating to the Status of Refugees was adopted on 28 July 1951 resolution 429 (v), entered into force on 22 April 1954 and was ratified by 137 Member States by the middle of 2001. According to Article 1.A(2) of the Convention, the term “refugee” shall apply to any person who “As a result of events occurring before 1 January 1951 and owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it”. Contracting States undertake to apply the provisions of the Convention without **discrimination** as to race, religion or country of origin (Article 3). The Convention requires that refugees receive treatment at least as favourable as that accorded to the nationals of States Parties with regard to certain rights, such as **freedom of religion** (Article 4), access to courts (Article 16), elementary education (Article 22) and public relief (Article 25). With regard to other rights, such as wage-earning employment (Article 17) and the right to association (Article 15) refugees are entitled to the most favourable treatment accorded to nationals of a foreign country. In other respects, for example self-employment (Article 18) and freedom of movement (Article 26), refugees receive treatment as favourable as possible and not less favourable than that accorded to aliens in general. Of particular importance for refugees is the principle of *non-refoulement*, that is, that refugees may not on any account whatsoever be expelled or returned to a country where their life or freedom would be threatened (Article 33). The application of the provisions of the Convention are supervised by the Office of the **United Nations**

High Commissioner for Refugees (UNHCR) which requests that States Parties to the Convention give information concerning: (i) the condition of refugees; (ii) the implementation of the Convention and the Protocol; and (iii) laws, regulations and decrees which are, or will be, in force relating to refugees (Article 35).

The **Protocol relating to the Status of Refugees** was adopted by the **United Nations General Assembly** on 16 December 1966. It entered into force on 4 October 1967 and, by the middle of 2001, had been ratified by 134 Member States. It contains general provisions concerning the modification of the definition of a refugee (Article 1). Co-operation of the national authorities with the **United Nations** is foreseen in Article 2.

Convention Relating to the Status of Stateless Persons (UN)

Adopted on 28 September 1954, and entering into force on 6 June 1960, the Convention on the Status of Stateless Persons had been ratified by 53 States by the middle of 2001. The Convention applies to “a person who is not considered as a national by any State under the operation of its law”. Two principles are at the basis of this Convention: first, that there should be as little discrimination as possible between nationals, on the one hand, and stateless persons on the other; second, that there should be no discrimination based on race, religion or country of origin among stateless persons (Article 3). The Convention requires that stateless persons receive treatment at least as favourable as that accorded to nationals of States Parties with regard to certain rights, such as freedom of religion (Article 4), the right of association (Article 15), access to courts (Article 16), elementary education (Article 22) and public relief (Article 23). With regard to such rights as wage-earning employment (Article 17) and self-employment (Article 18) stateless persons should enjoy treatment not less favourable than that accorded to aliens generally in the same circumstances. In accordance with Article 33,

States Parties are obliged to “communicate to the **United Nations Secretary-General** the laws and regulation which they may adopt to ensure the application of this Convention”.

Convention Relative to the Rights of Aliens (OAS)

The Convention Relative to the Rights of Aliens was adopted by International Union of American Republics, a predecessor to the Pan-American Union, and a forerunner to the **Organization of American States (OAS)**, on 29 January 1902. By the middle of 2001, the Convention had been ratified by 5 States: Bolivia, the Dominican Republic, El Salvador, Guatemala and Honduras. The Convention stipulates that aliens shall enjoy all civil rights pertaining to citizens, and make use thereof in the substance, form or procedure, and in the recourses which result there from, under exactly the same terms as citizens, except as may be otherwise provided by the Constitution of each country. It declares that States do not owe to, nor recognize in, favour of foreigners, any obligations or responsibilities other than those established by their Constitutions and laws in favour of their citizens. Therefore, the States are not responsible for damages sustained by aliens through acts of rebels or individuals, and in general, for damages originating from fortuitous causes of any kind, considering as such the acts of war, except in the case of failure on the part of the constituted authorities to comply with their duties. Whenever an alien shall have claims or complaints of a civil, criminal or administrative order against a State, or its citizens, he shall present his claims to a competent Court of the country, and such claims shall not be made, through diplomatic channels, except in the cases where there shall have been on the part of the Court, a manifest denial of justice, or unusual delay, or evident violation of the principles of international law.

Convention to Prevent and Punish the Acts of Terrorism Taking the Forms of Crimes against Persons and Related Extortion that are of International Significance (OAS)

This Convention was adopted by the **Organization of American States (OAS)** on 2 February 1971 to strengthen the combat against **terrorism**. It enters into force for the States that ratify it when they deposit their respective instruments of ratification (Article 12). By the middle of 2001, the Convention had been ratified by 13 countries. Article 2 states that: "... kidnapping, murder, and other assaults against the life or physical integrity ... shall be considered common crimes of international significance, regardless of motive" and Article 8 concerns co-operation in preventing and punishing the crimes contemplated in Article 2.

Copenhagen Declaration on Social Development and Programme of Action (UN)

Adopted by the **World Summit for Social Development** in 1995. See also the **Commission for Social Development**.

Corruption

In the 1990s, corruption, recognized as a threat to democracy, the rule of law and human rights, became a subject of the attention of international and regional organizations. Thus, it was put on the agenda of the **United Nations** and regional intergovernmental organizations. The **United Nations General Assembly** and the **Economic and Social Council (ECOSOC)** have adopted a number of resolutions on this matter. The United Nations General Assembly also adopted an **International Code of Conduct for Public Officials** which is based on the assumption that a public office, as defined by national law, is a position of trust, implying a duty to act in the public interest. A

Charter for European Security was adopted at the Istanbul Summit of the **Organization for Security and Co-operation in Europe (OSCE)** in 1999. It contains a section on “Rule of law and fight against corruption” (para. 33) which states: “... that corruption poses a great threat to the OSCE’s shared values. It generates instability and reaches into many aspects of the security, economic and human dimensions”. Participating States pledge “to strengthen their efforts to combat corruption ..., to promote a positive framework for good government practices and public integrity ... and assist each other in the fight against corruption ...”. It emphasizes the duty of public officials to refrain from using “... their official authority for the improper advancement of their own and their family’s personal or financial interests” and calls for requirements to disclose personal assets and liabilities. A particularly pernicious type of corruption is bribery in international business transactions.

The **Organization of American States (OAS)** adopted the **Inter-American Convention against Corruption (OAS)** in 1996 which entered into force on 3 June 1997 and the **Organization for Economic Co-operation and Development (OECD)** adopted the **Convention on Combating Bribery of Foreign Public Officials in International Business Transactions** on 15 February 1999.

Council of Europe

The **Council of Europe** was established on 5 May 1949, upon signature of its Statute by government representatives of 10 countries. Its membership had grown over the years and, by the middle of January 2001, reaches 43 (Albania, Andorra, Armenia, Austria, Azerbaijan, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Moldova, Netherlands, Norway, Poland, Portugal, Romania, Russian Federation, San Marino, Slovakia, Slovenia, Spain, Sweden, Switzerland, the “former Yugoslav Republic of Macedonia”,

Turkey, Ukraine and the United Kingdom). The central aims of the Council include: the protection of human rights; the promotion of a pluralist democracy; seeking solution to problems concerning minorities, intolerance and xenophobia; improving living conditions; working for greater European unity; and strengthening an independent and pluralistic press. The Council is composed of two main bodies: the Committee of Ministers and the Parliamentary Assembly. The Committee of Ministers, which is the decision-making body, comprises the ministers for foreign affairs of the Member States. It meets twice a year but may also hold special sessions. Its Chair changes every six months, following the alphabetical order of Member States. The Parliamentary Assembly is the deliberative body. It comprises 582 representatives appointed by national parliaments of Member States, as well as special guests from certain European non-Member States, and holds four plenary sessions a year, at which it makes recommendations to the Committee of Ministers on any matter concerning the work of the Council. Another body is the Congress of Local and Regional Authorities of Europe, also composed of 582 members, which represents the entities of local and regional self-government within the Member States. Although the Council deals with practically all aspects of European affairs (with the exception of defence), human rights activities constitute one of its most important fields for intervention, this being reflected in a number of ways. First, to achieve membership in the Council a country must abide by Article 4 of the Statute which declares that each Member State must recognize the principle of the rule of law and guarantee its citizens the enjoyment of human rights and fundamental freedoms. Second, a country cannot become a member of the Council until it formally accepts to abide by the provisions of the **European Convention for the Protection of Human Rights and Fundamental Freedoms** (1950) which set up the **European Court of Human Rights** in 1959. Among binding instruments adopted by the Council in the field of promotion and protection of human

rights are: the **European Social Charter** (1961); the **Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment** (1987) and the **Framework Convention for the Protection of National Minorities** (1995).

Court of Justice of the European Communities – **CJCE (EU)**

The Court of Justice of the European Communities is a common institution to the three European communities (**European Community**, **European Atomic Energy Community** and **European Coal and Steel Community**), with relative autonomy regarding its organization and proceedings. It ensures that community law is uniformly interpreted and effectively applied throughout the community and has wide jurisdiction to give preliminary rulings and to hear various types of action involving Member States, **European Union** institutions, businesses and individuals.

If the Court is often called upon to settle questions of major economic significance, such as single market issues and to secure the respect of the four European fundamental freedoms (free movement of goods, capital, persons and services), it also gives an important place to the fundamental principles for the protection of individuals in its case-law. For instance, the fundamental rights of individuals have been declared general principles of law to be applied by the Court within the framework of community law and the principle of equality has been interpreted, in particular in the context of equal access to employment and pay for women and men. The CJEC has already begun referring to the new European Charter of Fundamental Rights, which extends its competence to the field of civil liberties. It could transform this mainly commercial court to a rival court – together with the Charter – set against the non-EU **European Court of Human Rights** and the **European Convention for the**

Protection of Human Rights and Fundamental Freedoms, in the area of European rights law.

The governments of the Member States appoint by common accord 15 Judges and nine Advocates General for a six-year term, partially renewable every 3 years. The President of the Court is selected by and among the Judges for a term of three years. A Court of First Instance has been attached to the CJEC since 1989.

Cultural heritage

In 1972, the General Conference of UNESCO adopted the **Convention concerning the Protection of the World Cultural and Natural Heritage**. This instrument defines international protection of the world cultural and natural heritage as “the establishment of a system of international co-operation and assistance designed to support States Parties to the Convention in their efforts to conserve and identify that heritage.” (Article 7). The two basic principles of the instrument are: each State Party recognizes its obligation to ensure the conservation of elements of the world cultural heritage situated within its territory; and the international community as a whole recognizes its obligation to co-operate to conserve the heritage which is of a universal character. Furthermore, the Convention provides for the establishment of the **World Heritage Committee** as an intergovernmental committee to supervise the protection of items recognized by the Convention as being of outstanding universal value from the point of view of history, art, science or aesthetics. According to the Convention, the term “cultural heritage” is applied to a monument, group of buildings or site of historical, aesthetic, archaeological, scientific, ethnological or anthropological value. The Convention is based on the belief that the preservation of the cultural heritage is the concern of all and that it should be treasured as a unique testimony of an enduring past. The cultural heritage of humanity is the subject of several universal and regional instruments including the following: **Convention for the Protection of the Architectural Heritage of Europe**; **European Convention on Offences relating**

to Cultural Property; European Convention on the Protection of the Archaeological Heritage and Revised Convention; Hague International Convention for the Protection of Cultural Property in the Event of Armed Conflict.

Culture of peace (UNESCO/UN)

The culture of peace concept was formulated by the International Congress on Peace in the Minds of Men, organized by the **United Nations Educational, Scientific and Cultural Organization (UNESCO)** in Yamoussoukro, Côte d'Ivoire, in 1989. In 1993, it was adopted as a specific programme of UNESCO. In 1995, the General Conference of UNESCO at its 28th session dedicated the Organization's Medium-Term Strategy for the years 1996-2001 to the promotion of a culture of peace. Subsequently, in 1996, UNESCO launched the Transdisciplinary Project "Towards a Culture of Peace" involving all Sectors of the Organization in the development of innovative projects and activities that foster this culture.

Recognizing the importance of UNESCO's experience concerning a culture of peace, the **United Nations General Assembly** placed this concept on its agenda for the first time in December 1995 by adopting resolution 50/173. The culture of peace thus became a common objective for the entire **United Nations system**, as attested by the General Assembly's proclamation of the Year 2000 as the **International Year for the Culture of Peace** (resolution 52/15), which designates UNESCO as the focal point for the celebration of the Year. The primary objective of the Year is to establish a global network for a culture of peace by mobilizing public opinion at all levels in a common endeavour towards a global movement. In 1998, the United Nations General Assembly proclaimed the decade 2001-2010 as the **International Decade for a Culture of Peace and Non-Violence for the Children of the World** (resolution 53/25) and, on 13 September 1999, adopted the **Declaration and Programme of Action on a Culture of Peace** (resolution 53/243). It provides

a framework for action to consolidate, at the national, regional and international levels, the initiatives taken and the movement started on the occasion of the International Year.

UNESCO has undertaken a number of activities promoting the concept of the culture of peace. Thus, in May 1999, it organized the Pan-African Women's Conference on a Culture of Peace in Zanzibar, United Republic of Tanzania. This meeting adopted the Zanzibar Declaration: Women of Africa for a Culture of Peace, which contain a strong human rights component.

Cultural rights

Cultural rights are specified in several human rights instruments including: the **Universal Declaration of Human Rights** (1948); the **International Covenant on Economic, Social and Cultural Rights** (1966); the **International Covenant on Civil and Political Rights** (1966); the **Declaration of the Principles of International Cultural Co-operation** (1966); and the **Universal Copyright Convention** (1952), as revised in 1971. Mention should also be made of the **Recommendation on the Status of Scientific Researchers** (1974), the **Convention of the Hague for the Protection of Cultural Property in the Event of Armed Conflict** (1954), and the **Recommendation on Participation by the People at Large in Cultural Life and their Contribution to It** (1976).

During the last decade of the 20th century, cultural rights have received increasing attention from international governmental and non-governmental organizations as well as from human rights specialists. Among the manifold reasons for which they have become a subject of international debates and discussions, there is no doubt an acknowledgement of the fact that the cultural factor can be found among the most important sources of internal conflicts. Violations of cultural rights of various groups, rejection of the right to be different, to have different cultural identities have become very dangerous pathologies which fuel aggressive ethno-nationalism, xenophobia, racism and anti-semi-

tism. Therefore culture and respect of cultural rights have also been recognized as an essential element in the prevention and resolution of conflicts. This resulted in increased attention paid to the elaboration of and respect for the cultural rights of persons belonging to minorities, indigenous people and other vulnerable groups.

By the end of the 20th century there is also a full recognition of the importance of culture for the development not only in its economic dimension but also for “human development” understood by the **World Summit for Social Development** (Copenhagen 1995) as the social and cultural fulfilment of the individual. Without the implementation of cultural rights – the **right to education**, the **right to take part in cultural life**, without the freedom of artistic, scientific and intellectual activities and pursuits, human development is impossible. The observance of cultural rights, in particular the right to cultural identification, is seen now as a constitutive element of the respect of human dignity.

Dakar Framework for Action (UNESCO)

The text of the Dakar Framework for Action was adopted by the **World Education Forum** organized by UNESCO in Dakar, Senegal, from 26 to 28 April 2000. The Framework is a collective commitment to action. Governments have an obligation to ensure that “Education for All” goals and targets are reached and sustained. This is a responsibility that will be met most effectively through broad-based partnerships within countries, supported by co-operation with regional and international agencies and institutions. It reaffirms the vision of the World Declaration on Education for All (Jomtien, 1990) that all children, young people and adults have the human right to benefit from an education that will meet their basic learning needs in the best and fullest sense of the term, an education that includes learning to know, to do, to live together and to be, an education geared to tapping each individual’s talents and potential, and developing learners’ personalities, so that they can improve their lives and transform their societies. The Dakar document welcomes the commitments made by the international community to basic education throughout the 1990s, notably at the **World Summit for Children** (1990), the Conference on Environment and Development (1992), the **World Conference on Human Rights** (1993), the World Conference on Special Needs Education: Access and Quality (1994), the International Conference on Population and Development (1994), the **World Summit for Social Development** (1995), the Fourth **World Conference on Women** (1995), the Mid-Term Meeting of the International Consultative Forum on Education for All (1996), the Fifth International Conference on Adult Education (1997), and the International Conference on Child Labour (1997).

Decades for Action to Combat Racism and Racial Discrimination – 1973-1983; 1983-1993 and 1993-2003 (UN)

On 2 November 1972, the **United Nations General Assembly** designated “the ten-year period beginning on 10 December 1973 as the Decade for Action to Combat Racism and Racial Discrimination”, and invited Governments, **United Nations** organs, the specialized agencies and other intergovernmental and non-governmental organizations to participate in the observance of the Decade. The ultimate goals of the Decade were: “to promote human rights and fundamental freedoms for all, without distinction of any kind on grounds of race, colour, descent or national or ethnic origin, especially by eradicating racial prejudice, racism and racial discrimination; to arrest any expansion of racist policies, to eliminate the persistence of racist policies and to counteract the emergence of alliances based on mutual espousal of racism and racial discrimination; to resist any policy and practices which lead to the strengthening of the racist regimes and contribute to the sustainment of racism and racial discrimination; to identify, isolate and dispel the fallacious and mythical beliefs, policies and practices that contribute to racism and racial discrimination; and to put an end to racist regimes” (paragraph 8 of the annex to its resolution 3057 (XXVIII) of 2 November 1973). To this end, the United Nations vigorously pursued a world-wide campaign of information designed to dispel racial prejudice and enlighten and involve world public opinion in the struggle against racism and racial discrimination, emphasizing the education of youth in the spirit of human rights and fundamental freedoms and in the dignity and worth of the human person and against theories of racism and racial discrimination.

Two World Conferences to Combat Racism (1978 and 1983), were organized during the first decade (see World Conference against Racism, Racial Discrimination, Xenophobia and Related

Intolerance). On 22 November 1983, the United Nations General Assembly proclaimed the ten-year period beginning on 13 December 1983 the Second Decade to Combat Racism and Racial Discrimination. The Assembly also approved the Programme of Action for the Second Decade and called upon all States to co-operate in its implementation. By the same resolution, Governments, United Nations bodies, specialized agencies and other interested international governmental organizations, as well as non-governmental organizations, in consultative status with the **Economic and Social Council (ECOSOC)** were invited, to intensify their efforts to ensure the rapid elimination of racism and racial discrimination. The basic objectives of the Second Decade were: to promote human rights and fundamental freedoms for all without distinction as to race, colour, descent or national or ethnic origin; to eliminate prejudice and racial discrimination; and to abolish regimes and policies based on racism. Publications, seminars, training courses and workshops were among the activities undertaken during the Second Decade. At the mid-point of the Decade, on 10 December 1988, the United Nations General Assembly launched a **World Public Information Campaign for Human Rights**. In the implementation of the various activities of the World Campaign the fight against racism, racial discrimination and apartheid and the struggle for equality played a key role.

On 20 December 1993, the United Nations General Assembly proclaimed the 10-year period beginning in 1993 as the Third Decade to Combat Racism and Racial Discrimination and adopted a Programme of Action. The goals and objectives of the Third Decade are identical to those adopted by the General Assembly for the First Decade.

The resolution 48/91 declared once again that “all forms of racism and racial discrimination, whether in their institutionalized forms, such as apartheid, or resulting from official doctrines of racial superiority and/or exclusivity, such as ethnic cleansing, are among the most serious violations of human rights in the

contemporary world and must be combated by all available means” (para. 1). Governments were urged to take measures to combat new forms of racism, in particular, in legislative, administrative, educational and information fields (para. 4) and the Secretary-General was requested to continue the study of the effects of racial discrimination on the children of minorities, particularly those of migrant workers, and to submit recommendations for combating those effects (para. 8). The Programme of Action for the Third Decade (A/res/48/91, Annex) foresees activities against racism and racial discrimination at the international (paras. 9-18), regional and national levels (paras. 27-29), involving basic research and studies (para. 24), co-ordination and reporting (paras. 25-26) and system-wide consultations (paras. 27-29). The Plan also outlines measures to ensure a peaceful transition from apartheid to a democratic, non-racial regime in South Africa (paras. 3-5) and measures to remedy the legacy of cultural, economic and social disparities left by apartheid (paras. 6-8). The World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (South Africa, 31 August-7 September 2001) is a major event within the Third Decade. Moreover, the year 2001 was proclaimed by the United Nations General Assembly as the **International Year of Mobilization against Racism, Racial Discrimination, Xenophobia and Related Intolerance**.

Declaration and Programme of Action on a Culture of Peace (UN)

The Declaration and Programme of Action on a **Culture of Peace** were adopted on 13 September 1999 by the **United Nations General Assembly** (resolution 53/243). The text of the Declaration defines a culture of peace as a set of values, attitudes, traditions and modes of behaviour, and ways of life that inspire social interaction based on the principles of freedom, justice, democracy,

tolerance, solidarity, co-operation, dialogue, understanding among peoples and within and among nations, pluralism, and cultural diversity. Education at all levels, in particular human rights education, is seen as one of the principal means to build a culture of peace (Article 4). To this end, governments, all actors of civil society, the media and non-governmental organizations are called upon to fully participate in the process.

The Programme of Action on a Culture of Peace, among other things, serves as the basis for activities within the **International Year for the Culture of Peace (2000)** proclaimed on 20 November 1997 (General Assembly resolution 52/15) and for the **International Decade for a Culture of Peace and Non-Violence for the Children of the World (2001-2010)** proclaimed on 10 November 1998 (General Assembly resolution 53/25). The Programme of Action identifies the major areas of action to promote and strengthen a culture of peace, which include education, sustainable economical and social development, human rights, equality between women and men, democratic participation, advancing understanding, tolerance and solidarity, participatory communications and free flow of information and knowledge. According to the Programme of Action, the **United Nations Educational, Scientific and Cultural Organization (UNESCO)**, should continue to play its important role in and make major contributions to the promotion of a culture of peace (para. 5). Effective implementation of the Programme also requires activities at national, regional and international levels mobilizing all partners to contribute to the objectives of the International Year and of the International Decade. The International Year was to serve as the launching point for the process of promoting a culture of peace which will be further consolidated during the International Decade.

Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (UN)

This Declaration was adopted by the **United Nations General Assembly** on 29 November 1985 (resolution 40/34), on the recommendation of the **Seventh United Nations Congress[es] on the Prevention of Crime and the Treatment of Offenders**. It defines “victim” as “any persons who, individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that are in violation of criminal laws operative within Member States, including those laws proscribing criminal abuse of power” or “through acts of omissions that do not yet constitute violations of national criminal laws but of internationally recognized norms relating to human rights” (para. 1). The Declaration recommends measures to be taken at the national, regional and international levels to improve access to justice and fair treatment (paras. 4-7), restitution (paras. 8-11), compensation (paras. 12-13) and social assistance (paras. 14-17) for victims of crime. It outlines the main steps to be taken to proscribe abuses of power and to provide remedies to victims of such abuses (paras. 18-21). To implement the Declaration, A *Guide for Practitioners Regarding the Implementation of the Declaration* was published in 1989 with the assistance of the Helsinki Institute for Crime Prevention and Control.

Declaration of Fundamental Principles concerning the Contribution of the Mass Media to Strengthening Peace and International Understanding, to the Promotion of Human Rights and to Countering Racism, *Apartheid* and Incitement to War (UNESCO)

The Declaration of Fundamental Principles concerning the contribution of the Mass Media to Strengthening Peace and International Understanding, to the Promotion of Human Rights and to Countering Racism, *Apartheid* and Incitement to War was adopted by the General Conference of UNESCO on 22 November 1978 at its 20th session. It affirms the commitment and importance of the mass media in promoting the values of peace and the advancement of international understanding (Article III). In its Preamble, the Declaration recalls the provisions of international conventions which oblige States Parties to adopt immediate and positive measures assigned to eradicate all incitement to, or acts of, racial discrimination, and to prevent any encouragement of the crime of apartheid and similar segregational policies or their manifestations. The Declaration seeks to underpin the efforts of United Nations bodies and specialized agencies, particularly UNESCO, to create the conditions necessary for a freer, broader and more balanced flow of information (Article I). It aims at: assisting journalists and news reporters in the exercise of their functions (Article II); assisting people who train agents of the mass media to attach special importance to the principles of this Declaration (Article VIII); and establishing the conditions and resources necessary to enable the mass media in developing countries to gain strength and expand thus helping to correct inequalities in the flow of information to and from developing countries (Article VI).

Declaration of Independence of the United States of America – 1776

The Declaration of Independence of the United States of America was drafted by Thomas Jefferson in June 1776 and presented to Congress which, on 2 July, officially declared the new State free and independent. After reviewing the draft, Congress adopted the final text on 4 July 1776. The document contains the political philosophy and principles, which are still in force and serve as a symbol of liberty for the country. The document claims that all men are created equal and are endowed with unalienable rights, including life, liberty and the pursuit of happiness. The philosophy expressed in the Declaration influenced the adoption of the 1791 **American Bill of Rights** and of various national and international human rights instruments.

Declaration of Mexico on the Equality of Women and Their Contribution to Development and Peace (UN)

The Declaration was adopted by the **World Conference of the International Women's Year**, held in Mexico City from 19 June to 2 July 1975. It states that it is the responsibility of all States to guarantee equality between women and men in all spheres of life, as well as the integration of women in the development process, which constitute conditions essential to the promotion and maintenance of peace. The Declaration stresses that “equality between women and men means equality in their dignity and worth as human beings as well as equality in their rights, opportunities and responsibilities”. It calls for concrete action to ensure equality between women and men in family life; full and equal access to education and training; equal pay for work of equal value, equal opportunities for advancement in work; equal participation of women in the political life of their countries and of the international community, etc.

Declaration of Principles on Tolerance (UNESCO)

The Declaration of Principles on Tolerance was adopted by the UNESCO General Conference on 16 November 1995 at its 28th session. It emphasizes the responsibilities of Member States to promote tolerance and to develop and encourage respect for human rights and fundamental freedoms for all, without distinction as to race, gender, language, national origin, religion or disability. The Declaration stresses, in particular, that tolerance “is not concession, condescension or indulgence”; it is “above all, an active attitude prompted by recognition of human rights and fundamental freedoms of others” and “... the responsibility that upholds human rights, pluralism, democracy and the rule of law” (Article 1). Article 2 states that tolerance at the State level requires just and impartial legislation, law enforcement and judicial and administrative process as well as making available to each person, without distinction, economic and social opportunities. The Declaration asks States to ratify existing international human rights conventions, and draft new legislation where necessary to ensure equality of treatment and of opportunity for all groups and individuals in society (Article 2). Education, as stated in Article 4, is the most effective means of preventing intolerance. States are invited to support and implement programmes of social science research and education for tolerance, human rights and non-violence by “devoting special attention to improving teacher training, curricula, the content of textbooks and lessons, and other educational materials including new educational technologies, with a view to educating caring and responsible citizens open to other cultures, able to appreciate the value of freedom, respectful of human dignity and differences, and able to prevent conflicts or resolve them by non-violent means” (Article 4). The day of the adoption of the Declaration is observed annually as the **International Day for Tolerance – 16 November**.

Declaration of Santiago on Promoting Independent and Pluralistic Media and Plan of Action (UN/UNDP/UNESCO)

The Declaration of Santiago and its Plan of Action were endorsed by the participants of the **United Nations/UNESCO/United Nations Development Programme** “Seminar on Media Development and Democracy in Latin America and the Caribbean”, on 6 May 1994. It is based on Article 19 of the **Universal Declaration of Human Rights**, which states that “Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media, and regardless of frontiers”. It affirms that freedom of expression is the cornerstone of democracy and that democracy is a prerequisite for peace and development. The aim of the Declaration of Santiago is to promote the greatest possible number of newspapers, magazines, videos, radio and television stations reflecting the widest possible range of opinion in the community (para. 5). To this end, it encourages all States of the region to provide constitutional guarantees for freedom of expression, freedom of the press for all forms of media, **freedom of association** and freedom for media trade unions (para. 2). It further states that no journalist should be forced to reveal his or her sources of information (para. 7) and that access to and the practice of journalism must be free, and not limited by any means (para. 8). The Declaration also calls for the creation of a **World Press Freedom Prize**, to be awarded annually, to honour individuals, organizations or institutions that have contributed significantly to the advancement of freedom of information, irrespective of the medium (para. 10). This prize was then instituted in 1997. The Plan of Action adopted by the Seminar proposes the following measures: to promote community media in rural, indigenous and marginal urban areas (Part 1); to promote and support the training of journalists, broadcasters and other media

professionals (Part 2); to encourage the reading of both community and national newspapers in school as learning tools (Part 2); to promote free press and the safety of journalists (Part 3); and to request UNESCO and the International Telecommunication Union (ITU), together with professional organizations, to advise small media, especially in rural and marginal urban areas, on available technology optimal for their needs (Part 4). The Plan of Action also aims at encouraging media organizations, universities, research institutions and governmental and intergovernmental agencies to conduct research on the impact of communication technology development on indigenous communities, with a view to maintaining their cultural identity (Part 5, para. A). It recommends that UNESCO, in co-operation with professional organizations, conduct a comparative study of legislation affecting media (Part 5, para. B).

Declaration of the Principles of International Cultural Co-operation (UNESCO)

This Declaration was proclaimed by the General Conference of UNESCO on 4 November 1966 in order to strengthen international cultural co-operation. The opening articles of the Declaration assert that each culture has a dignity and value which must be respected and preserved, that every people has the right and the duty to develop its culture (Article I) and that nations shall endeavour to develop the various branches of culture side by side so as to establish a harmonious balance between technical progress and the intellectual and moral advancement of mankind (Article III). The aims of international cultural co-operation shall be: (i) to spread knowledge, to stimulate talent and to enrich cultures; (ii) to develop peaceful relations and friendship among the peoples and bring about a better understanding of each other's way of life; (iii) to contribute to the application of the principles set out in the various United Nations Declarations that are recalled in the Preamble of this

Declaration; (iv) to enable everyone to have access to knowledge, to enjoy the arts and literature of all peoples, to share in advances made in science in all parts of the world and in the resulting benefits, and to contribute to the enrichment of cultural life; and (v) to raise the level of the spiritual and material life of man in all parts of the world (Article IV). The Declaration states that a broad dissemination of ideas and knowledge, based on the free exchange and discussion, is essential to creative activity, the pursuit of truth and the development of the personality (Article VII). It also declares that cultural co-operation shall be particularly concerned with the moral and intellectual education of young people in a spirit of friendship, international understanding and peace (Article X).

Declaration of the Rights of Man and of the Citizen – 1789

The Declaration of the Rights of Man and of the Citizen*, one of the first instruments in the field of human rights, was approved by the National Assembly of France on 26 August 1789 during the French Revolution. Containing 17 Articles, the Declaration represents one of the basic charters of human liberties and is characteristic of 18th century French thought, which strove to specify principles that are fundamental to man and therefore universally applicable. The main principle of the Declaration was that: “Men are born and remain free and equal in rights ...” (Article 1), which were specified as the rights to “... liberty, property, safety and resistance to oppression” (Article 2). Article 4 stipulates: “Liberty consists in the freedom to do everything which injures no one else. Hence the exercise of the natural rights of each man has no limits except those which assure to the other members of the society the enjoyment of the

* The translation from the French of the articles of the Declaration was made by the Avalon Project at the Yale Law School. See http://www.yale.edu/lawweb/avalon/rights_of.htm

same rights. These limits can only be determined by law". Article 6 states that: "Law is the expression of the general will. Every citizen has a right to participate personally, or through his representative, in its foundation. ... All citizens, being equal in the eyes of the law, are equally eligible to all dignities and to all public positions and occupations ...". It is stipulated in Article 7 that: "No person shall be accused, arrested, or imprisoned except in the cases and according to the forms prescribed by law". Article 9 proclaims the presumption of innocence. Article 10 provides for **freedom of opinion** and religion and Article 11 proclaims **freedom of expression**. Article 16 provides that: "A society in which the observance of the law is not assured, nor the separation of powers defined, has no constitution at all". The final Article 17 proclaims the **right to property** as "an inviolable and sacred right". The Declaration has served as a basis and an inspiration for the elaboration of numerous human rights instruments in force today.

Declaration of Windhoek on Promoting an Independent and Pluralistic African Press (UN/UNESCO)

This Declaration was adopted on 3 May 1991 by a joint United Nations/UNESCO seminar held in Windhoek, Namibia. Its main purpose is to encourage the development of an independent and pluralistic press, which is defined as "a press independent from governmental, political or economic control ..." (para. 2). A pluralistic press means "the end of monopolies of any kind and the existence of the greatest possible number of newspapers, magazines and periodicals reflecting the widest possible range of opinion within the community" (para. 3). The Declaration envisages conducting research on obstacles to developing an independent and pluralist press in Africa. It contains, in an Annex, a list of initiatives and projects identified at the seminar with a view to achieving the aims of the Declaration.

Two years later, 3 May, the day of the adoption of the Declaration of Windhoek was proclaimed **World Press Freedom Day** by the **United Nations General Assembly**.

Declaration on Crime and Public Security (UN)

The Declaration on Crime and Public Security was adopted by the **United Nations General Assembly** in its resolution 51/60 of 12 December 1996. It aims at strengthening crime prevention and promoting public security. The Declaration urges Member States to adopt all appropriate measures at the national and international levels to combat serious transnational crime, including organized crime, organized trafficking in persons, illicit drug and arms trafficking, smuggling of other illicit articles, **terrorism**, and money laundering (Article 1). In particular, Member States will develop measures for mutual co-operation and assistance to apprehend and prosecute persons guilty of serious transnational crimes (Articles 2 and 3). Member States will also adopt measures to: extradite or prosecute transnational criminals; combat and prohibit **corruption** and bribery; prevent criminal organizations from operating in their territories. The Declaration urges States that have not yet done so to become parties to the principal international anti-terrorism treaties and to international drug control conventions as soon as possible. States Parties to these instruments are called upon to effectively implement the provisions of these instruments (Articles 5 and 6).

Declaration on Criteria for Free and Fair Elections (IPU)

The Declaration on Criteria for Free and Fair Elections was unanimously adopted by the Inter-Parliamentary Council (the policy-making body of the **Inter-Parliamentary Union**) on 26 March 1994. It is based on the **Universal Declaration of Human Rights** (Article 21) and the **International Covenant on Civil and**

Political Rights (Article 25), which establish that the authority to govern shall be based on the will of the people as expressed in periodic and genuine elections. In Part 1, the Declaration states that “in any State the authority of the government can only derive from the will of the people as expressed in genuine, free and fair elections held at regular intervals on the basis of universal, equal and secret suffrage”. Part 2 of the instrument outlines voting and elections rights, including the right of every adult citizen to vote in elections, on a non-discriminatory basis, the right of every voter to equal and effective access to a polling station in order to exercise his or her right to vote, and the right to vote in secret. The Declaration also outlines the right of everyone to take part in the government of their country and to have an equal opportunity to become a candidate for election, and the right of everyone to join, or together with others to establish, a political party or organization for the purpose of competing in an election (Part 3). Similarly, the Declaration outlines the rights of candidates and political parties (Part 3). In the final section, the Declaration stipulates the rights and responsibilities of States with regard to free and fair elections. Accordingly, States should take the necessary “legislative steps and other measures, in accordance with their constitutional process, to guarantee the rights and institutional framework for periodic and genuine, free and fair elections” (para. 1). In particular, States are asked to: establish an effective, impartial and non-discriminatory procedure for the registration of voters; provide for the formation and free functioning of political parties; initiate or facilitate national programmes of civic education to ensure that the population is familiar with election procedures and issues; and take all necessary and appropriate measures to ensure that the principle of the secret ballot is respected, and that voters are able to cast their ballots freely, without fear or intimidation.

Declaration on Fundamental Principles and Rights at Work and its Follow-up (ILO)

The International Labour Conference adopted the Declaration on Fundamental Principles and Rights at Work and its Follow-up on 18 June 1998 at its 86th session. In its Preamble, it underlines that economic growth is essential but not sufficient to ensure equity, social progress and the eradication of poverty, confirming the need for the **International Labour Organisation (ILO)** to promote strong social policies. The instrument reaffirms the obligation of the Organization's Member States "... even if they have not ratified the fundamental Conventions ... to respect, to promote and to realize, in good faith and in accordance with the Constitution ..." the right of workers and employers to **freedom of association** and the effective rights to collective bargaining, the elimination of all forms of forced or compulsory labour, the effective abolition of child labour, and the elimination of discrimination in respect of employment and occupation (para. 2). The Declaration includes a promotional Follow-up (para. 4) aiming at "... encouraging the efforts made by the Members of the Organization to promote the fundamental principles and rights enshrined in the Constitution of the ILO and the Declaration of Philadelphia in 1944 and reaffirmed in this Declaration" (para. 1 of the Follow-up). On the whole, the Declaration and its annual Follow-up gives the ILO the means to address the social impact of phenomena such as globalization and liberalization of international trade, and marks a turning point in the struggle to achieve social justice.

Declaration on Preparation of Societies for Life in Peace (UN)

This Declaration on Preparation of Societies for Life in Peace was adopted by the **United Nations General Assembly** resolution 33/73 on 15 December 1978. It is aimed at maintaining and strengthening international peace and security and eliminating

the threat of war. Therefore the Declaration invites all States to observe the principles set out in this instrument while recognizing the supreme importance and necessity of establishing, maintaining and strengthening a just and durable peace for present and future generations. Among these principles are the individual's inherent **right to life** in peace (Principle 1); the prohibition by international law of war of aggression (Principle 2); the duty of every State to promote all-round, mutually advantageous and equitable political, economic, social and cultural co-operation with other States (Principle 4); their duty to respect the rights of all peoples to self-determination, independence, equality and sovereignty (Principle 5); and their duty to discourage all manifestations and practices of colonialism, racism, racial discrimination and apartheid (Principle 7). The Declaration also calls upon all States to implement these principles. Finally the instrument recommends that the governmental and non-governmental organizations concerned as well as the **United Nations** and its specialized agencies initiate appropriate actions towards the implementation of this Declaration.

Declaration on Race and Racial Prejudice (UNESCO)

The General Conference of UNESCO adopted the Declaration on Race and Racial Prejudice on 27 November 1978 at its 20th session. The Declaration provides that racism includes “racist ideologies, prejudiced attitudes, discriminatory behaviour, structural arrangements and institutionalized practices resulting in racial inequality as well as the fallacious notion that discriminatory relations between groups are morally and scientifically justifiable” (Article 2). It states that all human beings belong to a single species and are descended from a common stock; that they are born equal in dignity and rights and all form an integral part of humanity (Article 1). It also proclaims that “all individuals and groups have the right to be different, to consider themselves as different and

to be regarded as such” and that this right may not, in any circumstances, serve as a pretext for racial prejudice (Article 1). States are called upon, in the Declaration, to “take all appropriate steps, *inter alia*, by legislation, particularly in the spheres of education, culture and communication, to prevent, prohibit and eradicate racism, racist propaganda, racial segregation and apartheid and to promote mutual respect among groups, and to encourage the dissemination of knowledge and the findings of appropriate research in natural and social sciences on the causes and prevention of racial prejudice and racist attitudes” (Article 6). Similarly, the mass media and those who control or serve them are urged to “contribute to the eradication of racism, racial discrimination and racial prejudice, in particular by refraining from presenting a stereotyped, partial, unilateral or tendentious picture of individuals and of various human groups” (Article 5). Moreover, due to the fact that disequilibria in international economic relations contribute to the exacerbation of racism and racial prejudice, all States are also urged to contribute to the restructuring of the international economy on a more equitable basis (Article 9).

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 (UN)

In recognition of the problems that could arise in the case of inter-country movement of children and the need to safeguard the rights of all concerned, particularly those of the child, the United Nations General Assembly adopted this Declaration on 3 December 1986 (resolution 41/85). The Declaration outlines the principles and sets out guidelines for use by Governments in their implementation of those principles. The Declaration proclaims nine principles relating to general family and child welfare, three

principles regarding fostering placement and twelve related to adoption, bearing in mind that in all foster placement and adoption procedures the best interests of the child should be the paramount consideration and that the child should grow up in an atmosphere of affection and moral and material security. In particular, the principles state that persons responsible for foster placement or adoption procedures should have professional or other appropriate training (Article 6) and that Governments should determine the adequacy of their national child welfare services and consider appropriate actions (Article 7). The Declaration also affirms that such placement should be regulated by law and that a competent authority or agency should be responsible for supervision to ensure the welfare of the child.

Declaration on Social Progress and Development (UN)

The Declaration on Social Progress and Development, adopted by the **United Nations General Assembly** on 11 December 1969 by resolution 2542 (XXIV), is designed to help each State acquire a fair and comprehensive realization of economic, social and cultural rights. Particularly important for the realization of this aim are the following principles proclaimed in the Declaration: elimination of all forms of **discrimination**, inequality, colonialism, racism, nazism, apartheid and exploitation of peoples and individuals; respect for national sovereignty and territorial integrity of States and non-interference in their domestic affairs; adoption of measures for continuous and comprehensive industrial and agricultural growth and assurance of the **right to work** to all; fair, equitable distribution of national wealth and income among all members of society; elimination of inequality, **poverty**, hunger and undernourishment, as well as assurance of adequate housing to all; achievement of high standards of medical care and medical service free whenever possible; eradication of illiteracy with free education at all levels

and general access to culture; elaboration of measures for the protection and improvement of the environment; development of international co-operation with the aim of international exchange of information, knowledge, and development; and the achievement of general and complete disarmament (Articles 10-13). This Declaration is unique in the domain of instruments relating to general development questions as it contains a great number of provisions which deal with human rights in a very technical sense. The achievement of these objectives, the Declaration states, requires the mobilization of the necessary resources by national and international action including the effective participation of all elements of society in the preparation and execution of national plans and programmes of economic and social development (Article 15(a)) and the formulation of policies to avoid "brain drain" and obviate its adverse affects (Article 21(d)).

Declaration on Territorial Asylum (UN)

The **United Nations General Assembly** adopted the Declaration on Territorial Asylum on 14 December 1967 by resolution 2312 (XXII). The Declaration, while not proclaiming a right to be granted asylum (Article 1 states that "it shall rest with the State granting asylum to evaluate the grounds for the grant of asylum"), goes beyond the provisions of the Universal Declaration by stating that the situation of persons entitled to invoke Article 14 of the **Universal Declaration of Human Rights** is, without prejudice to the sovereignty of States, of concern to the international community. The Declaration further provides that a person coming under Article 14 of the Universal Declaration shall not be subjected to contradictions to the basic humanitarian principles of *non-refoulement*, according to which no person shall be rejected at the frontier or expelled or compulsorily returned to any State where he/she may be subjected to persecution (Article 3). In addition, the Declaration lays down a series of fundamental principles in regard to territorial asylum. It states that the granting of asylum "is a peaceful and humanitarian

act and ... as such, it cannot be regarded as unfriendly by any other State” (Preamble). Moreover, where a State finds difficulty in granting or continuing to grant asylum, other States “individually or jointly or through the United Nations shall consider, in a spirit of international solidarity, appropriate measures to lighten the burden” (Article 2).

Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (UN)

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On 25 November 1981, the United Nations General Assembly by its resolution 36/55 adopted and proclaimed the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief. Article 2, reaffirming the right of everyone to **freedom of thought, conscience and religion**, defines “intolerance and **discrimination** based on religion or belief” as “any distinction, exclusion, restriction or preference based on religion or belief and having as its purpose or as its effect nullification or impairment of the recognition, enjoyment or exercise of human rights and fundamental freedoms on an equal basis”. The Declaration gives an important clarification concerning the content of the rights specified in this definition, providing that it shall include the right to: worship or assemble in connection with a religion or belief, and to establish and maintain places for these purposes; write and disseminate relevant publications in these areas; teach a religion or belief in places suitable for these purposes; solicit and receive voluntary financial and other contributions from individuals and institutions; and observe days of rest and celebrate holidays and ceremonies in accordance with the precepts of one’s religion or belief (Article 6). The Declaration also provides the right of parents or guardians to organize life within the family in accordance with their religion or belief, bearing in mind the moral education in which they believe their children should be brought

up (Article 5). The Declaration requests from States effective measures to prevent and eliminate discrimination on the grounds of religion or belief in all fields of civil, economic, political, social and cultural life and all efforts to enact or rescind legislation, where necessary, to prohibit any such discrimination or intolerance (Article 4).

Declaration on the Elimination of All Forms of Racial Discrimination (UN)

The Declaration on the Elimination of All Forms of Racial Discrimination was proclaimed by the **United Nations General Assembly** on 20 November 1963 by resolution 1904 (XVIII). The Declaration provides that no “State, institution, group or individual shall make any **discrimination** whatsoever in matters of human rights and fundamental freedoms in the treatment of persons, groups of persons or institutions on the ground of race, colour or ethnic origin” (Article 2). It also calls upon States “to take effective measures to revise governmental and other public policies and to rescind laws and regulations which have the effect of creating and perpetuating racial discrimination”, to pass laws “prohibiting such discrimination”, and to take “appropriate measures to combat those prejudices which lead to racial discrimination” (Article 4). In particular, it stipulates that effective steps be taken in the fields of teaching, education and information, with a view to eliminating racial discrimination and prejudice and promoting understanding, tolerance and friendship among nations and racial groups (Article 8), and that “immediate and positive measures” be taken “to prosecute and/or outlaw organizations which promote or incite to racial discrimination, or incite to or use violence for purposes of discrimination based on race, colour or ethnic origin” (Article 9). The Declaration also provides that the **United Nations**, its specialized agencies, States and non-governmental organizations shall study the causes of racial discrimination with a view to recommending appropriate

and effective measures to combat it (Article 10). The text of the Declaration served as a basis for the **Convention on the Elimination of All Forms of Racial Discrimination**, adopted in 1965.

Declaration on the Elimination of Discrimination against Women (UN)

The Declaration on the Elimination of Discrimination against Women was adopted by the **United Nations General Assembly** on 7 November 1967 by resolution 2263 (XXII) and represents an important milestone in the work of the United Nations for the advancement of women. It defines **discrimination** against women “fundamentally unjust” and proclaims it “an offence against human dignity” (Article 1) and calls for measures to be taken to ensure universal recognition of the principle of equality between men and women. Particularly, the Declaration recommends “to abolish existing laws, customs, regulations and practices which are discriminatory against women” (Article 2) and “to educate public opinion ... towards the eradication of prejudice and the abolition of customary and all other practices which are based on the idea of the inferiority of women” (Article 3). Furthermore, women shall have the same rights as men concerning voting (Article 4), nationality (Article 5), civil and penal law (Articles 6 and 7), education (Article 9) and concerning their economic and social life (Article 10). According to Article 8, “all forms of traffic in women and exploitation of prostitution of women” shall be combated. The Declaration served as the basis for the elaboration of the **Convention on the Elimination of All Forms of Discrimination against Women**, adopted by the United Nations in 1979.

Declaration on the Elimination of Violence against Women (UN)

Recognizing that violence against women constitutes a violation of the rights and fundamental freedoms of women and impairs or nullifies their enjoyment of those rights and freedoms, and alarmed that opportunities for women to achieve legal, social, political and economic equality in society are limited, *inter alia*, by continuing and endemic violence, the **United Nations General Assembly** proclaimed the Declaration on the Elimination of Violence against Women on 20 December 1993 (resolution 48/104). The Declaration aims to provide a clear and comprehensive definition of violence against women and to ensure its elimination. For the purposes of this Declaration, the term “violence against women” means “any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life” (Article 1). The Declaration urges States to condemn violence against women and to pursue by all appropriate means a policy of eliminating such violence. To this end, States should: exercise due diligence to prevent, investigate and punish acts of violence against women, whether those acts are perpetrated by the State or by private persons; work to ensure that women subjected to violence have specialized assistance, such as rehabilitation, assistance in child care and maintenance, treatment and counseling; take measures to ensure that law enforcement officers and public officials responsible for implementing policies to prevent, investigate and punish violence against women receive training to sensitize them to the needs of women; adopt all appropriate measures, especially in the field of education, to eliminate prejudices, customary practices and all other practices based on the idea of the inferiority or superiority of either of the sexes; and facilitate and enhance the work of the women’s movement and non-governmental organizations (Article 4).

The **International Day for the Elimination of Violence against Women** is observed on 25 November each year.

Declaration on the Granting of Independence to Colonial Countries and Peoples (UN)

Proclaiming the necessity of bringing to a speedy and unconditional end colonialism in all its forms and manifestations, the **United Nations General Assembly** adopted the Declaration on the Granting of Independence to Colonial Countries and Peoples on 14 December 1960 by resolution 1514 (XV). It states, in its paragraph 7, that: “All States shall observe faithfully and strictly the provisions of the **Charter of the United Nations**, the **Universal Declaration of Human Rights** and the present Declaration ...” (paragraph 7). It declares its paragraph 1 that: “The subjection of peoples to alien subjugation, domination and exploitation constitutes a denial of fundamental human rights... and is an impediment to the promotion of world peace and co-operation”. It particularly stipulates the right of all peoples to self-determination (paragraph 2), their right to complete independence (paragraph 4) and the integrity of their national territory (paragraphs 4 to 6).

Declaration on the Human Rights of Individuals Who Are Not Nationals of the Country in which They Live (UN)

The Declaration on the Human Rights of Individuals Who Are Not Nationals of the Country in which They Live was adopted by the **United Nations General Assembly** on 13 December 1985 (resolution 40/144). Its aim is to promote the protection of human rights and fundamental freedoms provided for in international instruments for individuals who are not nationals of the country in which they live (Preamble). For the purposes of this Declaration, the term “alien” applies to “any individual who is not a national of the State in which he or she is

present” (Article 1). Under Article 5, aliens shall enjoy the **right to life** and security of person; the right to protection against arbitrary or unlawful interference with privacy, family, home or correspondence; the right to be equal before all organs and authorities administering justice; the right to **freedom of thought, opinion, conscience and religion**; the right to manifest their religion or beliefs; the right to retain their own language, culture and tradition; and the right to transfer abroad earnings, savings or other personal monetary assets. Although the Declaration does not restrict the right of any State to promulgate laws and regulations concerning the entry of aliens and the terms and conditions of their stay or to establish differences between national and aliens, it does state that an alien may be expelled only in pursuance of a decision reached in accordance with law and that individual or collective expulsion of aliens on grounds of race, colour, religion, culture, descent or national or ethnic origin is prohibited (Article 7). Article 8 stipulates the right to safe and healthy working conditions, to fair wages and equal remuneration for work of equal value without distinction of any kind; the right to join trade unions; and the **right to health** protection, medical care, **social security**, social services, **education**, rest and leisure.

Declaration on the Participation of Women in Promoting International Peace and Co-operation (UN)

This Declaration was adopted by the **United Nations General Assembly** on 3 December 1982 by resolution 37/63. Recalling that women have a vital role to play in the promotion of peace in all spheres of life – in the family, the community, the nation and the world – the Declaration proclaims: “Women and men have an equal and vital interest in contributing to international peace and co-operation. To this end women must be enabled to exercise their right to participate in the economic, social, cultural, civil and political affairs of society on an equal

footing with men” (Article 1). The Declaration affirms that: “The increasing participation of women in the economic, social, cultural, civil and political affairs of society will contribute to international peace and co-operation” (Article 3). It appeals for special national and international measures “... to increase the level of women’s participation in the sphere of international relations, so that women can contribute, on an equal basis with men, to national and international efforts to secure world peace and economic and social progress and to promote international co-operation” (Article 5).

In its Articles 6 to 13, the Declaration appeals for the adoption of all appropriate measures to ensure women’s participation in all spheres of life, to pay tribute to their participation in the promotion of international peace and co-operation, to promote their equitable representation in governmental and non-governmental functions, to promote equality of opportunities for women to enter diplomatic service, etc. Article 14 urges governments, intergovernmental organizations, including the **United Nations system**, non-governmental organizations and individuals to do all in their power to promote the implementation of the principles contained in the Declaration.

Declaration on the Promotion among Youth of the Ideals of Peace, Mutual Respect and Understanding between Peoples (UN)

The Declaration on the Promotion among **Youth** of the Ideals of Peace, Mutual Respect and Understanding between Peoples was proclaimed by the **United Nations General Assembly** on 7 December 1965 by resolution 2034 (XX). The Declaration is based on the conviction that “the education of the young and exchanges of young people and of ideas in a spirit of peace, mutual respect and understanding between peoples can help to improve international relations and to strengthen peace and security” (Preamble). To ensure that young people become

conscious of their responsibilities in the world they will be called upon to manage, the Declaration encourages States to ensure that its young people are brought up in “the knowledge of the dignity and equality of all men, without distinction as to race, colour, ethnic origins or beliefs, and in respect for fundamental human rights and for the right of peoples to self-determination” (Principle III). In Principles IV and V, the Declaration outlines measures that should be taken to achieve this goal. It calls for the encouragement and facilitation among young people of exchanges, travel, tourism, meetings and national and international associations, of foreign language study and the twinning of towns and universities.

Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UN)

The Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment was adopted by the United Nations General Assembly on 9 December 1975 by resolution 3452 (xxx). An act of torture is defined in Article 1 as “any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted by or at the instigation of a public official on a person for such purposes as obtaining from him or a third person information or confession, punishing him for an act he has committed or is suspected of having committed, or intimidating him or other persons”. It recommends that States take effective measures to prevent torture and other cruel, inhuman or degrading treatment or punishment (Articles 4, 6, 7). The instrument further recommends the training of law enforcement personnel and of other public officials (Article 5). Article 8 provides that “any person who alleges that he has been subjected to torture or other cruel, inhuman or degrading treatment or punishment ... shall

have the right to complain to, and to have his case impartially examined by, the competent authorities of the State concerned". The Declaration paved the way for the elaboration and adoption of the **Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment** (1984).

Declaration on the Protection of All Persons from Enforced Disappearance (UN)

On 18 December 1992, the **United Nations General Assembly** proclaimed by resolution 47/133 the Declaration on the Protection of All Persons from Enforced Disappearance. As stated in the Preamble, enforced disappearance undermines the deepest values of any society committed to respect for the rule of law, human rights and fundamental freedoms. The Declaration proclaims that not only shall States not practise, permit or tolerate enforced disappearances (Article 2), but that they shall take effective legislative, administrative, judicial or other measures to prevent and terminate acts of enforced disappearance in any territory under their jurisdiction (Article 3) and shall make all such acts offenses punishable by penalties which take into account their extreme seriousness (Articles 4 and 5). To address the concern relating to the involuntary disappearance of persons subject to detention or imprisonment, the Declaration states that any person deprived of liberty shall be held in an officially recognized place of detention (Article 10) and that accurate information on the detention of such persons and their place or places of detention shall be made promptly available to their family members and their counsel (Article 10). The Declaration stresses that no circumstances whatsoever, whether a threat of war, a state of war, internal political instability or any other public emergency, or instruction from any public authority, civilian, military or other, may be evoked to justify enforced disappearances (Articles 6 and 7).

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Declaration on the Protection of Women and Children in Emergency and Armed Conflict (UN)

In proclaiming on 14 December 1974 by its resolution 3318 (XXIX) the Declaration on the Protection of Women and Children in Emergency and Armed Conflict, the **United Nations General Assembly** expressed its concern for the plight of women and children in emergency situations. The Declaration states: that “attacks and bombings on the civilian population, inflicting incalculable suffering, especially on women and children ... shall be prohibited, and such acts shall be condemned” (para. 1); that “all efforts shall be made by States involved in armed conflicts ... to spare women and children from ravages of war ...” (para. 4); and that “all forms of repression and cruel and inhuman treatment of women and children, including imprisonment, torture, shooting, mass arrests, collective punishment, destruction of dwellings and forcible eviction, committed by belligerents in the course of military operations or in occupied territories shall be considered criminal” (para. 5). It furthermore stipulates that “women and children belonging to the civilian population and finding themselves in circumstances of emergency and armed conflict ... or who live in occupied territories, shall not be deprived of shelter, food, medical aid or other inalienable rights” (para. 6).

Declaration on the Responsibilities of the Present Generations Towards Future Generations (UNESCO)

The General Conference of UNESCO adopted the Declaration on the Responsibilities of the Present Generations Towards Future Generations on 12 November 1997 at its 29th session. The Conference stressed that full respect for human rights and ideals of democracy constitute an essential basis for the protection of the needs and interests of future generations. Thus, the Declaration is based on the conviction that there is a moral

obligation to formulate behavioural guidelines for the present generations within a broad, future-oriented perspective. Therefore, Article 1 proclaims the responsibility of present generations to ensure "... that the needs and interests of present and future generations are fully safeguarded". The freedom of choice concerning political, economic and social systems is confirmed in Article 2. The present generation should strive to ensure maintenance and perpetuation of humankind with due respect for the dignity of the human person (Article 3). Its members have the responsibility to bequeath to future generations an Earth which will not one day be irreversibly damaged by human activity. They have to ensure preservation of life on Earth (Article 4) and protect the environment (Article 5). Furthermore, the Declaration is aimed at protecting the human genome and biodiversity (Article 6) and cultural diversity and cultural heritage (Article 7). Article 8 stipulates that present generations may use the common heritage of humankind provided this does not compromise it irreversibly. Finally, the instrument stipulates that generations should learn to live in peace (Article 9). Article 10 states, *inter alia*, that education is an important instrument for the development of human persons and societies. Article 11 stresses the need that present generations should refrain from taking any action, which would lead to or perpetuate any form of **discrimination** for future generations.

Declaration on Human Rights Defenders (UN)

A common name for the **Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms** adopted in 1998.

Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (UN)

After thirteen years, the **Commission on Human Rights** completed its work on this instrument, commonly known as the **Declaration on Human Rights Defenders** and transmitted it to the **United Nations General Assembly**. On 10 December 1998, the General Assembly by resolution 53/144 adopted the Declaration, which reaffirms the importance of the **Universal Declaration of Human Rights** and the **International Covenants on Human Rights** and of the observance of the purposes and principles of the **United Nations Charter** for the promotion and protection of all human rights and fundamental freedoms for all persons in all countries of the world. The Declaration stresses that "... all members of the international community shall fulfil, jointly and separately, their solemn obligation to promote and encourage respect for human rights and fundamental freedoms for all without distinction of any kind ..." (Preamble). Its Article 1 states that: "Everyone has the right, individually, and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels". Article 6 ensures the right to meet or assemble peacefully; to form, join and participate in non-governmental organizations, associations or groups; and to communicate with non-governmental or governmental organizations. The right to develop and discuss new human right ideas and principles and to advocate their acceptance is laid down in Article 7, as is the right stated in Article 8, para. 2: "... individually and in association with others, to submit to governmental bodies and agencies or organizations concerned with public affairs criticism and proposals for improving their functioning ...". Furthermore the Declaration contains an

enumeration of different legal guarantees if there is a human rights violation, in particular the right for an effective remedy and protection, public hearings, independent judicial authorities and compensation. The right to complain by petition, to attend important public discussions and decisions, to communicate with international bodies and the possibility for the lawful exercise of occupation or profession should also be guaranteed. The right for peaceful activities against violations of human rights and fundamental freedoms is granted. The possibility to solicit, receive and utilize resources is also envisaged as an important element for the activities related to the protection of human rights. With regard to all these guarantees, human rights defenders have the duty to protect and promote human rights peacefully, in accordance with domestic law consistent with the **Charter of the United Nations**. In this connection, Article 2 states: “Each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms, *inter alia*, by adopting such steps as may be necessary to create all conditions necessary in the social, economic, political and other fields”. The State “shall take all necessary measures to ensure, individually and in association with others, the protection by the competent authorities of everyone ... against any violence, threats, retaliation, *de facto* or *de jure* adverse discrimination, pressure or any other arbitrary action ...” (Article 12, para. 2) and “... ensure and support, where appropriate, the creation and development of further independent national institutions for the promotion and protection of human rights and fundamental freedoms ...” (Article 14, para. 3).

Declaration on the Right of Peoples to Peace (UN)

Approved by the **United Nations General Assembly** resolution 39/11 of 12 November 1984, this Declaration reaffirms that the principal aim of the **United Nations** is the maintenance of

international peace and security. It also expresses the conviction that "... life without war serves as the primary international prerequisite for the material well-being, development and progress of countries and for the full implementation of the rights and fundamental human freedoms proclaimed by the United Nations" (Preamble). The Declaration solemnly proclaims that the peoples of our planet have a sacred right to peace and that the preservation of this right and its implementation constitute a fundamental obligation of each State (para. 1 and 2). The Declaration emphasizes that "ensuring the exercise of the right of peoples to peace demands that the policies of States be directed towards the elimination of the threat of war, particularly nuclear war, the renunciation of the use of force in international relations and the settlement of international disputes by peaceful means on the basis of the **Charter of the United Nations**" (para. 3).

All States and international organizations are called upon to do their utmost to assist in implementing the right of peoples to peace through the adoption of appropriate measures at both the national and the international level (para. 4).

Declaration on the Rights of Disabled Persons (UN)

On 9 December 1975, the **United Nations General Assembly** proclaimed the Declaration on the Rights of Disabled Persons by resolution 3447 (xxx) and called for national and international action to ensure that it would be used as a common basis and frame of reference for the protection of the rights set forth therein. The Declaration defines the term "disabled person" as meaning "any person unable to ensure by himself or herself, wholly or partly, the necessities of a normal individual and/or social life, as a result of a deficiency, either congenital or not, in his or her physical or mental capabilities" (para. 1). It provides that organizations of disabled persons be consulted in all matters regarding the rights of such persons (para. 12) and calls for

disabled persons, their families and communities to be fully informed of the rights contained in the Declaration (para. 13). The Declaration sets out the following principles: disabled persons have the same fundamental rights, including civil and **political rights**, as their fellow-citizens of the same age (para. 3 and 4); disabled persons are entitled to the measures designed to enable them to become as self-reliant as possible (para. 5); disabled persons have the right to medical, educational and other services which will enable them to develop their capabilities and skills to the maximum (para. 6); disabled persons have the right to secure and retain employment or to engage in a useful, productive and remunerative occupation and to join trade unions (para. 7); and disabled persons shall be protected against all exploitation, all regulations and all treatment of a discriminatory, abusive or degrading nature (para. 10).

Declaration on the Rights of Mentally Retarded Persons (UN)

On 20 December 1971, by resolution 2856 (XXVI), the **United Nations General Assembly** proclaimed the Declaration on the Rights of Mentally Retarded Persons and called for national and international action to ensure that the Declaration would be used as a common basis and frame of reference for the protection of rights set forth therein. The Declaration is based on the tenet that the mentally retarded person shall have, to the maximum degree of feasibility, the same rights as other human beings (para. 1). To achieve this tenet the Declaration sets forth the following principles: the mentally retarded person has a right to proper medical care and education as will enable him/her to develop his/her ability and maximum potential (para. 2); the mentally retarded person has a right to economic security, to perform productive work, and to a decent standard of living (para. 3); the family with which a mentally retarded person lives should receive assistance (para. 4); and the mentally retarded person has

the right to protection from exploitation, abuse and degrading treatment (para. 6). The Declaration further stipulates that whenever mentally retarded persons are unable, because of the severity of their handicap, to exercise all their rights in a meaningful way or it should become necessary to restrict or deny some or all of these rights, the procedure used for that restriction or denial of rights must contain proper legal safeguards against every form of abuse (para. 7). This procedure, according to the Declaration, must be based on an evaluation of the social capability of the mentally retarded person by qualified experts and must be subject to periodic review and to the right of appeal to higher authorities (para. 7).

Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (UN)

The Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, adopted by the **United Nations General Assembly** on 18 December 1992 (resolution 47/135), recognizes the need to ensure more effective implementation of international human rights instruments with regard to the rights of persons belonging to minorities. The Declaration is based on the conviction that the promotion and protection of the rights of persons belonging to such minorities contribute to the political and social stability of States in which they live (Preamble). The Declaration proclaims that States shall protect the existence and the national or ethnic, cultural, religious and linguistic identity of minorities within their respective territories, encourage conditions for the promotion of that identity, and adopt appropriate legislative and other measures to achieve those ends (Article 1). In accordance with the Declaration, persons belonging to national or ethnic, religious and linguistic minorities have the right to enjoy their own culture, to profess and practice their own religion and to use their own language; the

right to participate effectively in cultural, religious, social, economic and public life as well as in the decision-making process concerning the minority to which they belong; and the right to establish and maintain their own associations (Article 2). To eliminate any misinterpretation, the Declaration provides that: “Nothing in the present Declaration may be construed as permitting any activity contrary to the purposes and principles of the United Nations, including sovereign equality, territorial integrity and political independence of States” (Article 8, para. 4). The Declaration foresees measures to be taken by States to ensure that persons belonging to minorities may exercise fully and effectively all their human rights and fundamental freedoms. States should, where appropriate, take measures to encourage knowledge of the history, traditions, language and culture of minorities existing within their territory and enable persons belonging to minorities to participate fully in economic progress and development in their country (Article 4). The Declaration does not, however, provide a definition of the term “national or ethnic, religious and linguistic minorities”.

Declaration on the Rights of the Child (UN)

The United Nations General Assembly decided that the special needs of children necessitated the adoption of an international instrument on this issue. On 20 November 1959, the Assembly by resolution 1386 (XIV) proclaimed the Declaration of the Rights of the Child which contains ten principles aiming at special safeguards and care, including appropriate legal protection, for the benefit of the child. Pursuant to Principle 1, every child shall be entitled to the rights set out in this Declaration without any discrimination. Concerning these rights, the instrument provides that the child shall enjoy special protection (Principle 2) and the benefits of social security (Principle 4), and is entitled to receive education (Principle 7). Every child has the right to a name and nationality at birth. Regarding children who are physically,

mentally or socially handicapped, special treatment and care required by their particular condition shall be given (Principle 5). Furthermore, the Declaration outlines that a “child, for the full and harmonious development of his personality, needs love and understanding” (Principle 6) and that the child “shall in all circumstances be among the first to receive protection and relief” (Principle 8). This protection is further specified in Principles 9 and 10. The Declaration paved the way for the elaboration and adoption of the **Convention on the Rights of the Child** (1989).

Declaration on the Right to Development (UN)

The **United Nations General Assembly** adopted the Declaration on the Right to Development on 4 December 1986 (resolution 41/128). The Declaration proclaims that the “right to development is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural, and political development, in which all human rights and fundamental freedoms can be fully realized” (Article 1). It further proclaims that human beings are the central subject of development and thus should be the active participants and beneficiaries of the right to development, that an appropriate political, social and economic order for development should be promoted and protected, and that States have the right and the duty to formulate appropriate national development policies and ensure the fair distribution of the benefits resulting therefrom (Article 2). The Declaration reaffirms the indivisibility and interdependence of all human rights (Article 6).

The **Vienna Declaration and Programme of Action** (1993) reaffirmed the right to development as “a universal and inalienable right and an integral part of fundamental human rights (para. 10). This right is specifically mentioned in the **Copenhagen Declaration and Programme of Action** adopted by

the **World Summit for Social Development** (1995). In recent years the **Commission on Human Rights** and the United Nations General Assembly has adopted a number of resolutions concerning this right. States are called upon to undertake further concrete actions at the national and international level to remove the obstacles to the realization of the right to development.

Declaration on the Use of Scientific and Technological Progress in the Interest of Peace and for the Benefit of Mankind (UN)

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The Declaration on the Use of Scientific and Technological Progress in the Interest of Peace and for the Benefit of Mankind, proclaimed by the **United Nations General Assembly** on 10 November 1975 by resolution 3384 (xxx), contains a number of provisions aimed at the promotion and protection of human rights and fundamental freedoms. The Declaration provides that “... all States shall take appropriate measures to prevent the use of scientific and technological developments, particularly by State organs, to limit or interfere with the enjoyment of human rights and fundamental freedoms of the individual as enshrined in the **Universal Declaration of Human Rights**, the **International Covenants on Human Rights** and other relevant international instruments” (para. 2). The Declaration calls upon all States to take necessary measures to ensure that the results of scientific and technological progress are used exclusively in the interests of international peace and security (para. 1), for the benefit of all sectors of the population (para. 3) and for promoting and encouraging universal respect for human rights and fundamental freedom without any discrimination whatsoever on the grounds of race, sex, language or religious beliefs (para. 7). The Declaration also envisages that: “All States shall co-operate in the establishment, strengthening and development of the scientific and technological capacity of developing countries with a view to

accelerating the realization of the social and economic rights of the peoples of those countries” (para. 5).

Declarations of the Forty-Fourth and Forty-Fifth Sessions of the International Conference on Education and Integrated Framework of Action on Education for Peace, Human Rights and Democracy (UNESCO)

The Forty-Fourth International Conference on Education, held in Geneva in October 1994 on the theme “Appraisal and Perspectives of Education for International Understanding”, unanimously adopted a Declaration. This Declaration is a reflection of the political commitment of the ministers of education of UNESCO Member States to give the highest priority to activities in favour of the encouragement of understanding, solidarity and tolerance between people, between ethnic, social, cultural and religious groups, and between nations. The widespread distribution of the text of this Declaration is an important means for training citizens and for the social supervision of its implementation. The Conference also took note of an Integrated Framework of Action on Education for Peace, Human Rights and Democracy which was then adopted by the UNESCO General Conference at its 28th session and widely disseminated.

The forty-fifth session of the International Conference on Education, held in Geneva in October 1996 on the theme “Strengthening the Role of Teachers in a Changing World”, also concluded with the adoption of a declaration and recommendations. The Declaration emphasized implementing integrated policies to make schools the key to social cohesion and instrumental in the teaching of democratic values. It also stresses strengthening the role, functions and status of teachers in partnership with educational professionals and society as a whole.

The forty-sixth International Conference on Education (Paris, 2001) is invited to address the results and perspectives of education for all.

Discrimination

The term “discrimination” was defined by the Human Rights Committee during its 37th session in 1989 in its general comment as “any distinction, exclusion, restriction, or preference which is based on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, or other status, and which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise by all persons on an equal footing, of all rights and freedoms”. Discrimination is the very negation of the principle of equality and an affront to human dignity. One of the purposes of the **United Nations Charter** (1945), as stipulated in Chapter I, Article 1, is “... to achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion ...”. Subsequently, the provisions concerning the struggle against all forms of discrimination have been developed and included in human rights instruments: Articles 2 and 7 of the **Universal Declaration of Human Rights** (1948), Article 2 of both the **International Covenant on Civil and Political Rights** (1966) and the **International Covenant on Economic, Social and Cultural Rights** (1966), Article 1 of the **Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment** (1984), Article 2 of the **Convention on the Rights of the Child** (1989) and others. Questions linked with the prevention and elimination of discrimination are permanently dealt with by the **United Nations General Assembly**, the **Economic and Social Council (ECOSOC)**, the **Commission on Human Rights** and the **Sub-Commission on Prevention of Discrimination and**

Protection of Minorities (now **Sub-Commission on the Promotion and Protection of Human Rights**). The achievement of equality not only *de jure* but also *de facto* demands sometimes that an affirmative action be taken by States to diminish or eliminate conditions which cause discrimination of individuals or groups. Reverse discrimination can also exist and is called “positive discrimination”. This term can be understood as “selecting people for merits or employment on the basis of their membership in oppressed groups, even if a member of a more privileged group is better qualified”. Besides it is worth mentioning that the enjoyment of human rights and fundamental freedoms on an equal footing does not mean identical treatment in every instance. Human rights instruments allow in some cases differentiation, as is foreseen for example in Articles 6 and 25 of the International Covenant on Civil and Political Rights.

The principle of non-discrimination is the cornerstone of the human rights protection system after the Second World War. It has become an indispensable element of efforts aimed at the promotion and protection of human rights by means of education. This principle, enshrined in the United Nations Charter, has become the very core of all human rights instruments. A number of human rights instruments are specially designed to prevent discrimination in specific fields or against specific groups of population as for example the **Convention on the Elimination of All Forms of Discrimination Against Women** and the **ILO Convention (N° 111) concerning Discrimination in Respect of Employment and Occupation**. The **World Conference on Human Rights** (Vienna, 14-25 June 1993) confirmed the importance of the principle of non-discrimination for the implementation of human rights. It declared that “respect for human rights and for fundamental freedoms without distinction of any kind is a fundamental rule of international human rights law” (para. 15 of the **Vienna Declaration and Programme of Action**).

Three Decades for Action to Combat Racism and Racial Discrimination have been proclaimed by the United Nations, as

well as the **International Year for Mobilization against Racism, Racial Discrimination, Xenophobia and Related Intolerance (2001)**. The **World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance** (Durban South Africa, 31 August-7 September 2001) is the main event within the Year.

Displaced Persons

Displaced persons may be described as such persons who have been deported against their will from, or have been obliged to leave their country of nationality or former habitual residence. Distinction can be made between internally displaced persons, who have been forced to leave their homes or have been forcibly removed from their homes to another part of their country, and externally displaced persons who are outside their country of nationality and for whom the term “refugees” is normally used. Internally displaced persons are among the most vulnerable groups in need of protection and assistance. In 1992, at the request of the **Commission on Human Rights**, the **United Nations Secretary-General** appointed a Representative to study the causes and consequences of internal displacement, the status of internally displaced persons in international law, the extent of the coverage accorded to them within existing international institutional arrangements, and ways in which their protection and assistance could be improved, including through dialogue with Governments and other pertinent actors. The **Guiding Principles on Internal Displacement** were completed in 1998. They are aimed at addressing the specific needs of internally displaced persons world-wide by identifying rights and guarantees relevant to their protection. The Principles reflect and are consistent with international human rights law standards and the norms of international humanitarian law.

Economic and Social Council – ECOSOC (UN)

The Economic and Social Council (ECOSOC) was established on 13 January 1946 as one of the six principal organs of the **United Nations**. It pursues the aims of the **United Nations** in the field of international economic and social co-operation, namely to promote: “(a) higher standards of living, full employment and conditions of economic and social progress and development; (b) solutions of international economic, social, health, and related problems; and international cultural and educational co-operation; and (c) universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion” (Article 55 of the **Charter of the United Nations**). ECOSOC’s principal functions are determined in Chapter X of the Charter which states that it: “may make or initiate studies and reports with respect to international economic, social, cultural, educational, health and related matters” and may make recommendations with respect to any such matters to the **United Nations General Assembly**, to the Members of the United Nations and to the specialized agencies concerned” (Article 62, para. 1); “may make recommendations for the purpose of promoting respect for and observance of human rights and fundamental freedoms for all” (Article 62, para. 2); “may prepare draft conventions for submission to the United Nations General Assembly with respect to matters falling within its competence” (Article 62, para. 3); and “may call, in accordance with the rules prescribed by the United Nations, international conferences on matters falling within its competence” (Article 62, para. 4).

In addition, ECOSOC is responsible for co-ordinating the activities of the specialized agencies through consultation with and recommendations to those agencies and through recommendations

to the United Nations General Assembly and members of the United Nations, and for considering applications for the granting of consultative status to non-governmental organizations. Under Article 61 of the Charter as originally adopted, ECOSOC was to consist of 18 Members of the United Nations elected by the United Nations General Assembly. However, Article 61 has been twice amended, most recently on 20 December 1971 to increase the number of Members to 54. According to its rules of procedure, the Council holds an organizational session and two regular sessions each year (Rule 1). However, special sessions may be held at its request or at the request of the United Nations General Assembly or the **Security Council** (Rule 4). The rules also provide for the participation of non-members of ECOSOC in its deliberations without the right to vote (Rules 72-78).

Of ECOSOC's subsidiary bodies, those most directly concerned with human rights questions are: the **Commission on Human Rights**, the **Commission on the Status of Women**, the **Sub-Commission on the Promotion and Protection of Human Rights** (formerly the **Sub-Commission on Prevention of Discrimination and Protection of Minorities**) and the **Committee on Economic, Social and Cultural Rights**.

Economic rights

Economic rights include a number of rights such as the **right to work, to free choice of employment and to just and favourable conditions of work; the right to form and join trade unions, including the right to strike; and the right to social security**. The realization of economic rights is provided for in Chapter IX of the **United Nations Charter**, entitled "International Economic and Social Co-operation". It states that among the primary goals of the **United Nations** are "higher standards of living, full employment, and conditions of economic and social progress and development; solutions of international economic, social, health related problems; and international cultural and educational co-operation ..." (Article 55). An extended list of

economic rights is contained in the **Universal Declaration of Human Rights** (1948). This list specified further in the **International Covenant on Economic, Social and Cultural Rights** (1966) and in various **International Labour Organisation (ILO)** conventions on a variety of aspects of labour relations and working conditions. Protection of economic rights is envisaged in a number of regional instruments, such as: the **European Social Charter** (1961) and the **European Code of Social Security** (1960); the **American Declaration of the Rights and Duties of Man** (1948); the **American Convention on Human Rights** (1969); and the **Arab Labour Standards Convention** (1967).

Ethnic cleansing

Ethnic cleansing can be defined as a process in which one ethnic group expels persons belonging to other ethnic groups from towns and villages in order to create “ethnically pure” territories. Often refugees of an ethnic group previously “cleansed” from their homes by other ethnic group are made to live in a freshly “cleansed” territory of that other ethnic group. The vengeance they feel explains the cruelties to which such a situation can lead.

The most abhorrent cases of ethnic cleansing occurred in former Yugoslavia and Rwanda. In order to punish those guilty of the crime of ethnic cleansing, an **International Criminal Tribunal for the former Yugoslavia** and an **International Criminal Tribunal for Rwanda** have been set up by the **United Nations**. An **International Criminal Court** will also be set up by the United Nations when the **Rome Statute of the International Criminal Court** enters into force.

Ethno-nationalism

Ethno-nationalism can be characterized as aggressive extreme nationalism and/or chauvinism. In order to achieve a dominant position, ethno-nationalists utilize either forced assimilation, imposition of a dominant cultural identity, language

and religion or exclusion of members or other ethnic groups from the national society by the denial and deprivation of citizenship or by ethnic cleansing. Ethno-nationalism provokes internal ethnic conflicts and massive and flagrant violations of human rights like genocide in Rwanda and ethnic cleansing in the former Yugoslavia. Such movements have a strong irrational component which contributes to their strength and, at the same time makes them less susceptible to political compromise or acceptance of the rights of other cultural groups. Thus, ethno-nationalism creates many dangers for human rights, peace and human security. Means aimed at eliminating the sources of ethno-nationalism are the following: full respect of various cultural, national, ethnic, religious and linguistic minorities including acceptance of multiculturalism and cultural autonomy; intercultural formal and non-formal education; internal self-determination; and procedures and criteria guaranteed by the international community, the **United Nations** and regional organizations to evaluate claims to external self-determination, to secession and independence.

European Agreement on the Abolition of Visas for Refugees (Council of Europe)

The European Agreement on the Abolition of Visas for Refugees was adopted on 20 April 1959 and entered into force on 4 September 1960. By the middle of 2001, it had been ratified by 20 States. It aims at facilitating travel for refugees residing in the territories of the Contracting States.

European Agreement on Transfer of Responsibility for Refugees (Council of Europe)

Adopted by the **Council of Europe** on 16 October 1980, the European Agreement on Transfer of Responsibility for Refugees entered into force on 1 December 1980. By the middle of 2001, it had been ratified by 12 States. The Agreement aims to

improve the situation of refugees by specifying the conditions and making uniform the regulations, under which responsibility for issuing a travel document is transferred from one Contracting Party to another. For the purposes of the Agreement, a “refugee” is any person who falls within the definition contained in Article 1 of the 1951 **Convention Relating to the Status of Refugees** of the United Nations and modified by the 1966 **Protocol Relating to the Status of Refugees**. Accordingly, the transfer of responsibility for issuing a travel document takes place when the refugee, carrying travel documents from the first State, has stayed in the second State with the consent of the authorities for a period of two years, or earlier if the second State permits the refugee to remain in its territory. The Agreement defines a “first State” as a Contracting Party “which has issued such a travel document” and a “second State” as another Contracting Party “in which a refugee, holder of a travel document issued by the first State, is present” (Article 1). When a transfer has taken place, the second State takes over responsibility in matters relating to the refugee, for example the issue of new travel documents and the reunification of his/her family. The Agreement also ensures the **rights of refugees**, in cases where a transfer of responsibility has not taken place, to be readmitted to the territory of the first State at any time, even after the expiry of the travel document.

European Agreement (1969) Relating to Persons Participating in Proceedings of the European Commission and Court of Human Rights (Council of Europe)

Adopted by the **Council of Europe** on 6 May 1969, this Agreement entered into force on 17 April 1971. By the middle of 2001, it had been ratified by 26 Member States. The Agreement aims to protect all persons, whether they are agents or advisers of the Contracting Parties, representatives of persons taking part in the proceedings, persons chosen by the delegates of the

Commission to assist them, or witnesses and experts called upon to participate in proceedings of the **European Commission** or the **European Court of Human Rights** (Article 1), with the goal of ensuring the freedom of speech and the independence necessary for the discharge of their functions, tasks or duties, or the exercise of their rights in relation to the Commission and the Court (Article 5). To achieve this, the Contracting Parties undertake to ensure all such persons certain immunities and facilities, including: immunity from legal process in respect of any oral or written statement made or documents or other evidence submitted by them (Article 2); the right to correspond freely with the Commission and with the Court, in particular relating to persons under detention (Article 5); and the right to free movement and travel for the purpose of attending or returning from proceedings (Article 4).

European Agreement (1996) Relating to Persons Participating in Proceedings of the European Court of Human Rights (Council of Europe)

This Agreement was adopted by the **Council of Europe** on 5 March 1996. It entered into force on 1 January 1999 and, by the middle of 2001, it had been ratified by 22 Member States. This Agreement, based on the 1969 **European Agreement Relating to Persons Participating in Proceedings of the European Commission and Court of Human Rights**, was designed to adapt the 1969 Agreement to the reforms that had subsequently taken place in the European system for protecting and promoting human rights, namely the transformation of the **European Commission** and the **European Court of Human Rights** into a single body. The 1996 Agreement leaves the aim and content of the 1969 Agreement unchanged and simply deletes the word “Commission”, as well as all provisions concerning matters involving the Commission.

European Charter for Regional or Minority Languages (Council of Europe)

The European Charter for Regional or Minority Languages was adopted by the **Council of Europe** and opened for signature on 5 November 1992. It entered into force on 1 March 1998. By the middle of 2001, the Charter had been ratified by 13 Member States. As stated in its Preamble, the Charter embraces the ideals of a Europe founded on cultural diversity. Its aim is thus to halt the decline of regional and minority languages and to promote their use, both in their written and spoken forms, in public life and in social, economic and cultural contexts, as well as to encourage people to teach and learn them. “Regional or minority languages”, as defined in the Charter, are languages that are “traditionally used within a given territory of a State by nationals of that State who form a group numerically smaller than the rest of the State’s population, and different from the official language(s) of that State” (Article 1). The Charter outlines several objectives and principles on which the Parties should base their policies, legislation and practice in relation to all regional or minority languages used on the State’s territory (Article 7). More specifically, the Charter contains concrete provisions requiring the Contracting Parties to promote the use of such languages in the field of education, in the media, in cultural activities, in matters involving the judicial and administrative authorities, in economic and social life and transboundary exchanges. The Parties are, however, given the right to exercise a certain choice among these provisions in accordance with the situation of each language. The instrument envisages the establishment of a monitoring body, consisting of one independent expert from each State Party appointed for a period of six years. The Charter obliges States Parties to submit periodic reports for review, initially one year after the entry into force of the Charter for a given Party, and thereafter at three-year intervals. The Committee of Experts is responsible for forwarding to the Committee of Ministers

recommendations for improving the application of the Charter in Member States.

European Charter of Fundamental Rights (EU)

The European Charter of Fundamental Rights was signed jointly by the Presidents of the European Council, of the **European Parliament** and of the **European Commission** on 7 December 2000 in Nice. Despite the initial intentions, neither the Charter nor any reference to it was included in the new Treaty approved in Nice by the European Council (meeting of the Heads of State or Government and the President of the European Commission, organized at least twice a year).

The Charter combines, for the first time at the European level in a single text, the civil, political, economic, social and cultural rights which are common to the Member States of the **European Union (EU)**. This instrument was adopted in order to counter the negative effects of economic policies and to reaffirm human rights values in Europe. It contains six chapters: “Dignity”, “Liberties”, “Equality”, “Solidarity”, “Citizenship” and “Justice”.

Though the new Charter has no binding force, the European Council envisages its wide dissemination amongst the citizens of the European Union, and the **European Court of Justice** has already referred to it in its rulings. In accordance with the European Council’s conclusions (Cologne, 3-4 June 1999), the question concerning the binding force of the Charter will be considered later. A further meeting on the future of the European Union foreseen in Nice for 2004, should lead to a “constitutional pact” and this Charter should be an integral part of it.

European Charter of Local Self-Government (Council of Europe)

Adopted by the **Council of Europe** and opened for signature on 15 October 1985, the European Charter of Local

Self-Government entered into force on 1 September 1988. By the middle of 2001, it had been ratified by 34 Member States. The Charter is based on the right of citizens to participate in the conduct of public affairs as stipulated, *inter alia*, in the **Universal Declaration of Human Rights** (Article 21) and the **International Covenant on Civil and Political Rights** (Article 25). It is also based on the assumption of Member States that local self-government, and thus decentralization of power, is one of the main foundations of any democratic regime. The Charter sets out the constitutional and legal basis for local autonomy and the principles governing powers, controls and finance, which should be respected by any local government system. It provides for the protection of local boundaries, for the establishment of appropriate administrative structures, and for the allocation of adequate human and financial resources enabling local authorities to effectively undertake their duties. Local authorities have the right to associate in order to realize projects of common interest. The Charter also requests Member States to incorporate in domestic legislation the principle of self-government and its definition. As no monitoring mechanism is provided by the instrument, compliance with its provisions depends entirely on the willingness of Member States to safeguard and enforce the Charter.

European Charter on Sport for All: Disabled Persons (Council of Europe)

This Charter was adopted by the Committee of Ministers of the **Council of Europe** on 4 December 1986. It aims at ensuring that the governments of the Member States of the Council take the necessary steps to ensure that public authorities and private organizations are aware of the sporting and recreational wants and needs of all disabled persons, not only those who are physically disabled and mentally handicapped but also those who suffer from an organic or psychosomatic disorder. Such persons should have adequate opportunities to take part in physical

activities which will encourage their feeling of well-being and/or improve their physical condition. In accordance with the Charter, policies designed to sensitize the general public on sport for disabled persons should be developed.

European Code of Social Security and its Additional Protocol (Council of Europe)

The European Code of Social Security and Protocol thereto were opened for signature by the Member States of the **Council of Europe** on 16 April 1964 and entered into force on 17 March 1968. By the middle of 2001, the Code had been ratified by 18 States and the Protocol by 7 States. The Code aims at encouraging the development of social security in all Member States of the Council of Europe in order that they may gradually reach the highest level possible. Therefore, the Code, consisting of fourteen Parts, an Annex and two Addenda, defines norms for social security coverage and establishes minimum levels of protection. The Code contains provisions relating to the nine traditional branches of social security: medical care (Articles 7-12); sickness benefit (Articles 13-18); unemployment benefit (Articles 19-24); old-age benefit (Articles 25-30); employment injury benefit (Articles 31-38); family benefit (Articles 39-45); maternity benefit (Articles 46-52); invalidity benefit (Articles 53-58); and survivors' benefit (Articles 59-64). Articles 65-67 deal with standards to be complied with by periodical payments. Following the same structure, the Protocol provides for a standard of social security higher than the level established in the Code and constitutes the desirable "European level" of social security that all Council of Europe Member States should endeavour to attain. Subsequently in 1990, in the Council of Europe adopted the **European Code of Social Security – revised**.

European Code of Social Security **– revised (Council of Europe)**

The European Code of Social Security (revised) was opened for signature by the Member States of the **Council of Europe** on 6 November 1990. By the middle of 2001, 14 States had signed the instrument. The revised Code was drawn up with a view to improve the standards of the **European Code of Social Security and Protocol thereto** of 1964 and to introduce greater flexibility when it was recognized that a certain number of provisions of these instruments had become, at least partially, incompatible with certain emergent legislative trends and with the different social security practices applied in certain countries. In comparison with the 1964 Code and Protocol, the revised Code provides for increased levels of coverage, as well as for a larger scope; it also sets higher standards for the level and the duration of cash benefits as well as new benefits, and defines more precisely those provided for in the 1964 Code.

E

European Commission (EU)

The European Commission is one of the main institutions of the **European Union (EU)**. It comprises 20 Commissioners from the 15 EU Member States, who act in their personal capacity. The President of the Commission is chosen by the Heads of State or Government meeting after consultation with the **European Parliament**. Its Headquarters are in Brussels. It meets once a week to adopt proposals, finalize policy papers and discuss the evolution of its priority policies. When necessary, it holds special sessions in addition to these weekly meetings.

The Commission's work ensures that the EU can attain an ever-closer union of its members and that the benefits of integration are balanced between countries and regions, between business and consumers and between individuals. One of its main tasks is to secure the free movement of goods, services, capital and persons throughout the territory of the EU. The Commission

initiates community policy and represents the general interest of the EU. However, it is not the EU's main decision-making body, this responsibility being shared by the Council of the European Union and the European Parliament. The Commission acts as the guardian of the EU treaties to ensure that EU legislation is applied correctly by its Member States. As the EU's executive institution, it is responsible for managing policies and negotiating international trade and co-operation agreements. The Commission works in a close partnership with other European institutions.

In order to promote universal human rights and democratization, the European Union launched the Phare and Tacis Democracy Programmes in 1992. These programmes aim to promote the use of democratic principles and procedures in different spheres of society such as parliament, government administration, the media and professional groups and associations. Today, the European Commission is re-orientating its operations in the field of democratization and human rights towards achieving improved coherence in its strategy and a standardized management of the different budget lines.

European Commission against Racism and Intolerance – ECRI (Council of Europe)

This Commission is a mechanism established by the first Summit of Heads of State and Government of the Member States of the **Council of Europe** in its Vienna Declaration of November 1993. The second Summit held in Strasbourg in October 1997 decided to strengthen its action. ECRI's task is to combat racism, xenophobia, anti-semitism and intolerance at the level of great Europe and from the perspective of the protection of human rights. Its action covers all measures to combat violence, discrimination and prejudice faced by persons or groups of persons, notably on grounds of race, colour, language, religion,

nationality and national or ethnic origin. ECRI's members are nominated in their personal capacity and act independently. Its programmes comprise three aspects: country-by-country approaches; work on general themes; and activities in relation with civil society. It is upon ECRI's proposal that Protocol N°12 to the **European Convention for the Protection of Human Rights and Fundamental Freedoms**, which widens the scope of the anti-discriminatory provisions of the Convention, was adopted in 2000.

European Commission of Human Rights (Council of Europe)

E

The European Commission of Human Rights was a separate entity within the **Council of Europe** until 1 November 1998 when Protocol N° 11 to the **European Convention for the Protection of Human Rights and Fundamental Freedoms** was adopted. This Protocol replaced the two monitoring and enforcement institutions of the Council of Europe, namely the part-time **European Court of Human Rights** and the European Commission of Human Rights, by a full-time new European Court of Human Rights with compulsory jurisdiction.

European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (Council of Europe)

The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment was established by the **European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment** adopted by the **Council of Europe** on 26 November 1987. The Committee, which began its work in 1989, was established to ensure compliance with the Convention and to strengthen the protection of individuals deprived of their liberty. Its membership consists of a number equal to that of the Member States having ratified the Convention (41 by the middle of 2001) and is

comprised of experts with recognized competence in the field of human rights who serve in their personal capacity. The Members are elected for a period of four years by the Committee of Ministers. According to Article 7 of the Convention, the Committee is entitled to have its members visit the territory of a Contracting Party where persons deprived of their liberty are being held. It has competence to carry out such visits on a regular basis or where special circumstances make it necessary. Although the Committee must notify the government of a State Party of an intended visit, it does not have to provide details regarding the arrival of the mission. The Member States are required to co-operate with the members of the Committee, allow them access to all places and to provide them with any information they may request. After each visit, a report is written containing the findings of the Committee and possible recommendations to improve the situation of persons in detention. The Committee does not seek to condemn States but rather to co-operate with them to strengthen the protection of persons deprived of their liberty. Although the Convention provides that all information is to be confidential unless the Member State refuses to co-operate (Article 11), the Committee's reports, with the permission of the Party concerned, have often been published.

European Committee of Social Rights (Council of Europe)

The European Committee of Social Rights composed of nine independent experts was set up under Article 25 of the **European Social Charter**. Its members are elected by the Committee of Ministers of the **Council of Europe**. The Committee examines the reports submitted by the Member States of the Council of Europe and makes an impartial legal assessment of the way these States comply with the European Social Charter. Two other bodies are also involved in the supervisory mechanism of the European Social Charter: the Governmental Committee

and the Committee of Ministers. The former is composed of representatives of the Contracting Parties to the Charter and assisted by observers from European labour and management organisations. It prepares the decisions of the Committee of Ministers and, in particular, selects, on the basis of social, economic and other policy considerations, the situations which should be the subject of recommendations to each Contracting Party. The Committee of Ministers issues recommendations to States which fail in fully complying with the requirements of the Charter.

European Community – EC

The European Economic Community (EEC) was created by the Treaty of Rome which was signed by six European States on 6 March 1957 and entered into force on 1 January 1958. After the entry into force of the Treaty of Maastricht on 1 November 1993, it changed its name to the “European Community”. The EC now comprises fifteen States (Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, Netherlands, Portugal, Spain, Sweden and the United Kingdom) with 365 million citizens. Its objectives are to: promote European unity; improve living and working conditions for citizens; foster economic development, balanced trade and fair competition; reduce and preserve peace and freedom. The European Community is the largest structure of the **European Union**.

European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (Council of Europe)

This Convention was signed by the Member States of the **Council of Europe** on 26 November 1987 and entered into force on 1 February 1989. By the middle of 2001, it had been ratified by 41 Member States. The Convention is based on the **European Convention for the Protection of Human Rights and**

Fundamental Freedoms which stipulates that “no one shall be subjected to torture or to inhuman or degrading treatment or punishment” (Article 3). To ensure compliance with the Convention, and based on the conviction of Member States that “the protection of persons deprived of their liberty against torture and inhuman or degrading treatment or punishment could be strengthened by non-judicial means of a preventive character” (Preamble), the Convention calls for the establishment of a **European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment**.

Two Protocols to the Convention have been adopted. Protocol N° 1 of 4 November 1993 will, when entering into force, open up the Convention so that non-Member States may adhere to its provisions. Protocol N°2, also of 4 November 1993, relates to the term of office of the members of the Committee. By the middle of 2001, neither had entered into force, both having been ratified by 40 Member States. They enter into force upon ratification by all 43 Member States.

European Convention for the Protection of Human Rights and Fundamental Freedoms (Council of Europe)

Commonly called the **European Convention on Human Rights** this Convention was adopted by the **Council of Europe** on 4 November 1950. It entered into force on 3 September 1953. By the middle of 2001, it had been ratified by 41 Member States. The Convention sets out the inalienable rights and freedoms of each individual and obliges States to guarantee these rights to everyone within their jurisdiction without discrimination on any grounds (Article 14). The provisions of this instrument concern principally **civil and political rights**: the **right to life**, the **right to liberty and security of person**, freedom from slavery and torture, **freedom from unlawful arrest and detention**, the **right to a fair trial**, the right to privacy and family life, **freedom of thought**,

conscience and religion, freedom of expression, freedom of assembly and the **right to marry** (Section I). Sections II and III of the Convention provide for the establishment of two monitoring bodies whereby States and, under certain conditions, individuals may refer alleged violations of the Convention to the **European Commission on Human Rights** and the **European Court of Human Rights** (Article 19).

As of 4 November 2000, the European Convention on Human Rights has been modified or developed by 12 Protocols. These Protocols enhance the protection afforded by the Convention, either by extending the list of guaranteed rights or by improving existing procedures.

An Additional Protocol, adopted on 20 March 1952, adds to the Convention, *inter alia*, the **right to vote** in free elections, the **right to education** and the right to peaceful enjoyment of one's own possessions. Protocol N° 4 of 16 September 1963 which entered into force on 2 May 1968 added to the Convention the right to liberty of movement, freedom to leave any country and the right to enter one's own country. Protocol N° 6 of 28 April 1983 concerns the abolition of the death penalty. Protocol N° 7 of 22 November 1984 ensures, *inter alia*, certain guarantees to foreigners from expulsion from the territory of a State Party, the right to have a conviction of a criminal offence reviewed by a higher tribunal and the **right to compensation** to persons who have suffered punishment on false grounds. Protocol N° 11 "Restructuring the Control Machinery Established thereby" of 4 May 1994 entered into force on 1 November 1998. By the middle of 2001, it had been ratified by 40 States. It aims to rationalize the machinery for the enforcement of rights and liberties guaranteed by the Convention. All alleged violations of the rights of persons are referred directly to the new full-time **European Court of Human Rights** (the old **European Commission of Human Rights** has been abolished). All provisions which had been amended or added by Protocols N° 2, 3, 5 and 8 were replaced by Protocol N° 11, as from the date of its entry into force.

Protocol N° 12 of 4 November 2000 concerns mainly the general prohibition of discrimination to ensure the fundamental principle according to which all persons are equal before the law. By the middle of 2001, it had not entered into force.

European Convention on Extradition and its Additional Protocol (Council of Europe)

The European Convention on Extradition was adopted on 13 December 1957 and entered into force on 18 April 1960. By the middle of 2001, it had been ratified by 41 States. It includes provisions determining extraditable offences (Article 2), political offences (Article 3), military offences (Article 4), fiscal offences (Article 5) and extradition of nationals (Article 6).

The Additional Protocol to this Convention was adopted on 15 October 1975 and entered into force on 20 August 1979. By the middle of 2001, it had been ratified by 28 States. The Protocol was elaborated to supplement the Convention and to thus strengthen international co-operation in the struggle against criminality.

European Convention on Human Rights (Council of Europe)

See **European Convention for the Protection of Human Rights and Fundamental Freedoms (Council of Europe)**

European Convention on Mutual Assistance in Criminal Matters (Council of Europe)

The Convention was adopted on 20 April 1959 and entered into force on 12 June 1962. By the middle of 2001, it had been ratified by 39 States. It lays down the provisions for the drawing up of letters rogatory (Articles 3-6), the service of writs and records of judicial verdicts, the appearance of witnesses, experts and prosecuted persons (Article 7-12). All forms of mutual

assistance in criminal matters are acknowledged as being pertinent in the combat against **terrorism, organized crime**, drug trafficking, illegal migration, etc.

European Convention on Nationality (Council of Europe)

On 14 May 1997, the Committee of Ministers of the **Council of Europe** adopted the European Convention on Nationality and opened it for signature on 6 November 1997. It came into force on 1 March 2000 and, by the middle of 2001, it had been ratified by 4 States. With the development of human rights law, there is an increasing recognition that States must, in matters of nationality, take into account the fundamental rights of individuals. This Convention, which consolidates, in a single text, the important issues relating to nationality, reflects the demographic and democratic changes, in particular migration and state succession, which have occurred in Central and Eastern Europe since 1989. Therefore this text, which constitutes an important standard in the field of nationality, aims at contributing to the progressive development of international law. The term “nationality” is defined in the Convention (Article 2) as the legal bond between an individual and a State and does not indicate a person’s ethnic origin. As far as multiple nationality is concerned, the text, in general, allows States to take into account their own particular circumstances in determining the extent to which multiple nationality is to be allowed. The Convention embodies principles and rules applying to all aspects of nationality. It is designed to make easier acquisition of a new nationality and recovery of a former one, to ensure that nationality is lost only for good reason and cannot be arbitrarily withdrawn, to guarantee that the procedures governing applications for nationality are just, fair and open to appeal, and to regulate the situation of persons in danger of being left stateless as a result of State succession. It also covers military obligations and co-operation between States

Parties. Some of the essential principles behind the text are the prevention of statelessness, non-discrimination (in regulating questions of nationality, States must avoid all discrimination on grounds of sex, religion, race, colour, national or ethnic origin) and respect for the rights of persons habitually resident on the territories concerned.

European Convention on Offences relating to Cultural Property (Council of Europe)

This Convention was adopted in Delphi, Greece, on 26 June 1985. By the middle of 2001, it had not yet entered into force. The Convention was drawn up based on the belief that a greater unity between the members of the **Council of Europe** is founded to a considerable extent on the existence of a European cultural heritage. Its aim is to end offences that too often affect that heritage. Articles 4-5 concern the protection of cultural property and Articles 6-11 the restitution of cultural property. The list of objects comprising the **cultural heritage** is to be found in Appendix II and the offences – acts and omissions – are enumerated in Appendix III.

European Convention on the Academic Recognition of University Qualifications (Council of Europe)

This Convention was adopted on 14 December 1959 and entered into force on 27 November 1961. By the middle of 2001, it had been ratified by 28 States. It lays down in its Article 3 that academic recognition shall be granted to university qualifications conferred by a university situated in the territory of another Contracting Party. Article 4 concerns examination requirements for a foreign university qualification and the necessity to pass an official language text if studies have been pursued in another language. The Convention, in one form or another, helps to ensure **academic freedom**.

European Convention on the Exercise of Children's Rights (Council of Europe)

This Convention was adopted on 25 January 1996 by the **Council of Europe** and entered into force on 1 July 2000. By the middle of 2001, it had been ratified by 5 Member States. It aims at the implementation in Europe of the provisions of the **Convention on the Rights of the Child** which required States Parties to undertake all appropriate legislative, administrative and other measures for the implementation of the rights recognized therein (Article 4).

The European Convention aims at protecting the rights of children in proceedings before a judicial authority. Its Preamble, recognizing the important role of parents in relation to children's rights, states that it is desirable for families themselves to try and reach agreement on matters that could end up coming before the judicial authorities. It also invites States to engage in the promotion of the rights of children. The Convention defines "children" as all persons "who have not reached the age of 18 years" (Article 1). In addition to describing the role of judicial authorities and representatives, the Convention stipulates the protection of procedural rights of the child. It states that, where the child is considered to have sufficient understanding, the child has the right to be consulted and to express his/her view in the proceedings and the right to appoint a special representative (Chapter II). The Convention also establishes a Standing Committee. This Committee, designed to review problems relating to children's rights, will consist of one or more delegates from every State Party. After each meeting, the Committee will prepare a report on its discussions and decisions. The recommendations to Member States and the advice on the interpretation of the Convention presented in these reports will be forwarded to the States Parties and the Committee of Ministers.

European Convention on the Legal Status of Children Born Out of Wedlock (Council of Europe)

This Convention was adopted on 15 October 1975 and entered into force on 11 August 1978. By the middle of 2001, it had been ratified by 17 States. The Convention aims at reducing the differences between the legal status of children born out of wedlock and that of those born in wedlock which are to the legal or social disadvantage of the former. Article 2 states that the maternal affiliation of every child born out of wedlock shall be based solely on the fact of the birth of the child, whilst Article 3 states that the paternal affiliation of every child born out of wedlock may be evidenced or established by voluntary recognition or by judicial decision. Article 6 lays down that the father and mother of a child born out of wedlock shall have the same obligation to maintain the child as if it were born in wedlock. States Parties undertake to ensure the conformity of their laws with the provisions of the Convention and to notify the Secretary General of the Council of Europe of the measures taken for that purpose (Article 1).

European Convention on the Legal Status of Migrant Workers (Council of Europe)

This Convention was adopted by the Member States of the Council of Europe on 24 November 1977 and entered into force on 1 May 1983. By the middle of 2001, it had been ratified by 8 Member States. The Convention enshrines the principle of equality of treatment for migrant workers and nationals of the host country. As defined under the Convention, a “migrant worker” is “a national of a Contracting Party who has been authorized by another Contracting Party to reside in its territory in order to take up paid employment” (Article 1). Excluded from enjoyment of the provisions of this Convention are frontier

workers, artists and sportsmen, seamen and persons undergoing training. With regard to migrant workers, the Convention stipulates rules concerning admission into the territory of a Contracting Party, recruitment, work contracts, residence and work permits, travel, working conditions and family reunion, housing, schooling and social security, taxation and access to the courts. The application of the Convention is monitored by a Consultative Committee, consisting of one representative appointed by each State Party. The Committee held its first session in April 1984 and has since met at least once every two years. The Committee examines proposals for improving the application of the Convention and makes recommendations on amendments to it. It is also responsible for submitting to the Committee of Ministers periodic reports containing information on the laws and regulations in force in the Member States on matters provided for in the Convention. It is the Committee of Ministers which then decides on what, if any, action should be taken.

European Convention on the Non-Applicability of Statutory Limitation to Crimes against Humanity and War Crimes (Council of Europe)

Adopted on 25 January 1974, the European Convention on the Non-Applicability of Statutory Limitation to Crimes against Humanity and War Crimes has not yet entered into force (having as of 31 May 2001 only two ratifications instead of the necessary three). The Convention aims to ensure that previously decided statutory limitations will not prevent the prosecution of individuals accused of committing crimes against humanity and war crimes. It applies to crimes against humanity, as specified in the **Convention on the Prevention and Punishment of the Crime of Genocide** (1948), and to violations of provisions contained in the **Geneva Conventions** of 1949 in this field. The Convention, furthermore, sets out provisions allowing Member

States to extend its application to encompass “any other violation of a rule or custom of international law which may hereafter be established and which the Contracting States concerned considers as being of a comparable nature” (Article 1). The Convention applies to offences committed after its entry into force as well as to those committed before in cases where the statutory limitation period had not expired at that time (Article 2). To enter into force, the Convention must be ratified by three Member States.

European Convention on the Protection of the Archaeological Heritage – revised (Council of Europe)

The European Convention on the Protection of the Archaeological Heritage (Revised) was adopted in Valletta, Malta, on 16 January 1992. It entered into force on 25 May 1995. By the middle of 2001, it had been ratified by 26 States. It took note of the **European Cultural Convention** (1954), the **Convention for the Protection of the Architectural Heritage of Europe** (1985) and the **European Convention on Offences relating to Cultural Property** (1985) and recalled that the archaeological heritage is essential to a knowledge of the history of mankind. In its Article 1, para. 1, the Convention established that its main purpose is: “... to protect the archaeological heritage as a source of the European collective memory and as an instrument for historical and scientific study”. It identifies the heritage and measures for its protection (Articles 2-4), envisages mutual technical and scientific assistance among States Parties (Article 12), as well as the collection and dissemination of scientific information (Article 7) and the promotion of public awareness of the value of the archaeological heritage and threats to it (Article 9). The Convention also contains provisions concerning the prevention of the illicit circulation of elements of the archaeological heritage (Article 10), as well as those concerning the control of the application of the Convention (Article 13).

European Convention on the Suppression of Terrorism (Council of Europe)

The European Convention on the Suppression of Terrorism was adopted on 27 January 1977 and entered into force on 4 August 1978. By the middle of 2001, it had been ratified by 36 States. The aim of the Convention is to ensure the prosecution and punishment of perpetrators of acts of **terrorism**. The Convention enumerates a number of offences (hijacking, kidnapping, taking of hostages, armed attacks, etc.) which cannot be regarded as political and therefore as an obstacle to extradition (Article 1). It provides that the States Parties to the Convention shall afford one another mutual assistance in matters concerning the struggle against terrorism (Article 8), as also laid down in the **European Convention on Mutual Assistance in Criminal Matters** (1962).

E

European Court of Human Rights (Council of Europe)

The European Court of Human Rights was established in 1959 by the **Council of Europe** under the terms of the **European Convention for the Protection of Human Rights and Fundamental Freedoms**. On 1 November 1998, Protocol N° 11 to the Convention entered into force replacing the two original enforcement institutions, the part-time Court and the **European Commission of Human Rights**, by a full-time Court with compulsory jurisdiction. The Court ensures compliance with the principles and ideals enshrined in the Convention. The Court's jurisdiction, as stated in Article 32 of the Convention, extends "to all cases concerning the interpretation and application of the Convention ...". It is composed of judges, in equal number to that of the States Parties. There is no restriction on the number of judges of the same nationality. The judges are elected by the European Parliamentary Assembly for a term of six years with a possibility of re-election, and serve in their personal

capacity. Under the new system in force since 1 November 1998, the new European Court deals with individual petitions and inter-State cases.

Upon receiving a case, a committee of three judges examines the complaint. If no breach or violation of the rights enshrined in the Convention has occurred, the case can be dismissed. The case can be declared admissible if all effective remedies in the country where the alleged violation took place have been exhausted. The European Court encourages parties to reach a friendly settlement. If this is not possible, it passes on to a Chamber consisting of seven judges vested with all the competence of the Court. Normally, a decision is taken here but where serious questions of interpretation and application of the Convention arise, the Chamber can choose to bring it before the Grand Chamber. The national representative of the accused Party and the President of the Court are normally seated in the Chamber. The Court's hearings and its judgments, which are binding and against which there is no appeal, are public. Compensation and costs can be awarded to an applicant who wins the case.

The States have undertaken to abide by the Court's judgments. The Committee of Ministers of the Council of Europe supervises that the State concerned takes appropriate remedial action. This includes ensuring that any damages awarded are paid and that, where necessary, other specific measures are taken to remedy the breach (reopening of proceedings, granting a residence permit, lifting of prohibition to engage in political activities, etc.). Moreover, the Committee will supervise that the State concerned takes action to prevent new violations. This may include changes of legislation, changes of court practice (the Court's judgments are given direct effect in most States) or changes of government regulations or practice.

European Cultural Convention (Council of Europe)

The European Cultural Convention was adopted on 19 December 1954 and entered into force on 5 May 1955. By the middle of 2001, it had been ratified by 48 Member States, including 5 non-Member States of the **Council of Europe**. Its aim is to achieve greater unity for the safeguarding and realizing of the ideals and principles which are part of the common European cultural heritage. The Contracting Parties shall encourage the study by their nationals of the languages, history and civilization of the other Contracting Parties and grant facilities to promote such studies (Article 2). They shall undertake concerted action to promote cultural activities of European interest (Article 3) and shall regard objects of European cultural value placed under their control as integral parts of the common cultural heritage of Europe (Article 5).

E

European Parliament

The European Parliament is one of the five main bodies of the **European Union**. It represents in the words of the Treaty establishing the **European Community**, signed in Rome on 25 March 1957: "... the peoples of the States brought together in the European Community". By the middle of 2001, the European Parliament represents more than 375 million citizens of its 15 Member States through 626 representatives, elected every five years through universal suffrage. The first direct elections by the European Parliament were held in June 1979. Its plenary sessions are held in Strasbourg, while the additional sessions and the sessions of its Committees take place in Brussels.

One of the priorities of the European Parliament is to maintain links with national parliaments through regular meetings with chairpersons and with parliamentary committees. Over the years, the European Parliament has evolved from a purely consultative assembly into a legislative body, having powers

similar to those of national parliaments. It now shares the power of decision in a number of fields with the **Council of Europe**. A Conciliation Committee (consisting of an equal number of members of the European Parliament and of the Council of Europe) may seek compromises on texts that both bodies may subsequently endorse. The European Parliament can reject a proposal if there is no agreement.

Every year, it approves the European Union's budget and can propose modifications and amendments to the **European Commission's** initial proposals and to the position taken by Member States in the Council of Europe. The European Parliament exercises overall political supervision on the executive power in the European Union, shared between the European Commission and the Council of Europe. It also has the right to ratify or reject international agreements. It can therefore use this power to request that non-Member States improve their human rights situation.

European Prison Rules (Council of Europe)

In 1973, the Committee of Ministers of the **Council of Europe** adopted the Standard Minimum Rules for the Treatment of Prisoners. Considering it necessary to adapt these Rules to modern development in prison management and treatment, the Committee adopted a revised version of these standards under the title of "European Prison Rules". They are contained in Council of Europe Recommendation N° R(87)3, adopted on 12 February 1987. The Rules seek to establish minimum standards for all those aspects of prison administration that are essential to humane conditions and treatment. They should serve as a stimulus to prison administration to develop policies and practice based on principles of equity, to encourage professional attitudes of prison staff and to provide basic criteria against which prison administration and those responsible for inspecting the conditions of prisons can make judgements of performance and measure progress towards higher standards.

Part I of the Rules enumerates the basic principles underlying the specific rules set out in Parts II to V. Part II deals with the management of prison systems. Part III sets out principles for sound staff policy. Part IV contains a detailed set of provisions which relate, *inter alia*, to education programmes, prison work and constructive pre-release work. Part V sets out additional rules for specific categories of prisoners, such as untried prisoners, insane and mentally handicapped prisoners who normally should not be detained in prisons.

European Rules on Community Sanctions and Measures (Council of Europe)

E

Over recent years, the majority of the Member States of the **Council of Europe** have introduced and expanded recourse to non-custodial penal sanctions. With a view to developing international norms for the creation and implementation of such penal sanctions within the community, the Committee of Ministers of the Council of Europe adopted Recommendation N° R(92)16 on the European Rules on Community Sanctions and Measures on 19 October 1992. The aim of these new rules, conceived as a parallel instrument to the **European Prison Rules** (1987), is to establish a set of standards to enable national legislators and practitioners concerned to provide a just and effective application of non-custodial sanctions and measures as well as guarantees against the infringement of the human rights of offenders subject to such sanctions and measures, and to lay down rules of conduct for the persons responsible for their implementation. The 90 Rules contained in the above Recommendation are grouped in 11 chapters dealing with: the legal framework for defining, adopting, and applying such sanctions and measures; judicial guarantees and complaints procedures; respect for fundamental rights; co-operation and consent of the offender; human and financial resources required for making non-custodial sanctions and measures work,

community involvement and participation; the management aspects of community sanctions and measures; the conditions and methods of implementation and the consequences of non-compliance; and research on the operation of community sanctions systems, including their regular evaluation.

European Social Charter and European Social Charter – revised (Council of Europe)

The European Social Charter was signed by Member States of the **Council of Europe** on 18 October 1961 and entered into force on 26 February 1965. By the middle of 2001, it had been ratified by 24 Member States. The Charter, considered as the counterpart of the **European Convention for the Protection of Human Rights and Fundamental Freedoms** in the field of social and economic rights, protects fundamental human rights including the rights to: housing, social protection, health, education, and employment. Three Protocols have been added to the Charter (1988, 1991 and 1995). The Additional Protocol of 1988 adds to the Charter notably the right of all workers to equal opportunities of employment and the right of every elderly person to social protection. This Protocol had been ratified by 10 Member States by the middle of 2001.

The reporting system defined in the Charter was amended by the Protocol of 1991. By the middle of 2001, it had been ratified by 17 States, but will only enter into force upon ratification by all parties to the Charter. It provides for the monitoring of the Charter by the **European Committee of Social Rights**, composed of nine independent experts who have recognized competence in international social questions. The experts are elected for a mandate of six years renewable once. Upon reception of reports that States Parties are required to submit at regular intervals on selected articles, the Committee decides, from a legal point of view, on the conformity of domestic law and practice with the provisions of the Charter. Its conclusions

are then forwarded to the Governmental Committee that selects those that should be subject of a recommendation by the Committee of Ministers.

The Additional Protocol to the European Social Charter Providing for a System of Collective Complaints of 9 November 1995, entered into force of 1 July 1998. By the middle of 2001, it had been ratified by 9 States. European as well as national trade unions and organizations of employers and certain international non-governmental organizations may lodge complaints against States Parties alleging violations of the Charter. The complaints are examined for admissibility by the European Committee of Social Rights whose decision is transmitted to the Committee of Ministers whose task is to adopt a recommendation if a violation of the Charter has been found.

The European Social Charter (Revised) was opened for signature by Member States of the Council of Europe on 3 May 1996. It entered into force on 1 July 1999 and, by the middle of 2001, it had been ratified by 10 Member States. In its Preamble, it recognizes the evolution which has occurred since the Charter was adopted in 1961 and embodies in a single instrument the rights guaranteed by the Charter, the rights guaranteed by the Additional Protocol of 1988 and some further rights relating mainly to: the reinforcement of the principle of non-discrimination; the improvement of gender equality in all fields covered by the Treaty; the better protection of maternity and social protection of mothers; the better social, legal and economic protection of employed children; and the better protection of handicapped people. It adds the following new rights: the right to protection in cases of termination of employment (Article 24), the right of all workers to protection of their dignity at work (Article 26), the right of workers with family responsibilities to equal opportunities and equal treatment (Article 27), the right of workers' representatives to protection in the undertaking and facilities to be accorded to them (Article 28), the right to protection against poverty and social exclusion (Article 30), and the **right to housing** (Article 31).

European Sport for All Charter (Council of Europe)

The Committee of Ministers of the **Council of Europe** adopted the European Sport for All Charter and the **Code of Sports Ethics** on 24 September 1992. The aims of the Charter, in accordance with the Code, are to enable every individual to participate in sport (Article 1). Article 4, para. 1, states that no discrimination on the grounds of sex, race, colour, language, religion, political or other opinion ... shall be permitted in the access to sports facilities or to sports activities. Special provisions concern top level and professional sport. Article 10 lays down that: "Ensuring and improving people's physical, social and mental well-being from one generation to the next requires that sporting activities ... be carried out in accordance with the principles of sustainable development ...". The Charter ends by stating that co-operation at the European and international levels is also necessary for the fulfilment of its aims (Article 13, para. 2).

European Union – EU

The European Union (EU) was established on 1 November 1993 following the entry into force of the Treaty on the European Union (Treaty of Maastricht) which was signed on 7 February 1992 by 12 States, subsequently joined by another 3. The EU does not replace the European Communities (the European Coal and Steel Community, the **European Community** and the European Atomic Energy Community) but being founded on them, envisages common foreign and security policy and cooperation in justice and home affairs. The common institutional system of the EU comprises the **European Parliament**, the **Council of the European Union**, the European Council, the **European Commission**, the **European Court of Justice**, the Court of First Instance and the European Court of Auditors.

The EU's creation marks a new stage in the process of European integration which began with the settlement of the

European Communities The main aims of the EU are: to strengthen contacts between its Member States and their peoples; to promote economic and social progress; to assert the identity of the EU on the international scene; to introduce European citizenship; to develop an area of freedom, security and justice; and to maintain and build on established EU law. The Treaty of Maastricht confirms the attachment of the Member States to the principles of liberty, democracy and respect of human rights and fundamental freedoms and applies them as criteria for the admission of new members.

Extreme poverty

According to **United Nations** statistics, about 1.2 billion people live on less than US\$1 per day, which prevents them from satisfying their basic needs and realizing their fundamental rights. This phenomenon, defined as “**extreme poverty**”, has received growing attention from the international community since the 1990s. The **World Conference on Human Rights** (Vienna, Austria, 1993) affirmed that “... extreme poverty and social exclusion constitute a violation of human dignity and that urgent steps are necessary to achieve better knowledge of extreme poverty and its causes, including those related to the problem of development, in order to promote the human rights of the poorest, and to put an end to extreme poverty and social exclusion and to promote the enjoyment of the fruits of social progress” (**Vienna Declaration and Programme of Action**, para. 25). It underlined that: “The existence of widespread extreme poverty inhibits the full and effective enjoyment of human rights; its immediate alleviation and eventual elimination must remain a high priority for the international community (Vienna Declaration and Programme of Action, para. 14). Extreme poverty is the main obstacle to the realization of all human rights – civil, cultural, economic, political and social. Its destructive consequences for human rights and fundamental freedoms are described in the report on human rights and extreme poverty prepared the **Special**

Rapporteur[s] nominated by the **Sub-Commission on Prevention of Discrimination and Protection of Minorities** (now **Sub-Commission on the Promotion and Protection of Human Rights**). The **Commission on Human Rights** keeps the question of extreme poverty under consideration and has nominated an independent expert on this subject.

The **United Nations** proclaimed the **International Year for the Eradication of Poverty** for 1996 and the first **United Nations Decade for the Eradication of Poverty** for the period from 1997 to 2006. The eradication of poverty and extreme poverty has now become a priority for many organizations, bodies and programmes of the **United Nations system**, including UNESCO.

Food and Agriculture Organization of the United Nations – FAO

The Food and Agriculture Organization of the United Nations (FAO) was the first specialized agencies of the United Nations system to be established after the Second World War. At the United Nations Conference on Food and Agriculture, held in 1943, 44 nations agreed to work together to banish hunger and establish a stable world agriculture. FAO officially came into being with the signing of its Constitution on 16 October 1945 and was formally brought into relationship with the United Nations as a specialized agency when the United Nations General Assembly approved the Agreement between the two organizations on 14 December 1946. The FAO comprises 180 Member States and the European Community (Member Organization). The purposes of FAO are set forth in the Preamble to its Constitution: (i) raising the levels of nutrition and standards of living of the peoples; (ii) securing improvements in the efficiency of the production and distribution of all food and agricultural products; (iii) bettering the condition of rural populations; and thus (iv) contributing towards an expanding world economy and ensuring humanity's **freedom from hunger**. Among the functions of FAO, as described in Article 1 of its Constitution, are the collection, analysis, interpretation and dissemination of information relating to nutrition, food and agriculture, the promotion of national and international action to improve education and administration relating to nutrition, food and agriculture, and the furnishing of technical assistance to governments in these fields. The goal of eliminating **poverty**, hunger and malnutrition by promoting agricultural development

and the pursuit of food security is also reflected in numerous resolutions of FAO bodies. Among the milestones are: the International Undertaking on World Food Security (1974); the establishment of the Technical Co-operation Programme (1976); the observance as from 1981 of **World Food Day – 16 October**; the establishment of AGROSTAT, the world's most comprehensive source of agricultural information and statistics (1986); the ratification in 1991 of the International Plant Protection Convention with 92 signatories; and the World Food Summit which brought together Heads of State or government from 185 countries and the European Community (1996).

Framework Convention for the Protection of National Minorities (Council of Europe)

Following the 1993 Vienna Summit of Heads of State and Government, the **Council of Europe** adopted the Framework Convention for the Protection of Minorities on 10 November 1994. Opened for signature on 1 February 1995, the Framework Convention entered into force on 1 February 1998. By the middle of 2001, it had been ratified by 34 States including two non-Member States (Bosnia-Herzegovina and Yugoslavia). The Framework Convention is based on the ideals and principles of individual rights and freedoms, mutual understanding and cultural diversity and on the provisions against discrimination stipulated in the **European Convention for the Protection of Human Rights and Fundamental Freedoms** and other international instruments. The main purpose of the instrument is to ensure the protection of the rights of persons belonging to national minorities and to promote conditions in which it is possible to preserve and develop their culture “within the rule of law, respecting the territorial integrity and national sovereignty of States” (Preamble). The Framework Convention contains principles to which States Parties adhere as well as objectives that they undertake to pursue through legislation and appropriate policies. It ensures the following fundamental

rights and freedoms: the right to choose to be treated or not as a person belonging to a national minority; the right to **freedom of thought, expression, conscience, religion** and association; the right to use one's name; the right to use one's language, both in private and public; and the **right to education** and the fostering of knowledge of their national minority. In 1998, the monitoring mechanism of the Framework Convention, including an Advisory Committee of 18 independent experts, was established. According to this mechanism, the States Parties have to report on the measures they have taken to implement and apply the Convention. The first State reports were submitted in February 1999. State reports are made public and examined by the Advisory Committee, which prepared an opinion on the measures taken by each reporting State. Having received the opinion of the Advisory Committee, the Committee of Ministers adopts conclusions and, where appropriate, recommendations in respect of the State Party concerned.

Free and periodical elections

Both the **Universal Declaration of Human Rights** (Article 21) and the **International Covenant on Civil and Political Rights** (Article 25) provide that the authority to govern shall be based on the will of the people as expressed in periodic and genuine elections. The **American Convention on Human Rights** (1969), recognizes the right of every citizen "to vote and to be elected in genuine periodic elections ..." (Article 23, para.1b). The **United Nations General Assembly** took up the subject of periodic and genuine elections and adopted resolution 43/157 on 8 December 1988 and, recalling that all States enjoy sovereign equality and that each State has the right freely to choose and develop its political, social, economic, and cultural system (Preamble), the General Assembly stressed its conviction that periodic and genuine elections were a necessary and indispensable element of sustained efforts to protect the rights and interests of the governed, and that the right of everyone to take part in the

government was a crucial factor in the effective enjoyment by all of a wide range of other human rights and fundamental freedoms (para. 2). It also declared that determining the will of the people required an electoral process accommodating distinct alternatives and providing an equal opportunity for all citizens to become candidates and put forward their political views (para. 3). Additionally, the resolution called upon the **Commission on Human Rights** to consider appropriate ways and means of enhancing the effectiveness of the principle of periodic and genuine elections (para. 5). Responding to this request, the Commission on Human Rights, on 7 March 1989, recommended that the United Nations General Assembly adopt a framework for future efforts in this field containing the following chapters: (i) The will of the people expressed through periodic and genuine elections as the basis for the authority of Government; (ii) The activities of candidates for public office; (iii) Operational aspects: national institutions; and (iv) Co-operative activities of the international community. The subject of free and fair elections has been elaborated by the **Inter-Parliamentary Union** in the **1994 Declaration on Criteria for Free and Fair Elections**.

Freedom from compulsory or forced labour

Freedom from compulsory or forced labour is provided for in Article 8 of the **International Covenant on Civil and Political Rights**: “No one shall be held in servitude” (para. 2); and “No one shall be required to perform forced or compulsory labour” (para. 3a). The latter paragraph 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 (para. 3b).

Article 8, para. 3c, further explains that 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.

Freedom from compulsory or forced labour is also provided for in Article 4, paras. 2 and 3, of the **European Convention for the Protection of Human Rights and Fundamental Freedoms**.

Freedom from hunger

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Freedom from hunger is provided for in the **International Covenant on Economic, Social and Cultural Rights** which, confirming Article 25 of the **Universal Declaration of Human Rights**, stipulates that: "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" (Article 11, para. 1). In conformity with the Covenant, the States Parties "... 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 11, para. 2).

Freedom from hunger is recognized in the Preamble of the Constitution of the **Food and Agriculture Organization of the**

United Nations (FAO), which established as its major goal to contribute to “... ensuring humanity’s freedom from hunger”.

Freedom from arbitrary arrest

This freedom is proclaimed in the **Universal Declaration of Human Rights**, which in its Article 9, stipulates: “No one shall be subjected to arbitrary arrest, detention or exile”. The **International Covenant on Civil and Political Rights** defines this freedom in detail: “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 procedures as are established by law” (Article 9, para. 1); “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” (Article 9, para. 2); “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 judgment” (Article 9, para. 3); “Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that that court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful” (Article 9, para. 4); and “Anyone who has been victim of unlawful arrest or detention shall have an enforceable **right to compensation** (Article 9, para. 5).

The freedom from arbitrary arrest is also guaranteed by regional human rights instruments.

Freedom from arbitrary interference with privacy

Freedom from arbitrary interference with privacy is proclaimed in the **Universal Declaration of Human Rights** which stipulates: “No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks on privacy” (Article 12). This freedom is also provided for in the **International Covenant on Civil and Political Rights**: “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” (Article 17, para. 1) and “Everyone has the right to the protection of the law against such interference or attacks” (Article 17, para. 2).

This freedom is also protected by regional human rights instruments.

Freedom from subjection to torture and to cruel, inhuman or degrading treatment

Freedom from subjection to torture and cruel, inhuman and degrading treatment is provided for in both the **Universal Declaration of Human Rights**, Article 5: “No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment”, and in the **International Covenant on Civil and Political Rights**, 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”. This freedom is also confirmed in regional human rights instruments: Article 3 of the **European Convention for the Protection of Human Rights and Fundamental Freedoms** (1950); Article 5 of the **American Convention on Human Rights** (1969); and Article 6 of the **African Charter on Human and Peoples’ Rights** (1981).

Freedom of association

Freedom of association is provided for in both the **Universal Declaration of Human Rights** which stipulates that: “Everyone has the right to **freedom of peaceful assembly** and association” (Article 20, para. 1) and “No one may be compelled to belong to an association” (Article 20, para. 2). The **International Covenant on Civil and Political Rights** develops further this right by stating that: “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” (Article 22, para. 1); “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” (Article 22, para. 2); and “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 22, para. 3). Freedom of association, as formulated by the International Covenant, is also mentioned in the **European Convention for the Protection of Human Rights and Fundamental Freedoms** (Article 11, para. 1). The **African Charter on Human and Peoples’ Rights** declares that: “Every individual shall have the right to free association provided that he abides by the law” (Article 10, para.1). This right is enshrined in other universal and regional standard-setting instruments.

Freedom of movement and residence

Freedom of movement and residence is proclaimed in the **Universal Declaration of Human Rights** which stipulates that: “Everyone has the right to freedom of movement and residence within the borders of each State” (Article 13, para. 1) and “Everyone has the right to leave any country, including his own, and to return to his country” (Article 13, para. 2). The **International Covenant on Civil and Political Rights** guarantees this freedom in the following terms: “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” (Article 12, para. 1); “Everyone shall be free to leave any country, including his own” (Article 12, para. 2); “The above-mentioned rights shall not be subject to any restriction 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” (Article 12, para. 3); and “No one shall be arbitrarily deprived of the right to enter his own country (Article 12, para. 4).

Freedom of opinion and expression

Freedom of opinion and expression is closely linked with freedom to seek, receive and impart information. It is proclaimed in the **Universal Declaration of Human Rights**, which states: “Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers” (Article 19). The **International Covenant on Civil and Political Rights** guarantees this freedom: “Everyone shall have the right to hold opinions without interference” (Article 19, para. 1); “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” (Article 19, para. 2); and “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 19, para. 3).

Similar provisions are contained in major regional human rights instruments.

Freedom of peaceful assembly

Freedom of peaceful assembly is proclaimed in the **Universal Declaration of Human Rights**, which stipulates that: “Everyone has the right to freedom of peaceful assembly and association” (Article 20, para. 1). The **International Covenant on Civil and Political Rights** guarantees this freedom as follows: “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 21).

This freedom is also provided for in major regional human rights instruments.

Freedom of scientific research

Article 27, para. 1, of the **Universal Declaration of Human Rights** stipulates that: “Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits”. The

International Covenant on Economic, Social and Cultural Rights proclaims: “The States Parties to the present Covenant undertake to respect the freedom indispensable for scientific research and creative activity” (Article 15, para. 3).

The **Recommendation on the Status of Scientific Researchers** (1974) of UNESCO contains several provisions relating to the freedom of scientific research. Member States are recommended to undertake the obligation to encourage conditions in which scientific researchers have the responsibility and right: “to work in a spirit of intellectual freedom to pursue, expound and defend the scientific truth as they see it” (para. 14(a)). Freedom of scientific research is also confirmed by the **UNESCO Recommendation concerning the Status of Higher-Education Teaching Personnel** (1997). The question of the possible both positive and negative effects of scientific and technological developments upon the enjoyment of human rights and fundamental freedoms was for the first time discussed in greater detail during the **United Nations International Conference on Human Rights** (1968). In November 1975, the **United Nations General Assembly** proclaimed the **Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind**. It is aimed at strengthening respect for human rights in the field of science and technology. At the dawn of the 21st century, the progress of biotechnology and genetics raises the question of limitation of the freedom of scientific research. It is acknowledged that this principle cannot be absolute and, if necessary, may be limited. Such a necessity arises when research violates respect for human dignity which is the basis of all human rights, including the freedom of scientific research. Focusing on human dignity, the **Universal Declaration on the Human Genome and Human Rights** (1997), adopted by UNESCO in 1997, became the first standard-setting instrument prohibiting the reproductive cloning of human beings.

Freedom of thought, conscience and religion or belief

Freedom of thought, conscience and religion or belief and freedom to change or to manifest religion or belief are proclaimed in the **Universal Declaration of Human Rights**: “Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance” (Article 18). The **International Covenant on Civil and Political Rights** guarantees this freedom and defines it in detail as follows: “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” (Article 18, para. 1); “No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice” (Article 18, para. 2); “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 18, para. 3); and “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 18, para. 4).

Provisions to this effect are contained in regional human rights instruments.

Freedom to dispose of natural wealth and resources

Freedom to dispose of natural wealth and resources is provided for in Article 1, para. 2, of the **International Covenant on**

Economic, Social and Cultural Rights which stipulates: “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”. Article 21, para. 1, of the **African Charter on Human and Peoples’ Rights** (1981) declares: “All peoples shall freely dispose of their wealth and natural resources. This right shall be exercised in the exclusive interest of the people. In no case shall a people be deprived of it”.

Freedom to seek, receive and impart information

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Freedom to seek, receive and impart information is provided for in the **Universal Declaration of Human Rights**, Article 19: “Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.” This freedom is also provided for in the **International Covenant on Civil and Political Rights**: “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” (Article 19, para. 2). The exercise of this right may be subject to certain restrictions provided by law and necessary for the respect of the rights or reputations of others and for the protection of national security, of public order or of public health or morals. Freedom to seek, receive and impart information is formulated by the following regional instruments: **American Convention on Human Rights** (Article 13); **European Convention for the Protection of Human Rights and Fundamental Freedoms** (Article 10) and **African Charter of Human and Peoples’ Rights** (Article 9).

Geneva Conventions (ICRC)

The Geneva Conventions were elaborated by the Diplomatic Conference of 1949, convened by the Swiss Federal Council at Geneva from 21 April to 12 August 1949. They were adopted on 12 August 1949 and entered into force on 21 October 1951. They comprise: **Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in the Armed Forces in the Field – Convention I**; **Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea – Convention II**; **Geneva Convention Relative to the Treatment of Prisoners of War – Convention III**; **Geneva Convention Relative to the Protection of Civilian Persons in Time of War – Convention IV**.

In 1977, the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts adopted two **Protocols Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I)** and **Victims of Non-International Armed Conflicts (Protocol II)**.

The International Committee of the Red Cross (ICRC) is the depositary of the four Geneva Conventions and the two Additional Protocols thereto.

Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in the Armed Forces in the Field – Convention I (ICRC)

By the middle of 2001, Convention I was binding on 189 Member States. The four Geneva Conventions of 1949 contain a number of common Articles. Common Article 3 sets out minimum humanitarian standards which are to be respected in case of conflicts which are not of an international character, and enumerates certain acts which “are and shall remain prohibited at any time and in any place whatsoever”. It confirms the principles of non-discrimination, corporal well-being (prohibition of murder, mutilation, cruel or humiliating treatment and torture), and personal freedom (prohibition of the taking of hostages and of summary executions). The General Provisions are followed by Chapter II, dealing with the wounded and the sick. Article 13 enumerates the categories of persons put on the same footing as members of the armed forces, and hence entitled to protection under the Convention. Article 12 provides that wounded or sick combatants shall be respected and that medical care is to be given without discrimination, except for medical urgency. The information to be given about wounded captives (Article 16), as well as the duties to the dead have also been defined (Article 17). Convention I further stipulates that medical and religious personnel must not be prevented from performing their functions, but that they must observe strict military neutrality (Article 24). Should they fall into the hands of the enemy, the latter can retain them only if the medical and religious needs of prisoners of war so require (Article 29); otherwise, repatriation is the rule (Article 30). Even under detention such personnel enjoy possibilities for the performance of their functions (Article 29). Other provisions of Convention I concern the immunity of medical buildings and establishments (Article 19), the assignment of medical material (Articles 33-34), the means of transport (Articles 35-37) and the distinctive emblem (Articles 38-44).

Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea – Convention II (ICRC)

Convention II was binding on 189 Member States by the middle of 2001. The Maritime Convention, as it is called, is an extension of the **Convention I**, the terms of which it applies to maritime warfare. The Convention II covers the same field and protects the same categories of persons as Convention I. Following the General Provisions common to the four Conventions, Chapter II protects and guarantees care for the shipwrecked in addition to the wounded and sick, in all circumstances (Article 12). Chapter III, applicable in times of war, deals with Hospital Ships and other relief craft. It states that they shall in no circumstances be attacked or captured (Articles 22, 24 and 27) and that if fighting occurs on board a warship the sick-bays shall be respected and spared as far as possible (Article 28). At sea, medical personnel, on account of conditions prevailing, are given wider protection than on land. Chapter IV concerning medical personnel and crew, and lays down that it is vital that personnel of hospital ships may not be captured during the time they are in the service of the hospital ship, whether or not there are wounded and sick on board (Article 36). Chapter V deals with medical transports and has its parallel in Convention I in that equipment exclusively intended for the treatment of the wounded and sick cannot be captured or seized (Article 38) and that medical aircrafts may not be the object of attack (Article 39). In Chapter VI on the distinctive emblem, provisions exist for the more efficient marking of hospital ships, as a safe-guard against air attack (Article 43). Contracting Parties undertake to enact any legislation necessary to provide effective penal sanctions for persons committing or ordering to be committed any grave breaches of Convention II (Article 50).

Geneva Convention Relative to the Treatment of Prisoners of War – Convention III (ICRC)

Convention III was binding on 189 Member States by the middle of 2001. According to Article 4 those persons having a right to be treated as prisoners of war (POWs) include: the regular armed forces, the militia and volunteer corps not part of the regular army, including resistance fighters. Part II of the Convention contains the essential principles which shall, at times and in all places, govern the treatment of such prisoners. It states that prisoners of war have the right to humane treatment in all circumstances and to respect for their persons and honour (Article 13), and that they retain their full civil capacity (Article 14). The Convention lays down detailed provisions on such matters as the beginning of captivity (Articles 17-20), conditions in internment camps (Articles 21-24), labour (Articles 49-57), financial resources (Articles 58-68), relations with the exterior (Articles 69-77) and with the authorities (Articles 78-81), penal and disciplinary sanctions (Articles 82-108), termination of captivity (Articles 109-117) and release and repatriation (Articles 118-119). In particular, these provisions provide that the sole information that a POW is required to supply concerns his surname, first names, age, rank, and regimental number (Article 17), that the places of internment must be salubrious and life must be organized in them in such a way as to maintain the physical and mental health of POWs, including, adequate food (Article 26) and medical care (Article 15), the possibility of practicing one's religion (Article 34) and of having intellectual and sports activities (Article 38), and that the detaining Power cannot transfer POWs to the territory of a country which is not a party to the Convention (Article 12). It further provides safeguards against the arbitrary imposition of the death penalty on such prisoners (Article 100 and 101). In order for POWs to be acquainted with these provisions, the Convention must be posted (Article 12).

Geneva Convention Relative to the Protection of Civilian Persons in Time of War – Convention IV (ICRC)

Convention IV, binding on 189 Member States by the middle of 2001, was drawn up to establish strict standards for civilian protection in areas covered by war and on occupied territories, as well as to ban war offenses and war crimes. Part II contains provisions for hospital and safety zones (Article 14), for neutralized zones (Article 15), for the protection of civilian hospitals (Articles 18), for measures in behalf of children (Article 24), and for the exchange of family news (Article 25). Part III defines the status and treatment of protected persons. The most important norm concerning the civilian population is contained in Article 27 which stipulates: “Protected persons are entitled, in all circumstances, to respect for their persons, their honour, their family rights, their religious convictions and practices, and their manners and customs. They shall at all times be humanely treated, and shall be protected especially against all acts of violence or threats thereof and against insults and public curiosity”. Furthermore, protected persons must not be compelled to provide information (Article 31), and it is specifically forbidden to cause them physical suffering, to subject them to collective penalties, measures of intimidation or of **terrorism**, or reprisals (Article 32). Pillage and the taking of hostages are also prohibited (Articles 33-34). In addition, Part III contains a special section relating to the status of aliens in the territory of a Party to the conflict (Articles 35-46) and another very elaborate section on the treatment of the population in occupied territories (Articles 47-78). The latter section deals with such matters as the prohibition of deportations (Article 49), ensuring food (Article 55) and medical supplies (Article 56) and law enforcement (Articles 64-75). The Convention contains another section devoted to the treatment of internees (Articles 79-82).

Globalization and human rights

Globalization has various dimensions. Economic globalization means the widening, deepening and liberalization of international trade and finance and the operation of a single, integrated global market. The accelerating interconnection and interdependence is driven by the revolution of information and communication technology. Globalization promotes a cross-fertilization of ideals, cultural values and aspirations. The homogenizing effect of globalization reinforces the universality of human rights, establishes ties and linkages between various parts of the world and helps to eliminate certain traditional practices which may be qualified as discriminatory. It reinforces such human rights as the right to intellectual property. However, the blessings are linked with negative consequences, especially for **vulnerable groups** like women, children, persons belonging to minorities, indigenous people or migrants. The rapid processes of change and adjustment have been accompanied by **poverty**, unemployment and disregard of human rights, in particular economic, social and cultural rights. Furthermore, globalization may reduce a State's ability to determine national policies and to implement human rights. Weaker States may be more immune from authoritative or totalitarian deviations but they cannot guarantee the rule of law which is *conditio sine qua non* for the full implementation of human rights. States still bear the main responsibilities for the implementation of human rights. Public economic, social and cultural policies are necessary to correct market failures, to complement market mechanisms and to maintain social stability. By their resolutions adopted in 1999 and 2000, the **Sub-Commission on the Promotion and Protection of Human Rights** and the **Commission on Human Rights** decided to nominate **Special Rapporteurs** to undertake a study on the issue of globalization and its impact on the full enjoyment of all human rights.

Guidelines on the Role of Prosecutors (UN)

The Guidelines on the Role of Prosecutors were adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba (27 August – 7 September 1990). They include the following sections: Qualifications, selection and training (Guidelines 1-2); Status and conditions of service (Guidelines 3-7); Freedom of expression and association (Guidelines 8-9); Role in criminal proceeding (Guidelines 10-16); Discretionary functions (Guideline 17); Alternatives to prosecution (Guidelines 18-19); Relations with other government agencies or institutions (Guideline 20); and Disciplinary proceedings (Guidelines 21-24). The Guidelines have been formulated bearing in mind that: "... prosecutors play a crucial role in the administration of justice" and that the rules should contribute to "fair and equitable criminal justice and the effective protection of citizens against crime". Therefore, prosecutors shall "maintain the honour and dignity of their profession" (Guideline 3) and shall "perform their duties fairly ... and respect and protect human dignity and uphold human rights, thus contributing to ensuring due process and the smooth functioning of the criminal justice system" (Guideline 12). They also shall "give due attention to ... grave violations of human rights and other crimes recognized by international law" (Guideline 15).

Guiding Principles on Human Organ Transplantation (WHO)

In 1991, the 44th World Health Assembly of the World Health Organization (WHO) endorsed nine Guiding Principles on Human Organ Transplantation in order to provide an orderly, ethical and acceptable framework for regulating the procurement and transplantation of human organs for therapeutic purposes. The Principles state that the term "human organ" includes organs and tissues but does not extend to reproductive tissues, such as

sperm, ovaries, or embryos, nor does it concerns blood or blood constituents for transfusion purposes. The Principles recommend that organs for transplantation be removed preferably from the bodies of deceased persons. However, they allow organs donations from adult living persons who are genetically related to the recipients and who have given free consent. Recalling that the human body and its parts cannot be the subject of commercial transactions, the Principles prohibit giving and receiving money, as well as any other commercial dealing in this field. However they do not affect payment of expenditures incurred in organ recovery, preservation and supply. To protect minors, the Principles prohibit the removal of organs from the body of living legal minors for the purpose of transplantation. However, exceptions related to regenerative tissues may be allowed by national legislation.

Guiding Principles on Internal Displacement (UN)

These Principles are the result of several years of work by the Representative of the Secretary-General of the **United Nations on Internally Displaced Persons**, in close collaboration with international legal experts, United Nations agencies and other organizations. Initially, pursuant to the mandate entrusted to him in 1992 by the **Commission on Human Rights**, the Representative prepared a “Compilation and Analysis of Legal Norms” relevant to the international norms protecting the internally displaced persons (in 2000 their number was estimated at over 20 million) and submitted them to the Commission. The study concluded that: existing law provides substantial coverage for internally displaced persons but fails, in many fields, to offer an adequate basis for their protection and assistance; existing law are dispersed in many different international instruments and should be consolidated into a specific document. Subsequently, both the Commission and the **United Nations General Assembly**

(resolutions 50/195 of 22 December 1995 and 1996/52 of 19 April 1996, respectively) requested the Representative to prepare an appropriate framework for the protection of and assistance to internally displaced persons. Accordingly, the Guiding Principles on Internal Displacement were elaborated and submitted to the Commission on Human Rights in 1998.

The Principles address the needs of internally displaced persons worldwide by specifying rights and guarantees regarding their protection. They apply to the different phases of displacement, providing protection against arbitrary displacement, access to protection and assistance during displacement, as well as during return or alternative resettlement and reintegration. For the purpose of these Principles, internally displaced persons are defined as being persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflicts, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border (in this regard, they differ from refugees). Although the Principles are not legally binding, they are based on existing human rights instruments and international humanitarian law by analogy, and remedy the deficiencies in existing legal norms in order to improve the protection of internally displaced persons and assistance to them. The Principles aim at guiding the Representative in carrying out his mandate, as well as governments, other competent authorities, intergovernmental organizations and non-governmental organizations in their work in favour of internally displaced persons.

Guillermo Cano World Press Freedom Prize (UNESCO)

This Prize was instituted in 1997 in honour of Guillermo Cano Isaza, a Colombian journalist assassinated by the drug cartels on 17 December 1986 in front of the offices of his newspaper *El Espectador* in Bogotá. See **World Press Freedom Prize**.

Hague International Convention for the Protection of Cultural Property in the Event of Armed Conflict – The Hague Convention, 1954 (UNESCO)

The Hague Convention, together with the Protocol to this Convention, were adopted in The Hague on 14 May 1954 by an international conference of States convened by UNESCO, and entered into force on 7 August 1956. By the middle of 2001, the Convention had been ratified by 100 States and the Protocol by 83. The Convention is based on the idea that the preservation of the cultural heritage is not only a matter of preoccupation for the State on whose territory it is located but "... is of great importance for all peoples of the world and that it is important that this heritage should receive international protection".

It was decided that UNESCO would be the institution in charge of further development of the legal procedures of protection, since its Constitution declares it responsible for the preservation of humanity's natural and cultural heritage. The States Parties undertake to safeguard cultural property of great importance irrespective of its origin or ownership, in the event of armed conflict, as well as to provide special protection for the refuges intended to shelter such property.

A Second Protocol was adopted in The Hague on 26 March 1999. It will enter into force 3 months after its ratification by 20 States. By the middle of 2001, it has been ratified by only four countries and had not yet entered into force. This Protocol defines a whole range of crimes which are contrary to either the original 1954 Convention, the Second Protocol, or the provisions of the 1977 **Protocols Additional to the Geneva Conventions** concerning

the protection of cultural property. Furthermore, the Second Protocol foresees the creation of a Committee for the Protection of Cultural Property in the Event of Armed Conflict.

Helsinki Final Act (CSCE)

On 1 August 1975, the Heads of the 35 Participating States signed in Helsinki the Final Act of the **Conference on Security and Co-operation in Europe (CSCE)** – which became the **Organization for Security and Co-operation in Europe (OSCE)** in 1995. The Helsinki Final Act seeks to promote co-operation among the Participating States in a number of areas including: science, technology, economic, environmental concerns, humanitarian issues and security. This document is a politically binding agreement adopted on the basis of consensus. All European States, except Albania, as well as Canada and the United States of America were its signatories. The Final Act is divided into three main categories or “baskets” concerning: (1) questions relating to security in Europe with some references to human rights issues; (2) co-operation in the field of economics, science and technology, and the environment; (3) co-operation in humanitarian and other fields. The key issue in the third “basket” is the protection and promotion of human rights, including **freedom of movement and residence, freedom of thought, conscience, religion and belief and freedom of association**. Thus the Final Act introduced the notion of human rights and fundamental freedoms into the East-West relations, and the Participating States agreed to work together in their effective protection. Furthermore, the Final Act provides for regular follow-up meetings to review the implementation of CSCE agreements, to set new standards and norms, to expand co-operation and to maintain political dialogue. In the 1970s and 1980s, such meetings were held in Belgrade (1977-78), Madrid (1980-84) and Vienna (1986-89). At these meetings, CSCE Participating States reiterated their commitments concerning the strengthening of human rights, peace and security.

In November 1990, 34 Heads of State or Government adopted the **Charter of Paris for a New Europe** aimed at proclaiming common values and freedoms for the post-Cold War period. The Charter of Paris underscores the resolve of the Participating States to strengthen democracy and stresses the need to promote human rights. It further states that democracy is the best safeguard of freedom of expression, tolerance of all groups of society, and equality of opportunity for each person.

High Commissioner on National Minorities – **HCNM (OSCE)**

In 1992, the **Conference on Security and Co-operation in Europe (CSCE)** – which became the **Organization for Security and Co-operation in Europe (OSCE)** on 1st January 1995 – decided to establish the post of High Commissioner on National Minorities in order to respond to the challenge of ethnic conflicts as one of the main sources of violence in Europe. The office is located in The Hague. The three-year renewable mandate of the High Commissioner contains guidelines for determining whether or not he/she should become involved in a particular situation and describes him/her as “an instrument of conflict prevention at the earliest possible stage”. The High Commissioner is empowered to conduct on-site missions and to engage in preventive diplomacy. The conditions for the High Commissioner’s involvement are independence, the political support of the participating States, impartiality at all times and confidentiality. Nevertheless, the mandate contains provisions restricting his/her activities, as for example, the exclusion of consideration of individual cases concerning persons belonging to national minorities. Finally, it is worth mentioning that the mandate does not include a description or definition of what constitutes a national minority. There is no general agreement on that, either in the OSCE or elsewhere.

HIV/AIDS and human rights

The AIDS epidemics is spreading at an alarming rate as is the abuse of human rights and fundamental freedoms associated with HIV/AIDS which has emerged in all parts of the world. Unequal access to treatment and care for those living with HIV/AIDS, discrimination and stigmatization at work, breaches of confidentiality in disclosure of an HIV-positive status, vulnerability of women to HIV/AIDS, are among the key human rights issues to be addressed in this connection.

Interconnections between human rights and HIV/AIDS are numerous: for example, an environment in which human rights are fully respected ensures that vulnerability to HIV/AIDS is reduced. It also enables those infected and affected by HIV/AIDS to live a life of dignity without discrimination, and contributes to alleviate the personal and societal impact of HIV infection. At the contrary, vulnerability to HIV/AIDS is higher in an environment where people experience denial of human rights. Moreover, when no specific steps are taken to ensure respect for the rights of people living with HIV/AIDS, discriminatory practices prevent them from living a possible vigorous and productive life.

At both international and national levels, it is increasingly recognized that respect for human rights is a key factor to improve prevention and care of HIV/AIDS. In 1996, the publication *International Guidelines on HIV/AIDS and Human Rights* was issued by the **Office of the United Nations High Commissioner for Human Rights (OHCHR)** and the **Joint United Nations Programme on HIV/AIDS (UNAIDS)**. Based on existing international human rights standards, the Guidelines represent a key international policy document on human rights in the context of HIV/AIDS. It contains recommendations to Member States on steps to be taken to implement their obligations to protect, promote and fulfil human rights in the context of HIV/AIDS. Respect for the principle of non-discrimination, the **rights to health, information, education, employment and social**

welfare, as well as participation in all spheres of life, are at the core of the recommendations of the *Guidelines*. The responsibility of civil society in disseminating, advocating for and contributing to the implementation of the *Guidelines* is highlighted throughout the document.

Efforts at all levels to make human rights an integral element of the response to HIV/AIDS are strongly supported by UNAIDS and its seven co-sponsor organizations: **United Nations Children's Fund (UNICEF)**; **United Nations Drug Control Programme (UNDCP)**, **United Nations Development Programme (UNDP)**; **United Nations Population Fund (UNFPA)**; **United Nations Educational, Scientific and Cultural Organization (UNESCO)**; **World Health Organization (WHO)**; and the World Bank. Within this global framework, UNESCO is taking a lead role to develop culturally and socially sensitive preventive education, to combat complacency, to challenge stigmatization, and to promote more caring attitudes. Given its intellectual mandate, UNESCO also reflects on the ethical dimensions of the HIV/AIDS epidemics, including access to treatment and vaccine trials.

In 1998, 1 December was proclaimed **World AIDS Day**. It is an opportunity for national authorities, non-governmental and local organizations as well as for individuals everywhere to demonstrate their commitment to the fight against AIDS and advocate for more effective human rights promotion and protection associated with HIV/AIDS.

HIV-infected people or people with AIDS

In May 1988, the World Health Assembly of the **World Health Organization (WHO)** adopted a resolution entitled "Avoidance of discrimination in relation to HIV-infected people or people with AIDS". Among other provisions, this resolution calls on WHO to take all necessary measures to advocate the need to protect the human rights and the dignity of people with

HIV/AIDS. In implementing this resolution, WHO has constantly advised Governments that non-discrimination is not only a human right, but is also a prerequisite for ensuring that infected persons are not driven underground, where they may be deprived of the necessary care. WHO has also appealed to: all Member States to review their national HIV/AIDS-related laws and policies, with a view to repealing any that might give rise to discrimination against HIV-infected people and people with AIDS; and to those responsible for policies on AIDS, with the view to promoting the dissemination not only of scientific knowledge, but also of the human rights principle of non-discrimination. Support provided to countries in this field has included information on relevant international principles and policies, as well as on innovative and effective solutions that some countries have developed which could be used as possible models. An international consultation on human rights and people with human immunodeficiency virus (HIV) was held in Geneva from 26 to 28 July 1989. The major objectives of the conference were to promote a better understanding of the human rights dimension of HIV/AIDS policies and laws in such a way as to assure their conformity with international human rights standards. In May 1992, the World Health Assembly declared that there is no public health rationale for any measures that limit arbitrarily the right of the individual, notably measures establishing mandatory screening. Similarly, the **Commission on Human Rights** in its resolution 1996/43 on the protection of human rights in the context of human immunodeficiency virus and acquired immune deficiency syndrome (AIDS), expressed its concern that people living with HIV/AIDS, as well as those presumed to be infected, continue to be discriminated against in law, policy and practice.

Human Rights Committee

The Human Rights Committee was established pursuant to Part IV of the **International Covenant on Civil and Political Rights** at the first meeting of States Parties on 20 September 1976. It is composed of 18 members of recognized competence in the field of human rights, elected by the States Parties for a term of four years. It normally holds three sessions per year, each of three weeks' duration. The Committee monitors the implementation of the International Covenant on Civil and Political Rights (1966) and the **Optional Protocol** thereto (1966), as well as the **Second Optional Protocol** (1989). Its principal objective is to develop a constructive dialogue with reporting States and thereby promote the compliance of States with the provisions of the Covenant. It has four major functions: (a) to receive and study States Parties' periodic reports on actions taken to give effect to the International Covenant on Civil and Political Rights and the Optional Protocol thereto; (b) to study these periodic reports; (c) to elaborate the meaning of individual articles and paragraphs of the Covenant through "general comments" in order to establish the jurisprudence of the Covenant and thus guide the States Parties in their adherence to their obligations under the Covenant and in the preparation of their reports to the Committee; (d) under the Optional Protocol, to consider and produce decisions on communications from individuals claiming to be victims of violations of any of the rights set forth in the Covenant and from States which claim that another State Party is not fulfilling its obligations under the Covenant (provided they have both made a special declaration recognizing this role of the Committee under Article 41). The Committee reports annually on its work to the **United Nations General Assembly** through the **Economic and Social Council (ECOSOC)**.

Under Article 41 of this Covenant, a State Party may at any time declare that "... it recognizes the competence of the [Human Rights] 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” (para. 1). Such declarations shall be deposited by the States Parties with the **Secretary-General of the United Nations** and may be withdrawn at any time (para. 2). The provisions of Article 41 entered into force on 28 March 1979 when 10 States Parties to the Covenant made declarations recognizing the role of the Human Rights Committee under this Article. By the middle of 2001, 55 States have made such declarations. To date, however, no such complaints have been received by the Human Rights Committee. Should such a communication be received, and provided that both Parties have recognized the Committee’s competence in this regard, the Committee can perform certain functions with a view to settling disputes and, when necessary, establishing an *ad hoc* conciliation commission to make available its “good offices to States Parties involved in a dispute concerning the application of the Covenant, with a view to a friendly solution of the matter on the basis of respect for the Covenant. In each case submitted, the Human Rights Committee prepares a report and communicates it to the States Parties concerned. If a solution is reached, this report is confined to a brief statement of the facts and the solutions reached (para. 2). Should no solution be found, the statement of facts is accompanied by the submission (both written and oral) made by the States Parties concerned.

Human Rights Day – 10 December (UN)

On 4 December 1950 by its resolution 423 (V), the **United Nations General Assembly**, invited all States and interested organizations to adopt 10 December of each year as Human Rights Day, to observe this day to celebrate the proclamation of the **Universal Declaration of Human Rights**, and to exert increasing efforts in this field of human progress. The General Assembly expressed the view that the anniversary of the adoption of the Universal Declaration should be celebrated in all countries as part of a common effort to bring it to the attention of all

peoples. Human Rights Day is observed throughout the world and is marked by special events aimed at the promotion of human rights. The **Secretary-General of the United Nations**, the **Director-General of UNESCO** and the **United Nations High Commissioner for Human Rights** issue a special Human Rights Day message on 10 December.

Human rights research and training institutions

Human rights research and training institutions play a very important role in the promotion of human rights by means of education, research and information. The World Plan of Action on Education for Human Rights and Democracy, adopted in Montreal in March 1993 by the **International Congress on Education for Human Rights and Democracy**, called for “identification, creation and strengthening of national, regional and international research centres and clearing houses on human rights information”. The establishment of human rights research and training institutions was further supported by the **World Conference on Human Rights** (Vienna, June 1993) and encouraged by the Plan of Action for the **United Nations Decade for Human Rights Education (1995-2004)**. Such institutions exist now in almost every country of the world. In order to strengthen co-operation between these institutions, UNESCO has been publishing since 1987 the *World Directory of Human Rights Research and Training Institutions* (the 5th edition was published in 2001). UNESCO also organizes meetings of directors of human rights research and training institutions. These meetings, which were initiated in 1988 (the eleventh took place in January 2001), are aimed at strengthening co-operation among institutions and increasing their contributions to the **United Nations system** efforts to promote and protect all human rights for all, in particular by means of education.

Human rights treaty bodies (or human rights treaty monitoring bodies)

This is a general term used for bodies established in conformity with six United Nations standard-setting instruments in the field of human rights to monitor the implementation of their provisions by States Parties: the **Committee on the Elimination of Racial Discrimination (CERD)**, which monitors the implementation of the **International Convention on the Elimination of All Forms of Discrimination (1965)**; the **Human Rights Committee**, which monitors the implementation of the **International Covenant on Civil and Political Rights (1966)**; the **Committee on Economic, Social and Cultural Rights**, which monitors the implementation of the **International Covenant on Economic, Social and Cultural Rights (1966)**; the **Committee on the Elimination of Discrimination against Women (CEDAW)** which monitors the implementation of the **Convention on the Elimination of All Forms of Discrimination against Women (1979)**; the **Committee against Torture**, which monitors the implementation of the **Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984)**; and the **Committee on the Rights of the Child** which monitors the implementation of the **Convention on the Rights of the Child (1989)**. Treaty bodies are composed of independent experts of recognized competence in the field of human rights who are elected (with one exception) by States Parties. Unlike the five other human rights treaties bodies, the Committee on Economic, Social and Cultural Rights was not established by its corresponding instrument. It was set up by the **Economic and Social Council (ECOSOC)** in 1985 and is, hence, its subsidiary body. By becoming parties to each of these treaties, States accept the duty to submit periodic reports to the relevant Committee indicating measures they have taken to implement the provisions of the treaties. Treaty bodies normally examine State reports in the presence of representatives of the government concerned

who may answer questions from the experts. The treaty body concludes by formulating observations or comments on the State's performance in respect of its obligations under the relevant treaty.

Furthermore, some treaty bodies are entrusted by their corresponding instrument with the responsibility to receive and examine individual communications related to violations of rights by States Parties: the Human Rights Committee (as provided by the **Optional Protocol to the International Covenant on Civil and Political Rights**); the Committee on the Elimination of Racial Discrimination (as provided by Article 14 of the International Convention on the Elimination of All Forms of Discrimination); the Committee against Torture (as provided by Article 22 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment) and the Committee on the Elimination of Discrimination against Women (as provided by the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women). Pursuant to the **United Nations General Assembly** resolution 38/117 of 16 December 1983, the **United Nations Secretary-General** convened the first meeting of the persons chairing the treaty bodies in order to discuss issues of common concern. Subsequent sessions were convened biannually until 1995 when the meetings became annual. Treaty bodies are serviced by the **Office of the High Commissioner for Human Rights** in Geneva, with the exception of the Committee on the Elimination of Discrimination against Women, which is serviced by the Division for the Advancement of Women.



Indigenous People

The **International Labour Organisation (ILO)** has been concerned with the situation of indigenous and tribal peoples since 1921 and adopted related conventions in 1957 and in 1989. The **Convention N° 169 concerning Indigenous and Tribal Peoples in Independent Countries** (1989) is considered as the main international instrument to protect these rights. The **World Conference on Human Rights** (Vienna, Austria, June, 1993) recognized the unique contribution of indigenous people to plurality of society and recommended that consideration should be given to the establishment of a permanent forum for them in the United Nations. The General Assembly endorsed this recommendation in its resolutions 48/163 and 49/214. The **United Nations General Assembly** proclaimed an **International Decade of the World's Indigenous People** (1994-2004) and adopted a Programme of Action for the Decade. 9 August each year is observed as the **International Day of Indigenous People**. The United Nations draft declaration on the rights of indigenous people is under review by the **Commission on Human Rights**.

Integrated Framework of Action on Education for Peace, Human Rights and Democracy (UNESCO)

The forty-fourth session of the **International Conference[s] on Education** was held in Geneva in October 1994 on the theme "Appraisal and Perspectives of Education for International Understanding". It unanimously adopted a declaration which is a reflection of the political commitment of the ministers of education of **UNESCO Member States** to give

the highest priority to activities in favour of the encouragement of understanding, solidarity and tolerance between people, ethnic, social, cultural and religious groups, and between nations. The Conference also took note of a draft Integrated Framework of Action on Education for Peace, Human Rights and Democracy which was adopted in 1995 by the UNESCO General Conference at its 28th session. The Integrated Framework is intended to give effect to the declaration and, *inter alia*, to the **World Plan of Action for Education for Human Rights and Democracy** and the **Vienna Declaration and Programme of Action**. This document confirms that all human rights are universal, indivisible, interrelated and interdependent and states that strategies for their implementation must take into account specific historical, religious and cultural considerations. The Integrated Framework determines the aims of education for peace, human rights and democracy, stipulating that its ultimate goal is "... the development in every individual of a sense of universal values and types of behaviour on which a culture of peace is predicated" (Part II, para. 6). It also stipulates that "... education must cultivate in citizens the ability to make informed choices, basing their judgements and actions not only on the analysis of present situations but also on the vision of a preferred future" (Part II, para. 10). Education should also serve to promote respect for pluralism, diversity, the cultural heritage, protection of the environment, and sustainable development. It should cultivate feelings of solidarity and equity.

The Integrated Framework proposes strategies to reach these aims which, *inter alia*, must be comprehensive and holistic, be applicable to all types, levels and forms of education, be applied on a continuous and consistent basis locally, nationally, regionally and world-wide, and involve all educational partners, including non-governmental organizations. The Integrated Framework also determines policies and lines of action related to: content of education; teaching materials and resources; programmes for reading, expression and the promotion of foreign languages;

educational establishments; teacher-training; action on behalf of vulnerable groups; research and development; higher education; and non-formal education of young people and adults. The Integrated Framework contains a special section dedicated to the promotion of regional and international co-operation to develop education or peace, human rights and democracy.

Inter-American Charter of Social Guarantees (OAS)

The Inter-American Charter of Social Guarantees was adopted as a resolution by the Ninth International Conference of American States in Bogotá on 2 May 1948. It was included in the Final Act of the Conference. It aims at encouraging the raising of standards of living in the American continent through economic development and co-operation between workers and employers. The Charter proclaims fundamental principles to protect workers of all kinds and sets forth the rights to which they are entitled in the American States (Article 1). Apart from general principles (Articles 1-5), the Charter deals, among other things, with individual labour contracts (Article 6), collective labour contracts and agreements (Article 7), wages (Articles 8-11), work periods, rest and vacations (Articles 12-15), child labour (Articles 16, 17), the work of women (Article 18), the right of association (Article 26), the **right to strike** (Article 27), the **right to social security** and welfare (Articles 28-34) and rural work (Articles 38, 39).

Inter-American Commission on Human Rights (OAS)

The **Inter-American Commission on Human Rights** was established in 1959 by the **Organization of American States (OAS)** in accordance with its Charter (Article 106). It held its first session on 25 May 1960. The Commission is one of two organs having competence with respect to the fulfillment of the commitments made by Member States to the **American**

Declaration of the Rights and Duties of Man (1948) and the American Convention on Human Rights (1969). The Inter-American Court of Human Rights is the other organ. The principal function of the Commission is to promote the observance and protection of human rights and to serve as a consultative organ of the Organization in these matters. It is composed of seven members, elected by the OAS General Assembly in their individual capacity for a term of four years with the possibility of one re-election. In order to promote respect for and defense of human rights, the Commission has the mandate to: make recommendations to States Parties for the adoption of progressive measures in favour of human rights; prepare studies and reports on the human rights conditions in OAS Member States; conduct on-site observations; and request the governments of Member States to inform it on the measures adopted by them in matters of human rights. The Commission also has the authority to take action on individual petitions containing complaints on alleged violations of the provisions of the Convention from any person, group of persons or any legally recognized non-governmental organization, providing that the State Party concerned has made a declaration recognizing the competence of the Commission in this respect. Such communications may be admitted and examined only if all remedies under domestic law have been exhausted. When a complaint is found admissible, States Parties are obliged to make available all necessary information to the Commission. Should the Commission fail to seek a friendly settlement, the case can be forwarded to the Inter-American Court of Human Rights by either a State or by the Commission.

Inter-American Commission of Women – CIM (OAS)

The Inter-American Commission of Women (CIM) is a specialized organization of the **Organization of American States (OAS)** established at the Sixth International Conference of American States in 1928. It was the first official intergovernmental agency in the world created expressly to ensure recognition of the **civil and political rights** of women. CIM comprises Permanent Delegates, one for each OAS Member State, designated by their respective governments. The Assembly of Delegates is held every two years and is CIM's highest authority. It establishes CIM's policies and Plan of Action for the biennium and elects a seven-member Executive Committee. CIM's mission is to promote and protect women's rights, and to support the Member States in their efforts to ensure full exercise of civil, political, **economic, social and cultural rights** that make possible equal participation by women and men in all aspects of society, so that women and men share, fully and equally, both the benefits of development and responsibility for the future.

Inter-American Convention against Corruption (OAS)

The Inter-American Convention against **Corruption** was adopted by the **Organization of American States (OAS)** on 29 March 1996. It entered into force on 6 March 1997. By the middle of 2001, it had been ratified by 20 States. According to Article II, the purposes of the Convention are to promote and strengthen the development of mechanisms to prevent, detect, punish and eradicate corruption and to promote, facilitate and regulate co-operation to ensure the effectiveness of relevant measures in the performance of public functions. Article III stipulates the preventive measures to be enforced. Article VI gives a detailed definition of acts of corruption at the national level, while Article VIII concerns transnational bribery and Article IX

deals with illicit enrichment. Provisions regarding extradition are laid down in Article XIII. Article XIV covers assistance and co-operation among States Parties. Article XVI stipulates that bank secrecy shall not be invoked by the requested State as a basis for refusal to provide the assistance sought by the requesting State.

Inter-American Convention on Extradition (OAS)

This Convention was adopted by the General Assembly of the **Organization of American States (OAS)** on 25 February 1981. It entered into force on 28 March 1992 and had been ratified by 4 States by the middle of 2001. The Convention's purpose is to strengthen international co-operation in legal and criminal matters. Article 3 lays down the conditions under which extradition will be granted, in particular for offences for which the person shall be punishable at the time of their commission, the principle of retroactivity only being applied when it is favourable to the offender. Article 4 establishes various grounds for denying extradition. No provision in the Convention may be interpreted as a limitation on the right of asylum when its exercise is appropriate (Article 6). Nationality may not be invoked as a ground for denying extradition, except when the law of the requested State otherwise provides (Article 7).

Inter-American Convention on Forced Disappearance of Persons (OAS)

Adopted by the Organization of American States on 9 June 1994, the Inter-American Convention on Forced Disappearance of Persons entered into force on 28 March 1996. By the middle of 2001, it had been ratified by 8 of 35 Member States. The aim of the Convention is to promote the prevention and the punishment of the crime of forced disappearance of persons, which is defined as "the act of depriving a person or persons of his or their freedom, in whatever way, ... followed by

an absence of information or a refusal to acknowledge that deprivation of freedom or to give information on the whereabouts of that person, thereby impeding his or her recourse to the applicable legal remedies and procedural guarantees” (Article II). States Parties to this Convention undertake: not to practice, permit, or tolerate the forced disappearance of persons, even in states of emergency or suspension of individual guarantees; to punish within their jurisdiction those persons who commit or attempt to commit the crime of forced disappearance of persons and their accomplices and accessories; to co-operate with one another in helping to prevent, punish, and eliminate the forced disappearance of persons; to take legislative, administrative, judicial, and any other measures necessary to comply with the commitments undertaken in this Convention (Article I); and to ensure that the training of public law-enforcement personnel or officials includes the necessary education on the offense of forced disappearance of persons (Article VIII). The Convention also stipulates that criminal prosecution for the forced disappearance of persons and the penalty judicially imposed on its perpetrator shall not be subject to statutes of limitations (Article VII). The Convention grants competence to the **Inter-American Commission on Human Rights** to ensure compliance with its provisions (Article XIII).

Inter-American Convention on International Traffic in Minors (OAS)

The Inter-American Convention on International Traffic in Minors was adopted by the **Organization of American States (OAS)** on 18 March 1994 and entered into force on 15 August 1997. By the middle of 2001, it has been ratified by 7 States. The Convention, underlining that this traffic is of universal concern, aims at ensuring comprehensive and effective protection for minors through appropriate mechanisms to guarantee respect for their rights. Article 1 deals with the prevention and punishment

of the traffic. Articles 7-11 specify penal aspects and Articles 12-22 civil aspects, including requests for locating and returning a minor to his/her habitual residence. The Convention also envisages the creation of a national authority in each State Party to monitor the problem and to ensure co-operation among States Parties, as well as their co-operation with other States in the region (Articles 4-5).

Inter-American Convention on the Elimination of All Forms of Discrimination against Persons with Disabilities (OAS)

The Inter-American Convention on the Elimination of All Forms of Discrimination against Persons with Disabilities was adopted by the **Organization of American States (OAS)** on 7 June 1999. It will enter into force following the ratification by six Member States of the Organization. By the middle of 2001, it had been ratified by four countries. Article I defines the terms “disability” and “discrimination against persons with disabilities”. Articles III and IV concern the measures to be taken to achieve the objectives of the Convention, whilst Article VI envisages the establishment a Committee for the Elimination of All Forms of Discrimination against Persons with Disabilities to follow up on the commitments undertaken by States Parties under the Convention.

Inter-American Convention on the Granting of Civil Rights to Women (OAS)

The Inter-American Convention on the Granting of Civil Rights to Women was adopted during the Ninth International Conference of the American States on 2 May 1948 by the **Organization of American States (OAS)**. It had been ratified by 20 Member States by the middle of 2001. For each State it enters into force on the date of deposit of its instrument of ratification. The Convention contains only one provision, stipulating that

“The American States agree to grant women the same **civil rights** that men enjoy” (Article 1), thus constituting an international legal commitment in the field and contributing to the eradication of discrimination against women.

Inter-American Convention on the Granting of Political Rights to Women (OAS)

Adopted during the Ninth International Conference of the American States on 2 May 1948 by the **Organization of American States (OAS)**, the Inter-American Convention on the Granting of **Political Rights** to Women entered into force for each country on the date of deposit of its instrument of ratification. By the middle of 2001, it had been ratified by 23 of the Organization’s 35 Member States. It contains only one provision, stipulating that “The High Contracting Parties agree that the **right to vote and to be elected** to national office shall not be denied or abridged by reason of sex” (Article 1). Together with the **Inter-American Convention on the Granting of Civil Rights to Women**, also adopted in 1948, this instrument was a landmark in the promotion of gender equality and the eradication of discrimination against women.

Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women

– “Convention of Belem do Para” (OAS)

This Convention, also called the **Convention of Belem do Para**, was adopted by the General Assembly of the **Organization of American States (OAS)** on 9 June 1994. It entered into force on 5 March 1995 and, by the middle of 2001, had been ratified by 30 Member States. The aim of the Convention is to ensure the right of every woman “to be free from violence in both the public and private spheres” (Article 3). “Violence against women”, as defined in Article 1, is “any act or conduct, based on gender,

which causes death or physical, sexual or psychological harm or suffering to women, whether in the public or the private sphere". The Convention affirms, "the right of women to be free from all forms of discrimination and the right of women to be valued and educated free of stereotyped patterns of behaviour and social and cultural practices based on concepts of inferiority or subordination" (Article 6). The States Parties to the Convention agree to condemn all forms of violence against women and to pursue policies to prevent, punish and eradicate such violence (Article 7). To carry out this obligation Contracting States are entitled: to take all appropriate measures, including legislative measures, to amend or repeal existing laws and regulations or to modify legal or customary practices which sustain the persistence and tolerance of violence against women (Article 7); to adopt programmes to promote awareness and observance of the right of women to be free from violence (Article 8); to promote the education and training of all those involved in the administration of justice, police and other law enforcement officials (Article 8); and to provide appropriate specialized services for women who have been subjected to violence (Article 8). Contracting Parties are also obliged to include in their national reports to the **Inter-American Commission of Women (CIM)** information on measures adopted to prevent and prohibit violence against women and to assist women affected by violence, as well as on any difficulties they observe in applying those measures and the factors that contribute to violence against women (Article 10).

The **International Day for the Elimination of Violence against Women** proclaimed by the **United Nations General Assembly** is observed on 25 November each year.

Inter-American Convention to Prevent and Punish Torture (OAS)

Adopted by the **Organization of American States (OAS)** on 9 December 1985, the Inter-American Convention to Prevent and Punish Torture entered into force on 28 February 1987. By the middle of 2001, it had been ratified by 16 Member States. The aim of the Convention is to prevent and punish the use of torture in the Americas. "Torture", under this instrument, shall be understood as "any act intentionally enforced whereby physical or mental pain or suffering is inflicted on a person for purposes of criminal investigation, as a means of intimidation, as personal punishment, as a preventive measure, as a penalty, or for any other purpose" and "the use of methods upon a person intended to obliterate the personality of the victim or to diminish his physical or mental capacities, even if they do not cause physical pain or mental anguish" (Article 2). The Convention determines those who shall be held guilty of the crime of torture: a public servant or employee who, acting in that capacity, or a person who, at the instigation of a public servant or employee, orders, instigates or induces the use of torture, or who directly commits it or who, being able to prevent it, fails to do so (Article 3). Circumstances of war or public emergency do not provide exemption from criminal liability (Article 5). All States Parties to the Convention agree not only to punish severely the perpetrators of torture but also to take effective measures to prevent and punish other cruel, inhuman or degrading treatment within their jurisdiction (Article 6). The Convention also contains provisions on measures to be taken concerning: the education of police officers and other public officials responsible for the custody of persons deprived of their liberty (Article 7); the right of every person to an examination of an accusation of having been subjected to torture within their jurisdiction (Article 8); and the establishment of regulations guaranteeing suitable compensation for victims of torture (Article 9). Although the Convention does

not establish a monitoring body, petitions can be submitted to the **Inter-American Commission on Human Rights**, provided the State concerned is a Party to this Convention.

Inter-American Court of Human Rights (OAS)

The **Inter-American Court of Human Rights** was established on 22 November 1969 and brought into being on 18 July 1978 in accordance with Chapter VIII of the **American Convention on Human Rights**. It is an autonomous, juridical institution whose purpose is to interpret and apply the provisions of the Convention. Pursuant to Articles 52 and 53 of the Convention, the Court comprises seven judges elected by the General Assembly of the **Organization of American States (OAS)**. The judges, of which no two may be nationals of the same State, serve in their personal capacity and are elected for a term of six years (Articles 52 and 54). The Court has both advisory competence and litigious jurisdiction. All Member States of the OAS can request advice from the Court on any question concerning the interpretation and application of the Convention or concerning any other body or instrument dealing with human rights under the auspices of the OAS (Article 64). The Court's litigious jurisdiction, however, is only applies to States Parties who have recognized the jurisdiction of the Court in this regard. Such a declaration "may be made unconditionally, on the condition of reciprocity, for a special period, or for specific cases" (Article 62). The Court's jurisdiction empowers only States Parties and the Commission to submit cases concerning the interpretation and application of the Convention (Article 61), provided that all procedures of the **Inter-American Commission on Human Rights** have been exhausted. If the Court, having examined the complaint, finds that there has been a violation of the provisions of the Convention, it shall ensure for the injured party the enjoyment of his or her right or freedom that was

violated (Article 63) and, if necessary, deem a fair compensation to be made. States Parties are obligated to comply with and to implement the judgments of the Court, yet there is no mechanism for the enforcement of the judgments (Article 68). Article 65, however, provides that, in the Court's annual report to the General Assembly of the OAS, it "... shall specify, in particular, the cases in which a State has not complied with its judgment, making any pertinent recommendations".

International Bill of Human Rights (UN)

The International Bill of Human Rights encompasses the **Universal Declaration of Human Rights** (1948), the **International Covenant on Economic, Social and Cultural Rights** (1966), the **International Covenant on Civil and Political Rights** (1966) and its two Optional Protocols to the latter, namely the **Optional Protocol to the International Covenant on Civil and Political Rights** (1966) and the **Second Optional Protocol to the International Covenant on Civil and Political Rights, Aiming at the Abolition of the Death Penalty** (1989). The International Bill of Human Rights elaborates in detail the general human rights provisions of the **United Nations Charter**. With a view to establishing a world-wide system for the promotion and protection of human rights and fundamental freedoms, the Bill is guided by the principle of equality in rights and non-discrimination. It has played a major role in the development of international human rights law.

International Charter of Physical Education and Sport (UNESCO)

This Charter was adopted by the UNESCO General Conference at its 20th session on 21 November 1978. It recalls that by the terms of the **Universal Declaration of Human Rights**, everyone is entitled to all the rights and freedoms set

forth therein without discrimination of any kind. Everyone should be free to develop and preserve his/her physical, intellectual and moral powers and access to physical education and sport should consequently be assured and guaranteed for all human beings (Preamble). Article 1 entitled “The practice of physical education and sport is a fundamental right for all” contains concrete provisions in this regard. The Charter states that physical education and sport programmes must meet individual and social needs (Article 3) and that the protection of the ethical and moral values of physical education and sport must be a constant concern for all (Article 7). It stipulates that international co-operation is a prerequisite for the universal and well-balanced promotion of physical education and sport (Article 11).

International Civil Aviation Organization – ICAO

The ICAO was established in November 1944 by the Convention on International Civil Aviation (also known as the “Chicago Convention”) to develop safe, efficient, regular and economical air transport world-wide. It is a specialized agency of the **United Nations** and comprises by the middle of 2001, 187 Member States. The Headquarters of ICAO is located in Montreal, Canada. Several international instruments have been adopted under its auspices concerning such varied questions as damage done by the aircraft to third parties on the surface, the liability of the air carrier to its passengers, crimes committed on board aircraft, etc. The Organization is particularly active in carrying out measures to prevent **terrorism** and air piracy, so as to ensure the safety of international civil aviation.

International Code of Conduct for Public Officials (UN)

Concerned at the threat caused by **corruption** to the stability and security of societies, the **United Nations General Assembly** adopted on 12 December 1996 (resolution 51/59) the International Code of Conduct for Public Officials and recommended that States use it as a tool to guide their efforts to fight against **corruption**. The Code defines a public office as being a position of trust, implying a duty for public officials to act in the public interests of their country, as expressed through the democratic institutions of government. It requires public officials to administer public resources effectively and efficiently and to perform their functions with integrity and impartiality, without preferential treatment or discrimination. Furthermore, it prohibits conflicts of interest for public officials and the acceptance of gifts or other favours that might influence their judgement or the performance of their duties. The Code also covers such issues as the disclosure of confidential information and political activity.

International Committee of the Red Cross – ICRC

In February 1863, a committee, initially called the International Committee for Relief to the Wounded, was formed. It soon became known as the International Committee of the Red Cross (ICRC). The basis for its foundation stemmed from the presence at the Battle of Solferino on 24 June 1859 of Henry Dunant, and his attempts to assist the thousands of unattended wounded there. In 1864, the ICRC convened a diplomatic conference and adopted the Geneva Convention for the Amelioration of the Condition of Wounded in Armies in the Field. This instrument marked the birth of modern humanitarian law.

Today, the ICRC works on the basis of a specific mandate which it received from the States bound by the **Geneva Conventions** of 1949 and the **1977 Protocols Additional to the**

Geneva Conventions. Its tasks set out in these instruments include the monitoring of the treatment of prisoners of war and other people detained in connection with a conflict, and the right to offer its services in order to alleviate the suffering of all victims. It also draws attention to violations of international humanitarian law, and promotes its further development.

When dealing with conflicts, the ICRC maintains a neutral position and acts as an impartial intermediary between belligerents, caring for the wounded, visiting prisoners of war and persons detained for security reasons, restoring contacts between separated families, protecting the civilian population, and providing food or other assistance to conflict victims. It reminds all States of their collective obligation to ensure respect for international humanitarian law.

The ICRC is an impartial and independent organization forming one of the largest humanitarian networks and is present and active in almost every country of the world. It has set up a network of regional delegations covering practically all countries not directly affected by armed conflict. They have specific tasks which concern operational activities on the one hand, and humanitarian law on the other. These delegations enable the ICRC to undertake rapid humanitarian action when necessary.

International Conferences on Education (UNESCO)

UNESCO has been organizing the International Conferences on Education for many years. Each session, which gathers together ministers of education of UNESCO Member States is dedicated to a subject which has a particular importance in the field of education. The forty-fourth session, held in 1994, was dedicated “Appraisal and Perspectives of Education for International Understanding” and adopted a relevant declaration which led to the adoption of the **Integrated Framework of Action on Education for Peace, Human Rights, and Democracy.**

The forty-fifth session, held in Geneva in October 1996 on the theme “Strengthening the Role of Teachers in a Changing World”, concluded with the adoption of a declaration and recommendations. The declaration concentrates on integrated policies to make schools the key to social cohesion and instrumental in the teaching of democratic values. It also stresses strengthening the role, functions and status of teachers in partnership with educational professionals and society as a whole.

The forty-sixth session (2001) is to address the theme “Education for all for learning to live together: contents and learning strategies – problems and solutions”. Its main objective is to examine and discuss all aspects connected with the quality education for all, and to launch a new phase of international dialogue on the content, methods and structure of teaching.

International Congress on Education for Human Rights and Democracy, Montreal, 1993 (UNESCO)

The International Congress on Education for Human Rights and Democracy was held in Montreal, Canada, from 8 to 11 March 1993. It was organized by UNESCO in conjunction with the Canadian Commission for UNESCO and in close co-operation with the United Nations Centre for Human Rights (now the **Office of the United Nations High Commissioner for Human Rights**). The main aim of the Congress was to contribute to the elaboration of future actions to be taken by UNESCO “...for the promotion of human rights in the political, economic and cultural circumstances that have recently emerged and that call for fresh consideration and debate”. Its objective was to highlight the achievements and identify the obstacles to overcome in the field of human rights education; to introduce education for democracy as a complementary aspect; and to encourage the elaboration of tools and ideas, in particular educational methods, pedagogic approaches and didactic materials, so as to give a new

impetus to education for human rights and democracy. The main result of the Congress was the **World Plan of Action on Education for Human Rights and Democracy**. The latter proposes seven major strategies for concerted actions to promote education for human rights and democracy, including certain activities to be carried out by UNESCO, in particular the strengthening of UNESCO's Voluntary Fund for the Development of Knowledge of Human Rights through Education and Information, and the establishment of a follow-up committee. The Plan was noted in the **Vienna Declaration and Programme of Action** (para. 81) adopted by the **World Conference on Human Rights** (Vienna, Austria, June 1993).

International Congress on Human Rights Teaching, Information and Documentation, Malta, 1987 (UNESCO)

The International Congress on Human Rights Teaching, Information and Documentation was organized by UNESCO in Malta in 1987 to encourage human rights education. The Congress adopted a series of recommendations noting the progress made in the field of human rights education since the **International Congress on the Teaching of Human Rights** held in Vienna in 1978. It underlined that UNESCO Member States should set up a complete system of human rights teaching and education available to all citizens and all population groups and covering all levels of education, with the broad participation of various public organizations and media. It recommended that the Director-General of UNESCO co-operate with Member States in the development of programmes of human rights teaching and education within the framework of formal and non-formal systems of education, as well as assist Member States in developing new educational methods and materials in this field.

International Congress on the Teaching of Human Rights, Vienna, 1978 (UNESCO)

The International Congress on the Teaching of Human Rights, organized by UNESCO in Vienna, Austria, in 1978, was the first of a series of congresses devoted to human rights education. For the first time, human rights educators, activists and government officials met to discuss various questions linked to the development of human rights teaching. In its final document, the Congress stressed that human rights education and teaching should be based on the principles which underlie the **United Nations Charter**, the **Universal Declaration of Human Rights**, the **International Covenants on Human Rights**, and other international human rights instruments. Human rights education and teaching must aim at fostering an attitude of tolerance, respect and solidarity, providing knowledge about human rights and developing the individual's awareness of the ways and means by which human rights can be translated into a social and political reality. The Congress recommended: the preparation of a six-year plan for human rights education; conducting a preliminary study on the question of the desirability of preparing a UNESCO convention on human rights teaching and education; and setting up a voluntary fund for the development of knowledge of human rights through education and information. A draft plan for the development of human rights teaching (1981-1987), foreseen by the Congress, was prepared by a UNESCO expert meeting in 1979. A Voluntary Fund for the Development of Knowledge of Human Rights through Education and Information was also created by the UNESCO Executive Board. After the International Congress in Vienna, UNESCO organized the **International Congress on Human Rights Teaching, Information and Documentation, Malta, 1987**, and the **International Congress on Education for Human Rights and Democracy, Montreal, 1993**. UNESCO also organized a series of

regional conferences on education for human rights between 1997 and 2001.

International Convention against Apartheid in Sports (UN)

The International Convention against Apartheid in Sports was adopted by the **United Nations General Assembly** on 10 December 1985 and entered into force on 3 April 1988. By the middle of 2001, it was binding for 58 Member States. For the purposes of the Convention, the expression “apartheid” is defined as “a system of institutionalized racial segregation and discrimination for the purpose of establishing and maintaining domination by one racial group of persons over another racial group of persons and systematically oppressing them, such as that pursued by South Africa” (Article 1) and “apartheid in sports” is defined as meaning “the application of the policies and practices of such a system in sports activities, whether organized on a professional or an amateur basis” (Article 1). In compliance with the Convention, States Parties agree to “strongly condemn apartheid and undertake to pursue immediately, by all appropriate means, a policy of eliminating the practice of apartheid in all its forms from sports” (Article 2). With this end in view, Contracting States shall: not permit sports contact with a country practicing apartheid (Article 3); refuse to provide financial or other assistance to enable their sports bodies, teams and individual sportsmen from participating in sports activities in a country practicing apartheid or with teams or individual sportsmen selected on the basis of apartheid (Article 5); take all appropriate action to secure the expulsion of a country practicing apartheid from international and regional sports bodies (Article 8); and undertake appropriate action against their sports bodies, teams and individual sportsmen that participate in sports activities in a country practicing apartheid, or with teams representing a country practicing apartheid (Article 6). The

establishment of a Commission against Apartheid in Sports to monitor compliance with the provisions of the Convention was also envisaged (Article 11).

International Convention against the Taking of Hostages (UN)

This Convention is one of the first universal instruments aimed at the struggle against **terrorism**. Adopted by the **United Nations General Assembly** on 17 December 1979 (resolution 34/146), it entered into force on 3 June 1983. By the middle of 2001, it had been ratified by 95 States. The Convention expresses the conviction that "... the taking of hostages is an offence of grave concern to the international community and that, in accordance with the provisions of this Convention, any person committing an act of hostage taking shall either be prosecuted or extradited" (Preamble). States Parties shall co-operate in the prevention of this offence, and take practical measures in this regard at national and international levels. The Convention contains a number of concrete provisions concerning the prosecution and extradition of offenders. However, it is not applied "... where the offence is committed within a single State, the hostage and the alleged offender are nationals of that State and the alleged offender is found on the territory of that State" (Article 13). Article 16 concerns the disputes between two or more States Parties in regard to the interpretation or application of the Convention, and envisages procedures for arbitration.

International Convention for the Suppression of Terrorist Bombings (UN)

The Convention was adopted by the **United Nations General Assembly** on 15 December 1997 (resolution 52/164). By the middle of 2001, it had not yet entered into force. The Convention is among a number of standard-setting instruments adopted by the international community in order to prevent,

combat and eliminate **terrorism**. In condemning acts of terrorism, the Convention imposes on States Parties the obligation to take action to prosecute and punish those organizing or participating in terrorist bombings. It also serves to enhance international co-operation in this regard.

International Convention for the Suppression of the Financing of Terrorism (UN)

This Convention, adopted on 9 December 1999 by resolution 54/109 of the **United Nations General Assembly**, is the most recent instrument aimed at the struggle against **terrorism**. By the middle of 2001, it had not yet entered into force. The main purpose of the Convention is to mobilize States Parties to take concrete measures at national level and to improve international co-ordination in order to stop the financing of terrorist activities and prosecute those involved in this practice.

International Convention on the Elimination of All Forms of Racial Discrimination (UN)

The International Convention on the Elimination of All Forms of Racial Discrimination was adopted by the **United Nations General Assembly** on 21 December 1965 and entered into force on 4 January 1969. By the middle of 2001, it had been ratified by 157 States. The Convention defines “racial discrimination” as “any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life” (Article 1). States Parties undertake “... to pursue by all appropriate means and without delay a policy of eliminating racial discrimination in all its forms” and, in particular, “... to undertake to amend, rescind or nullify any laws and regulations

which have the effect of creating or perpetuating racial discrimination” and “... to prohibit and bring an end, by all appropriate means, including legislation as required by circumstances, racial discrimination by any person, group or organization” (Article 2). States Parties have further undertaken to adopt measures in the field of teaching, education, culture and information with a view to combating prejudices which lead to racial discrimination (Article 7). The Convention enumerates rights and freedoms to be guaranteed for everyone on the principle of equality and without discrimination. The list contains the political, civil, economic, social and cultural rights embodied in the **Universal Declaration of Human Rights**, as well as other rights, such as the right of access to any place or service intended for use by the general public, such as transport, hotels, restaurants, cafes, theatres and parks (Article 5). In addition, the Convention opens the possibility of special measures to ensure the advancement of certain racial or ethnic groups (Article 1). The Convention provides for the establishment of a **Committee on the Elimination of All Forms of Racial Discrimination (CERD)** (Article 8) to monitor its implementation and receive and consider communications from individuals or groups of individuals claiming to be victims of a violation of any of the rights set forth in the Convention (Article 14).

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (UN)

In an attempt to prevent and eliminate clandestine movements and trafficking in migrant workers and, at the same time, assure the protection of their fundamental human rights, the **United Nations General Assembly** adopted on 18 December 1990 the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. This Convention had been ratified by 16 Member States by the

middle of 2001 and will enter into force when 20 States have ratified or acceded to it. For the purposes of the instrument, a “migrant worker” is “a person who is to be engaged, is engaged, or has been engaged in a remunerated activity in a State of which he or she is not a national” (Article 2). The Convention establishes, in a number of areas, the principle of equality of treatment with nationals for all migrant workers and members of their families, irrespective of whether they are in a regular or irregular situation. This principle is applicable in areas such as the right to leave any State, including their State of origin (Article 8), the treatment of migrant workers before courts and tribunals (Article 18), their terms of employment (Article 25), access to education for their children (Article 30) and respect for their cultural identity (Article 31). Other provisions deal with rights of migrant workers and members of their families who are documented or in a regular situation (Part IV). In accordance with the Convention, both sending States and States of employment are encouraged to establish procedures or institutions through which account may be taken of special needs of migrants (Article 42). It further stipulates that a State may not expel migrant workers or members of their families except for reasons defined in the national legislation of that State, and subject to the safeguards established in Article 56. For the purposes of monitoring its implementation, the Convention foresees the establishment of a Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families (Article 72). Among intergovernmental organizations and bodies committed to solving problems posed by migration, the **International Organization for Migration (IOM)**, situated in Geneva, is one of the most active.

International Convention on the Suppression and Punishment of the Crime of Apartheid (UN)

This Convention was adopted by the **United Nations General Assembly** on 30 November 1973. It entered into force on 18 July 1976 and had been ratified by the middle of 2001 by 101 States. The Convention defines the “crime of apartheid” as inhuman acts committed for the purpose of establishing and maintaining domination by one racial group of persons over any other racial group of persons and systematically oppressing them (Article I). Among the inhuman acts mentioned is the denial to a member or members of a racial group or groups of the **right to life** and liberty of person (Article II). States Parties to this Convention declare that apartheid is a crime against humanity and that inhuman acts resulting from the policies and practices of apartheid and similar policies and practices of racial segregation and discrimination are crimes violating the principles of international law, in particular the purposes and principles of the **United Nations Charter** (Article I). Such acts include: murder; infliction of serious bodily or mental harm; arbitrary arrest and illegal imprisonment; and deliberate imposition of living conditions calculated to cause physical destruction (Article II). States Parties further declare criminal “organizations, institutions and individuals committing the crime of apartheid” (Article I). According to Article V, persons charged with the acts enumerated in Article II may be tried by a competent tribunal of any State Party to the Convention which might acquire jurisdiction over the accused, or by an international penal tribunal. The Convention also envisages a monitoring system, pursuant to which States Parties submit periodic reports on the measures they have adopted to give effect to the provisions of the Convention (Article VII). These reports were examined by a group comprised of three members of the **Commission on Human Rights** (Article IX).

International Court of Justice – ICJ (UN)

The International Court of Justice (ICJ) is the principal judicial organ of the **United Nations**. All Members of the United Nations are *ipso facto* parties to the Statute of the International Court of Justice which is an integral part of the **United Nations Charter**. Member States have an obligation "... to comply with the decision of the International Court of Justice in any case to which [they are] a party" (Article 94 of the Charter). The Court consists of 15 members, no two of whom may be a national of the same State. Members are elected by the **United Nations General Assembly** and the **Security Council** for nine years, and may be re-elected (Article 3 of the Statute). According to Article 35 of the Statute, only States may be parties in cases before the Court. The Court, however, may be requested by the United Nations General Assembly, by the Security Council and by other organs authorized by the General Assembly, to give an advisory opinion on legal questions (Article 96 of the Charter). The International Court of Justice has thus had occasion to make important pronouncements on questions of human rights, in particular on the right of asylum, the rights of aliens, the rights of the child and reservations concerning the **Convention on the Prevention and Punishment of the Crime of Genocide**. Due to the fact that a great number of United Nations human rights instruments contain provisions whereby any dispute between the States Parties relating to the interpretation, application or fulfillment of the instrument may be submitted to the ICJ, the Court has been involved in contentious cases with regard to human rights.

International Covenant on Civil and Political Rights (UN)

By its resolution 2200A (XXI) of 16 December 1966, the **United Nations General Assembly** adopted and opened for signature, ratification and accession the International Covenant on Civil and Political Rights. It entered into force

on 23 March 1976 and had been ratified by 147 States by the middle of 2001. This Covenant and the **International Covenant on Economic, Social and Cultural Rights** are the first all-embracing, legally binding international instruments in the field of human rights and, together with the **Universal Declaration of Human Rights**, form the core of the **International Bill of Human Rights**.

Article 1 of the Covenant reaffirms the principle that the **right of self-determination** is universal, and calls upon all States to undertake two obligations: to promote the realization of the right of self-determination in all their territories, and to respect that right. Under Article 3, States Parties undertake to reaffirm the principle of equality of men and women as regards human rights, and to make this principle a reality. The Covenant elaborates further the **civil and political rights** and freedoms identified in the **Universal Declaration of Human Rights** which include: the **right to life** (Article 6); the right to privacy (Article 17); the **right to a fair trial** (Article 2); **freedom of expression** (Article 19); freedom of religion (Article 18); freedom from torture (Article 7); equality before the law (Article 16) etc. Moreover, the Covenant defines the admissible limitations or restrictions on the rights which it sets forth. It provides that the rights and freedoms with which it deals should not be subject to any restriction except those which are provided by law, are necessary to protect national security, public order, public health or morals or the rights and freedoms of others (Article 22). In no circumstances is derogation permitted if it involves discrimination on grounds of race, colour, sex, language, religion or social origin or if it involves the following fundamental rights: the right to life, **freedom of thought, conscience and religion**; the right not to be imprisoned solely for inability to fulfill a contractual obligation; and the right not to be held guilty for committing a crime which did not constitute a criminal offense at the time it was committed. The Covenant is legally binding. States are thus obliged to respect the procedures for its implementation, including the submission

of periodic reports on their compliance with their obligations under the Covenant. The implementation of the instrument is monitored by the **Human Rights Committee** established under Article 28 of the Covenant.

International Covenant on Economic, Social and Cultural Rights (UN)

The **United Nations General Assembly** adopted the International Covenant on Economic, Social and Cultural Rights on 16 December 1966. It entered into force on 3 January 1976 and had been ratified by 144 States by the middle of 2001. This International Covenant and the **International Covenant on Civil and Political Rights** are the first all-embracing, legally binding international instruments in the field of human rights and, together with the **Universal Declaration of Human Rights**, form the core of the **International Bill of Human Rights**.

Article 1 of the Covenant reaffirms that the **right of self-determination** is universal, and calls upon all States to undertake to promote the realization of the right of self-determination in all their territories, and to respect that right in other States. Under Article 3, States Parties undertake to reaffirm the principle of equality of men and women as regards human rights, and to make that principle a reality. The rights recognized by the Covenant include the rights: **to work** (Article 7), to form and join trade unions (Article 8), **to social security** (Article 9), **to an adequate standard of living including adequate food, clothing and housing** (Article 11), **to protection of the family** (Article 10), **to the highest attainable standard of physical and mental health** (Article 12), **to education** (Article 13), and **to participation in cultural life** (Article 15). Each Contracting State agrees to “take steps [...] to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized” in the Covenant (Article 2). None of the rights protected under the Covenant may be suspended. The body which

oversees the implementation of the instrument is the **Committee on Economic, Social and Cultural Rights**, which was established by the **Economic and Social Council (ECOSOC)** in 1985.

International Covenants on Human Rights (UN)

The International Covenants on Human Rights – the **International Covenant on Civil and Political Rights** and the **International Covenant on Economic, Social and Cultural Rights** – were both adopted on 16 December 1966 by the **United Nations General Assembly** and entered into force respectively on 23 March 1976 and 3 January 1976. The Covenants are all-embracing and legally binding international instruments in the field of human rights and, together with the **Universal Declaration of Human Rights**, form the core of the **International Bill of Human Rights**. The United Nations General Assembly appeals to all States to become Parties to the International Covenants, emphasizes the importance of its strictest compliance by States Parties, and urges regularly States to make the provisions of the International Covenants known to the general public by disseminating their texts in as many languages as possible. The **Optional Protocol to the International Covenant on Civil and Political Rights** (which also entered into force on 23 March 1976) envisages the competence of the **Human Rights Committee** to consider communications concerning alleged violations of human rights. The **Second Optional Protocol to the International Covenant on Civil and Political Rights, Aiming at the Abolition of the Death Penalty** entered into force on 11 July 1991.

International Criminal Court – ICC (UN)

This Court will be established upon the entry into force of the **Rome Statute of the International Criminal Court**.

International Criminal Tribunals (UN)

International Criminal Tribunals were established for the prosecution of persons responsible for grave breaches of the **Geneva Conventions** of 1949 (willful killing, torture, taking of hostages, unlawful deportation, etc.), violations of the laws or customs of war, genocide and other crimes against humanity. In 1993, the **Security Council** decided by its resolutions 808 and 827 that such a body shall first be established for the prosecution of persons responsible for “serious violations of international humanitarian law committed in the territory of the former Yugoslavia since 1991”. The **International Criminal Tribunal for the Former Yugoslavia (ICTY)** must submit an annual report on its activities to the Security Council and the **United Nations General Assembly**. All Member States of the United Nations are obliged to co-operate with it. By resolution 955 (1994), the Security Council then established an **International Criminal Tribunal for Rwanda (ICTR)** to prosecute persons responsible for genocide and other serious violations of international humanitarian law committed on the territory of Rwanda and Rwandan citizens responsible for genocide and other such violations committed on the territory of neighbouring States.

International Criminal Tribunal for Rwanda – ICTR (UN)

The International Criminal Tribunal for Rwanda (ICTR) was established by the **Security Council** of the **United Nations** in November 1994 as an enforcement measure under Chapter VII of the **United Nations Charter**, eighteen months after the **International Criminal Tribunal for the former Yugoslavia (ICTY)** had been established. The first phase of the establishment included appointing the Deputy Prosecutor and setting up a core unit of investigators, prosecutors and interpreters. Its seat is in Arusha, Tanzania. In the second phase, judges were elected; practical arrangements for the establishment of the seat were put

in place; the staffing was completed; and the Tribunal as a whole became fully operational. Like the ICTY, the ICTR is an *ad hoc* and non-military Tribunal and a subsidiary organ of the Security Council. The ICTR adopted a similar legal approach to that of the ICTY. The six Trial Chamber Judges were elected in June 1995. Both Tribunals share the same Appeals Chamber, whose five judges were elected contemporaneously with the ICTY Trial Chamber Judges, and both have the same Chief Prosecutor. Furthermore, they both have limited temporal and territorial jurisdiction. The ICTR has the mandate to prosecute crimes committed between 1 January and 31 December 1994. Its territorial jurisdiction extends beyond the territory of Rwanda to that of neighbouring States, in respect of serious violations of international humanitarian law committed by Rwandan citizens beyond their State's territorial bounds. According to its Statute, the ICTR's jurisdiction applies only to internal armed conflicts and to individuals, but not organizations or States. Like the ICTY, the ICTR applies the principle of *non bis in idem* which rules out prosecution of persons in the domestic criminal justice system of Rwanda who have already been tried by the International Tribunal. Furthermore, it requires the co-operation of States in the investigation and the prosecution of persons accused of committing serious violations of international humanitarian law. The maximum penalty which can be imposed by the ICTR is life imprisonment.

International Criminal Tribunal for the former Yugoslavia – ICTY (UN)

This body was established in 1993 by resolutions 808 and 827 of the Security Council of the United Nations, under Chapter VII of the Charter of the United Nations. According to the Statute of the International Tribunal, adopted on 25 May 1993 and amended on 13 May 1998, its purpose is to prosecute persons responsible for serious violations of international humanitarian

law committed on the territory of the former Yugoslavia since 1991 (Article 1). Articles 2 to 5 of the Statute define the crimes punishable by the International Tribunal. They include serious breaches of the **Geneva Conventions** of 1949 (willful killing, torture, taking civilians as hostages, unlawful deportation, etc.); violations of the laws or customs of war (use of weapons calculated to cause unnecessary suffering, wanton destruction of cities, towns or villages, etc.); and genocide, as defined by the **Convention on the Prevention and Punishment of the Crime of Genocide**, and crimes against humanity. The International Tribunal has jurisdiction over natural persons "... who planned, instigated, ordered, committed or otherwise aided and abetted in the planning, preparation or execution of a crime referred to in Articles 2 to 5 ..." (Article 7). The International Tribunal comprises eleven independent judges elected for a term of four years by the **United Nations General Assembly** from a list submitted by the Security Council, and a Prosecutor nominated by the Security Council. An accused person enjoys all the guarantees of a fair trial and an appeal. The penalty imposed by the International tribunal is limited to imprisonment, to be served in a State designated by it from a list of States which have indicated to the Security Council their willingness to accept convicted persons. The International Criminal Tribunal for the Former Yugoslavia has its seat in The Hague.

International Day against Drug Abuse and Illicit Trafficking – 26 June (UN)

In 1987, the **United Nations General Assembly** decided to observe 26 June as the International Day against Drug Abuse and Illicit Trafficking as an expression of its determination to strengthen action and co-operation to achieve the goal of an international society free of drug abuse. This Day commemorates the adoption by the International Conference on Drug Abuse and Illicit Trafficking

on 26 June 1987 of the Comprehensive Multidisciplinary Outline of Future Activities in Drug Control Abuse. The General Assembly also proclaimed the years 1991-2000 as the **United Nations Decade against Drug Abuse**.

International Day for the Abolition of Slavery **– 2 December (UN)**

This Day recalls the date of the adoption by the General Assembly of the **Convention for the Suppression of Traffic in Persons and the Exploitation of the Prostitution of Others** (1949). In 1999, the **United Nations Secretary-General** remarked that: "... there is an urgent need for laws and actions to ensure that new forms of exploitation and oppression are now allowed to occur, and that old forms of slavery are eradicated, once and for all".

International Day for the **Elimination of Racial Discrimination** **– 21 March (UN)**

The **United Nations General Assembly** proclaimed in 1966, by its resolution 2142 (XXI), 21 March as the **International Day for the Elimination of Racial Discrimination** and called upon the international community to redouble its efforts to eliminate all forms of racial discrimination. The date selected for annual observance commemorates the anniversary of the Sharpeville massacre which occurred on 21 March 1960 when 69 peaceful demonstrators against the apartheid "pass laws" were fired upon and killed on the orders of the South African regime of that time. This tragedy focused the attention of the world upon the inherent dangers of racial discrimination, segregation and apartheid, and upon the evils of the philosophy of racial superiority often invoked to support such policies. Since 1967, **International Day for the Elimination of Racial Discrimination** has been observed each year in many countries and at the

United Nations Headquarters. These observances have provided opportunities for reaffirming the need to put an end to racial discrimination, segregation and apartheid, and for mobilizing public opinion to reach these goals.

International Day for the Elimination of Violence against Women – 25 November (UN)

The United Nations General Assembly designated 25 November as International Day for the Elimination of Violence against Women (resolution 54/134 of 17 December 1999). It invited governments, international and non-governmental organizations to organize on that date activities designed to raise public awareness on the problem. Women's activists have marked this day as a day against violence since 1981. The date commemorates the brutal assassination in 1961 of three women political activists in the Dominican Republic, on the order of Rafael Trujillo, the dictatorial ruler of the country at that time.

International Day for the Eradication of Poverty – 17 October (UN)

On 22 December 1992, the United Nations General Assembly acknowledging the fact that certain non-governmental organizations, on the initiative of the French-based International Movement ATD Fourth World, had in many States observed 17 October as a World Day for Overcoming **Extreme Poverty**, declared that date as the International Day for the Eradication of **Poverty** from 1993 onwards. The observance of the Day aims to promote public awareness of the need to eradicate poverty and destitution in all countries – a need which has become a priority of development in the 1990s. All States were invited, with the assistance of international governmental organizations and non-

governmental organizations, to devote the Day to concrete activities on the eradication of poverty.

International Day for the Remembrance of the Slave Trade and its Abolition

– 23 August (UNESCO)

The Executive Board of UNESCO at its 150th session noted with interest the support expressed by the **Organization of African Unity (OAU)** for UNESCO's Slave Route Project and adopted a decision to observe the International Day for the Remembrance of the Slave Trade and its Abolition on 23 August each year. On this day in 1791, the slaves of the island of Santo Domingo rose in rebellion. This marked the start of the process which led to the abolition of the slave trade. In this manner, UNESCO wishes to inscribe in the memory of all peoples a little known tragedy that has been forgotten, and to pay tribute to the slaves' relentless struggle for freedom.

International Day for Tolerance

– 16 November (UN/UNESCO)

On 16 November 1995, the General Conference of UNESCO proclaimed and signed the Declaration of Principles on Tolerance and Follow-up Plan of Action for the **United Nations Year for Tolerance**. Article 6 of the Declaration proclaims 16 November the International Day for Tolerance. It states that "in order to generate public awareness, emphasize the dangers of intolerance and react with renewed commitment and action in support of tolerance promotion and education, we solemnly proclaim 16 November the annual International Day for Tolerance". This day, the anniversary of the signing of the UNESCO Constitution, serves as an annual occasion for discussion of tolerance issues and for related special events, both in educational institutions and among the wider public, in co-

operation with the media. On 12 December 1996, the **United Nations General Assembly** adopted resolution 51/95 entitled “Follow-up to the **International Year for Tolerance (1995)**”. After recalling that the **Charter of the United Nations** affirms in its Preamble that “to practice tolerance is one of the principles to be applied to attain the ends pursued by the United Nations of preventing war and maintaining peace” and reconfirming that “tolerance is the foundation of any civil society and of peace”, the resolution invites Member States to observe the International Day for Tolerance annually on 16 November with appropriate activities directed towards both educational establishments and the wider public (para. 6). It also recommends that interested intergovernmental and non-governmental organizations and specialized agencies exert efforts in their respective fields to contribute to the long-term follow-up programme for the International Year for Tolerance, including celebration of the International Day for Tolerance, and to consider what further contributions they can make to implement and disseminate the standards affirmed in the Declaration of Principles on Tolerance (para. 8).

International Day in Support of Victims of Torture – 26 June (UN)

The **Universal Declaration of Human Rights**, in its Article 5, proclaims that “No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment”. The **Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment**, adopted by the **United Nations General Assembly** (resolution 39/46) in 1984, urges States to make torture a crime and to prosecute and punish those guilty of it. Bearing in mind that torture is one of the most serious abuses of human rights, the General Assembly declared (resolution 52/149) 26 June as International Day in Support of

Victims of Torture. The observance of the Day aims to focus on helping torture victims and on ending torture. The **United Nations Voluntary Fund for Victims of Torture**, created in 1981, supports financially over 100 programmes treating torture victims in more than 50 countries. From 1983 to July 1998, the Fund financed 300 projects, giving priority to those providing direct medical or psychological assistance to torture victims.

International Day of Disabled Persons **– 3 December (UN)**

Noting the importance of developing and carrying out concrete long-term strategies for full implementation of the World Programme of Action of the **United Nations Decade of Disabled Persons of the United Nations** beyond the year 2002, the **United Nations General Assembly** proclaimed on 14 October 1992, by its resolution 47/3, 3 December as the International Day of Disabled Persons. In this resolution, the General Assembly appealed to Member States to highlight the observance of the International Day in order to further integrate people with disabilities into society. Similarly, it invited all Member States and organizations concerned to intensify their awareness-raising and action-oriented measures aimed at the continued improvement of the situation of persons with disabilities and the equalization of opportunities for them.

International Day of Families **– 15 May (UN)**

On 20 September 1993, the **United Nations General Assembly** decided that, beginning in 1994 – the **International Year of the Family** – 15 May of every year shall be observed as the International Day of Families. The Day and the Year have the objective of increasing awareness of family issues and improving the capability of nations to tackle family-related problems with comprehensive policies.

International Day of Innocent Children Victims of Aggression

– 4 June (UN)

On 19 August 1982, at its emergency special session on the question of Palestine, the **United Nations General Assembly**, "... appalled at the great number of innocent Palestinian and Lebanese children victims of Israel's acts of aggression", decided by its resolution ES-7/8 to commemorate 4 June each year as the International Day of Innocent Children Victims of Aggression.

International Day of Peace

– 3rd Tuesday of September (UN)

The initiative to proclaim an International Day of Peace was taken by the International Association of University Presidents in July 1981. Reacting to this initiative, the **United Nations General Assembly** declared in 1981 by resolution 36/67 that the third Tuesday of September (the opening day of its regular session) shall "be officially dedicated and observed as the International Day of Peace and shall be devoted to commemorating and strengthening the ideals of peace both within and among all nations and peoples" (para. 2). The resolution invited all Member States, organs and organizations of the **United Nations system**, regional organizations, non-governmental organizations, peoples and individuals "to commemorate in an appropriate manner the International Day of Peace, especially through all means of education, and to co-operate with the United Nations observance of that Day" (para. 3).

International Day of Solidarity with the Palestinian People

– 29 November (UN)

In 1997, the **United Nations General Assembly** called for the annual observance of 29 November as the International Day

of Solidarity with the Palestinian People, as on that day in 1947, the General Assembly had adopted the resolution on the partition of Palestine. On 1 December 1999, the General Assembly reaffirmed that the **United Nations** had a permanent responsibility with respect to the question of Palestine until it was resolved in a satisfactory manner in accordance with international legitimacy.

International Day of the World's Indigenous People – 9 August (UN)

On 23 December 1994, the **United Nations General Assembly** designated 9 August to be observed every year as the International Day of the World's Indigenous People. This date marks the anniversary of the first day of the 1992 meeting of the Working Group on Indigenous Populations of the **Sub-Commission on Prevention of Discrimination and Protection of Minorities** (now the **Sub-Commission on the Promotion and Protection of Human Rights**) of the **United Nations**. It followed upon the proclamation of 1993 as the **International Year of the World's Indigenous People** and of the decade 1994-2004 as the **International Decade of the World's Indigenous People**. The aim is to increase and deepen the awareness of respect for the inherent dignity and rights of indigenous people. The main objectives are: to further promote the growing global co-operation among the indigenous peoples of the world and between non-indigenous peoples and indigenous peoples to resolve shared problems and obstacles to self-determination, growth and development; to increase and deepen understanding of the roles and responsibilities of everyone towards preserving, protecting and developing indigenous culture, intellectual properties and knowledge; and to provide venues and opportunities for the various indigenous peoples to know each other, to share their challenges and learn from each other's experiences in dealing with their local problems.

International Decade for a Culture of Peace and Non-Violence for the Children of the World – 2001-2010 (UN)

Following the proclamation of the **International Year for the Culture of Peace (2000)**, the **United Nations General Assembly** decided on 10 November 1998, by its resolution 53/25, to proclaim the period 2001-2010 as the International Decade for a Culture of Peace and Non-Violence for the Children of the World. Member States are invited to take the necessary steps to ensure that the practice of peace and non-violence is taught at all levels in their respective societies, including in educational institutions. The General Assembly called upon the relevant UN bodies, in particular **UNESCO** and **UNICEF**, to support the Decade for the benefit of every child of the world. The same appeal was addressed to non-governmental organizations, religious bodies and groups, educational institutions, artists, and the media. The resolution underlined that the actions linked to the Decade should contribute to the promotion of a culture of peace based on the principles established in the **Charter of the United Nations** and on respect for human rights, democracy and tolerance, and to the promotion of development, education for peace, the free flow of information, the wider participation of women, and integral approach to preventing violence and conflicts.

International Decade for the Eradication of Colonialism – 1990-2000 (UN)

In 1988, the **United Nations General Assembly** by its resolution 43/47 declared the decade 1990-2000 as the International Decade for the Eradication of Colonialism. In 1991, it declared that the ultimate goal of the Decade was the free exercise of the **right of self-determination** by the peoples of each of the remaining Non-Self-Governing Territories. In endorsing the Plan of Action for the Decade, the General

Assembly invited Member States, the **United Nations** system, governmental and non-governmental organizations to support and participate in implementing the Plan.

International Decade of the World's Indigenous People – 1994-2004 (UN)

The **International Year of the World's Indigenous People – 1993** raised international awareness about the contribution of and problems faced by indigenous people throughout the world. The **United Nations General Assembly**, on 21 December 1993, recognizing the need to build on the results and lessons of the Year, proclaimed the International Decade of the World's Indigenous People and adopted a Programme of Action for the Decade. It also decided that, beginning the first year of the Decade, one day was to be observed as the **International Day of the World's Indigenous People** (9 August was subsequently selected). The Decade, which has the theme "Indigenous people: partnership in action", was introduced with a view to strengthening international co-operation for the solution of problems faced by indigenous people in such areas as human rights, the environment, development, education and health. To achieve this goal, relevant **United Nations** organs, programmes and specialized agencies were urged, in planning activities for the Decade, to examine how existing programmes and resources might be utilized to benefit indigenous people more effectively, including through the exploration of ways in which their perspectives and activities could be included or enhanced. Similarly, Governments were asked to ensure that activities and objectives for the Decade were planned and implemented on the basis of full consultation and collaboration with indigenous people. One of the objectives of the Decade is the adoption of a declaration on the rights of indigenous people.

International Labour Organisation – ILO

The International Labour Organisation (ILO), established on 11 April 1919 after the end of the First World War, its Constitution becoming part of the Treaty of Versailles. On 10 May 1944 ILO adopted the Declaration of Philadelphia, whose text was annexed to its Constitution. It reaffirms the fundamental principles upon which the ILO is based, in particular that: "... labour is not a commodity; freedom of expression and of association are essential to sustained progress; poverty anywhere constitutes a danger to prosperity everywhere; the war against want requires to be carried on with unrelenting vigour within each nation, and by continuous and concerted international efforts in which the representatives of workers and employers, enjoying equal status with those of governments, join with them in free discussion and democratic decision with a view to the promotion of the common welfare" (Article I).

On 2 October 1946, ILO became the first **United Nations** specialized agency. Within the **United Nations system**, ILO has a unique tripartite structure with workers and employers participating as equal partners with governments in its governing organs. The International Labour Conference (the main body of the ILO) establishes, supervises and assists Governments in the implementation of international labour standards. Such standards, in the form of conventions and/or recommendations, are concerned with **economic and social rights**, such as the **right to form trade unions** and join the trade union of one's choice, and **civil and political rights** such as **freedom of association**, abolition of forced labour, freedom from **discrimination** in employment and occupation. ILO also deals with questions concerning conditions of work and occupational safety and health, as well as with child labour.

ILO is recognized as one of the most active United Nations specialized agencies in the field of human rights both for its standard-setting activities and for measures to monitor their

implementation. It has established the relevant **communication procedures**.

International Literacy Day **– 8 September (UNESCO)**

Pursuant to its Constitution, popular education is among the main priorities of UNESCO. In 1966, The Organization proclaimed 8 September as the International Literacy Day following the recommendation made by the World Conference of Ministers of Education on the Eradication of Illiteracy (Tehran, September 1965). The Day aims at sensitizing and mobilizing international public opinion to develop formal and non-formal learning programmes, which are essential to ensure the **right to education** for all, as recognized by Article 26 of the **Universal Declaration of Human Rights**. As stated in UNESCO's *World Education Report 2000 – The Right to Education: Towards Education for All Throughout Life*, there are more than 800 million illiterate adults in the world today, and nearly 100 million children of primary school age (and an even larger number of children of secondary school age) who are not in school. UNESCO helps its Member States to identify and meet their needs and aspirations in the field of education.

International Literacy Year **– 1990 (UN)**

Following the recommendation of the **Economic and Social Council (ECOSOC)**, the **General Assembly** of the **United Nations** by its resolution 42/104 of 7 December 1987 proclaimed 1990 International Literacy Year. The objective of the Year was to further sensitize the international community regarding the various aspects of illiteracy and to encourage concrete action in favour of its elimination, bearing in mind the necessity to ensure the **right to education**. The General Assembly recognized that education can contribute greatly to achieving economic and social

development. As requested by the General Assembly, UNESCO assumed the role of lead agency for the Year.

International Organization for Migration – IOM

At the initiative of Belgium and the United States of America, an International Migration Conference was convened in Brussels in 1951. It resulted in the creation of the Provisional Intergovernmental Committee for the Movements of Migrants from Europe (PICMME) which, in 1953, became the Intergovernmental Committee for European Migration (ICEM). In 1980, the Council of ICEM changed its name to the Intergovernmental Committee for Migration (ICM) in recognition of its increasing global role. Finally, in 1989, ICM was renamed International Organization for Migration. As of 1 December 2000, it comprised 79 members. Its headquarters are in Geneva. The central aims of IOM include: organizing the transfer of migrants, refugees, internally displaced persons and other individuals; providing logistical support and medical assistance; providing advisory services on migration questions and on voluntary return migration; and working for the promotion of co-operation and co-ordination of efforts on international migration issues including studies on such issues in order to develop practical solutions. The IOM is composed of three organs: the Council, the Executive Committee and the Administration headed by the Director-General who is responsible to the Council and the Executive Committee.

Since 1951, millions of migrants have received aid from IOM and its predecessors. Currently, 11 million migrants are assisted directly by IOM.

International Refugee Organization – IRO

The International Refugee Organization was a temporary agency created by the United Nations General Assembly in 1946. In arranging for the care and the repatriation or

resettlement of Europeans made homeless by the second World War, IRO brought to a conclusion part of the work of the United Nations Relief and Rehabilitation Administration (UNRRA). Its goal was to register, protect, resettle and repatriate refugees. IRO was criticized for the controversial character of its operations. It was superseded in 1952, after having resettled approximately one million persons, by the **Office of the United Nations High Commissioner for Refugees (UNHCR)**.

International Research and Training Institute for the Advancement of Women – INSTRAW (UN)

The International Research and Training Institute for the Advancement of Women (INSTRAW) was created by the **Economic and Social Council (ECOSOC)** resolution 1998 (LX) of 12 May 1976 on the recommendation of the **World Conference of the International Women's Year**, held in Mexico City in 1975. INSTRAW is an autonomous body of the **United Nations** which carries out policy-oriented research and training programmes at the international level in order to contribute to the advancement of women as equal partners in all spheres of life; to strengthen their active and equal participation in development; to raise awareness of gender issues; and to create networks worldwide for the attainment of gender equality. Thus, INSTRAW works to improve conceptual and methodological tools, collect and disseminate gender-specific information both within and outside the **United Nations system**, provide training programmes in line with its research results to trainers and policy-makers, and promote measures aimed at the economic and political empowerment of women. In this regard, it focuses on the promotion of the United Nations agenda for gender equality and sustainable development and stimulates further research at the national and international levels and supports institutional building for gender mainstreaming in all sectors.

International Women's Day – 8 March (UN)

International Women's Day, dedicated to women and their struggle for equal rights, is traditionally observed on 8 March, in commemoration of a strike by women workers in garment and textile factories in New York City on 8 March 1857.

The celebration of the Day stems from a declaration by the Socialist Party of America. In accordance with this declaration, the first National Women's Day was observed across the United States on 28 February 1909. In 1910, the Socialist International, meeting in Copenhagen, established a Women's Day, international in character, to honour the movement for women's rights and to assist in achieving universal suffrage for women. The proposal was greeted with unanimous approval by the conference of over 100 women from 17 countries. Although no fixed date was selected for the observance, the decision taken at Copenhagen resulted in International Women's Day being marked for the first time on 19 March 1911 in Austria, Denmark, Germany and Switzerland, where more than 1,000,000 women and men attended rallies. In addition to the right to vote and to hold public office, they demanded the **right to work**, the right to vocational training and the right to end discrimination on the job.

8 March is commemorated by women's groups around the world and is designated in many countries as a national holiday. International Women's Day is an occasion to encourage co-ordinated efforts affirming the human rights of women, the struggle for equality of opportunities and for equal participation in political, economic and social life.

In 1975, during the **International Women's Year**, the **United Nations** began celebrating 8 March as International Women's Day. Two years later in December 1977, the **United Nations General Assembly** adopted a resolution proclaiming a **United Nations Day for Women's Rights and International Peace** to be observed every year on a date to be chosen by each Member State.

International Women's Year – 1975 (UN)

On 18 December 1972 the United Nations General Assembly endorsed a recommendation by the Commission on the Status of Women and proclaimed 1975 International Women's Year. The principal objectives of the Year were: to promote equality between women and men, to ensure the integration of women in all development activities, and to increase the contribution of women to the strengthening of world peace. The General Assembly invited all Member States and all interested organizations to take steps to ensure the full realization of the rights of women and their advancement on the basis of the Declaration on the Elimination of Discrimination against Women (1967). The World Conference of the International Women's Year which was held in 1975 in Mexico City adopted the Declaration of Mexico on the Equality of Women and Their Contribution to Development and Peace as well as the World Plan of Action for the Implementation of the Objectives of the International Women's Year. The Plan recommended that governments ensure women and men equality before the law, equality of educational and training opportunities and equality in conditions of employment including remuneration and adequate social security. It stressed that the under-development of socio-economic structures in most areas of the world is the major cause of women's inferior position. The Plan drew attention to nine specific areas for national action and made several recommendations for international and regional action.

International Year for Action to Combat Racism and Racial Discrimination – 1971 (UN)

On 11 December 1969, the United Nations General Assembly designated the year 1971 as the International Year for Action to Combat Racism and Racial Discrimination, and expressed the view that the Year "should be observed in the name of the ever-growing struggle against racial discrimination in all its

forms and manifestations and in the name of international solidarity with those struggling against racism". The General Assembly approved the programme for the observance of the Year prepared by the **Secretary-General of the United Nations** and appealed to all States to intensify and expand their efforts at the national and the international levels towards ensuring the rapid and total eradication of racial discrimination, including the policy of apartheid, and nazism in all of their contemporary forms, as well as other manifestations of racism. The organs of the **United Nations** and its specialized agencies were invited to co-operate and participate in the preparatory work and in the observance of the Year. At the Year's conclusion, the General Assembly recommended that the measures and activities undertaken on the occasion of the Year be continued, developed and enlarged, and that the initiatives which have emerged from the observance of the Year should serve as guidelines for action-oriented programmes designed to ensure that the work accomplished in 1971 will be pursued. The period 1973-1983 was later proclaimed the Decade[s] for Action to Combat Racism and Racial Discrimination. Within the framework of the Third Decade (1993-2003), the **International Year of Mobilization against Racism, Racial Discrimination, Xenophobia and Related Intolerance** was declared for 2001 and the World Conference against Racism is organized.

International Year of Mobilization against Racism, Racial Discrimination, Xenophobia and Related Intolerance – 2001 (UN)

In 1998, by its resolution 53/132, the **United Nations General Assembly** proclaimed within the context of the Third **United Nations Decade[s] for Action to Combat Racism and Racial Discrimination** (1993-2003), the year 2001 as the **International Year of Mobilization against Racism, Racial Discrimination, Xenophobia and Related Intolerance**. The

General Assembly, in proclaiming the International Year, underscored its grave concern that, despite the continuing efforts of the international community, the principal objectives of the two previous Decades had not been attained, and that, on the contrary, racism and racial discrimination in all their forms and manifestations persist and even grow in magnitude. The main purpose of the International Year is to contribute to the preparation of the **World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance** (Durban, South Africa, 31 August-7 September 2001), as well as to the realization of its objectives. The activities within the framework of the International Year are directed towards increasing public awareness about the scourges of racism and encouraging the implementation of the relevant standard-setting instruments, thus giving a new impetus to the political commitment for the elimination of all forms of racism, racial discrimination, xenophobia and related intolerance.

International Year for the Culture of Peace – 2000 (UN)

On 20 November 1997, the **United Nations General Assembly** adopted resolution 52/13 concerning the **culture of peace**, and resolution 52/15 which proclaims the year 2000 the International Year for the Culture of Peace. The latter recalls **Economic and Social Council (ECOSOC)** resolution 1997/47 of 22 July 1997 which recommended that UNESCO be the focal point for the Year, inasmuch as this concept was first formulated at the International Congress on Peace in the Minds of Men organized by UNESCO in the Côte d'Ivoire in 1989. In that resolution, the Member States emphasize the impact of such a year by stating their awareness: "... of the need to mobilize public opinion at the national and international levels for the purpose of establishing and promoting a culture of peace and the central role that the **United Nations system** could play in this regard". The

main objectives and strategies are to: reflect and inspire social interaction and sharing, based on the principles of freedom, justice and democracy, human rights, tolerance and solidarity; reject violence and endeavour to prevent conflicts by tackling their root causes; to solve problems through dialogue and negotiation; and guarantee the full exercise of all rights and the means to participate fully in the development process of their society.

On 10 November 1998, in its resolution 53/25, the period 2001 to 2010 was proclaimed by the General Assembly as the **International Decade for a Culture of Peace and Non-Violence for the Children of the World**.

On 13 September 1999 the **Declaration and Programme of Action on a Culture of Peace** were adopted by the General Assembly (resolution 53/243).

International Year for the Eradication of Poverty – 1996 (UN)

On 21 December 1993, the **United Nations General Assembly** proclaimed 1996 the International Year for the Eradication of Poverty. With the theme “Poverty can be and must be eradicated throughout the world”, the aim of the Year was to support a longer-term, sustained effort to implement fully and effectively the commitments, recommendations and measures undertaken and the basic provisions already agreed upon at major **United Nations** conferences since 1990 as they relate to poverty eradication (para. 3). In its resolution, the General Assembly reaffirmed that the major activities for observing the International Year should be undertaken at all levels to create among States, policy-makers and international public opinion a greater awareness that the eradication of **extreme poverty** is both a complex and multidimensional problem, and is fundamental to reinforcing peace and achieving sustainable development (para. 2). The same resolution requested the **Secretary-General** of

the **United Nations** to achieve, in consultation with States, specialized agencies and intergovernmental and non-governmental organizations, the elaboration of the draft programme concerning the preparations for and observance of the Year (para. 3). Activities during the Year were guided by the following principles: anti-poverty strategies and programmes shall be designed, implemented and monitored with the full and effective participation of people living in poverty; measures shall be adopted to ensure that people living in extreme poverty have access to the resources and opportunities necessary to escape from poverty; access of all people living in poverty to basic social services shall be ensured; anti-poverty strategies and programmes shall be designed with a gender dimension; and targeted programmes shall be developed to meet the special needs of particular social and demographic groups, including young people, disadvantaged **older persons**, persons with disabilities and other vulnerable and disadvantaged groups of persons (para. 4).

International Year for Tolerance

– 1995 (UN)

On 20 December 1993, the **United Nations General Assembly**, at the initiative of UNESCO, proclaimed 1995 the International Year for Tolerance. This initiative was especially appropriate as it celebrated the 50th anniversary of the **United Nations** and UNESCO by reaffirming the practice of tolerance as one of the guiding principles upon which the United Nations was founded. On 23 December 1994, the General Assembly called upon Member States to co-operate with UNESCO in the observance of national and international programmes and requested UNESCO to prepare for the conclusion of the Year a declaration of principles and a programme of action as a follow-up to the Year. In conformity with its mandate as the responsible agency of the **United Nations system** for the International Year of Tolerance, UNESCO prepared for 1995 a diverse programme

of meetings, concerts, broadcasts, festivals, publications, exhibitions and other special events in all regions of the world. The Year's calendar of events included seven regional conferences. Research carried out throughout the world on new forms of **discrimination** and ways of combating them served as a basis for UNESCO's efforts to involve an increasing number of partners in promoting the idea, and above all, the practice of "active" tolerance, which implies the desire to get to know other people, to understand what makes others different and to show respect for those differences. The **Declaration of Principles on Tolerance** was adopted by the General Conference of UNESCO on 16 November. The Plan of Action for the follow-up to the International Year for Tolerance, also adopted by the General Conference, presents the causes and factors contributing to manifestations of intolerance around the world. It states that the aim of the follow-up programme is to transpose the most successful components of the International Year for Tolerance into more enduring strategies and structures by which promotion and sensitization of tolerance may be improved in every region of the world.

International Year of Older Persons – 1999 (UN)

The United Nations General Assembly proclaimed the year 1999 as the International Year of Older Persons by its resolution 47/5 of 16 October 1992. The conceptual framework of a programme for the Year was elaborated by the **United Nations Secretary-General** in 1995 and focused on four dimensions: the situation of older persons; life-long individual development; relationships between generations; and the relationships between development and the ageing of populations. Priority is given to promoting the **United Nations Principles for Older Persons** and the theme "Towards a society for all ages" was adopted as the Year's unifying theme.

In 1997, the Secretary-General elaborated the operational framework for the observance of the Year, also structured along four dimensions: raising awareness (recalling the four conceptual dimensions); looking ahead beyond 1999; reaching out to non-traditional actors including the development community, the media, the private sector and youth; and developing co-operation between States and sectors. Furthermore, the operational framework formulated a “Menu of Ideas” concerning national activities.

International Year of Peace

– 1986 (UN)

The year 1986 was declared the International Year of Peace by the **United Nations General Assembly** on 16 November 1982 (resolution 37/16). In the proclamation, the General Assembly referred to peace as a universal ideal, the promotion of which was the primary purpose of the **United Nations**. The programme of the Year was designed to promote activities at the international, regional, and national levels aimed at bringing about a sustained increase in understanding of, and support for, the work of the United Nations in the field. It stated that “... the promotion of international peace and security requires continuing and positive action by States and peoples aimed at the prevention of war, removal of various threats to peace – including the nuclear threat – respect for the principle of non-use of force, the resolution of conflicts and the peaceful settlement of disputes, confidence-building measures, disarmament, the maintenance of outer space for peaceful uses, development, the promotion and exercise of human rights and fundamental freedoms, decolonization in accordance with the principle of self-determination, the elimination of racial discrimination and apartheid, the enhancement of the quality of life, satisfaction of human needs and protection of the environment,” and called upon all peoples to join the United Nations efforts to safeguard peace and the future of

humanity. The International Year of Peace was observed worldwide by Member States of the United Nations, intergovernmental and non-governmental organizations, educational, scientific, cultural and research institutions and the media and highlighted the role of the United Nations in the promotion and maintenance of international peace and security.

International Year of the Child

– 1979 (UN)

In its resolution of 21 December 1976, the **United Nations General Assembly** proclaimed the year 1979 the International Year of the Child to mark the 20th anniversary of the adoption of the **Declaration on the Rights of the Child**. Leadership for the Year was provided by the **United Nations Children's Fund (UNICEF)** with the assistance of an advisory group. Essentially a year of action at the national level to improve the situation of children and supported by activities and consultations at the regional and international levels, the International Year of the Child pursued the following general objectives: to provide a framework for advocacy on behalf of children and for enhancing the awareness of the special needs of children on the part of decision-makers and the public; and to promote recognition of the fact that programmes for children should be an integral part of economic and social development plans with a view to achieving the long-term and the short-term sustained activities for the benefit of children at the national and international levels.

International Year of the Family

– 1994 (UN)

On 8 December 1989, the **United Nations General Assembly** proclaimed the year 1994 as the International Year of the Family. The aims of the Year were to increase awareness of family issues and improve the institutional capability of nations to tackle serious family-related problems with comprehensive

policies. The General Assembly recognized the efforts of governments at the local, regional and national levels in carrying out specific programmes concerning the family and in raising awareness, increasing understanding and promoting policies that improve the position and well-being of the family (resolution 44/82). It also expressed its confidence that the Year would offer a unique opportunity for mobilizing efforts to highlight the importance of the family, promote a better understanding of its functions and problems and strengthen the ability of national institutions to formulate, implement and monitor policies in respect of the family. The major activities for the observance of the Year were designed to create a view, among Governments, policy-makers and the public, of the family as the natural and fundamental unit of society.

International Year of the World's Indigenous People – 1993 (UN)

On 18 December 1990, the **United Nations General Assembly** proclaimed (resolution 45/164) the year 1993 as the International Year for the World's Indigenous People with the theme of "Indigenous people – a new partnership". The Year was requested by indigenous organizations and is the result of their efforts to secure their cultural integrity and status in the 21st century. The aim of the Year was to strengthen international co-operation for the solution of the problems faced by indigenous peoples in areas such as human rights, the environment, development, education and health and, above all, to encourage a new relationship between States and indigenous peoples, and between the international community and indigenous peoples. The resolution contained a programme of activities for the Year and envisaged that the **United Nations system** would increase co-ordination, co-operation and technical assistance for the solution of problems faced by indigenous peoples; give special

emphasis to promoting the ratification and implementation of the international legal instruments related to the objectives of the Year; provide technical assistance to help Governments adopt legislative provisions which recognize and protect the basic human rights of indigenous and tribal peoples; and promote public awareness of the situation of indigenous peoples and the threats to their existence. In preparing the activities for the Year, various organizations of the **United Nations** sought to involve indigenous peoples in the planning, implementation and evaluation of the projects that will improve their living conditions and future.

International Youth Day

– 12 August (UN)

On 17 December 1999, the **United Nations General Assembly**, adopted resolution 54/120 1, which endorsed the recommendation made by the World Conference of Ministers responsible for **Youth** (Lisbon, Portugal, 8-12 August 1998) that 12 August be declared International Youth Day. It recommended that public information activities be organized to support the Day as a way to promote better awareness, especially among youth of the **World Programme of Action for Youth to the Year 2000 and Beyond**, adopted by the General Assembly in 1995 by its resolution 50/81.

International Youth Year:

Participation, Development, Peace

– 1985 (UN)

On 17 December 1979, the **United Nations General Assembly** designated the year 1985, which marked the 40th anniversary of the **United Nations**, as the International Youth Year. The goals of the Year were: to enhance awareness of the needs and aspirations of youth; to make youth activities an integral part of social and economic development; to enhance

youth participation in society; and to promote among youth the ideals of peace, mutual respect and understanding among peoples. A highlight of the Year was the endorsement by the General Assembly of guidelines for further planning and suitable follow-up in the field of youth. These guidelines, representing an international instrument providing a global strategy for youth, were contained in the report of the Advisory Committee for the Year, and were endorsed by General Assembly resolution 40/14 of 18 November 1985. The guidelines emphasized human rights and invited Governments “to encourage initiatives and activities aimed at promoting respect for human rights and fundamental freedoms by young people as stated in the **Universal Declaration of Human Rights** and other relevant documents, particularly by giving proper consideration to their education in the field of human rights and its indispensable connection with the preservation of peace”.

Inter-Parliamentary Union – IPU

The Inter-Parliamentary Union (IPU), established in 1889 on the initiative of two parliamentarians, William Randal Cremer (United Kingdom) and Frédéric Passy (France), is the world organization of parliaments of sovereign States and, as such, the focal point for world-wide parliamentary dialogue. By the middle of 2001, 141 national parliaments were members and five were associate members. The promotion of peace and co-operation among peoples and the establishment of representative institutions are the main goals of IPU. To that end, it fosters contacts and exchanges of experience among parliaments and parliamentarians. It considers questions of interest to the international community and expresses its view thereon with the aim of bringing about parliamentary action. Convinced that parliaments are guardian of human rights, IPU contributes to the defence and promotion of human rights, including equal participation of women in political life. The IPU has set up its own human rights mechanism, the Committee on the Human

Rights of Parliamentarians, which investigates complaints regarding violations of the human rights of members of parliament. Through studies and technical assistance, the IPU promotes and brings about improvements in parliamentary institutions. It supports the efforts of the **United Nations** and its specialized agencies (including **UNESCO**) on issues concerning the strengthening of democratic institutions, protection of human rights, promotion of gender equality and other matters. The IPU co-operates also with other organizations which are motivated by the same ideals. The IPU is financed from public funds. It has two organs: the Inter-Parliamentary Conference, which expresses the Organization's views on political issues; and the Inter-Parliamentary Council. The latter is composed of two representatives, generally of different political views, from each member parliament and serves as the IPU's plenary policy-making body, drawing up the annual programme and budget and deciding on membership issues. A number of committees are subordinated to the Council. The Meeting of Women Parliamentarians is a mechanism for co-ordination between women members of parliament. The Executive Committee is a 13-member body which oversees administration and advises the Council; the Secretariat is responsible for carrying out the programme of activities. The IPU Headquarters are situated in Geneva, Switzerland. The Secretary-General is appointed by the Inter-Parliamentary Council for a four-year mandate.

League of Nations

The League of Nations, a universal organization of States, was established at the initiative of the victorious Allied Powers at the end of the First World War. The Covenant of the League, adopted at the Paris Peace Conference in 1919, was the charter of the new international order, aiming at promoting international co-operation and achieving international peace and security. The Covenant established the League's directing organs: an Assembly, a Council and a Secretariat. The programme for the direct prevention of war was set forth in Articles 8 to 19. No reference was made to the rights or freedoms of individuals. However, the League of Nations encouraged the establishment of bilateral agreements aimed at the protection of the rights of minorities (for example the Greco-Bulgarian Convention of November 1919 and of January 1923 and the Polish-German Agreement of January 1934) which were supervised and monitored by it. The League also adopted several standard-setting instruments having particular reference to human rights. One of the most famous instruments is the **Slavery Convention** of 25 September 1926 which was signed under the auspices of the League of Nations and which entered into force on 9 March 1927. The League had 53 members at the height of its influence. It ceased its activities during the Second World War. In 1946, the League was formally dissolved.

Madanjeet Singh Prize for the Promotion of Tolerance and Non-Violence (UNESCO)

The UNESCO-Madanjeet Singh Prize for the Promotion of Tolerance and Non-Violence was created in 1995, both as part of the **International Year for Tolerance** and in commemoration of the 125th anniversary of Mahatma Gandhi's birth. It honours outstanding creative achievements in the promotion of tolerance and non-violence in science, the arts, education, culture and communication. Its donor, the Indian artist, writer and diplomat, Madanjeet Singh, was imprisoned during Mahatma Gandhi's non-violent Quit India movement against British colonial rule. The prize of US \$40,000 is awarded every two years at a ceremony held at UNESCO Headquarters on 16 November, the **International Day for Tolerance**. Candidates may be nationals of Member States of UNESCO or institutions or organizations with their headquarters in those States. The Prize was first awarded in 1996 to Pro-femmes Twese Hamwe, a collective of 32 groups of Rwandese women, for their outstanding contributions to the rehabilitation of families and communities devastated by mass violence in Rwanda. The 1998 award was attributed to two laureates. One was the Joint Action Committee for People's Rights (Pakistan), a coalition of 30 non-governmental organizations and individuals that campaign for women's rights and religious tolerance, and against the nuclear arms race. The other was Mr Narayan Desai (India) for his work in promoting education and youth training camps with his Shanti Sena (Peace Brigade). In 2000, Pope Shenouda III, the head of Egypt's Coptic Orthodox Church, was laureate. Two honourable mentions were attributed: to the Indonesian human rights activist Munir and to Christiana

Ayoka Mary Thorpe, founder of the Sierra Leone chapter of the non-governmental organization Forum for African Women Educationalists. Three special mentions were awarded: to the Iranian pro-reform daily newspaper *Salaam*, the radio and television broadcaster *Mir* and *Seeds of Peace*, the U.S. non-governmental organization.

Magna Carta

Magna Carta, also called “English Great Charter”, is the charter of liberties granted by King John in 1215. Although it meant less to contemporaries because of the feudal system at that time than to subsequent generations, it became a symbol of the struggle against oppression. It consists of a Preamble and 63 clauses. The content of Magna Carta may be divided into several groups with clauses concerning: the church; feudal law; subtenants; towns, trade and merchants; reform of the law and justice; control of the behaviour of royal officials; royal forests; and guarantees for the King’s adherence to the Charter. It is worth mentioning that some national constitutions which are in force today, such as that of the United States of America, contain ideas and formulations traceable to Magna Carta.

Management of Social Transformations – MOST (UNESCO)

UNESCO’s MOST programme was established in 1994 to foster international co-operative policy-relevant social science research. Its overarching objective is to evaluate the impact of research on policy-making and to enhance the relations between the latter. The activities of the programme, involving 18 regional and international research and policy networks, range from research to capacity-building, through supply of expertise and development-oriented field projects. MOST is mainly focused on policies for the governance of multicultural societies, international migrations, cities and urban development, coping

with globalization as well as issues relating to social development and **poverty** eradication. Recently, MOST has been paying growing attention to human rights and introducing a human rights approach to policy issues in the key fields of its activities. The combination of the normative perspective of **civil, cultural, economic, political and social rights** with policies-making is at MOST's core.

The MOST programme is steered by an Intergovernmental Council of 37 Member States, and a Scientific Committee of nine international scholars, which has decision-making power on substantive issues. There are also 59 MOST National Liaison Committees which link the programme to local research and policy communities. It is coordinated by the MOST Secretariat at UNESCO Headquarters. Information on MOST activities and work is to be found on <http://www.unesco.org/most>.

Mexico City Declaration on Cultural Policies (UNESCO)

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Adopted in 1982 by the World Conference on Cultural Policies organized by UNESCO, to promote, *inter alia*, **the right to cultural identity**.

Migrant workers

The question of maltreatment and discrimination of migrant workers and their families has for a long time been on the agenda of the **International Labour Organisation (ILO)** and, since the 1970s, on the agenda of the **United Nations**. From 1976 to 1979, the **United Nations General Assembly** adopted a series of resolutions on measures to improve the situation and ensure the human rights and dignity of all migrant workers and called upon the **Commission on Human Rights** and the **Economic and Social Council (ECOSOC)** to consider questions concerning migrant workers. In 1990, the **International Convention on the Protection of the Rights of All Migrant Workers and Members**

of Their Families was adopted by the United Nations General Assembly resolution 45/158. In Article 2, the Convention explains that the term “migrant worker” refers to a person who is to be engaged, is engaged or has been engaged in a remunerated activity in a State of which he or she is not a national. The Commission on Human Rights called upon all United Nations Member States to consider signing and ratifying or acceding to the Convention as a matter of priority. It also urged countries of destination to review and adopt appropriate measures to ensure that their police forces and competent migration authorities comply with the basic standards relating to the decent treatment of migrant workers. By the middle of 2001, the Convention had still not entered into force due to the fact that the number of ratifying States (15) has not yet reached the necessary number (20). It is worth noting that the **European Convention on the Legal Status of Migrant Workers** entered into force on 1 May 1983 and had been ratified by 8 States by the middle of 2001.

Minorities

The protection of minorities and their equal and non-discriminatory treatment became a matter of international concern after the First World War. Treaties between the Allied and Associated Powers and the Central and Eastern European and Balkan States provided for the protection of the rights of ethnic, religious or linguistic minorities. For many decades, the protection of their rights has been a controversial question. Neither the protection of minorities nor the rights of persons belonging to minorities were mentioned in the **United Nations Charter** (1945). The **Universal Declaration of Human Rights** (1948) does not foresee a specific provision on the question of minorities. The **European Convention for the Protection of Human Rights and Fundamental Freedoms** contains a provision (Article 14) in which “...association with a national minority” is listed among a series of grounds upon which discrimination is prohibited. The first international convention

adopted after 1945 which includes provisions *expressis verbis* relating to the rights of persons belonging to minorities is the **Convention against Discrimination in Education** (1960) of UNESCO. The **International Covenant on Civil and Political Rights** (1966), in its Article 27, states: “In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities should not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language”. At its 1967 session, the **Sub-Commission on Prevention of Discrimination and Protection of Minorities** (now **Sub-Commission on the Promotion and Protection of Human Rights**) decided to initiate a study of the implementation of the principles set out in Article 27 of the International Covenant on Civil and Political Rights. This article, with small alterations, was incorporated in the **Convention on the Rights of the Child** (1989).

In 1992, the **Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities** was adopted. Although it does not determine the term “minority”, the Declaration urges States and the international community to promote and protect the rights of persons belonging to minorities. The **Vienna Declaration and Programme of Action**, adopted on 25 June 1993 by the **World Conference on Human Rights**, called on the **Commission on Human Rights** to examine ways and means to promote and protect effectively the rights of persons belonging to minorities as set out in the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. It proclaims that such protection contributes “... to the political and social stability of the States in which such persons live” (para. 19 of the Vienna Declaration and Programme of Action).

The Council of Europe adopted the **European Charter for Regional or Minority Languages** (1992) and the **Framework Convention for the Protection of National Minorities** (1994).

Nairobi Forward-Looking Strategies for the Advancement of Women (UN)

The Nairobi Forward-Looking Strategies were adopted by the World Conference to Review and Appraise the Achievements of the United Nations Decade for Women: Equality, Development and Peace, which was held at Nairobi, Kenya, from 15 to 26 July 1985. The Strategies provided a policy framework for improving the status of women during the period 1986-2000 and for eliminating all forms of inequality between men and women which is essential for strengthening peace and security. Governments were requested to adopt concrete measures to promoting the integration of women at all levels of public and private life. By resolution 40/108 of 13 December 1985, the **United Nations General Assembly** endorsed the Strategies and called upon States to take concrete and effective measures to: establish or strengthen, as appropriate, national mechanisms to ensure the advancement of women; to monitor the implementation of the Strategies with a view to ensuring the full integration of women in the political, economic, social and cultural life of their countries. Furthermore, the General Assembly entrusted the implementation of the Strategies to the **Commission on the Status of Women** and urged all organizations of the **United Nations system** to co-operate with the Commission in this work. The Commission called upon States to ensure that women become more aware of their rights and to eliminate negative connotations associated with women from textbooks and from the education system in general. It also called for action to combat acts of violence against women.

Naples Political Declaration and Global Action Plan against Organized Transnational Crime (UN)

On 23 December 1994, the **United Nations General Assembly**, by its resolution 49/159, recognized the need to strengthen and improve international co-operation at all levels to assist States in their fight against transnational **organized crime** and approved the Naples Political Declaration and Global Action Plan against Organized Transnational Crime. These instruments were developed by the World Ministerial Conference on Organized Transnational Crime held in Naples, Italy, in November 1994. They proclaimed the resolve of the participants to the Conference to “protect their societies from organized crime in all its forms through strict and effective legislative measures and operational instruments, always consistent with internationally recognized human rights and fundamental freedoms” (para. 1). They also declared that the participants will join forces and fight together against the expansion and diversification of transnational organized crime (para. 2), in particular directing their efforts towards defeating the social and economic power of criminal organizations and their ability to infiltrate legitimate economies, to launder their criminal proceeds and to use violence and terror (para. 3). The Declaration and Action Plan urged States to achieve more effective international co-operation through: closer alignment of legislative texts concerning organized crime (para. 32); strengthening international co-operation at the investigative, prosecution and judicial levels in operational matters (paras. 23-27); establishing modalities and basic principles for international co-operation at the regional and global levels (para. 9); elaborating international agreements on organized transnational crime (para. 9); and establishing measures and strategies to prevent and combat money-laundering and to control the use of the proceeds of crime (paras. 35-39). States are also asked to

increase their knowledge of criminal organizations and their dynamics by collecting, analyzing and disseminating reliable statistics and information on the phenomenon (para. 13). In order to strengthen the struggle against organized crime, the General Assembly adopted on 15 November 2000, by its resolution 55/25, the following new instruments: **United Nations Convention against Transnational Organized Crime, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and Protocol against the Smuggling of Migrants by Land, Sea and Air.**

National Commissions for Human Rights

The role and functions of national commissions are described in the **United Nations Secretary-General's** report entitled "National institutions for the protection and promotion of human rights", prepared at the request of the **United Nations General Assembly** resolution 40/123. Pursuant to this text, national commissions for human rights are designed to hear and investigate individual charges of human rights violations or discriminatory acts committed in violation of existing law. One of their most important functions is their systematic monitoring of existing government policy toward human rights and presenting suggestions concerning improvements in this regard. Furthermore, national commissions are engaged in educating the public about important issues in the field of human rights as well as in monitoring State compliance with existing human rights law. Their organization varies from country to country as well as their procedures in investigation and resolution of complaints. National commissions for human rights do not have the power to take binding decisions in resolving a complaint. Therefore, to be effective, a strong connection between the law, the commissions and the courts is necessary.

Non-derogatory human rights

Non-derogatory human rights are those rights which are so basic that they can never be suspended by legal acts of governments, not even in times of public emergencies. They are enshrined by Article 4, para. 2, of the **International Covenant on Civil and Political Rights** and include: the **right to life**; the prohibition of torture and cruel, inhuman or degrading treatment of punishment; the prohibition of slavery, slave trade, and other forms of servitude; the right not to be imprisoned merely on the ground of inability to fulfil a contractual obligation; the prohibition of retroactive application of penal law; the **right to recognition as a person before the law**; and the right to freedom of thought, conscience and religion.

Non-governmental organizations in the field of human rights

The first non-governmental organizations (NGOs) were created in the 19th century. Since the end of the Second World War, their number has greatly expanded. NGOs may be of an international, regional, national, local or grassroots character. Many of them deal with human rights issues and contribute significantly to the promotion and protection of human rights and to the daily struggle against their violations. They play an outstanding role in sensitizing civil society and the general public on threats and challenges to human rights. NGOs participate regularly in the meetings of the **Commission on Human Rights**, the **Sub-Commission on the Promotion and Protection of Human Rights** (formerly the **Sub-Commission on Prevention of Discrimination and Protection of Minorities**), the **Commission on the Status of Women** and other bodies dealing with human rights issues. NGOs actively co-operate with the **Inter-American Commission on Human Rights** and the **Inter-American Court of Human Rights**, the **Council of Europe**, the **European Court of Human Rights**, the **African**

Commission on Human Rights and the Organization for Security and Co-operation in Europe OSCE. Furthermore, non-governmental organizations participate in and often initiate the drafting of international standard-setting instruments. They maintain regular relations with the **United Nations** and its specialized agencies. For example over 1,500 NGOs are in consultative status with **Economic and Social Council (ECOSOC)**; about 344 are admitted into official relations with the **United Nations Educational, Scientific and Cultural Organization (UNESCO)**, of them about one-quarter are human rights organizations. There has been a broad participation of NGOs in major conferences in the field of human rights. More than 800 NGOs were accredited to the **World Conference on Human Rights** (Vienna, 1993) and some 2,500 attended its parallel NGO Forum. The participation reached a new peak at the **Fourth World Conference on Women** in Beijing in 1995 with the accreditation of over 4,000 NGOs. Moreover, information from NGOs has official status in the **human rights treaty bodies**. They also play a major role in the promotion of human rights education.

One of the most well-known NGOs in the field of human rights is **Amnesty International** which celebrated its 40th anniversary in 2001. It was awarded the Nobel Peace Prize in 1977.

Office for Democratic Institutions and Human Rights – ODIHR (OSCE)

As part of the **Organization for Security and Co-operation in Europe (OSCE)**, the Office for Democratic Institutions and Human Rights (ODIHR) assists the Participating States in the building of democratic institutions, in the monitoring of elections and in the implementation of their commitments in the field of human rights. It is the primary OSCE institution in the human dimension field. The Office, situated in Warsaw, focuses mainly on three priorities. First, it is the focal point for OSCE election-related matters and monitors elections based on the OSCE election commitments made at the Copenhagen Meeting in 1990. Secondly, the Office carries out a number of programmes aimed at promoting civil society and democratic institutions, through providing training and technical assistance to national human rights institutions, State institutions and non-governmental organizations. In fulfilling its tasks, it works not only with other OSCE institutions, but also co-ordinates its activities with other intergovernmental organizations and non-governmental organizations. Finally, the ODIHR fulfils a monitoring function regarding the implementation of commitments by OSCE Participating States in the field of human rights.

Office of the United Nations High Commissioner for Human Rights – OHCHR

The mandate of the Office of the **High Commissioner for Human Rights (OHCHR)** derives from Articles 1, 13 and 55 of the **Charter of the United Nations**, the provisions of the **Vienna Declaration and Programme of Action**, and the **United Nations**

General Assembly resolution 48/141 of 20 December 1993, by which the General Assembly established the post of a United Nations High Commissioner for the promotion and protection of all human rights, commonly called the High Commissioner for Human Rights. The Office is situated in Geneva and has a liaison office in New York.

In connection with the programme for reform of the **United Nations**, the OHCHR and the **United Nations Centre for Human Rights (UNCHR)**, created on 18 December 1982 by the United Nations General Assembly in its redesignation of the former Division of Human Rights, were merged on 15 September 1997. The Office is divided into organizational units and headed by a High Commissioner with the rank of Under-Secretary-General. Its functions are the following: promotion of universal enjoyment of all human rights by giving practical effect to the will and resolve of the world community as expressed by the UN; playing the leading role on human rights issues and emphasizing the importance of human rights at the international and national levels; promotion of international co-operation on human rights; stimulation and co-ordination of action for human rights throughout the **United Nations system**; promotion of universal ratification and implementation of international standards; assistance in the development of new norms; support for human rights organs and **treaty monitoring bodies**; response to serious violations of human rights; the undertaking of preventive human rights action; promotion of the establishment of national human rights infrastructures; the undertaking of human rights field activities and operations; and provision of education, information advisory services and technical assistance in the field of human rights.

Office of the United Nations High Commissioner for Refugees – UNHCR

The Office of the United Nations High Commissioner for Refugees (UNHCR) was established by the United Nations General Assembly on 1 January 1951. It has its headquarters in Geneva and has representatives in areas or countries where there are significant problems. Under the terms of its Statute a “refugee” is any person “who is outside the country of his nationality or, if he has no nationality, the country of his former habitual residence, because he has or had well-founded fear of persecution by reason of his race, religion, nationality, or political opinion and is unable or, because of such fear, is unwilling to avail himself of the protection of the government of the country of his former habitual residence” (para. 6). The Statute further provides that the function of the UNHCR shall be to seek permanent solutions for the problem of refugees “by assisting Governments and, subject to the approval of the Governments concerned, private organizations to facilitate the voluntary repatriation of such refugees, or their assimilation within new national communities” (para. 1). Where appropriate, UNHCR actively supports all efforts in favour of the return of refugees to their country of origin or former habitual residence by means of voluntary repatriation. However, in many cases of continued asylum, local integration forms the bulk of UNHCR assistance and in cases where durable solutions are not possible in countries of first asylum, resettlement in third countries becomes necessary. The ever-increasing number of refugees throughout the world, and the requests for assistance by the governments concerned, have contributed to a considerable development of the activities of UNHCR with respect to facilitating voluntary repatriation, resettling refugees in countries of asylum and various forms of material assistance for refugees, aimed primarily at durable solutions in the country of asylum. The UNHCR is also increasingly concerned with the root causes of conflicts and with

the need for early-warning and preventative strategies to avert and resolve refugee flows and internal displacement.

Older persons

The **United Nations** has adopted a number of resolutions to ensure the full enjoyment by older persons of their human rights. In 1982, the **World Assembly on Ageing** adopted the **Vienna International Plan of Action on Ageing**, which the **United Nations General Assembly** endorsed later that year in its resolution 37/51. The Plan calls for action in such areas as health and nutrition, housing, employment and social security, education and social welfare. In its resolution 1987/41, the **Economic and Social Council (ECOSOC)** authorized the creation of the **International Institute on Ageing (INIA)**, which was established in Valletta, Malta, on 9 October 1987. It is an autonomous body operating under the auspices of the United Nations. It provides, in developing countries, education and training in gerontology, to policy makers, planners, program executives, educators, professionals and para-professionals. It also acts as a catalyst as regards the exchange of information on issues connected with ageing.

In 1991, the General Assembly adopted the **United Nations Principles for Older Persons** which provides for five universal standards specific to the status of older persons: independence, participation, care, self-fulfilment and dignity of senior citizens. Subsequently, in its resolution 47/5 of 16 October 1992, the General Assembly proclaimed the year 1999 as the **International Year of Older Persons**.

Ombudsperson

The role and function of the institution of an ombudsperson are described in the **United Nations Secretary-General's** report entitled *National Institutions for the Protection and Promotion of Human Rights*. Pursuant to it,

the ombudsperson (the term “ombudsman” is still used but is considered by some as sexist) is an independent mediator – and, in some cases, a collegiate body – whose primary role is to protect the rights of the individual who believes that he/she is the victim of unjust acts on the part of the public administration. Generally appointed to office by the legislative body, the ombudsperson in many instances functions in a supervisory capacity on behalf of parliament, acting on complaints received from aggrieved persons against abuses or arbitrary acts by government officials or agencies. As an ombudsperson cannot be classified as a legislative, judicial or administrative organ, he/she is rather an institution of a *sui generis* nature with a multi-faceted character. Having had its beginnings in the early 19th century in Scandinavia (first created in Sweden in 1809), ombudspersons or similar offices have been established in a number of countries in various continents. The ombudsperson’s office is an independent organ for the protection of human rights, which can be adapted to various political and social systems. Its title varies from country to country (for example in France - “Médiateur de la République”; in Austria - “Volksanwaltschaft”; in Spain - “Defensor del Pueblo” and in the United Kingdom - “Parliamentary Commissioner for Administration”). Procedures of access to the ombudsperson by an individual complainant also differ from country to country. Complaints are generally confidential and the identity of the complainant is not disclosed without the ombudsperson’s consent. The first International Conference of Ombudsmen, held in Edmonton, Canada, in 1976, resulted in the establishment in 1978 of the International Ombudsman Institute with headquarters at the Law Center for the University of Alberta, Edmonton. It promotes the concept of ombudsmanship by conducting research on problems confronting ombudspersons and by organizing conferences and seminars. The post of ombudsperson has also been established at the regional level. In March 1994, the **European Union (EU)** created the post of an European Ombudsperson who can consider complaints from individuals or

residents in the EU Member States. The Statute of the European Ombudsperson was laid down by the **European Parliament**, in accordance with community treaties.

Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (UN)

On 6 October 1999, the **United Nations General Assembly** adopted the **Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women**. It was opened for signature on 10 December 1999, **Human Rights Day**, and entered into force on 28 December 2000. By the middle of 2001, it had been ratified by 21 Member States. The aim of the Optional Protocol, elaborated upon the recommendation of the **World Conference on Human Rights** (Vienna, 1993), is to strengthen the implementation of the human rights of women. To this end, it gives individuals and groups of individuals the right to complain to the **Committee on the Elimination of Discrimination against Women (CEDAW)** about violations of the rights protected under the Convention. The Optional Protocol establishes the procedure called the “communications procedure” (Articles 1 and 2) and determines the conditions under which communications shall be admissible. Furthermore, it enables CEDAW to conduct inquiries into grave or systematic violations of women’s rights by States Parties to the Optional Protocol (Article 8). The Optional Protocol sets out the first gender-specific international complaints procedure, and reinforces existing mechanisms for human rights monitoring within the **United Nations system**.

Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (UN)

The Optional Protocol was adopted by the **United Nations General Assembly** on 25 May 2000. By the middle of 2001, it has been signed by 76 States and ratified by 4 of them. It will enter into force 3 months after the deposit of the tenth instrument of ratification. The Protocol, in reaffirming the provisions of the **Convention on the Rights of the Child** reiterates that the rights of children require special protection to ensure their development and education in conditions of peace and security. In particular, States Parties shall ensure that those who have not attained the age of 18 years are not compulsorily recruited into the armed forces and take all feasible measures to ensure that voluntary members of the armed forces who have not attained the age of 18 years do not take a direct part in hostilities. The **Committee on the Rights of the Child** considers information concerning measures taken by States Parties to the Protocol to implement its provisions.

Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (UN)

This Optional Protocol was adopted by the **United Nations General Assembly** on 25 May 2000. It is open for signature by any State that is a Party to the **Convention on the Rights of the Child**. By the middle of 2001, it had been signed by 70 States and ratified by 3 of them. It will enter into force 3 months after the deposit of the tenth instrument of ratification. Its main objective is to extend the measures that States Parties undertake in order to guarantee the protection of the child from the sale of children, child prostitution and child pornography, and contains a detailed definition of such offences. The Protocol, in its Article 3, enumerates acts which should be considered as criminal

and punishable by law, including sexual exploitation of the child and transfer of organs of the child for profit. It contains a clause concerning the extradition of persons guilty of such offences. The **Committee on the Rights of the Child** considers information regarding the implementation of the Protocol which should be submitted by States Parties to the Protocol on the regular basis.

Optional Protocol to the International Covenant on Civil and Political Rights (UN)

An Optional Protocol to the International Covenant on Civil and Political Rights was adopted by the **United Nations General Assembly** on 16 December 1966 and entered into force on 23 March 1976. By the middle of 2001, it had been ratified by 98 Member States. Under Articles 1 to 6 of the Protocol, a State Party to the International Covenant that becomes a Party to the Protocol recognizes the competence of the **Human Rights Committee** to receive and consider communications from individuals subject to its jurisdiction who claim to be victims of a violation by that State. Such individuals, who have exhausted all available domestic remedies, may submit written communications to the Human Rights Committee for consideration. However, no communication may be received by the Committee if it concerns a State Party to the Covenant which is not also a Party to the Optional Protocol. The Committee then considers these communications at closed meetings, in the light of all written information made available to it by the individual and by the State Party concerned, and forwards its view to that State Party and to the individual.

Organization for Economic Co-operation and Development – OECD

On 14 December 1960, 18 European States, the United States and Canada signed the Convention establishing OECD, which entered into force on 30 September 1961. OECD succeeded

the Organisation for European Economic Co-operation (OEEC) funded in 1948 to administer American and Canadian aid under the Marshall Plan for the Reconstruction of Europe after the Second World War. As of 31 December 2000, 30 States are members of the OECD and accept to share the values of open market economy, democratic pluralism and respect for human rights. The following countries subsequently joined the Organization: Japan, Australia, New Zealand, Finland, Mexico, Czech Republic, Hungary, Poland, Republic of Korea and Slovak Republic. As provided for by the 1960 Convention, OECD works to: build strong economies in its member countries, improve efficiency, stimulate market systems, liberalize international trade and contribute to development, not only in industrialized countries, but also in developing countries (Article 1 and Article 2 of the Convention). Member States meet and exchange information in committees, which are composed of their representatives. The governing body is the Council, which has decision-making powers. It provides general guidance to the Organisation and its work. It comprises one representative for each Member State, as well as a representative of the European Commission. Moreover, there are specialized committees dealing with specific areas of policy such as trade, public management, development assistance or financial markets. Located in Paris, the OECD Secretariat is directed by a Secretary-General, assisted by four Deputy Secretaries-General. The Secretary-General also chairs the Council, providing the essential link between national delegations and the Secretariat.

Organization for Security and Co-operation in Europe – OSCE

The **Organization for Security and Co-operation in Europe** (OSCE) was renamed on 1 January 1995, having been created in 1973 under the name of the **Conference on Security and Co-operation in Europe** (CSCE) to serve as a multilateral

forum for dialogue and negotiation between East and West. The Conference opened in Helsinki on 3 July 1973, continued at Geneva from 18 September 1973 to 21 July 1975. It concluded in Helsinki on 1 August 1975 and was the first conference in the history of Europe with the participation of all European Countries, with the exception of Albania. It culminated in the signing of the **Helsinki Final Act**, recognizing the inviolability of the post-Second World War frontiers in Europe and committing the signatories to respect human rights and fundamental freedoms and to co-operate in scientific, cultural, and other fields. From 1975 to 1990, the CSCE functioned as a series of meetings and conferences setting norms and commitments and periodically reviewing their implementation. The Paris Summit Conference, which took place from 19 to 21 November 1990, formally recognized the end of the Cold War and can be considered as a historic event. Until that date the CSCE was a process without permanent institutions. In the following years, the development of the security situation in Europe led to fundamental changes in the CSCE. The Helsinki Document of July 1992 established a number of practical tools to strengthen the Conference's contribution to the protection of human rights and the management of the unprecedented changes in Europe. Reflecting the latter, and in order to give a new political impetus to the Conference, the 1994 Budapest Summit decided to change its name to the OSCE. Today it is an international organization playing a leading role in fostering security through co-operation in Europe. It comprises 55 States (Albania, Andorra, Armenia, Austria, Azerbaijan, Belarus, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Holy See, Hungary, Iceland, Ireland, Italy, Kazakstan, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Moldova, Monaco, Netherlands, Norway, Poland, Portugal, Romania, Russian Federation, San Marino, Slovak Republic, Slovenia, Spain, Sweden, Switzerland, Tajikistan, the former Yugoslav Republic of

Macedonia, Turkey, Turkmenistan, Ukraine, United Kingdom, United States of America, Uzbekistan, Federal Republic of Yugoslavia). It functions as an instrument for early warning, conflict prevention, crisis management and post-conflict rehabilitation in Europe. The OSCE's long-term involvement in conflict prevention and crisis management activities on the ground is embodied in its field missions in Participating States. Today, the OSCE has several political bodies and institutions. Its regular body for political consultation and decision-making is the Permanent Council which meets weekly in Vienna, Austria, where its Secretariat is based. High-ranking officials meet periodically at the Senior Council which convenes for political deliberations. The central decision-making and governing body is the Ministerial Council, which brings together the foreign ministers of the participating States once a year. Every two years, the Heads of State or Government meet at the OSCE Summits to assess the situation and provide new guidelines for the Organization's activities. Consensus is the basis for OSCE decision-making. The Chairman-in-Office has overall responsibility for executive action and co-ordination of current OSCE activities. The post rotates annually and is held by the Foreign Minister of a Participating State.

The Organization's institutions comprise the Secretariat, the **Office for Democratic Institutions and Human Rights (ODIHR)**, the **High Commissioner on National Minorities (HCNM)** and the **OSCE Representative on Freedom of the Media**. OSCE-related bodies include the Court on Conciliation and Arbitration, the Joint Consultative Group and the Open Skies Consultative Commission.

Organization of African Unity – OAU

The Organization of African Unity (OAU) was established on 25 May 1963, in Addis Ababa, Ethiopia, when 32 African Heads of State and Government signed the OAU Charter uniting States from all over Africa. By the middle of 2001, it comprises

53 members. The objectives of the Organization, as declared in Article II of the Charter, include the eradication of all forms of colonialism in Africa, the promotion of unity and solidarity of African States, the defense of the integrity, independence and national solidarity of African States, and the achievement of a better life for the People of Africa by means of promoting human rights, peace and mutual understanding. The OAU has two decision-making bodies. One is the Assembly of Heads of State and Government, which meets once a year and decides the general political guidelines. The other is the Council of Ministers which decides, *inter alia*, on budgetary matters. The Council, which meets twice a year, is composed of the Ministers of Foreign Affairs of the Member States. A Secretariat, located in Addis Ababa and headed by a Secretary-General, carries out the daily work of the Organization. It is supported by and co-operates with a number of regional offices. The activities of the OAU cover a wide range of fields in the social, cultural, economic and political spheres, and are based upon a firm devotion to the promotion of human rights. The OAU has adopted three instruments in this field: the **African Charter on Human and Peoples' Rights** (1981), the **Convention Governing the Specific Aspect of Refugee Problems in Africa** (1969) and the **African Charter on the Rights and Welfare of the Child** (1990).

Organization of American States – OAS

The Organization of American States (OAS) is a regional inter-governmental organization that dates back to the First International Conference of American States held from October 1889 to April 1890. This meeting approved the establishment of the International Union of American Republics, the forerunner to the OAS. On 30 April 1948, 21 Latin American Republics and the United States of America signed the Charter of the OAS, which established the Organization. The Charter entered into force in December 1951. The Charter was subsequently amended by the Protocol of Buenos Aires (1967), the Protocol of Cartagena de

Indias (1985), the Protocol of Washington (1992) and the Protocol of Managua (1993). The OAS currently comprises 35 Member States, each with a single vote. In addition, Permanent Observer status has been granted to over 40 States, as well as to the **European Union**.

The main objectives of the OAS are, *inter alia*, to strengthen the peace and security of the continent, to promote and consolidate representative democracy, with due respect to the principle of non-intervention, to ensure the pacific settlement of disputes, and to promote, through means of co-operation, economic, social and cultural development. It is founded on the basic principles stipulated in Article 3 of the Charter stressing, among others, the importance of international law as the standard of conduct, international order, the effective exercise of democracy and, in particular, the fundamental rights of the individual without distinction as to race, nationality, creed or sex. The OAS Headquarters are in Washington, D.C. (U.S.A.). The main body of the OAS is its General Assembly which meets once a year and decides on the general lines of action and policy. The General Assembly is complemented by the Meeting of Consultation of Ministers of Foreign Affairs, which gathers at the request of any Member State or in the event of problems of an urgent nature. The activities of the OAS in the field of the promotion of human rights have resulted in a number of instruments, including the **American Declaration on the Rights and Duties of Man** (1948), the **American Convention on Human Rights** (1969), and the **Inter-American Convention to Prevent and Punish Torture** (1985).

Organized Crime

Illegal activities conducted by organized crime, such as drug-trafficking or money-laundering, have an important adverse impact on human rights and the functioning of a democratic society. Smuggling of migrants, trafficking in women and children and other criminal acts present a major threat to human rights. To this end, the **Inter-American Convention on International**

Traffic in Minors was adopted by the **Organization of American States (OAS)** on 18 March 1994 and entered into force on 15 August 1997. In 1996, the **Commission on Crime Prevention and Criminal Justice** established an open-ended working group to explore the links between transnational organized crime and terrorist criminal activities – “... a combination viewed as a severe threat to peace and development”. The **United Nations General Assembly** adopted during its 51st session the **Declaration on Crime and Public Security** which states that Member States shall seek to protect the security and well-being of their citizens and all persons within their jurisdiction by taking effective national measures to combat serious transnational crime, including organized crime. The **United Nations Convention against Transnational Organized Crime**, the **Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children**, and the **Protocol against the Smuggling of Migrants by Land, Sea and Air** were adopted by the United Nations General Assembly on 15 November 2000 by resolution 55/25.

OSCE Representative on Freedom of the Media (OSCE)

The post of the Representative on Freedom of the Media of the **Organization for Security and Co-operation in Europe (OSCE)** was established on 5 November 1997 by the OSCE Permanent Council Decision N° 193. The Representative does not exercise a juridical function; his/her mandate is to observe relevant media developments in all Participating States and promote full compliance with OSCE principles and commitments concerning freedom of expression and the media. In this respect, he/she assumes an early-warning function and provides rapid response to serious issues such as obstruction of media activities and unfavourable working conditions for journalists (para. 2-3). To this end, the Representative seeks direct contacts with the

Participating State and other parties concerned, assesses the facts, collects information on the situation of the media from all *bona fide* sources and, in particular, draws on information and assessments provided by the **Office of Democratic Institutions and Human Rights (ODIHR)** of the OSCE. The Representative consults regularly with the Chairman-in-Office and reports on a regular basis to the Permanent Council on matters concerning freedom of expression and free media; works with independence and impartiality and in close co-operation with the Participating States, relevant OSCE bodies, the **United Nations** and its specialized agencies, the **Council of Europe**, as well as with national and international media associations. The Representative is appointed for three years in accordance with OSCE procedures by the Ministerial Council upon the recommendation of the Chairman-in-Office after consultation with the Participating States.

Pact of San José (OAS)

Common name for the **American Convention on Human Rights**, adopted by the **Organization of American States (OAS)** in 1969.

Paris Convention for the Protection of Industrial Property

The Paris Convention was adopted in 1883 and entered into force in 1884. It was the first major international treaty aiming to provide citizens of one country with protection for their intellectual creations in the form of industrial property in other countries. By the middle of 2001, it had been ratified by 156 States. Both the Paris Convention and the **Berne Convention for the Protection of Literary and Artistic Works** (1886) led to the creation of an international bureau called the United International Bureau for the Protection of Intellectual Property, best known by its French name *Bureau international réuni pour la protection de la propriété intellectuelle (BIRPI)*. The **World Intellectual Property Organization (WIPO)**, established in 1967, implements the functions formerly entrusted to *BIPRI*.

Peace and human rights

The importance of international peace to the realization of human rights and fundamental freedoms is made evident in the **Charter of the United Nations**. Its Preamble reads: “We the peoples of the United Nations determined to save succeeding generations from the scourge of war, ... and to reaffirm faith in fundamental human rights, in the dignity and worth of the

human person, in the equal rights of men and women and of nations large and small, and to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained, and to promote social progress and better standards of life in larger freedom, and for these ends to practice tolerance and live together in peace with one another as good neighbours, and to unite our strength to maintain international peace and security, and to ensure, by the acceptance of principles and the institution of methods, that armed force shall not be used, save in the common interest, and to employ international machinery for the promotion of the economic and social advancement of all peoples,...". Similarly, Article 1 of the Charter sets out the purposes of the United Nations in the following terms: "To maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace".

That the maintenance of international peace is vital for the full realization of human rights is affirmed in a large number of instruments, including: the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations (1970); the **Declaration on the Preparation of Societies for Life in Peace** (1978); in the **Declaration on the Participation of Women in Promoting International Peace and Co-operation** (1984). In declaring 1986 the **International Year of Peace** and in proclaiming the year 2000 as the **International Year for the Culture of Peace**, the **United Nations General Assembly** confirmed the inherent link between peace and human rights. United Nations bodies have also adopted resolutions linking the enjoyment of human rights with the maintenance of international

peace and security. The **Commission on Human Rights** has considered the importance of international peace and security to the realization of human rights regularly since 1976 under the agenda item entitled “Human rights and scientific and technological developments”. The prohibition of the threat or use of force in international relations is not an absolute one; the threat or use of force in self-defense against an armed attack, in achieving freedom and independence, and in rebelling against tyranny and oppression is legitimate.

In line with its constitutional objectives to contribute to peace and security by promoting collaboration among nations through education, science and culture, UNESCO adopted in 1974 the most comprehensive international instrument dealing with education for peace: the **Recommendation concerning Education for International Understanding, Co-operation and Peace and Education Relating to Human Rights and Fundamental Freedoms**. Furthermore, UNESCO has adopted a Transdisciplinary Project entitled “Towards a culture of peace” which is aimed at promoting values, attitudes and behaviours in people so that they will seek peaceful solutions to problems, and advancing a global movement for a culture of peace. UNESCO also plays a leading role in activities for the **International Decade for a Culture of Peace and Non-Violence for the Children of the World (2001-2010)**.

Political rights

Political rights refer to those rights and freedoms which allow people to participate in the public affairs of the society to which they belong. Political rights include: **the right to freedom of thought, conscience, religion or belief, opinion, expression and information**; the right to peaceful assembly and to **freedom of association**; the right to take part in the conduct of public affairs directly or through freely chosen representatives; and the **right to vote and to be elected** and to have access to public service. The **International Covenant on Civil and Political**

Rights (1966) provides that these rights are to be implemented without any discrimination and “without unreasonable restrictions” (Article 2). Political rights are, generally speaking, immediately applicable and directly enforceable, and are rights of the individual “against” the State, that is, against unlawful and unjust action of the State. Political rights require specific means and methods of implementation, namely through **communication procedures**. Among instruments whose purpose is either to proclaim political rights or to guarantee them are the **Universal Declaration of Human Rights** (1948) and the International Covenant on Civil and Political Rights, together with a number of specific instruments concerning particular political rights, such as the **Convention on the Political Rights of Women** (1952), as well as regional instruments such as: the **European Convention for the Protection of Human Rights and Fundamental Freedoms** (1950) and its Additional Protocols N° 1 (1952) which was amended by the Protocols N° 11 (1994) and N° 4 (1963); the **American Declaration of the Rights and Duties of Man** (1948); and the **American Convention on Human Rights** (1969).

Poverty

Poverty is a complex problem with various causes and manifestations. It remains a global problem of huge proportions since, as stated in the *World Development Report 2000/2001: Attacking Poverty* published by the World Bank, of the world's 6 billion people, 2.8 billion live on less than US\$ 2 a day and 1.2 billion on less than US\$ 1 a day. Poverty is characterized by: lack of income and productive resources sufficient to ensure a sustainable livelihood; hunger and malnutrition; ill health; increasing morbidity and mortality from illness; limited or lack of access to education and other basic services; homelessness and inadequate housing; lack of participation in decision-making and in civil, social and cultural life; unsafe environments; social discrimination and exclusion, etc. The multidimensional character of poverty explains that its elimination is a matter of priority for

many programmes and organizations of the **United Nations system** including the **United Nations Development Programme (UNDP)**, the **World Bank Group**, the **International Monetary Fund (IMF)**, the **Food and Agriculture Organization of the United Nations (FAO)**, the **World Food Programme (WFP)**, the **International Labour Organization (ILO)**, the **World Health Organization (WHO)**, the **United Nations Educational, Scientific and Cultural Organization (UNESCO)**, the **United Nations Children's Fund (UNICEF)**, the **United Nations Population Fund (UNFPA)**, the **United Nations Centre for Human Settlements (Habitat)**, etc.

Moreover, the eradication of poverty has been a priority objective in many United Nations conferences held since the 1990s including the **United Nations Conference on Environment and Development (UNCED)** held in June 1992 in Rio de Janeiro, Brazil, and the **International Conference on Population and Development (ICPD)** held in Cairo, Egypt, in September 1994, which both recognized that combating poverty was an essential requirement for sustainable development and that poverty was irreconcilable with the concept of development. They called for action to implement the right to development, as reaffirmed by the **Declaration on the Right to Development (1986)**. The **World Conference on Human Rights (Vienna, Austria, 1993)** underlined the importance of the implementation of the right to development and of the struggle against **extreme poverty**. It qualified poverty as one of the main obstacles to respect for human rights and was a gross violation of human rights. The **World Summit for Social Development (Copenhagen, Denmark, 1995)** adopted the **Copenhagen Declaration on Social Development and Programme of Action**, which formulates a substantive framework for eradicating poverty. The fourth **World Conference[s] on Women (Beijing, China, 1995)** outlined expressly the increased feminization of poverty and stated that empowering women was an important factor in the eradication of poverty. Furthermore, the **United Nations General Assembly** has

adopted many resolutions concerning poverty reduction, including: resolution 47/196 of 22 December 1992, by which it proclaimed 17 October **International Day for the Eradication of Poverty**; resolution 48/183 of 21 December 1993, by which it declared 1996 **International Year for the Eradication of Poverty**; and resolution 50/107 of 20 December 1995, by which it proclaimed the **United Nations Decade for the Eradication of Poverty (1997-2006)**.

In 2000, the **United Nations Secretary-General** submitted to the General Assembly a report (document A/55 of 21 September 2000) on the progress achieved in the implementation of measures, recommendations and activities relating to the United Nations Decade for the Eradication of Poverty (1997-2006), including an examination of the impact of globalization on the elimination of poverty. The report outlines the progress made in global poverty reduction since the World Summit for Social Development, highlighting the need for more concerted and sustained efforts. The elimination of poverty has been acknowledged as a priority in the **United Nations Millennium Declaration**.

Principles for the Protection of Persons with Mental Illness and the Improvement of Mental Health Care (UN)

On 17 December 1991, the **United Nations General Assembly** adopted these Principles. They (25 altogether) define the fundamental freedoms and basic rights of persons with a mental illness, or those being treated as such, and deal with such matters as the right to life in the community (Principle 3), means of determining mental illness (Principle 4), consent to treatment (Principle 11), admission to treatment facilities (Principle 15), medication and treatment (Principle 10), rights and conditions in mental health facilities (Principle 13) and procedural safeguards (Principle 18). The Principles are intended to serve, *inter alia*, as a guide to Governments, specialized agencies, national and

international organizations, governmental and non-governmental, and individuals, and to stimulate endeavours to overcome economic and other practical difficulties affecting the application of standards for the protection of fundamental freedoms and the human and legal rights of persons with mental illness.

Principles of international co-operation in the detection, arrest, extradition and punishment of persons guilty of war crimes and crimes against humanity (UN)

The United Nations General Assembly, in response to the urgent need to ensure the prosecution and punishment of persons guilty of war crimes and crimes against humanity, adopted resolution 3074 (XXVIII) on 3 December 1973, which sets forth the above Principles. In accordance with them: “War crimes and crimes against humanity, wherever committed, shall be subject to investigation and the persons against whom there is evidence that they have committed such crimes shall be subject to tracing, arrest, trial and, if found guilty, to punishment”. Hence, States shall co-operate with each other in conformity with the **Charter of the United Nations** and the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States, with a view to preventing war crimes and crimes against humanity, collecting information and evidence, arresting and bringing to trial persons suspected of their commission. The right to seek and enjoy asylum, as Article 1 of the **Declaration on Territorial Asylum** stipulates: “... may not be invoked by any person with respect to whom there are serious reasons for considering that he has committed a crime against peace, a war crime or a crime against humanity, as defined in the international instruments drawn up to make provision in respect of such crimes”. In this connection, States shall not grant asylum to any person suspected for the commission of such acts. States have jurisdiction to try

and punish acts constituting war crimes and crimes against humanity, committed by their own nationals as well as by non-nationals, especially if those acts were perpetrated on their territory. Therefore, States shall co-operate closely to facilitate the extradition of such persons and shall avoid taking measures which may be prejudicial to that end.

Principles of Medical Ethics relevant to the Role of Health Personnel, particularly Physicians, in the Protection of Prisoners and Detainees against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UN)

Alarmed that members of the medical profession or other health personnel are often engaged in activities which are difficult to reconcile with medical ethics, the **United Nations General Assembly** adopted these Principles on 18 December 1982 (Resolution 37/194). The instrument, which is comprised of six principles, states that “health personnel, particularly physicians, charged with the medical care of prisoners and detainees have a duty to provide them with protection of their physical and mental health and treatment of disease of the same quality and standard as is afforded to those who are not imprisoned or detained” (Principle 1). It states further that: “It is a gross contravention of medical ethics, as well as an offense under applicable international instruments, for health personnel, particularly physicians, to engage, actively or passively, in acts which constitute participation in, complicity in, incitement to or attempts to commit torture or other cruel, inhuman or degrading treatment or punishment” (Principle 2) or to apply their knowledge and skills in order to assist in the interrogation of prisoners and detainees (Principle 4). Principle 6 stresses that there may be no derogation from the principles contained in this instrument on any ground whatsoever, including public emergency.

Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions (UN)

On 24 May 1989, the Economic and Social Council (ECOSOC) adopted these Principles. Governments were requested to take them into account and respect them within the framework of their national legislation and practices. The instrument should also be brought to the attention of law enforcement and criminal justice officials, military personnel, lawyers, members of the executive and legislative bodies of the government and the public in general. The **Committee on Crime Prevention and Control** is requested to keep the Principles under constant review, including their implementation. The section on “Prevention” comprises eight principles. Principle 1 states that: “Governments shall prohibit by law all extra-legal, arbitrary and summary executions and shall ensure that any such executions are recognized as offences under their criminal laws ...”. The second section on “Investigation” contains nine principles. Principle 9 states that: “There shall be thorough, prompt and impartial investigation of all suspected cases of extra-legal, arbitrary and summary executions ...”. The last section is entitled “Legal proceedings” and comprises three principles.

Proclamation of Tehran (UN)

The Proclamation of Tehran was adopted on 13 May 1968 by the **United Nations International Conference on Human Rights** held in Tehran, Iran, with a view to reviewing the progress made in the twenty years since the adoption of the **Universal Declaration of Human Rights** and to making recommendations for the future. The Proclamation states that despite substantial progress in developing international instruments of protection of human rights and fundamental freedoms, the implementation of those instruments is still to be achieved (para. 4). Therefore, the international community was urged to redouble its efforts to

promote and encourage respect for human rights and fundamental freedoms, as set forth in the Universal Declaration of Human Rights and in other international instruments. In particular, national laws are required to provide for all, irrespective of race, sex, language, religion or political belief, **freedom of expression**, of information, of **conscience and of religion**, as well as the right to participate in the political, economic, cultural and social life of their country (para. 5). Furthermore, the Proclamation places a special emphasis on the struggle against apartheid, all ideologies based on racial superiority and intolerance, and colonialism (para. 7-9). The Proclamation also enumerates major obstacles to the full realization of human rights: aggression or armed conflict; **discrimination** on grounds of race, religion, belief or expressions of opinion; economic and social problems in developing countries; illiteracy, etc. (paras. 10-14). The international community is urged to co-operate in eradicating such obstacles and in strengthening the protection of women, the family, the child, the younger generation (paras. 15-17). Issues concerning technological advances monitoring, and general and complete disarmament are also recognized as requiring adequate attention (paras. 18-19).

Protocol against the Smuggling of Migrants by Land, Sea and Air (UN)

This Protocol to the **United Nations Convention against Transnational Organized Crime** was adopted on the same day as the Convention, that is 15 November 2000, by **United Nations General Assembly** resolution 55/25. It deals with the growing international problem of the smuggling of migrants by organized criminal groups – often at high risk to the migrants and at great profit for the offenders. It supplements the more general measures stipulated in the Convention. States must become parties to the Convention itself before they can become

parties to the Protocol. By the middle of 2001, the Protocol had not yet entered into force.

Protocol Amending the 1926 Slavery Convention (UN)

The **Slavery Convention** was signed in Geneva on 26 September 1926. It entrusted the **League of Nations** with certain duties and functions. Believing that these duties and functions should be continued and entrusted upon the **United Nations**, the **United Nations General Assembly** approved the Protocol Amending the 1926 Slavery Convention on 23 October 1953. It entered into force on 7 December 1953. By the middle of 2001, 59 States are parties to it. Without changing the content of the Convention, the Protocol charges the **United Nations Secretary-General** and the **International Court of Justice** with monitoring the implementation of the Convention.

Protocol Instituting a Conciliation and Good Offices Commission to be Responsible for Seeking the Settlement of any Disputes which may Arise between States Parties to the Convention against Discrimination in Education (UNESCO)

On 10 December 1962, the General Conference of UNESCO adopted this Protocol. It entered into force on 24 October 1968 and had been ratified by 32 Member States by the middle of 2001. The Commission instituted by the Protocol consists of 11 members elected by the General Conference of UNESCO for a term of six years to serve in their personal capacity (Articles 2 and 5). Recourse to the Commission is limited to States Parties to the Protocol. If one of those States considers that another is not giving effect to the provisions of the Convention, it may, by written communication, bring the matter

to the attention of that State (Article 12). If the matter is not adjusted to the satisfaction of both States within six months, either State has the right to refer it to the Commission (Article 12). The function of the Commission is essentially to ascertain the facts and make available its good offices to the States concerned, with a view to an amicable solution of the matter on the basis of respect for the Convention (Article 17). If no settlement of the dispute is reached, a report is prepared and sent to the States concerned with an indication of the recommendations which have been formulated (Article 17).

Protocol of San Salvador (OAS)

Common name for the **Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights**, adopted by the **Organization of American States (OAS)** in 1988.

Protocol relating to the Status of Refugees (UN)

This Protocol was adopted in 1966 and entered into force in 1967 in order to modify, *inter alia*, the definition of the world “refugee”, contained in the **Convention relating to the Status of Refugees**, adopted by the **United Nations** in 1951.

Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (UN)

This Protocol to the **United Nations Convention against Transnational Organized Crime** was adopted on the same day as the Convention, that is 15 November 2000, by **United Nations General Assembly** resolution 55/25. It deals with the problem of modern slavery whereby organized criminal groups take advantage of the desire of people to seek a better life. Migrants

are often confined or coerced into exploitative or oppressive forms of employment, often in the sex industry or dangerous occupations, with the illicit incomes generated going to organized crime. The Protocol commits States Parties to making its basic subject a criminal offence, and to adopting specific measures to combat such offences. States must become parties to the Convention itself before they can become parties to the Protocol. By the middle of 2001, the Protocol had not yet entered into force.

Protocol to the American Convention on Human Rights to Abolish the Death Penalty (OAS)

The second additional protocol to the American Convention on Human Rights is the Protocol to the American Convention on Human Rights to Abolish the Death Penalty, adopted in 1990. It enters into force immediately for the States that ratify or accede to it. By the middle of 2001, it had been ratified by 7 States.

Protocols Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I) and Victims of Non-International Armed Conflicts (Protocol II) (ICRC)

Due to the changing nature of armed struggle, the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts adopted on 8 June 1977 two Additional Protocols to the 1949 Geneva Conventions. The Protocols, which entered into force on 7 December 1978, extend the protection to all persons affected by armed conflict, be it internal or international, and forbid attacks on civilian populations and objects. In Protocol I, which had been ratified by 158 States by the middle of 2001, the basic provision

concerning respect for the civilian population specifies that “the Parties to the conflict shall at all times distinguish between the civilian population and combatants and between civilian objects and military objectives and accordingly shall direct their operations only against military objectives” (Article 48). It prohibits “acts or threats of violence the primary purpose of which is to spread terror among the civilian population” (Article 51) as well as indiscriminate attacks and reprisals. Protocol I also sets out special measures for the protection of women and children, notably against rape, forced prostitution and any other form of indecent assault (Articles 76- 78). It also sets out measures for the implementation of the Conventions and the Protocol and for repression of breaches of their provisions (Article 90).

Protocol II, which had been ratified by 150 States by the middle of 2001, develops and supplements the Geneva Conventions without modifying their existing conditions of application. Pursuant to Article 1, para. 1 of this Protocol, it shall apply to all armed conflicts which are not covered by Protocol I and which “take place in the territory of a High Contracting Party between its armed forces and dissident armed forces or other organized armed groups”. However, it “shall not apply to situations of internal disturbances and tensions, such as riots, isolated and sporadic acts of violence and other acts of a similar nature, as not being armed conflicts” (Article 1, para. 2). Article 2 lays down the Protocol’s application to all victims of armed conflicts without any kind of discrimination. The instrument calls for humane treatment (Part II), without adverse distinction, of “all persons who do not take a direct part or who have ceased to take part in hostilities” (Article 4). Furthermore, it lists a number of acts, such as murder, torture, mutilation and corporal punishment which are totally prohibited (Article 4). Article 5 establishes minimum standards and rules for the treatment of persons deprived of their liberty for reasons related to armed conflict. Part III of this Protocol deals with wounded, sick and

shipwrecked. In Part IV (Articles 13-18), it further sets out special measures for the protection of the civilian population against acts of threats of violence (Article 13), against starvation as a method of combat (Article 14), and against forced movement from the population's territory (Article 17).

Protocols to the European Convention for the Protection of Human Rights and Fundamental Freedoms (Council of Europe)

The European Convention for the Protection of Human Rights and Fundamental Freedoms, adopted in 1950, was amended between 1952 and 2000 by twelve Protocols which enrich its content through recognizing the rights and freedoms not included in the original text and which improve mechanisms for its implementation. The provisions of the Protocols N° 2, 3, 5, 8, 9 and 10 have been incorporated in the text of the Convention, in accordance with Protocol N° 11 (adopted in 1994 and entered into force in 1998), which also amended Articles 25 and 46 of the Convention concerning control machinery. This Protocol also amended Protocols N° 1 and 7 which, together with Protocol N° 4, adds new rights to the Convention, as well as Protocol N° 6 concerning the abolition of the death penalty (adopted in 1983 and entered into force in 1985). The most recent Protocol N° 12, adopted in 2000, aims at strengthening the combat against discrimination and ensuring equality before the law for all. By the middle of 2001, it had not entered into force.

Racism

The **International Convention on the Elimination of All Forms of Racial Discrimination** (1965), in Article 1, states: "In this Convention, the term 'racial discrimination' shall mean any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life".

The **General Assembly of the United Nations**, the **Economic and Social Council (ECOSOC)**, the **Commission on Human Rights** and its **Sub-Commission on the Promotion and Protection of Human Rights** (formerly the **Sub-Commission on Prevention of Discrimination and Protection of Minorities**) are engaged in the struggle against racism and racial discrimination. The General Assembly proclaimed the year 1971 as the **International Year for Action to Combat Racism and Racial Discrimination** and the three **Decades for Action to Combat Racism and Racial Discrimination** (1973-1983, 1983-1993, 1993-2003).

The **United Nations system** is actively involved in the struggle against racism. UNESCO's stand against racism was determined by its Constitution which declares: "... the great and terrible war which has now ended was a war made possible by the denial of the democratic principles of the dignity, equality and mutual respect of men, and by the propagation, in their place, through ignorance and prejudice, of the doctrine of the inequality of men and races" (Preamble). In Article 1, the Organization engaged to further universal respect "... for the human rights and

fundamental freedoms, which are affirmed for the peoples of the world, without distinction of race, sex, language or religion ...". In 1978, UNESCO adopted the **Declaration on Race and Racial Prejudice**.

On 12 December 1997, the General Assembly decided by its resolution 52/111 to convene a **World Conference against Racism and Racial Discrimination, Xenophobia and Related Intolerance**. Later, in its resolution 53/132 of 23 February 1999, the General Assembly proclaimed the Year 2001 as the **International Year of Mobilization against Racism, Racial Discrimination, Xenophobia and Related Intolerance**, to draw "... the world's attention to the objectives of the World Conference". Both the Conference and the Year are intended to provide long-lasting solutions to the scourge of racism and all forms of intolerance.

Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms (UNESCO)

The Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms was adopted by the General Conference of UNESCO on 19 November 1974. It is directed to the implementation of Article 26, paragraph 2 of the **Universal Declaration of Human Rights** and Article 13, paragraph 1, of the **International Covenant on Economic, Social and Cultural Rights**. The Recommendation reaffirms, in particular, the responsibility of Member States to encourage and support any activity designed to ensure the education for all for the advancement of justice, freedom, human rights and peace. It applies to all stages and forms of education and determines general guidelines and specific actions in order to ensure better understanding of human rights. Among the

principles set out in the Recommendation are that education should be so conceived as to promote “understanding and respect for all peoples, their cultures, civilizations, values and ways of life including domestic ethnic cultures and cultures of other nations”; “awareness of the increasing global interdependence between peoples and nations”; and understanding of “the inadmissibility of recourse to war for the purposes of expansion, aggression or domination, or to the use of force and violence for purposes of repression” (Principle III). In compliance with the Recommendation, Member States of UNESCO are urged to “take steps to ensure that the principles of the Universal Declaration of Human Rights and of the **International Convention on the Elimination of All Forms of Racial Discrimination** become an integral part of the developing personality of each child, adolescent, young person and adult by applying these principles in the daily conduct of education at each level and in all its forms” (Principle V).

In 1985, the General Conference of UNESCO, at its 23rd session, decided that the permanent system of reporting should apply to this Recommendation. Accordingly, the first synthesis of national reports was submitted to the General Conference at its 25th session in 1989.

Recommendation concerning the Status of Higher-Education Teaching Personnel (UNESCO)

This Recommendation is the outcome of a lengthy process that started with the adoption in 1966 of the **Recommendation concerning the Status of Teachers**. The latter set out a number of general principles applicable to teachers at the primary and secondary levels of education; it did not deal with teaching personnel at the tertiary level. Some 30 years of discussion and reflection involving UNESCO, the **International Labour Organisation (ILO)**, and national and international higher

education teachers' organizations resulted in the Recommendation concerning the Status of Higher-Education Teaching Personnel, adopted by the General Conference of UNESCO at its 29th session, on 11 November 1997.

Because it is complementary to the 1966 Recommendation, the new Recommendation has a relatively similar structure. It starts by setting a number of general principles and definitions as well as common objectives and policies pertaining to the area of higher education. Sections dealing with institutional rights, duties and responsibilities and, for the first time, with the issues and concepts of institutional autonomy and accountability in higher education follow these. It then goes on to elaborate individual rights and freedoms, with particular emphasis on academic freedom as a basic pillar and guiding principle for the recognition of the status of teachers in higher education. It goes into considerable detail regarding the duties and responsibilities of higher-education teaching personnel, preparation for and entry into the academic profession, and conditions needed for effective teaching, research and scholarship such as security of employment, appraisal, discipline and dismissal, salaries, workload and social security. It also recommends measures to be taken to insure equal working opportunities for specific categories of higher-education teaching personnel, including those working part-time. The Recommendation's seventy-seven paragraphs cover an extensive and complex field of basic professional and social conditions of teaching personnel in higher education vital to the quality and the advancement of knowledge at that educational level.

Recommendation concerning the Status of Teachers (UNESCO/ILO)

The text of the Recommendation was adopted by an Intergovernmental Conference convened by UNESCO at which the **International Labour Organisation (ILO)** was represented

by a tripartite delegation of its Governing Body. It was the outcome of a process of some twenty years of discussion and reflection in governmental organizations, primarily UNESCO and ILO, and in national and international organizations of teachers.

After setting out a number of general principles applicable to the status of teachers and to educational objectives and policies, the Recommendation deals with preparation for the teaching profession, further education for teachers, employment and career, the rights and responsibilities of teachers, conditions for effective teaching and learning, teachers' salaries, social security for teachers and, finally, measures to be taken in the event of teacher shortage. It contains 146 paragraphs which cover an extensive field of teachers' professional and social conditions.

In conformity with the desire expressed by the 1966 Intergovernmental Conference a joint ILO/UNESCO Committee was set up to examine the reports of Member States on the application of the Recommendation, on the basis of questionnaires. The joint Committee then reports to the competent organs of the two organizations.

Recommendation concerning the Status of the Artist (UNESCO)

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UNESCO has been concerned with the status of the artist since the Organization's creation. Convinced that artists play an important role in the life and evolution of society, and recognizing that the vigour and vitality of the arts depend, *inter alia*, on the well-being of artists both individually and collectively and that, as a result of recent economic, social and technological developments, their situation is passing through a crisis to which it is becoming urgent to find a remedy, UNESCO has organized various surveys, symposia, studies and meetings for the purpose

of determining the political, economic, social and moral situation of the artist in contemporary society.

The **International Labour Organisation (ILO)** was associated with this preliminary stage because problems relating to artists' work, conditions of employment and professional and trade-union organizations fell within ILO's competence. It became clear that the preparation of a recommendation would mark an important stage in this work on behalf of a professional group which has an essential role to play in safeguarding and developing culture.

The Recommendation, adopted by consensus by the UNESCO General Conference at its 21st session in 1980, defines the status of the artist in detail, with particular reference to conventions governing copyright and the rights of performers. It lays down some guiding principles for the action of governments in this matter and deals with the vocation and training of the artist and with measures designed to encourage them. It asks Member States to promote and protect the status of artists, both economic and social, by encouraging artistic activity, including innovation and research, and by providing the necessary safeguards of their creative freedom. Member States are invited to improve the social recognition of artists and to see that they are closely associated with decisions relating to the formulation and execution of cultural policies.

Recommendation N° R (92) 6 on a Coherent Policy for People with Disabilities (Council of Europe)

The Recommendation N° R(92)6 was adopted by the Committee of Ministers of the **Council of Europe** on 9 April 1992 for the purpose of enhancing the protection of people with disabilities. A general policy in favour of people with disabilities must cover a wide range of issues including: prevention and health education, identification and diagnosis, treatment and

therapeutic aids, education, vocational guidance and training, employment, social integration and daily environment, social, economic and legal protection, training of persons involved in the rehabilitation and integration of people with disabilities, information, statistics and research. Since people with disabilities and those at risk do not all need the same assistance, States are requested to refer to the definitions formulated by the **World Health Organization (WHO)** concerning the concepts of impairment, disability, and handicap in order to ensure individualized programmes of rehabilitation which take into account each individual's specific problems. It is envisaged that programmes of rehabilitation be initiated early and involve the persons with disabilities and their families, the general public, professionals and social partners.

Recommendation on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages (UN)

This Recommendation, adopted by the **United Nations General Assembly** (resolution 2018 (XX) of 1 November 1965), aims to encourage the implementation of the **Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages** (1962).

Recommendation on Participation by the People at Large in Cultural Life and Their Contribution to It (UNESCO)

Adopted on 26 November 1976 by the General Conference of **UNESCO** at its 19th session held in Nairobi, this Recommendation is the result of a series of declarations adopted at intergovernmental conferences on cultural policies convened by UNESCO, which testify to the growing concern of Member States to ensure the promotion of **cultural rights** as human rights.

Similarly, the **United Nations General Assembly**, at its 28th session in 1973, urged governments (resolution 3148 (XXVIII)), to give attention to the involvement of the population in the elaboration and implementation of measures ensuring the preservation and further development of cultural and moral values.

The Recommendation concerns every measure that should be taken by Member States to democratize the means and instruments of cultural activity, so as to enable individuals to participate freely and fully in cultural creation and enjoy its benefits, in accordance with the requirements of social progress. It enumerates the ultimate aims which should be pursued through measures of a legislative or regulatory character. Among the technical, administrative, economic and financial measures, means of cultural action and key policies contributing to the attainment of the goal are set out. Finally measures recommended within the framework of international co-operation are directed towards strengthening mutual understanding and respect, the mobilization of resources, the combining of efforts and the circulation of people, knowledge and ideas.

Recommendation on the Status of Scientific Researchers (UNESCO)

On 20 November 1974 the General Conference of UNESCO adopted the Recommendation on the Status of Scientific Researchers. After a first substantive section defining the scope of application of the text and explaining that “scientific research” signifies those processes of study, experiment, comprehension and theory-testing involved in the questions of scientific knowledge”, there follows a section devoted to the role of scientific researchers in the context of national policy-making. The third section deals with the initial education and training of researchers. The fourth section speaks about the vocation of the scientific researcher, as regards the civic, ethical and international

aspects of such research. The fifth and longest section presents nine specific and concrete elements of the conditions necessary for the conduct of successful research and experimentation. The sixth section contains recommendations as to the utilization and exploitation of the Recommendation. The seventh and final provision is designed to preserve the status already acquired by researchers.

Regional Conferences on Human Rights Education (UNESCO)

In conformity with the Plan of Action for the **United Nations Decade for Human Rights Education (1995-2004)**, UNESCO, "... by means of its long experience in education, educational methodology and human rights and through its network of UNESCO schools, clubs, human rights chairs and national commissions, shall play a central role in the design, implementation and evaluation of projects under this plan of action". In order to give an impetus to the promotion of education for human rights at the national and regional levels, UNESCO, in co-operation with the **Office of the United Nations High Commissioner for Human Rights (OHCHR)**, organized a series of regional conferences on human rights education. It started in 1997 when a regional conference for Europe was organized in Turku (Abo), Finland. This meeting was followed by conferences for Africa (Dakar, Senegal, 1998), Asian and the Pacific (Pune, India, 1999) and the Arab States (Rabat, Morocco, 1999). Concrete recommendations were proposed in the final documents adopted by each conference in order to promote human rights education at national and regional levels, to enrich its content and improve methodology. In particular, it was underlined that educational programmes on human rights should be introduced in co-operation with the target groups for which they are designed. Special attention should be paid to the rights of women, children and persons belonging to **vulnerable groups**, including their more

active involvement in human rights education, and to the preparation of special educational aids. The promotion of gender equality and the empowerment of women to participate on a non-discriminatory basis in all spheres of life were recognized as matters of priority within the context of human rights education. All four conferences appealed to governments to expedite the elaboration and implementation of national plans for human rights education and to ensure adequate funding.

The cycle of regional conferences is to be completed in 2001, by the organization of a conference for Latin America and the Caribbean in Mexico City.

Reports of States as a means of evaluation and control for the implementation of human rights standards (UN)

Reports periodically made by States concerning the implementation of an agreement's provisions are means of evaluation and control. This control is necessary in order to find out whether subjects of international law comply with the duties they assumed. It is legitimated by Article 2 of the **Charter of the United Nations** stipulating that States should "fulfil in good faith the obligations assumed by them". In this connection, the principle *pacta sunt servanda* must also be mentioned as provision for the binding character of international agreements and as legitimization for a system of control over their implementation.

Submission of reports is foreseen by the **International Covenants on Human Rights**, the **International Convention on the Elimination of All Forms of Racial Discrimination**, the **Convention on the Elimination of All Forms of Discrimination against Women**, the **Convention against Torture**, the **Convention on the Rights of the Child** and the **International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families**. One or two years after

ratifying an instrument, a State must furnish the treaty monitoring body (normally called the Committee) established thereunder with a report on the treaty's implementation and on the exercise of the rights set forth therein. Subsequently, periodic reports must be submitted. Some **United Nations** human rights instruments provide for the participation of specialized agencies in considering the reports of the States Parties. Non-governmental organizations can also make direct or indirect contributions to the reviews of the reports.

The term “report” may also refer to any written or even oral presentation or exposition concerning human rights questions, human rights violations or situations. Such reports may be presented by **Special Rapporteurs**, working and study groups, conferences, organs of governmental and non-governmental organizations.

Article IV, paragraph 6, of the **UNESCO Constitution** foresees that the General Conference receives and considers reports sent to UNESCO by Member States on actions taken upon its recommendations and conventions.

Right of parents to choose education for their children

The **Universal Declaration of Human Rights** proclaimed the right of parents to choose education for their children: “Parents have a prior right to choose the kind of education that shall be given to their children” (Article 26). This right is further elaborated in the **International Covenant on Economic, Social and Cultural Rights**. According to its Article 13, paragraph 3, States Parties have the obligation “... 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". The **Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights "Protocol of San Salvador"** (1988), in its Article 13, para. 4, stipulates that: "In conformity with the domestic legislation of the States Parties, parents should have the right to select the type of education to be given to their children ...". The **Convention on the Rights of the Child** (1989) is aimed at providing protection of children's rights and ensuring the continuous improvement of the situation of children as well as their development and education in conditions of peace and security. In Protecting the rights of the child, States Parties should take 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" (Article 3, paragraph 2 of the Convention). Article 5 lays down that States Parties shall respect the responsibilities, rights and duties of parents in a manner consistent with the evolving capacities of the child..

Right of self-determination

The principle of self-determination is laid down in the **Charter of the United Nations** as one of the purposes of the Organization. It states that friendly relations among nations are based on respect for the principle of equal rights and self-determination of peoples (Article 1, para. 2). This principle is proclaimed in a comprehensive manner in the **Declaration on the Granting of Independence to Colonial Countries and Peoples** (1960). This historic instrument marks the beginning of the irreversible trend towards full decolonization. The **International Covenants on Human Rights** contain an identical provision on the right of self-determination. Common Article 1, para. 1, stipulates that: "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".

It further states that: "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" (common Article 1, para. 2). Furthermore, common Article 1, para. 3, imposes on States Parties the obligation to "...promote the realization of the right of self-determination". The right of peoples to self-determination is also enshrined in the Declaration on the Inadmissibility of Intervention and Interference in the Internal Affairs of States, the Declaration on Principles of International Law concerning Friendly Relations and Co-operation Among States, the **Declaration on Social Progress and Development** and the **African Charter on Human and Peoples' Rights**. The **United Nations International Conference on Human Rights** (Tehran, 1968) adopted a resolution on "the importance of the universal realization of the right of peoples to self-determination and of the speedy granting of independence to colonial countries and peoples for the effective guarantee and observance of human rights". In 1978, a study entitled "The right to self-determination: implementation of United Nations resolutions" was prepared by the **Special Rapporteur[s]** of the **United Nations Sub-Commission on Prevention of Discrimination and Protection of Minorities** (now **Sub-Commission on the Promotion and Protection of Human Rights**). Another special study, also submitted to the Sub-Commission in 1978, was concerned with the historical and current development of the right of self-determination. Furthermore, the **Vienna Declaration and Programme of Action**, in its paragraph 2, states that: "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. ...". The denial of the right of self-determination is considered as a violation of human rights.

In this context, the **International Decade for the Eradication of Colonialism** was declared by the **United Nations General Assembly** for the period 1990-2000 and the **Week of Solidarity with the Peoples of Non-Self-Governing Territories** is celebrated each year on the week commencing 25 May.

Rights of refugees

The status of refugees is a matter of international concern. The Office of the **United Nations High Commissioner for Refugees** (UNCHR) has, since its establishment in January 1951, been charged with the international protection of these persons. Moreover, specific international instruments, notably the **Convention Relating to the Status of Refugees** (1951), have been elaborated in order to assure for refugees the widest possible exercise of human rights and fundamental freedoms. Two principles are the basis of such international instruments: first, that there should be as little distinction as possible between nationals, on the one hand, and refugees on the other; second, that there should be no discrimination based on race, religion or country of origin among refugees. Two rights are of particular importance. One is the principle of *non-refoulement*, that is, that refugees may not on any account whatsoever be expelled or returned to a country where their life or freedom would be threatened. The second right is the **right to asylum**. The **Universal Declaration of Human Rights** proclaims that everyone has the right to seek and to enjoy in other countries asylum from persecution (Article 14). This right to territorial asylum is further elaborated in the **Declaration on Territorial Asylum** (1967). Among the regional organizations, the **Organization of American States** (OAS) has dealt with the matter of refugees by drafting numerous instruments concerning them, such as the **Convention on Asylum** (1928), supplemented by the **Convention on Political Asylum** (1933) and, more recently, by the **Convention on Territorial Asylum** (1954). In addition, it is to be noted that, owing to the deterioration of the refugee problem

in Africa, the **Organization of African Unity (OAU)** has drawn up the **Convention Governing the Specific Aspects of Refugee Problems in Africa** (1969).

Right to adequate food

The **Universal Declaration of Human Rights** proclaimed the right to adequate food as an indispensable element of the right of everyone to: "... a standard of living adequate for the health and well-being of himself and of his family" (Article 25). This right was further developed in Article 11 of the **International Covenant on Economic, Social and Cultural Rights**, which imposes on its States Parties the obligation to take appropriate steps to ensure the realization of 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. Moreover, according to this article, States Parties recognize the fundamental right of everyone to be free from hunger and made an obligation: "(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 11, para. 2). A great deal of effort aimed at raising standards of living and the level of nutrition has been made by the **Food and Agriculture Organization of the United Nations (FAO)**. It has undertaken concrete steps to alleviate poverty and hunger, through its work on food quality, safety and standards, monitoring nutritional situations and requirements, advice to Member States on improving food security and nutritional status, and through technical assistance to Member States, including under its Special Programme on Food Security

for Low-Income Food-Deficit Countries. At the International Conference on Nutrition (Rome, 1992), convened jointly by the FAO and the **World Health Organization (WHO)**, strategies were set forth to reduce global hunger and malnutrition. At the World Food Summit (Rome, 1996), world leaders established the goal of reducing the number of the chronically undernourished population in developing countries (800 million at that time) by half by the year 2015.

The World Food Summit entrusted the **United Nations High Commissioner for Human Rights** with the mandate to clarify the content of the rights related to food and the ways of implementing them. Subsequently expert consultations were organized in 1997 and 1998. The **Committee on Economic, Social and Cultural Rights** adopted a General Comment on the Right to Adequate Food on 11 May 1999. The **Special Rapporteur[s]** of the **Sub-Commission on the Promotion and Protection of Human Rights** (formerly the **Sub-Commission for Prevention of Discrimination and Protection of Minorities**) recently updated his study on the right to adequate food as a human right.

FAO published *The Right to Food in Theory and Practice* in 1998 and issued in 1999 a trilingual brochure containing extracts from international and regional instruments and declarations and other authoritative texts addressing the right to food.

Right to adequate housing

The right to adequate housing is provided for in the **Universal Declaration of Human Rights** as an indispensable part of an adequate standard of living (Article 25, para. 1). This right was reaffirmed in the **International Covenant on Economic, Social and Cultural Rights** which states that: "The States Parties ... recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing ..." (Article 11, para. 1). This right

is also confirmed in the **International Convention on the Elimination of All Forms of Racial Discrimination** (Article 5) and the **Convention on the Elimination of All Forms of Discrimination against Women** (Article 14, para. 2), the **Convention on the Rights of the Child** (Article 27, para. 3) and others.

The **Committee on Economic, Social and Cultural Rights** adopted, during its sixth session in 1991, General Comment N° 4 – The right to adequate housing. The first **United Nations Conference on Human Settlements** was held at Vancouver, Canada, in 1976. At the second **United Nations Conference on Human Settlements (Habitat II: Istanbul, Turkey, 3-14 June 1996)**, Heads of State or Government endorsed the universal goals of ensuring adequate shelter for all and making human settlements safer, healthier and more livable, and adopted the **Habitat Agenda (Global Plan of Action)**. **UNESCO** encourages intergovernmental and interdisciplinary research and sharing of knowledge on urban issues. The Organization ensures the implementation of the **Habitat II Global Plan of Action**. Its programme on **Management of Social Transformations (MOST)** facilitates exchange between public policy-makers and social scientists and supports a variety of comparative research with practical applications.

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Right to a fair public hearing

The basic principle of equality for all in the administration of justice, including the right to a fair and public hearing, is set out in Article 10 of the **Universal Declaration of Human Rights**. According to it: “Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him”. It is further elaborated in the **International Covenant on Civil and Political Rights** which stipulates that: “... everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law” (Article 14, para. 1). This principle refers not only to criminal

cases but also to civil disputes where one person sues another. The right is also contained in Article 5 of the **International Convention on the Elimination of All Forms of Racial Discrimination** and in Article 16 of both the **Convention Relating to the Status of Refugees** and the **Convention Relating to the Status of Stateless Persons**. This right is also formulated by various regional instruments. The **European Convention for the Protection of Human Rights and Fundamental Freedoms**, in its Article 6, states that: "Everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law".

Right to a fair trial

The right to a fair trial is an indispensable element of the procedural guarantees. Certain principles relating to procedural guarantees are set out in Articles 6, 10, and 11 of the **Universal Declaration of Human Rights**. According to the **International Covenant on Civil and Political Rights** (Article 2, para. 3), States Parties undertake to ensure: that any person whose rights or freedoms are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity; 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; and that the competent authorities shall enforce such remedies when granted. This subject is also extensively dealt with in Articles 14 to 16 of the Covenant.

The right to a fair trial is recognized by the **American Convention on Human Rights** which provides that: "Every person has the right to a hearing, with due guarantees and within reasonable time, by a competent, independent and impartial tribunal, previously established by law, in the substantiation of any accusations of a criminal nature made against him or for the

determination of his rights and obligations of a civil, labor, fiscal, or any other nature” (Article 8, para. 1). Similarly the **European Convention for the Protection of Human Rights and Fundamental Freedoms** states that: “In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law” (Article 6, para. 1).

Right to a healthy environment

The right to a healthy environment is recognized by the **Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights “Protocol of San Salvador”** (1988) which provides that: “Everyone shall have the right to live in a healthy environment and to have access to basic public services” (Article 11, para. 1). It further affirms that: “The States Parties shall promote the protection, preservation and improvement of the environment” (Article 11, para. 2). The **African Charter of Human and Peoples’ Rights** declares that: “All peoples shall have the right to a general satisfactory environment favourable to their development” (Article 24). Concern for the protection of the environment can nowadays be found in the realm of international humanitarian law.

On 14 December 1990, the **United Nations General Assembly** adopted a resolution on the need to ensure a healthy environment for the well-being of individuals. This resolution reflects the Declaration of the **United Nations Conference on the Human Environment**, which states that men and women have the fundamental right to adequate conditions of life in an environment of a quality that permits a life of dignity and well-being, and that they bear a solemn responsibility to protect and improve the environment for present and future generations (Preamble). To this end, the resolution calls upon United Nations Member States and intergovernmental and non-governmental organizations dealing with environmental questions to enhance

their efforts towards ensuring a better and healthier environment (para. 2). It further welcomes the **Commission on Human Rights** resolution of 6 March 1990, in which it decided to study the problems of the environment and its relation to human rights. A study entitled "Proposals for a Study of the Problem of the Environment and its Relation to Human Rights" concerns ecological rights within the body of human rights standards, the definition of their nature, and possible methods for their implementation. Among the preliminary conclusions of this study, it was noted that the universal awareness of the scope, seriousness and complexity of environmental problems has encouraged the adoption at the national, regional and world level of a set of standards and principles that share the objectives of protecting the environment and thereby the rights deriving from it. It was further observed that standards and principles are designed not merely to regulate the subject of the environment but also to entitle individuals to ecological rights.

UNESCO, in its Declaration on the Responsibilities of the Present Generations towards Future Generations (1997) acknowledged the importance of the right to a clean and healthy environment and stressed that present generations should strive for sustainable development and preserve living conditions, particularly the quality and integrity of the environment (Article 5).

A draft International Covenant on Environment and Development is presently being prepared by a certain number of non-governmental organizations. It was first launched in 1995 at the United Nations Congress on Public International Law. It aims at achieving environmental conservation and sustainable development by establishing integrated rights and obligations. It is intended to present this draft to the United Nations General Assembly for adoption.

Right to a just social and international order

The right to a just social and international order is provided for in Article 28 of the **Universal Declaration of Human Rights** which stipulates: “Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized”. This right is crucial to the progressive development and implementation of the **right to democracy**.

Right to an adequate standard of living

The right to an adequate standard of living is dealt with in the **Universal Declaration of Human Rights** which in its Article 25, para. 1, states that: “Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family...”. The right was reaffirmed by Article 11, para. 1, of the **International Covenant on Economic, Social and Cultural Rights**. Under Article 27 of the **Convention on the Rights of the Child**: “States Parties recognize the right of every child to a standard of living adequate for the child’s mental, physical, spiritual, moral and social development”. The **European Social Charter**, in its Part I (4), speaks about the right of all workers to a fair remuneration sufficient “... for a decent standard of living for themselves and their families”. The **World Summit for Social Development** (Copenhagen, 1995) adopted the **Copenhagen Declaration and Programme of Action** which underlined the urgent need to address profound social problems, including **poverty** which is a denial of chances to lead healthy, creative and long lives and to enjoy a decent standard of living, freedom and dignity. The World Summit recognized the goal of eradicating poverty as an ethical, social, political and moral imperative of humankind. On 22 December 1992, the **United Nations General Assembly** proclaimed 17 October as the **International Day for the Eradication of Poverty**; it then proclaimed on 21 December 1993 the year 1996 as the **International**

Year for the Eradication of Poverty. On 26 January 1996 the decade 1997–2006 was proclaimed the **Decade for the Eradication of Poverty.**

Right to a nationality

The **Universal Declaration of Human Rights** in its Article 15 proclaimed that: “Everyone has the right to a nationality” (para. 1) and that: “No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality” (para. 2). Concerning this right, the **International Covenant on Civil and Political Rights** provides that: “Every child has the right to acquire a nationality” (Article 24, para. 3). The **International Convention on the Elimination of All Forms of Racial Discrimination** provides that States Parties undertake to guarantee the right of everyone without any discrimination to equality before the law, which includes the enjoyment of the right to a nationality (Article 5 (d)(iii)). The **Convention on the Elimination of All Forms of Discrimination Against Women** states that: “ States Parties shall grant women equal rights with men to acquire, change or retain their nationality ...” (Article 9, para. 1). The right to a nationality is also provided for in Article 20 of the **American Convention on Human Rights**. In order to ensure married women equality with men in the exercise of the right to a nationality and to prevent them from becoming stateless, the **Convention on the Nationality of Married Women** was adopted in 1957. The **Convention relating to the Status of Stateless Persons** (1954) calls for stateless persons to be given the same treatment as that accorded to refugees under the **Convention Relating to the Status of Refugees**. Under the **Convention on the Reduction of Statelessness** (1954), a Contracting State shall grant its nationality to a person born in its territory who would otherwise be stateless.

Right to an effective remedy by tribunals

The right to an effective remedy by tribunals is proclaimed in the **Universal Declaration of Human Rights**, stating in its Article 8 that: “Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law”. It is reaffirmed in the **International Covenant on Civil and Political Rights** which states that each State Party shall: “... ensure that any person whose rights or freedoms ... are violated shall have an effective remedy...” (Article 2, para. 3(a)). Provisions on the subject also appear in Article 6 of the **International Convention on the Elimination of All Forms of Racial Discrimination** and in Articles 13 and 14 of the **Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment**. This right is also dealt with in regional normative instruments such as the **American Convention on Human Rights** (Article 10) and the **European Convention for the Protection of Human Rights and Fundamental Freedoms** (Article 13).

Right to appeal

The right to appeal is set out in Article 14, para. 5, of the **International Covenant on Civil and Political Rights** as follows: “Everyone convicted of a crime shall have the right to his conviction and sentence being reviewed by a higher tribunal according to law”. The **Sub-Commission on Prevention of Discrimination and Protection of Minorities** (now **Sub-Commission on the Promotion and Protection of Human Rights**) of the **United Nations** formulated and adopted Draft Principles on Equality in the Administration of Justice on the basis of texts proposed by the **Special Rapporteur[s]** in 1969. In their Principle 16, paragraph X, the right to appeal is stipulated. The right to appeal is also foreseen by regional instruments. The **American Convention on Human Rights** (1969) in Article 8,

para. 2h, provides “the right to appeal the judgment to a higher court”. The **African Charter on Human and Peoples’ Rights** (1981) speaks in Article 7, para. 1a, about “the right to an appeal to competent national organs ...”.

Right to asylum

The right to asylum is embodied in Article 14, para. 1, of the **Universal Declaration of Human Rights** states that: “Everyone has the right to seek and to enjoy in other countries asylum from persecution”. Article 14, para. 2, stipulates that: “This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the **United Nations**”. The right to asylum falls into two basic categories: territorial and extraterritorial or diplomatic asylum. The right is not yet fully codified universally. At the regional level binding instruments were adopted by the **Organization of American States (OAS)**: the **Convention on Asylum** (1928), the **Convention on Political Asylum** (1933), the **Convention on Diplomatic Asylum** (1954) and the **Convention on Territorial Asylum** (1954). The right to asylum is also mentioned by the **American Declaration of the Rights and Duties of Man** (1948) which in Article XXVII provides: “Every person has the right, in case of pursuit not resulting from ordinary crimes, to seek and receive asylum in foreign territory, in accordance with the laws of each country and with international agreements”. The first world debate on the right to asylum was carried out in 1961-1962 at the Vienna Conferences on Diplomatic Relations and Consular Matters. In 1967, the **United Nations General Assembly** adopted the **Declaration on Territorial Asylum** which sets out principles related to the granting or refusal of asylum by States. Furthermore, it makes clear that the international community has not yet resolved the question of asylum.

Right to benefit from the protection of the moral and material interests resulting from scientific, literary or artistic production

The **Universal Declaration of Human Rights**, in its Article 27, para. 2, proclaims that: “Everyone has the right to the protection of the moral and material interests resulting from scientific, literary or artistic production of which he is the author”. This subject is dealt with in the **International Covenant on Economic, Social and Cultural Rights** which recognizes the right of everyone “... 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” (Article 15, para. 1(c)). An identical wording is repeated by the **Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights** in its Article 14, para. 1(c). This right is one of the cultural rights which UNESCO protects and is dealt with in several UNESCO declarations and recommendations concerning various cultural rights. The principal normative instrument with direct relevance to the right to benefit from the protection of the moral and material interests resulting from scientific, literary or artistic production is the **UNESCO Universal Copyright Convention (1952)** and the **Universal Copyright Convention as revised at Paris on 1971** which require that each Contracting State protect the rights of authors and other copyright holders. Article I of both instruments stipulates that “Each Contracting State undertakes to provide for the adequate and effective protection of the rights of authors and other copyright proprietors in literary, scientific and artistic works, including writings, musical, dramatic and cinematographic works, and paintings, engravings and sculpture”.

The **World Intellectual Property Organization (WIPO)**, a **United Nations** specialized agency, promotes the protection of intellectual property throughout the world through co-operation among States and, where appropriate, in collaboration with other

international organizations. It monitors several international treaties dealing with the legal and administrative aspects of the protection of intellectual property, harmonizes and simplifies relevant rules and practices, and provides governments, organizations and the private sector with legal and technical assistance.

Right to be presumed innocent

The principle of presumption of innocence is fundamental to the protection of human rights. Relating to procedural guarantees, it is set out in the **Universal Declaration of Human Rights**, which states that: “Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence” (Article 11, para. 1). Thus, the presumption of innocence implies a right to be treated in accordance with this principle. Therefore, it is a duty for all public authorities to refrain from prejudging the outcome of a trial. The presumption of innocence is also dealt with in the **International Covenant on Civil and Political Rights** (Article 14, para. 2). The **American Convention on Human Rights** provides that: “Every person accused of a criminal offence has the right to be presumed innocent so long as his guilt has not been proven according to law” (Article 8, para. 2). The **African Charter on Human and Peoples’ Rights** contains the same provision in its Article 7, para. 2(b), as does the **European Convention for the Protection of Human Rights and Fundamental Freedoms** in its Article 6, para. 2.

Right to compensation

The right to compensation is set out in the **International Covenant on Civil and Political Rights**, which states that: “Anyone who has been victim of unlawful arrest or detention shall have an enforceable right to compensation” (Article 9, para. 5).

Protocol N° 7 (amended by Protocol N° 11) to the **European Convention for the Protection of Human Rights and Fundamental Freedoms** provides, in its Article 3, that a person who has suffered punishment as a result of a miscarriage of justice "... shall be compensated according to the law or the practice of the State concerned". The meaning of this right is explained in Articles 12 and 13 of the **Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power**, (adopted by the **United Nations General Assembly** resolution 40/34), which recommends that States should endeavour to provide financial compensation when compensation from the offender or other sources is not fully available, and that national funds for this purpose should be established and strengthened. The **Sub-Commission on Prevention of Discrimination and Protection of Minorities** (now **Sub-Commission on the Promotion and Protection of Human Rights**) confirmed in resolution 1988/11 the right to fair and just compensation.

Right to creativity

The right to creativity is formulated by human rights instruments in the context of freedom of scientific and artistic activities from limitation and external interventions. The **International Covenant on Economic, Social and Cultural Rights**, in its Article 15, para. 3, provides that: "The States Parties to the present Covenant undertake to respect the freedom indispensable for scientific research and creative activity". Creativity lays stress on the maintenance and development of individual and group aptitudes and opportunities, rather than on the product of their activities. The **Recommendation concerning the Status of the Artist** adopted by UNESCO on 27 October 1980 calls upon Member States to encourage all measures tending to strengthen respect for artistic creation. It emphasized that governments should help to create and sustain not only a climate encouraging freedom of artistic expression but also the material conditions facilitating the release of creative talents. It stipulates

that: "Since freedom of expression and communication is the essential prerequisite for all artistic activities, Member States should see that artists are unequivocally accorded the protection provided for in this respect by international and national legislation concerning human rights" (Part III, para. 6).

Right to cultural identity

This right is indirectly formulated in Article 27 of the **International Covenant on Economic, Social and Cultural Rights** which stipulates that persons belonging to minorities have the right to enjoy their own culture. During the World Conference on Cultural Policies, organized by UNESCO in Mexico City, in 1982, delegates emphasized people's growing awareness of their cultural identity, of the pluralism stemming from it, of their right to be different and of the mutual respect of one culture for another, including that of minorities. In its recommendation on cultural identity, the Conference called upon States to respect and work to preserve the cultural identity of all countries, regions and peoples and oppose any discrimination with regard to the cultural identity of other countries, regions and peoples; and promote the development of cultural identity through all appropriate means. The **Mexico City Declaration on Cultural Policies** states, *inter alia*, that the assertion of cultural identity contributes to the liberation of peoples. Furthermore, cultural identity is a treasure which vitalizes mankind's possibilities for self-fulfillment by encouraging every people and every group to seek nurture in the past, to welcome contributions from outside compatible with their own characteristics, and so to continue the process of their own creation.

The right to cultural identity is recognized in human rights instruments. Article 29(c) of the **Convention on the Rights of the Child** (1989) provides that the education of the child shall be directed to: "The development of respect for ... his or her own cultural identity, language and values ...". The right to respect for cultural identity means that everyone alone or in a community

with others may freely choose his or her cultural identity in its various aspects such as language, religion, heritage, traditions, etc. Everyone may have one or several cultural identities and may freely decide whether or not to identify with one or more cultural communities. Nobody can be subjected against his or her will to forced assimilation.

The **Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities** (1992) provides that: “States shall protect the existence and the national or ethnic, cultural, religious and linguistic identity of minorities within their respective territories and shall encourage conditions for the promotion of that identity” (Article 1, para. 1). The **Framework Convention for the Protection of National Minorities** adopted by the Council of Europe in 1995 stipulates that: “The Parties undertake to promote the conditions necessary for persons belonging to national minorities to maintain and develop their culture, and to reserve the essential elements of their identity, namely their religion, language, tradition and cultural heritage” (Article 5).

Every human being has the right to culture, including the right to enjoy cultural identity which means that everybody has the right to free cultural identification. In the field of cultural rights, UNESCO has undertaken many activities in order to promote and further develop cultural rights. Apart from adopting a number standard-setting instruments, UNESCO has organized conferences and implemented a number of activities. In 1976, the Organization adopted the **Recommendation on Participation by the People at Large in Cultural Life and their Contribution to It**, which aims at ensuring the promotion and protection of cultural rights as an integral part of human rights. Its Article 4(f) recommends that Member States adopt legislation in order to “... ensure that national minorities and foreign minorities have full opportunities for gaining access to and participating in the cultural life of the countries in which they find themselves in

order to enrich it with their specific contributions, while safeguarding their right to preserve their cultural identity ...”.

Right to democracy

Though the right to democracy is not explicitly codified in human rights instruments, many fundamental principles of democracy are embodied in international human rights law. The **Universal Declaration of Human Rights** confirms the cornerstone principle of democracy, stipulating that: “The will of the peoples shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures” (Article 21, para. 3). The Universal Declaration proclaims the **right** [of everyone] to **take part in [the] government** of his country, directly or through freely chosen representatives, as well as the **right to equal access to public service**. International human rights instruments guarantee a number of freedoms and rights, which are crucial for the functioning of democracy, such as **freedom of opinion and expression, freedom to seek, receive and impart information, freedom of association, freedom of peaceful assembly, freedom from arbitrary arrest, freedom from arbitrary interference with privacy, right to a fair public hearing, right to a fair tribunal, right to be presumed innocent, right to liberty and security of person, right to own property, right to strike, right to take part in government, right to vote and to be elected**. Moreover, the Universal Declaration proclaims: “Everyone is entitled to a social and international order in which the rights and freedoms set for in the Declaration can be fully realized” (Article 28).

The inherent link between human rights and democracy was underlined by the **World Conference on Human Rights** (Vienna, Austria, 1993) which in the **Vienna Declaration and Programme of Action** (para. 8) declares that “Democracy, development and respect for human rights and fundamental freedoms are interdependent and mutually reinforcing.

Democracy is based on the freely expressed will of the people to determine their own political, economic, social and cultural systems and their full participation in all aspects of their lives ...". In recent years, resolutions on the right to democracy have been adopted by the **Commission on Human Rights**. In resolution 1999/57 entitled "Promotion of the right to democracy", it is affirmed that "... democracy fosters the full realization of all human rights, and vice versa ..." (para. 1).

The interdependence of democracy and human rights was reaffirmed in the **United Nations Millennium Declaration**, adopted by the **United Nations General Assembly** in September 2000 by its resolution 55/2. It stipulated that: "Men and women have the right to live their lives and raise their children in dignity, free from hunger and from the fear of violence, oppression or injustice. Democratic and participatory governance based on the will of the people best assures these rights". The Heads of State and Governments also expressed in the Millennium Declaration their resolution "... to strengthen the capacity of all our countries to implement the principles and practices of democracy and respect for human rights".

Right to education

The right to education is dealt with in the **Universal Declaration of Human Rights**, which in its Article 26 stipulates that: "Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit" (para. 1); "Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the **United Nations** for the maintenance of peace" (para. 2); and "Parents have a prior

right to choose the kind of education that shall be given to their children” (para. 3).

Article 13 of the **International Covenant on Economic, Social and Cultural Rights** explains this right in more detail: “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” (para. 1). Article 13, para. 2, stipulates that: “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”. Paragraph 3 of this same article lays down that: “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". The right to education is provided for by the **Convention on the Rights of the Child** (Articles 28 and 29), the **Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights "Protocol of San Salvador"** (Article 13), Protocol N° 1 to the **European Convention for the Protection of Human Rights and Fundamental Freedoms** (Article 2), the **African Charter on Human and Peoples' Rights** (Article 12).

During the general discussion by the **Committee on Economic, Social and Cultural Rights** on the right to education (1998), an agreement was reached that four elements define its core content: No one shall be denied a right to education; everyone is entitled to basic (primary) education in one form or another, this includes basic education for adults; Primary education must be compulsory and free; No one may withhold a child from primary education. A State has an obligation to protect this right from encroachment by third persons; there is a free choice of education without interference by the State or a third person; and the minorities have the right to be taught in the language of their choice, in institutions outside the official system of public education. The Committee, during its twenty-first session in 1999, adopted General Comment N° 13 on the right to education which declares that "Education is both a human right in itself and an indispensable means of realizing other human rights".

Within the **United Nations system** UNESCO has a primary responsibility in this domain. In accordance with its mandate, UNESCO gives priority to the implementation of the right to education and, in particular, to basic education for girls and boys. The Organization has adopted a number of instruments ensuring the enjoyment of the right to education for everyone. The best known among these is the **Convention against Discrimination in Education** (1960). UNESCO's programmes

are aimed at assuring access to education for all, including persons belonging to **vulnerable groups**.

Right to enjoy the benefits from scientific progress and its applications

This right, though in a general form, is recognized by the **International Bill of Rights** and by regional instruments. The **Universal Declaration of Human Rights**, in its Article 27, para. 1, proclaims that: "Everyone has the right ... to share in scientific advancement and its benefits". The **International Covenant on Economic, Social and Cultural Rights**, in its Article 15, para. 1(b), reiterates the right of everyone: "To enjoy the benefits of scientific progress and its applications". The **Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights** "Protocol of San Salvador", in its Article 14, para. 1(b) recognizes the right of everyone "to enjoy the benefits of scientific and technological progress". For the promotion of this right, several standard-setting instruments have been adopted by UNESCO. The **Recommendation on the Status of Scientific Researchers** (1974) underlines that each Member State should use scientific and technological knowledge for the enhancement of the cultural and natural well-being of its citizens and to further the ideals and objectives of the **United Nations**. In the field of bioethics, UNESCO adopted the **Universal Declaration on the Human Genome and Human Rights** in 1997.

Right to equal access to public service

The right to equal access to public service is provided for in the **Universal Declaration of Human Rights** which states: "Everyone has the right to equal access to public service in his country" (Article 21, para. 2). This right, which is intimately linked with the **right to take part in government**, is further elaborated in Article 25 of the **International Covenant on Civil**

and Political Rights which states that: “Every citizen shall have the rights and the opportunity, without any of the distinctions mentioned in Article 2 and without unreasonable restrictions ... to have access, on general terms of equality, to public service in his country”. The **American Convention on Human Rights**, in its Article 23, confirms that every citizen shall enjoy the right and opportunity “to have access, under general conditions of equality, to the public service of his country”. A similar provision is contained in the **African Charter on Human and Peoples’ Rights** (Article 13, para. 1c).

Right to equal pay for equal work

The **Universal Declaration of Human Rights** stipulates that: “Everyone, without any discrimination, has the right to equal pay for equal work” (Article 23, para. 2). The **International Covenant on Economic, Social and Cultural Rights** contains a similar provision which states that: “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 ... remuneration which provides all workers, as a minimum, with ... 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 ...” (Article 7). Furthermore, the **International Convention on the Elimination of All Forms of Racial Discrimination** provides for equal pay for equal work in Article 5 as does the **Convention on the Elimination of All Forms of Discrimination Against Women** in its Article 11, para. 1(d). Article 15 of the **African Charter on Human and Peoples’ Rights** also contains provisions on this subject. Within the **United Nations system**, the **International Labour Organisation (ILO)** has the primary responsibility for the supervision of international measures relating to the field of work. Under the **ILO Convention (N° 100) concerning Equal Remuneration for Men and Women Workers for Work**

of **Equal Value** (1951), the Contracting States agree to enforce the basic principle – embodied in the Preamble to the ILO Constitution – of equal pay for equal work.

Right to equal protection of the law without discrimination

The principle of elementary justice is proclaimed in Article 7 of the **Universal Declaration of Human Rights**, which states that: “All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination”. The **International Covenant on Civil and Political Rights** contains a similar provision: “All persons are equal before the law and are entitled without any discrimination to the equal protection of the law ...” . (Article 26). The right to equal protection of the law without discrimination is also contained in the **American Convention on Human Rights** (Article 1), the **African Charter on Human and Peoples’ Rights** (Articles 2 and 3), and the **European Convention on Human Rights** (Articles 1 and 14).

Right to form trade unions

The **Universal Declaration of Human Rights** stipulates that: “Everyone has the right to form and to join trade unions for the protection of his interests” (Article 23, para. 4). This right is further elaborated in both **International Covenants on Human Rights**. Article 8 of the **International Covenant on Economic, Social and Cultural Rights** sets out that States Parties should “... ensure the right of everyone to form trade unions...” (Article 8, para. 1(a)). The **International Covenant on Civil and Political Rights** provides that: “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”

(Article 22, para. 1). Trade union rights constitute an important aspect of the right to **freedom of peaceful assembly** and association. Within the **United Nations system**, the lead agency concerned with these rights is the **International Labour Organisation (ILO)** which adopted the **Convention (N° 87) concerning Freedom of Association and Protection of the Right to Organise** in 1948. This instrument was followed closely by the **Convention (N° 98) concerning the Application of the Principles of the Right to Organise and Bargain Collectively** of 1949, and supplemented later by the **Convention (N° 135) concerning Protection and Facilities to be Afforded to Workers' Representatives in the Undertaking** (1971), **Convention (N° 141) concerning the Organisations of Rural Workers and Their Role in Economic and Social Development** (1975) and **Convention (N° 151) concerning Protection of the Right to Organise and Procedures for Determining Conditions of employment in the Public Service** (1978).

Right to free choice of employment

The right of everyone to free choice of employment is proclaimed in the **Universal Declaration of Human Rights**, which stipulates that: "Everyone has the **right to work**, to free choice of employment ..." (Article 23, para. 1). The **International Covenant on Economic, Social and Cultural Rights** contains a similar provision which states that States Parties "... 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 ..." (Article 6, para. 1). The **International Convention on the Elimination of All Forms of Racial Discrimination** provides for non-discrimination on racial grounds in respect of the right to free choice of employment (Article 5), as does the **Convention on the Elimination of All Forms of Discrimination Against Women** on the ground of sex (Article 11). The basic instruments adopted by the **International Labour Organisation (ILO)** in this field are the **Convention (N° 111) concerning Discrimination in**

Respect of Employment and Occupation (1958) and the Convention (N° 122) concerning Employment Policy (1964).

Right to health and medical services

The **Universal Declaration of Human Rights** proclaims that: "Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family including ... medical care and necessary social services ..." (Article 25, para. 1). The **Convention on the Elimination of All Forms of Discrimination against Women** ensures non-discrimination in this respect on the ground of sex stating that: "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" (Article 12, para. 1). The **African Charter on Human and Peoples' Rights** provides that its States Parties "... shall take the necessary measures to protect the health of their people and to ensure that they receive medical attention when they are sick" (Article 16, para. 2). Provisions to this end are contained in other regional instruments.

The **World Health Organization (WHO)**, by its Constitution, is defined as the directing and co-ordinating authority on international health work. It considers that the basic health services essential for the provision of adequate health protection to the community should cover: care of mothers and children including midwifery; nutrition; prevention and control of communicable diseases; sanitation and water supply; health education; and occupational health. In 1981, the World Health Assembly adopted by its resolution 34/36 the "Global Strategy for Health for All by the Year 2000". In November 1999, WHO adopted the Kobe Declaration concerning the avoidance of a tobacco epidemic in women and youth. Furthermore a Framework Convention on Tobacco Control is currently being elaborated.

Right to highest attainable standard of physical and mental health

According to the **International Covenant on Economic, Social and Cultural Rights**, States Parties "... recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health" (Article 12, para. 1). The Covenant imposes on States Parties the obligation to undertake steps "... to achieve the full realization of this right ..." including 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 12, para. 2). The **African Charter on Human and Peoples' Rights** stipulates in its Article 16, para. 1, that: "Every individual shall have the right to enjoy the best attainable state of physical and mental health". The **Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights "Protocol of San Salvador"** (1988) , in its Article 10, para. 1, declares that: "Everyone shall have the right to health, understood to mean the enjoyment of the highest level of physical, mental and social well-being". Within the **United Nations** system, the **World Health Organization (WHO)** is primarily responsible for the preparation and supervision of international measures relating to the right to health. The Preamble of its Constitution states: "The enjoyment of the highest attainable standard of health is one of the fundamental rights of every human being without distinction of race, religion, political belief, economic and social conditions." WHO's definition of health includes "physical, mental and social well-being". The **Commission on Human Rights** of the **United Nations** has also dealt with problems relating to the right

to enjoy the highest attainable standard of physical and mental health. At its 1989 session, it reaffirmed (resolution 1989/11) this right and recalled that all human rights apply to all patients without exception.

Right to just and favourable conditions of work

The **Universal Declaration of Human Rights** proclaims that: “Everyone has the **right to work**, ... [and] to just and favourable conditions of work” (Article 23, para. 1). According to Article 7 of the **International Covenant on Economic, Social and Cultural Rights**, States Parties “... recognize the right of everyone to the enjoyment of just and favourable conditions of work...” which ensure remuneration; safe and healthy working conditions; 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; and rest, leisure and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays. The **International Convention on the Elimination of All Forms of Racial Discrimination** as well as the **Convention on the Elimination of All Forms of Discrimination Against Women** contain provisions concerning the right to just and favourable conditions of work. Primary responsibility to ensure respect for this right lies with the **International Labour Organisation (ILO)** which adopted binding instruments relevant to the right to just and favourable conditions of work, among them the **Convention (N° 100) concerning Equal Remuneration for Men and Women Workers for Work of Equal Value** (1951), the **Convention (N° 155) concerning Occupational Safety and Health and the Working Environment** (1981), and the **Convention (N° 162) concerning Safety in the Use of Asbestos** (1986).

Right to just and favourable remuneration

The **Universal Declaration of Human Rights** states that: “Everyone who works has the right to just and favourable remuneration ...” (Article 23, para. 3). According to Article 7 of the **International Covenant on Economic, Social and Cultural Rights**, remuneration is a part of the right of everyone to the enjoyment of just and favourable conditions of work. The **International Convention on the Elimination of All Forms of Racial Discrimination** provides for non-discrimination on racial grounds also in regard of just and favourable remuneration (Article 5) as does the **Convention on the Elimination of All Forms of Discrimination Against Women** on the ground of sex (Article 11). The principal conventions of the **International Labour Organisation (ILO)** related to this right include: the **Convention (N° 100) concerning Equal Remuneration for Men and Women Workers for Work of Equal Value** (1951) and the **Convention (N° 131) concerning Minimum Wage Fixing, with Special Reference to Developing Countries** (1970).

Right to leave any country, including one's own, and to return to own country

The **Universal Declaration of Human Rights** proclaims that: “Everyone has the right to leave any country, including his own, and to return to his country” (Article 13, para. 2). Article 12 of the **International Covenant on Civil and Political Rights** further elaborated this right and added that the only possible restrictions are 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 ...”. The right is also provided for in Article 22, para. 2, of the **American Convention on Human Rights** and in Article 12, para. 2, of the **African Charter on Human and Peoples' Rights**. Protocol N° 4 (1963) to the **European Convention for the Protection of Human Rights and Fundamental Freedoms**

states that: “Everyone shall be free to leave any country, including his own” (Article 2, para. 2). The **International Convention on the Elimination of All Forms of Racial Discrimination** stipulates in its Article 5 the guarantee of the right of everyone, without discrimination on the grounds of race, colour or national or ethnic origin, “... to equality before the law...” including the right to leave any country, including his own, and to return to one’s country. In 1982, the Draft Declaration on Freedom and Non-Discrimination in respect of the Right of Everyone to Leave any Country, including his Own, and to Return to his Country was proposed by the **Sub-Commission on Discrimination and Protection of Minorities** (now **Sub-Commission on the Promotion and Protection of Human Rights**) of the United Nations.

Right to liberty and security of person

The **Universal Declaration of Human Rights** stipulates that: “Everyone has the right to life, liberty and security of person” (Article 3). This right is further elaborated in the **International Covenant on Civil and Political Rights**: “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” (Article 9, para. 1). Article 10 of the Covenant contains the provision that: “All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person”. The right to liberty and security of person is confirmed by the regional instruments. The **European Convention for the Protection of Human Rights and Fundamental Freedoms** declares that: “Everyone has the right to liberty and security of person” (Article 5). The article enumerates only six situations in which a person may be deprived of his liberty in accordance with procedures presented by law. The **American Convention on Human Rights** contains Article 7 entitled: “Right to personal

liberty". Similarly, Article 6 of the **African Charter on Human and Peoples' Rights** stipulates that: "Every individual shall have the right to liberty and to the security of his person. No one may be deprived of his freedom except for reasons and conditions previously laid down by law. In particular, no one may be arbitrarily arrested or detained".

Right to life

Article 3 of the **Universal Declaration of Human Rights** states that: "Everyone has the right to life, liberty and security of person". Article 6, para. 1, of the **International Covenant on Civil and Political Rights** stipulates that: "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". Furthermore, Article 6, para. 2, imposes on countries which have not abolished the death penalty the obligation that "... 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". Article 6, para. 3, lays down that: "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**". Furthermore, "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" (Article 6, para. 4) and "Sentence of death shall not be imposed for crimes committed by persons below 18 years of age and shall not be carried out on pregnant women" (Article 6,

para. 5). Finally, it stipulates: “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 6, para. 6). The **United Nations** presents regular reports on enforced or involuntary disappearances and arbitrary and extra-judicial executions in many countries of the world. Several international instruments aimed at the abolition of the death penalty have also been adopted, among them the **Second Optional Protocol to the International Covenant on Civil and Political Rights**, the **Protocol to the American Convention on Human Rights to Abolish the Death Penalty** and **Protocol N° 6 to the European Convention for the Protection of Human Rights and Fundamental Freedoms**.

Right to marry and to found a family

The **Universal Declaration of Human Rights** stipulates in its Article 16, para. 1, that: “Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution”. Furthermore, “Marriage shall be entered into only with the free and full consent of the intending spouses” (Article 16, para. 2). Under Article 16, para. 3: “The family is the natural and fundamental group unit of society and is entitled to protection by society and the State”. The **International Covenant on Economic, Social and Cultural Rights** provides for special measures to be taken aimed at the protection of the family, mothers and children. Its Article 10, para. 1, imposes on States Parties the obligation that: “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". The **International Covenant on Civil and Political Rights** also calls for special measures to be taken to protect the family. Its Article 23 considers that the family, as the natural and fundamental group unit of society, is entitled to protection by society and the State. Under its Article 23, "The right of men and women of marriageable age to marry and to found a family shall be recognized" and "No marriage shall be entered into without the free and full consent of the intending spouses". The same article stipulates that States Parties "... shall take appropriate steps to ensure equality of rights and responsibilities of spouses as to marriage, during marriage and at its dissolution ...". The **International Convention on the Elimination of All Forms of Racial Discrimination** (Article 5 (d)(iv)), the **Convention on the Elimination of All Forms of Discrimination Against Women** (Articles 4, 12 and 16), as well as several regional instruments, contain provisions concerning marriage and the family. The **Convention on Consent to Marriage, Minimum Age for Marriage, and Registration of Marriages** (1962) set out measures aimed at ensuring that no marriage shall be legally entered into without the full and free consent of both parties. In 1989, the **United Nations General Assembly** proclaimed 1994 as the **International Year of the Family** in order to increase awareness of family issues.

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Right to own property

The right of everyone to own property is provided for in the **Universal Declaration of Human Rights**, which stipulates in its Article 17, that: "Everyone has the right to own property alone as well as in association with others" and that: "No one shall be arbitrarily deprived of his property". The right to own property is not mentioned in either of the **International Covenants on Human Rights**. However, this right is dealt with in several other international conventions, such as the **International Convention on the Elimination of All Forms of**

Discrimination (Article 5(d)(v)) and the **Convention on the Elimination of Discrimination Against Women** (Article 13), Protocol N° 1 to the European Convention on Human Rights and Fundamental Freedom (Article 1) the **American Convention on Human Rights** (Article 21) as well as the **African Charter on Human and Peoples' Rights** (Article 14)). The **Declaration on Social Progress and Development** (1969) assigns a role to property in the implementation of human rights.

Right to peace

The human right to peace is formulated in a number of international instruments which, however, are of a non-binding character and have to be qualified as so-called “soft law”. The Istanbul Declaration, adopted in 1969 during the 21st International Conference of the Red Cross, proclaimed the right to lasting peace as a human right. In 1976, the right for life in peace was recognized as a human right by resolution 5/XXXII of the **Commission on Human Rights**. In 1978, the **United Nations General Assembly** adopted resolution 33/73 on the preparation of societies for life in peace which provides, in its Article 1, that: “Every nation and every human being, regardless of race, conscience, language or sex, has the inherent right to life in peace. Respect for that right, as well as for the other human rights, is in the common interest of all mankind and an indispensable condition of advancement of all nations, large and small, in all fields”. The **Declaration of Principles on Tolerance**, adopted by the General Conference of UNESCO in 1995, in its Article 1, para. 1.4, states that human beings “... have the right to live in peace”. The Director-General of UNESCO in his declaration of January 1997, put forward the idea of proclaiming the human right to peace. An intergovernmental consultation convened by UNESCO in 1998 failed to elaborate a draft declaration on this subject.

The right to peace is also proposed as the right of peoples. Thus, the General Assembly adopted in 1984 (with 34 abstentions) the **Declaration on the Right of Peoples to Peace** which “solemnly proclaims that the peoples of our planet have a sacred right to peace” and “solemnly declares that the preservation of the right to peoples to peace and the promotion of its implementation constitute a fundamental obligation of each State”. The right of peoples to peace was recognized by the **African Charter on Human and Peoples’ Rights** which, in its Article 23, provides that “All peoples have the right to security and international peace”.

Right to recognition as a person before the law

Article 6 of the **Universal Declaration of Human Rights** proclaimed that: “Everyone has the right to recognition everywhere as a person before the law”. The **International Covenant on Civil and Political Rights** also recognizes this right (Article 16), which is an indispensable element of procedural guarantees as set out in Articles 14 to 16. The **American Convention on Human Rights** (Article 3) and the **African Charter on Human and Peoples’ Rights** (Article 5) contain provisions relating to this right. In 1984, the **Human Rights Committee** adopted a general comment on Article 14 of the International Covenant on Civil and Political Rights in which it set out the Committee’s views on the use of procedural guarantees to ensure the proper administration of justice.

Right to rest and leisure

The **Universal Declaration of Human Rights**, in its Article 24, proclaims that: “Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay”. The right to rest and leisure was further elaborated in the **International Covenant on Economic,**

Social and Cultural Rights (Article 7) which stipulates that States Parties are obliged to "...recognize the right of everyone to the enjoyment of just and favourable conditions of work which ensure, in particular ... Rest, leisure and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays". Furthermore, in 1970 the **International Labour Organisation (ILO)** adopted the Convention (N° 132) concerning Annual Holidays with Pay (Revised) which provides that all employed persons in a Contracting State are entitled to annual paid holidays of not less than three working weeks for one year of service. However, by the middle of 2001, the Convention had been ratified by only 31 States.

Right to security in the event of unemployment or other lack of livelihood

Apart from the **right to an adequate standard of living** the **Universal Declaration of Human Rights** proclaims the right of everyone "... to security in the event of unemployment ... or other lack of livelihood in circumstances beyond his control" (Article 25, para. 1). According to the **International Convention on the Elimination of All Forms of Racial Discrimination**, States Parties are obliged to prohibit and to eliminate racial discrimination and to guarantee the right of everyone "to protection against unemployment" (Article 5(e)(i)). The **Convention on the Elimination of All Forms of Discrimination Against Women** provides for non-discrimination on the grounds of sex in respect of: "The **right to social security**, particularly in cases of ... unemployment ..." (Article 11, para. 1(e)). The **Convention (N° 122) concerning Employment Policy** (1964), adopted by the **International Labour Organisation (ILO)**, stipulates: "With a view to ... overcoming unemployment and underemployment, each Member shall declare and pursue an active policy ..." (Article 1).

Right to social security

The right of everyone to social security is proclaimed in the **Universal Declaration of Human Rights** which, in its Article 22, stipulates that: “Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality”. Furthermore, Article 9 of the **International Covenant on Economic, Social and Cultural Rights** (1966) imposes on its States Parties the obligation to “... recognize the right of everyone to social security, including social insurance”. The **International Convention on the Elimination of Racial Discrimination** (1965) ensures non-discrimination on racial grounds in regard to the right to public health, medical care, social security and social services (Article 5 (e)(iv)) and the **Convention on the Elimination of All Forms of Discrimination Against Women** (1979) ensures non-discrimination on the ground of sex also in regard to the right to social security (Article 11, paragraph 1(e)). The **European Code of Social Security – Revised** (1990) is aimed at encouraging the development of social security in all Member States of the **Council of Europe**. Within the **United Nations** system, the **International Labour Organisation (ILO)** has special responsibility concerning the right to social security. Its basic instruments in this field are the **Convention (N° 102) concerning Minimum Standards of Social Security** (1952) and **Convention (N° 118) concerning Equality of Treatment of Nationals and Non-Nationals in Social Security** (1962).

Right to strike

A strike is a collective refusal by employees to work under the conditions imposed by their employers. The right to strike is granted principally in nearly all industrial countries. The

International Covenant on Economic, Social and Cultural Rights imposes on the States Parties the obligation to undertake to ensure: “The right to strike, provided that it is exercised in conformity with the laws of the particular country” (Article 8, para. 1(d)). 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 the administration of the State (Article 8, para. 2). Article 8, para. 3, states that “Nothing ... shall authorize States Parties to the **International Labour Organisation Convention (N° 87) concerning Freedom of Association and Protection of the Right to Organise** 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”. The **Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights “Protocol of San Salvador”** imposes on States Parties the obligation to ensure the right to strike (Article 8, para. 1(b)). It further explains that members of the armed forces and the police and of other essential services shall be subject to limitations and restrictions established by law. In accordance with the **European Social Charter**, the Contracting Parties recognize “... the right of workers and employers to collective action in cases of conflicts of interest, including the right to strike, subject to obligations that might arise out of collective agreements previously entered into” (Article 6, para. 4).

Right to take part in cultural life

The **Universal Declaration of Human Rights**, in its Article 27, para. 1, states that: “Everyone has the right freely to participate in the cultural life of the community ...”. It also provides in Article 22 that everyone is entitled to the realization of the economic, social and cultural rights indispensable for his dignity and the free development of his personality. The **International Covenant on Economic, Social and Cultural Rights** recognizes the right of everyone to take part in cultural

life (Article 15, para. 1). Furthermore, States Parties should undertake steps in order to fully realize this right. Those steps shall "... include those necessary for the conservation, the development and the diffusion of science and culture" (Article 15, para. 2). Furthermore, the **American Declaration of the Rights and Duties of Man** (1948) as well as the **African Charter on Human and Peoples' Rights** (1981) formulate the right to take part in cultural life. The **UNESCO Recommendation on Participation by the People at Large in Cultural Life and Their Contribution to It** (1978) explains both the active and passive aspects of the right. It encourages Member States to undertake efforts in order to democratize the means and instruments of cultural activity.

Right to take part in government

The right of everyone to take part in government is proclaimed in the **Universal Declaration of Human Rights**: "Everyone has the right to take part in the government of his country, directly or through freely chosen representatives" (Article 21, para. 1). This political right is also dealt with in Article 25 of the **International Covenant on Civil and Political Rights** which stipulates that: "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 ...". The **International Convention on the Elimination of All Forms of Racial Discrimination** also provides for the right to take part in government (Article 5(c)), as well as the **Convention on the Elimination of All Forms of Discrimination Against Women** (Articles 7(b) and 8). The **American Convention on Human Rights** (Article 23, para. 1(a)) and the **African Charter on Human and Peoples' Rights** (Article 13, para. 1) contain provisions relating to this field. The right to take part in government is crucial for the implementation of the **right to democracy**.

Right to the protection of the law against interference and attacks on privacy

The right to the protection of the law against interference and attacks on privacy is provided for in the **Universal Declaration of Human Rights**, which stipulates in its Article 12 that: “No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks”. The **International Covenant on Civil and Political Rights** contains a similar provision stipulating that: “No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence ...” (Article 17, para. 1) and “Everyone has the right to the protection of the law against such interference or attacks” (Article 17, para. 2). The **American Convention on Human Rights** deals with this subject in Article 11 and the **European Convention for the Protection of Human Rights and Fundamental Freedoms** in Article 8. In 1988, the **Human Rights Committee** adopted a general comment setting out its views on the meaning of the right as formulated in Article 17 of the **International Covenant on Civil and Political Rights**.

Right to vote and to be elected

The right to vote and to be elected is a political right which is set out in the **Universal Declaration of Human Rights** stating that “The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures” (Article 21, para. 3). This provision reflects the basic principles of democracy. The right to vote and to be elected is further elaborated in the **International Covenant on Civil and Political Rights** which lays down that: “Every citizen shall have the right and

the opportunity, without any of the distinctions mentioned in Article 2 and without unreasonable restrictions 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” (Article 25). The **International Convention on the Elimination of All Forms of Racial Discrimination** also contains a provision relating to this political right (Article 5(c)) as does the **Convention on the Elimination of All Forms of Discrimination Against Women** (Article 7(a)). The **American Convention on Human Rights** (Article 23, para. 1(b)) provides for the right to vote and to be elected. This right is enshrined in other universal and regional instruments. The **United Nations General Assembly** has recalled repeatedly the necessity and indispensability of periodic and genuine elections and reaffirmed that the systematic denial or abridgement of the right to vote on grounds of race or colour is a gross violation of human rights.

Right to work

The right of everyone to work is proclaimed in Article 23, para. 1, of the **Universal Declaration of Human Rights**. This provision is codified in the **International Covenant on Economic, Social and Cultural Rights**. Pursuant to its Article 6, para. 1, States Parties have the obligation to “... 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”. Furthermore, in order to realize fully the right to work, Article 6, para. 2, prescribes a series of specific steps to be taken by States Parties which “... 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". The right to work is also dealt with in the **International Convention on the Elimination of All Forms of Racial Discrimination** (Article 5(e)(i)) and the **Convention on the Elimination of All Forms of Discrimination Against Women** (Article 11, para. 1a) as well as the **European Social Charter** (Article 1) and the **African Charter on Human and Peoples' Rights** (Article 15). The **International Labour Organisation (ILO)** has the special responsibility of protecting the right to work. Its basic instruments in this field are the **Convention (N° 111) concerning Discrimination in Respect of Employment and Occupation** (1958) and the **Convention (N° 122) concerning Employment Policy** (1964).

Riyadh Guidelines (UN)

Common name for the **United Nations Guidelines for the Prevention of Juvenile Delinquency**.

Rome Statute of the International Criminal Court – ICC (UN)

The Rome Statute of the International Criminal Court (ICC) was adopted on 17 July 1998 by the **United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court**. The Statute will enter into force when 60 States have ratified it. By the middle of 2001, the Statute had received only 35 ratifications. The ICC will be based in The Hague. The agreement reached to establish a permanent international criminal court represents a great advance in the international protection of human rights and the ICC is expected to act as a deterrent against massive violations of human rights everywhere. Built on the examples set by the *ad hoc International Tribunals* already established (for the **Former Yugoslavia** and for **Rwanda**), the ICC will complement national

criminal law systems and operate in respect of States Parties unable or unwilling to prosecute or punish crimes under international law.

Four categories of crimes fall under the Court's jurisdiction: genocide, crimes against humanity, war crimes and aggression (Article 5 of the Statute). The Court will have jurisdiction over both international and internal conflicts. The Court will investigate and bring to justice individuals, not countries. Cases can be initiated by the Prosecutor following recommendations from a State, the **Security Council** of the United Nations, an individual, or a non-governmental organization, and on the basis of information received from reliable and credible sources. Vesting the Prosecutor with full authority to initiate prosecutions free of political interference is central to the establishment of a fair and effective permanent International Criminal Court, and hence to its legitimacy. The Prosecutor will be elected by secret ballot by an absolute majority of the members of the Assembly of States Parties for a nine-year term which is non-renewable. Judges will be elected with an equal number of male and female judges, some with expertise on violence against women and children. Judges will also serve a nine-year non-renewable term.

The maximum penalty is life imprisonment, which will be reserved for the most extreme cases. Prison sentences will be served in a State designated by the Court from a list of States which have agreed to help enforce the Statute. The Statute contains comprehensive measures to ensure confidentiality of sources, witness protection, as well as restitution, compensation and rehabilitation for victims (Article 68). The Statute also provides for the creation of a Victims and Witnesses Unit (Article 43, para.6). Concerning the offender, the Statute guarantees his/her right to a fair trial at every stage of the process, as well as genuine measures aimed at his/her rehabilitation.

Safeguards Guaranteeing Protection of the Rights of Those Facing the Death Penalty (UN)

The Safeguards were adopted by the **Economic and Social Council (ECOSOC)** on 25 May 1984. According to them, capital punishment – in countries which have not abolished the death penalty – may be imposed only for the most serious crimes and only for a crime for which the death penalty is prescribed by law at the time of its commission. The guilt of the person charged must be based upon clear and convincing evidence. Persons under 18 years shall not be sentenced to death nor shall the death sentence be carried out on pregnant women, or on new mothers, or on persons who have become insane (Safeguard 3). Those sentenced to death shall have the **right to appeal** to a court of higher jurisdiction and to seek pardon or commutation of sentence (Safeguards 6-7). Where capital punishment occurs, it shall be carried out so as to inflict the minimum possible suffering (Safeguard 9).

Second Optional Protocol to the International Covenant on Civil and Political Rights (UN)

The Second Optional Protocol to the International Covenant on Civil and Political Rights, Aiming at the Abolition of the Death Penalty was adopted by the **United Nations General Assembly** on 15 December 1989 and entered into force on 11 July 1991. It had since been ratified by 43 States by the middle of 2001. It is based on the belief that the abolition of the death penalty contributes to the enhancement of human dignity and the progressive development of human rights and that all measures of abolition of the death penalty should be considered

as progress in the enjoyment of the **right to life** (Preamble). According to Article 1, States Parties to the Protocol agree that no one within their jurisdiction shall be executed and that all necessary measures to abolish the death penalty shall be taken. In the reports submitted to the **Human Rights Committee**, States Parties must include information on the measures they have adopted to give effect to the Protocol (Article 3). The competence of the Committee to receive complaints from States under Article 41 of the **International Covenant on Civil and Political Rights** and from individuals subject to the jurisdiction of States that have ratified the first **Optional Protocol** shall extend to the provisions of the Second Optional Protocol unless the State Party concerned has made a statement to the contrary at the moment of ratification or accession (Articles 4-5).

Security Council (UN)

The Security Council was set up under Article 7 of the **Charter of the United Nations**. It is the organ to which the Charter gives primary responsibility for the maintenance of international peace and security (Article 24). The Council comprises 15 members. Five of these (China, France, the Russian Federation, the United Kingdom, and the United States) are permanent members. The other ten are elected by the **United Nations General Assembly** for two-year terms. The Security Council can be convened at any time, whenever peace is threatened.

Article 34 of the Charter entrusts the Security Council to investigate any dispute or any situation which might lead to international friction. Since such “situations” too often stem in part from, or are accompanied by, massive and persistent human rights violations, the Security Council deals with human rights violations. When fighting breaks out, the Council tries to secure a cease-fire to prevent wider hostilities. On some occasions, the Security Council can decide to establish peace-keeping operations in an area of conflict. It defines the operation’s size, its overall

objectives and its time-frame. Between June 1948 and July 1998, there were 49 United Nations peace-keeping operations. In extreme cases, if a situation constitutes a serious threat to peace, and when peaceful means of settling a dispute have been exhausted, Article 39 of the Charter authorizes the Security Council to decide on enforcement measures, economic sanctions (such as trade embargoes) or collective military actions. While other organs of the United Nations provide recommendations for Governments, the Security Council alone is vested with power to compel action by Governments. Hence, under the Charter, Member States are obliged to accept and carry out the Security Council's decisions. Decisions on procedural matters require an affirmative vote of nine of the fifteen members (Article 27, para. 2, of the Charter). However, decisions on all other matters shall be made by an affirmative vote of nine members, including the concurring votes of all five permanent members (Article 27, para. 3, of the Charter). This is the rule of "Great Powers unanimity", often referred to as the "veto" power. The Security Council has also set up **International Criminal Tribunals** to prosecute persons accused of serious violations of international humanitarian law and genocide.

Slave Route Project (UNESCO)

At the proposal of Haiti and some African countries, the General Conference of UNESCO approved, at its 27th Session in 1993, the inter-regional and intercultural Slave Route Project. The project was officially launched in September 1994 in Benin, one of the former pivots of the slave trade in the Gulf of Guinea. Bearing in mind the cost in human lives of the slave trade and the ideology that served to justify it, as well as its far reaching effect in the economic, social and cultural sphere in the continents involved, the Slave Route Project has a two-fold objective. On the one hand, its aims is to bring to universal attention the issue of the transatlantic slave trade and slavery in the Indian Ocean and Mediterranean by elucidating, through scientific research, their

underlying causes and *modus operandi*. On the other hand, it should emphasize objectively its consequences and especially the interactions between the peoples concerned in Europe, Africa and the Caribbean. Hence the issues at stake concerning the Slave Route Project are: historical truth; peace; development; human rights; memory; and intercultural dialogue. The UNESCO General Conference, at its 29th session in 1997, proclaimed 23 August of every year as **International Day for the Remembrance of the Slave Trade and its Abolition**. This was the day in 1791 when the slaves of Santo Domingo and Haiti rose up in rebellion, thus taking the first step towards the abolition of the slave trade.

Slavery

Prohibition of slavery, slave trade and similar violations of human rights is proclaimed among others in Article 4 of the **Universal Declaration of Human Rights**, Article 8 of the **International Covenant on Civil and Political Rights**, Article 6 of the **American Convention on Human Rights**, Article 5 of the **African Charter on Human and Peoples' Rights**, and Article 4 of the **European Convention for the Protection of Human Rights and Fundamental Freedoms**. Furthermore, slavery is subject of international conventions directly related to the issue. In 1949, the **United Nations General Assembly** adopted the **Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others**. The **Slavery Convention** of 1926 became a **United Nations** instrument when the **Protocol Amending the Slavery Convention** entered into force in 1955. According to it and to the **Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery** of 1956, the term "slavery" means "... the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised ..." (Article 1, para. 1 of the **Slavery Convention** and Article 7 (a) of the **Supplementary Convention**). The Working

Group on Contemporary Forms of Slavery is the United Nations body which receives information from States on the steps they have taken to implement the three slavery-related Conventions. Meeting for the first time in 1975 as the Working Group on Slavery, the group was renamed in 1988 and has the general responsibility in the United Nations for the study of slavery in all its aspects. It comprises five independent experts chosen from the members of the **Sub-Commission on the Promotion and Protection of Human Rights** (formerly the **Sub-Commission on Prevention of Discrimination and Protection of Minorities**) and reports to it.

Deeply rooted in economic and social structures, poverty, discrimination, ignorance, tradition and greed, slavery practices remain extremely difficult to eliminate. Today, they cover a wide variety of human rights violations. In addition to traditional slavery and the slave trade, abuses include the sale of children; child prostitution, child pornography, the exploitation of child labour, the sexual mutilation of female children, the use of children in armed conflicts, debt bondage, the traffic in persons and the sale of human organs, adult prostitution, and certain practices under apartheid and colonial regimes. Each year the **International Day for the Abolition of Slavery** is observed on 2 December and the **International Day for the Remembrance of the Slave Trade and its Abolition** is commemorated on 23 August.

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Slavery Convention (League of Nations)

International instruments aimed at the abolishment of slavery, slavery-like practices and the slave trade were among the first human rights instruments. Some of them were adopted under the auspices of the **League of Nations**. The Slavery Convention, which was signed in Geneva on 25 September 1926 and entered into force on 9 March 1927, is one such instrument. Its Article 1 defines slavery as “the status or condition of a person over whom any or all of the powers attaching to the right of ownership are

exercised”, while the slave trade is defined as including “all acts involved in the capture, acquisition or disposal of a person with intent to reduce him to slavery; all acts involved in the acquisition of a slave with a view to selling or exchanging him; all acts of disposal by sale or exchange of a slave acquired with a view to being sold or exchanged, and, in general, every act of trade or transport in slaves”. Parties to the Convention undertake “to prevent and suppress the slave trade” and “to bring about, progressively and as soon as possible, the complete abolition of slavery in all its forms” (Article 2). They undertake further “to adopt all appropriate measures with a view to preventing and suppressing the embarkation, disembarkation and transport of slaves in their territorial waters and upon all vessels flying their respective flags” (Article 3). On 27 April 1953, the **Economic and Social Council (ECOSOC)** recommended the functions undertaken by the League of Nations under the 1926 Convention be transferred to the **United Nations**. On 23 October 1953, the **United Nations General Assembly** approved the **Protocol Amending the 1926 Slavery Convention**, urged all States Parties to the Slavery Convention of 1926 to sign and accept the Protocol, and recommended that all other States accede to the Convention as amended by the Protocol at the earliest opportunity. The Slavery Convention of 1926 was ratified by 46 States by the middle of 2001, the provisions of the Convention amended by the 1953 Protocol having become binding for 59 States.

Social rights

Social rights include: the **right to social security**; the **right to rest and leisure**; the **right to adequate food, clothing, housing, medical and social services**; the **right to an adequate standard of living**; and the **right to health**. The **right to education** is often listed among social rights although some experts consider it to be an economic right and others a cultural right. The full realization of these rights is through positive action taken by States to promote them. In other words, they are envisaged as a result of

the progressive development of national social policies, legislation and practical programmes. Provision is made for social rights in the **United Nations Charter**. Chapter IX of the Charter, entitled “International Economic and Social Co-operation”, states that one of the primary goals of the United Nations is “higher standards of living, full employment, and conditions of economic and social progress and development; solutions of international economic, social, health and related problems; and international cultural and educational co-operation ...”. The **Universal Declaration of Human Rights** (1948) contains an extended and specific list of social rights (Articles 22-27). These rights are expressed more fully in the **International Covenant on Economic, Social and Cultural Rights** (1966) whose provisions, as distinct from the Universal Declaration, are designed to create binding obligations for States Parties to it. Among regional instruments relating to social rights, mention should be made of: the **American Declaration on the Rights and Duties of Man** and the **Inter-American Charter of Social Guarantees** (both of 1948); the **European Social Charter** (1961) and the **Revised European Social Charter** (1996); the **European Code of Social Security** (1964); the **Arab Labour Standards Convention** (1967); the **American Convention on Human Rights** (1969); and the **Arab Social Security Standards Convention** (1971).

Special Rapporteurs (UN)

The **Commission on Human Rights**, which is one of the functional commissions of the **Economic and Social Council (ECOSOC)**, as well as its own subsidiary bodies such as the **Sub-Commission on the Promotion and Protection of Human Rights** (formerly the **Sub-Commission on the Prevention of Discrimination and Protection of Minorities**), may appoint experts to examine and follow the development of the situation concerning human rights in a given country or to study the state of and problems related to the implementation of a given right or group of rights as well as threats or obstacles to human rights.

Special Rapporteurs have prepared reports and studies on the situations in a number of countries. They have also been requested to prepare reports on the implementation of such rights as the **right to education**, the **right to adequate food**, the **right to housing** etc., as well as on specific problems – for example on institutional and indirect forms of racial **discrimination** against persons belonging to national or ethnic, linguistic and religious minorities and migrant workers throughout the world, on **extreme poverty**, on human rights and the environment, etc. The independence and impartiality of Special Rapporteurs is an indispensable condition for their work. Their reports or studies are presented to the body which had nominated them, and serve as a basis for relevant decisions or resolutions.

Standard Minimum Rules for the Treatment of Prisoners (UN)

On 30 August 1955, the First United Nations Congress[es] on the Prevention of Crime and the Treatment of Offenders adopted the Standard Minimum Rules for the Treatment of Prisoners. The Rules aim to ensure that all persons deprived of their liberty are treated with humanity and with respect. These Rules, which are not binding on States, are aimed at setting out “what is generally accepted as being good principle and practice in the treatment of prisoners and the management of institutions” (Preliminary Observations), without however precluding new methods and practices, provided that they are consonant with the principles governing the protection of human dignity. Of these Rules, mention should be made of non-discrimination and respect of religious beliefs (Rule 6), accommodation (Rules 9-14), personal hygiene (Rules 15-16), clothing and bedding (Rules 17-19), food (Rule 20), exercise and sport (Rule 21), medical services (Rules 22-26). Provisions concerning discipline and punishment (Rules 27-32) are aimed at the protection of prisoners against arbitrary punishment, corporal

punishment, etc. The right to make requests or complaints to the prison administration is clarified in detail in Rules 35 and 36. The instrument also prescribes special rules for certain categories of prisoners and persons under detention. In particular, accused minors and young delinquents should be separated from adults (Rule 8). Similarly, accused persons should be segregated from convicted persons (Rule 8). Finally, a number of rules are aimed at the establishment of a liberal penitentiary system, the goal of which should be the reformation and social rehabilitation of prisoners (Rules 56-95).

Standard Rules on the Equalization of Opportunities for Persons with Disabilities (UN)

On 20 December 1993, the United Nations General Assembly adopted the Standard Rules on the Equalization of Opportunities for Persons with Disabilities and requested Member States to apply the Standard Rules in developing national disability programmes. Their purpose is to ensure that girls, boys, women and men with disabilities, as citizens of their societies, may exercise the same rights and obligations as others. Although not compulsory, the 22 Rules set forth in this instrument impose on States a strong moral and political commitment to take appropriate action to remove obstacles preventing persons with disabilities from exercising their rights and freedoms and making it difficult for them to participate fully in the activities of their societies. For example, States agree to take action to raise awareness in society about persons with disabilities, their rights, their needs, their potential and their contribution (Rule 1), and to ensure disabled persons access to effective medical care (Rule 2), rehabilitation services (Rule 3), education (Rule 6), employment (Rule 7), recreation and sports (Rule 11), religion (Rule 12), and policy-making and planning (Rule 14). The Standard Rules were adopted in order to: stress

that all action in the field of disability presupposes adequate knowledge of the special needs of persons with disabilities; emphasize that making every aspect of societal organization accessible to all is a basic objective of socio-economic development; outline crucial aspects of social policies in the field of disability; provide models for the political decision-making process required for the attainment of equal opportunities; propose national mechanisms for close collaboration among States, the organs of the **United Nations system**, other intergovernmental bodies and organizations of persons with disabilities; and propose an effective machinery for monitoring the process by which States seek to attain the equalization of opportunities for persons with disabilities.

Sub-Commission on Prevention of Discrimination and Protection of Minorities (UN)

This subsidiary body of the **Commission on Human Rights** was established in 1947. In 1999, it became the **Sub-Commission on the Promotion and Protection of Human Rights**.

Sub-Commission on the Promotion and Protection of Human Rights (UN)

The Sub-Commission on the Promotion and Protection of Human Rights existed until 1999 under the title **Sub-Commission on Prevention of Discrimination and Protection of Minorities**. It is the main subsidiary body of the **Commission on Human Rights**. Established in 1947, the Sub-Commission's functions are to "undertake studies, particularly in the light of the **Universal Declaration of Human Rights**, and to make recommendations to the Commission on Human

Rights concerning the prevention of discrimination of any kind relating to human rights and fundamental freedoms and the protection of racial, national, religious and linguistic **minorities**" and "to perform any other functions which may be entrusted to it by the **Economic and Social Council (ECOSOC)** or the **Commission on Human Rights**" (ECOSOC resolution 9(II) of 21 June 1946). Studies prepared by the Sub-Commission include those on harmful practices affecting the health of women and children, freedom of expression, discrimination against people with AIDS, the right to a fair trial, the human rights of detained juveniles, human rights and the environment, the rights of minorities and indigenous peoples, the question of impunity of violators of human rights and the **right to adequate housing**. The Sub-Commission is composed of experts acting in their personal capacity, elected by the Commission with due regard for equitable geographical representation. It was originally composed of twelve experts, but the number has been increased progressively over the years and now stands at 26. Its annual four-week session is attended by members and their alternatives, representatives of States which are members of the **United Nations**, its specialized agencies, other intergovernmental organizations, national liberation movements and non-governmental organizations in consultative status with ECOSOC. At the present time, the Sub-Commission has four working groups which meet before each session to assist it with certain tasks. These are the Working Group on Communications (see **Communications procedures**), the Working Group on Contemporary Populations, the Working Group on Contemporary Forms of **Slavery** and the Working Group on Minorities. In addition, the Sub-Commission may establish working groups to meet during the session to focus on matters requiring special attention.

Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery (UN)

The Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery was adopted on 30 April 1956 and entered into force on 30 April 1957. By the middle of 2001, it had been ratified by 119 States. Article 1 of the Supplementary Convention provides that each State Party shall “take all practicable and necessary legislative and other measures to bring about ... the complete abolition or abandonment of certain institutions and practices, where they still exist and whether or not they are covered by the definition of slavery contained in Article 1 of the **Slavery Convention** signed at Geneva on 25 September 1926”. These practices and institutions as set out in Article 1 of the Supplementary Convention are: “debt bondage”; “serfdom”; “any institution or practice whereby (i) a woman, without the right to refuse, is promised or given in marriage on payment of a consideration in money or in kind to her parents, guardian, family or any other person or group; or (ii) the husband of a woman, his family, or his clan, has the right to transfer her to another person for value received or otherwise; or (iii) a woman on the death of her husband is liable to be inherited by another person”; and “any institution or practice whereby a child or young person under the age of 18 years is delivered by either or both of his natural parents or by his guardian to another person, whether for reward or not, with a view to the exploitation of the child or young person or of his labour”. Article 8 provides for co-operation between States Parties to give effect to its provisions. In particular, “Parties undertake to communicate to the Secretary-General ... copies of any laws, regulations and administrative measures enacted or put into effect to implement the provisions” ... of the Convention.

Terrorism

The rise of terrorist practices in the 19th and 20th centuries made evident the need for international co-operation in order to combat it. The first step was undertaken by the **League of Nations** qualifying terrorism as an international crime. In the early 1970^s, the **United Nations General Assembly** became preoccupied with this subject which led to the establishment of an *ad hoc* Committee. Several international conventions relating to various aspects of international terrorism have been adopted: **Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation**; **Convention for the Suppression of Unlawful Seizure of Aircraft**; **Convention on Offences and Certain Other Acts Committed on Board Aircraft**; **Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents**; **International Convention against the Taking of Hostages**; **International Convention for the Suppression of Terrorist Bombings** and **International Convention for the Suppression of the Financing of Terrorism**. Moreover, two regional instruments against terrorism have been adopted: the **Convention to Prevent and Punish the Acts of Terrorism taking the Forms of Crimes against Persons and Related Extortion that are of International Significance** adopted by the **Organization of American States (OAS)** in 1971 and the **European Convention on the Suppression of Terrorism** of 1977.

The direct linkage between terrorism and violations of human rights was recognized by the **World Conference on Human Rights** (Vienna, 1993). Paragraph 17 of the **Vienna Declaration and its Programme of Action** stipulates that “the acts, methods and practices of terrorism in all its forms and

manifestations as well as linkage in some countries to drug trafficking are activities aimed at the destruction of human rights, fundamental freedoms and democracy, threatening territorial integrity, security of States and destabilizing legitimately constituted Governments”.

The United Nations General Assembly has repeatedly condemned terrorism. Thus resolution 49/185 of 23 December 1994, entitled “Human rights and terrorism”, reiterates the General Assembly’s unequivocal condemnation “of all acts, methods and practices of terrorism, as activities aimed at the destruction of human rights, fundamental freedoms and democracy, threatening the territorial integrity and security of States, destabilizing legitimately constituted Governments, undermining pluralistic civil society and having adverse consequences on the economic and social development of States” (para. 1). It furthermore deplores the increasing number of innocent persons killed, massacred and maimed by terrorists in indiscriminate and random acts of violence and terror, which, it states, “cannot be justified under any circumstances” (Preamble). The resolution calls upon States to “take all necessary and effective measures in accordance with international standards of human rights, to prevent, combat and eliminate all acts of terrorism wherever and by whomever committed, and urges the international community to enhance co-operation in the fight against the threat of terrorism at national, regional and international levels” (para. 3). In 1996 the Conference against Terrorism was organized in Sharm el-Sheik (Egypt).

Tokyo Rules (UN)

Common name for the **United Nations Standard Minimum Rules for Non-Custodial Measures**.

Treaty of Amsterdam (EU)

The Treaty of Amsterdam was signed on 2 October 1997 and entered into force on 1 May 1999 after ratification by all 15 Member States of the **European Union (EU)**. This instrument amends the treaties establishing the three European Communities (the European Coal and Steel Community, the **European Community** and the European Atomic Energy Community), as well as the Treaty on the EU. It states unequivocally that the EU is founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law, and is attached to fundamental **social rights**. It also lays down the procedure which the EU should follow in dealing with a breach of these principles by a Member State.

The Treaty of Amsterdam widens some of the main tasks of the EU related to the protection of human rights and fundamental freedoms. More effective action is envisaged to fight against all forms of discrimination and to prevent and combat racism and xenophobia. The promotion of equality between women and men is encouraged by the inclusion of some new provisions in this Treaty.

UNESCO

Acronym for the **United Nations Educational, Scientific and Cultural Organization**.

UNESCO Advisory Committee on Education for Peace, Human Rights, International Understanding and Tolerance

The creation of this body was recommended by the **World Plan of Action on Education for Human Rights and Democracy**, adopted by the International Congress on Education for Human Rights and Democracy (Montreal, Canada, March, 1993). The Advisory Committee on Education for Peace, Human Rights and Democracy was established in 1994 in accordance with a decision of the 144th session of the Executive Board of UNESCO.

In 1996, the Executive Board renamed the Committee and it became the “Advisory Committee on Education for Peace, Human Rights, Democracy, International Understanding and Tolerance”. Its role is to consider the situation of education within the fields of human rights, democracy, peace, tolerance and international understanding and make recommendations regarding concrete measures for developing a comprehensive system of education in these fields. Its fifth session, held in March 2000, concentrated on the integrated holistic concept of education for a **culture of peace** focusing on human rights education and training, civic education, education for tolerance and non-violence, gender perspectives, education in multicultural societies and post-conflict situations, education for sustainable development and **poverty** eradication, education for international understanding and the realization of the **right to education**.

UNESCO Chairs in Human Rights, Democracy, Peace and Tolerance

The UNITWIN/UNESCO Chairs Programme was launched by the General Conference of UNESCO at its 26th session in 1991 as an international plan of action for strengthening higher education, particularly in developing countries, through inter-university co-operation. The Chairs serve as major channels to establish networks of universities, first of all North/South but also South/South and East/West, and to enhance co-operation between higher education and scientific institutions, for the ultimate goal of fostering a more equitable sharing of knowledge. The programme became operational in 1992 and has developed rapidly. By the middle of 2001, more than 420 Chairs and about 60 networks existed in all regions of the world. The Chairs exist in various areas: social sciences, applied sciences, education, environment, engineering and technology, culture, communication, etc. The network of UNESCO Chairs in Human Rights, Democracy, Peace and Tolerance comprises more than 50 Chairs in 45 countries and has proved to be a reliable partner for promoting the activities of UNESCO in these fields.

These Chairs play an important role in the promotion of education, research and dissemination of information on human rights. They participate in the elaboration and implementation of national plans for human rights education in accordance with the Plan of Action for the **United Nations Decade for Human Rights Education** (1995-2004). They participated actively in the series of **Regional Conferences on Human Rights Education** organized by UNESCO in close co-operation with the **Office of the United Nations High Commissioner for Human Rights**.

The first meeting of the Representatives of UNESCO Chairs on Human Rights, Democracy, Peace and Tolerance (Stadtschlaining, Austria, 1998) was an important step towards the strengthening of co-operation between the Chairs themselves and between them and UNESCO. To this end, two major

documents were adopted: the “Stadtschlaining Appeal to Promote Human Rights, Democracy, Peace, Tolerance and International Understanding” and the “Statement on the Role of UNESCO Chairs in the Promotion of a Culture of Peace”. A Memorandum of Co-operation between UNESCO Chairs on Human Rights, Democracy, Peace and Tolerance was also signed at that time. The second meeting of chairholders, convened in Stadtschlaining (Austria) in 2000, marked a new step in strengthening the interaction of the Chairs. A new Agreement of Co-operation enlarging the interaction of the Chairs and their relations with other partners was signed, and an Internet Forum for the chairholders became operative.
(<http://www.unesco.org/human-rights/indexforum.htm>)

UNESCO Prize for Human Rights Education

The UNESCO Prize for Human Rights Education was created in 1978 to mark the 30th anniversary of the **Universal Declaration of Human Rights**. Pursuant to its Constitution, UNESCO seeks “... to further universal respect for justice, for the rule of law and for the human rights and fundamental freedoms”. Promoting human rights through teaching and training has thus become one of the priorities of the Organization. Through this prize, awarded every two years, UNESCO encourages activities aimed at developing human rights education. Since 1990, apart from the nomination of laureates, honourable mentions have been awarded in recognition of remarkable contributions to the development of human rights education. The decisions concerning laureates and honourable mentions are taken by the Director-General of UNESCO upon the recommendation of the International Jury, composed of six public personalities representing the different regions of the world. The Prize is awarded to institutions, organizations or persons having made a particularly efficient and exemplary contribution to the promotion of human rights. The names of the laureates are announced on 10 December, on the occasion of

Human Rights Day. Since the Prize was created, it has been awarded to a number of personalities, human rights specialists and activists as well as institutions in the field, among them: Felix Ermacora (Austria – 1983); Asamblea Permanente de los Derechos Humanos (Bolivia – 1988); Vaclav Havel (Czech Republic – 1990); Arab Institute of Human Rights (Tunisia – 1992); and Michael Kirby (Australia – 1998). In 2000 it was awarded to the City of Nuremberg (Germany), the “City of Peace and Human Rights”, for its numerous activities and initiatives to promote human rights.

UNICEF

Acronym for the **United Nations Children’s Fund**

United Nations

– **UN**

The United Nations officially came into existence on 24 October 1945. It has six main organs: the **United Nations General Assembly**, the main deliberative body in which all 185 Member States are represented and have one vote; the **Security Council**, the organ to which the **United Nations Charter** gives primary responsibility for maintaining peace and security; the **Economic and Social Council (ECOSOC)**, responsible for co-ordinating the economic and social work of the United Nations and its specialized agencies and institutions; the **Trusteeship Council**, established to ensure that governments responsible for administering Trust Territories take adequate steps to prepare them for self-government or independence; the **International Court of Justice**, the main judicial organ of the United Nations; and the **Secretariat**, which works for all the other organs of the United Nations and administers their programmes. The deep concern of the international community for the promotion and protection of human rights is clearly expressed in the UN Charter, in which the peoples of the **United Nations** express their

determination “to reaffirm faith in fundamental human rights, in dignity and worth of the human person, in the equal rights of men and women and of nations large and small”, and for this purpose “to practice tolerance and live together in peace with one another as good neighbours” and “to employ international machinery for the promotion of the economic and social advancement of all peoples”. The Charter authorizes a number of organs to deal with questions of human rights. The main organs have undertaken and undertake activities in this field since their establishment. Specialized agencies such as the **International Labour Organisation (ILO)**, **United Nations Educational, Scientific and Cultural Organization (UNESCO)**, **World Health Organization (WHO)** and others implement manifold activities in order to ensure a meaningful contribution of the United Nations system to the promotion and protection of human rights and to ensure the enjoyment of human rights and fundamental freedoms by everyone without distinction. The **United Nations High Commissioner for Human Rights** co-ordinates human rights activities within the United Nations system.

United Nations Centre for Human Rights – UNCHR

The **United Nations Centre for Human Rights (UNCHR)** was created on 18 December 1982 by the **United Nations General Assembly** as a re-designation of the former Division of Human Rights. As a part of the United Nations Secretariat, the Centre dealt with human rights issues. Located in Geneva, it had a Liaison Office at the **United Nations** in New York. It co-operated closely with other **United Nations** bodies and agencies which deal with human rights issues. At their request, it undertook relevant studies and publications. It also collected and disseminated information and material concerning human rights. Furthermore, the Centre provided advisory services and technical assistance, at the request of States concerned, to support their

activities and programmes in such fields as: democratic elections; reforming national laws in line with human rights instruments; democratization processes; preparation of national reports; training of criminal justice personnel (judges, lawyers, prosecutors and police) on human rights matters.

In 1993, General Assembly resolution 48/141 of 20 December 1993 established the post of the **United Nations High Commissioner for Human Rights**. It entrusted the High Commissioner with specific functions concerning the promotion and protection of human rights. In September 1997, the Centre and the work of the High Commissioner for Human Rights became a part of a single unit called the **Office of the United Nations High Commissioner for Human Rights** (OHCHR).

United Nations Centre for Human Settlements – Habitat

The **United Nations Centre for Human Settlements**, also known under the name “Habitat”, was established in 1978 as the leading agency within the **United Nations system** for co-ordinating activities in the field of human settlements, following the recommendations of the United Nations Conference on Human Settlements, known as “Habitat I” (Vancouver, Canada, 1976). This Conference adopted the Vancouver Declaration on Human Settlements and the Vancouver Plan of Action in order to promote sustainable development of human settlements.

The Centre works to ensure the implementation of the **right to adequate housing** enshrined in the **Universal Declaration of Human Rights** (Article 25, para. 1) and the **International Covenant on Economic, Social and Cultural Rights** (Article 11, para. 1). Its activities related to the implementation of this right for all focus mainly on: reducing urban poverty; improving urban governance and the living environment and infrastructure; providing technical assistance to government programmes; and disseminating information about human settlements issues.

The Centre served as the secretariat for the Second United Nations Conference on Human Settlements, known as “Habitat II” (Istanbul, Turkey, 1996). This Conference adopted the Habitat Agenda and the Istanbul Declaration in which governments committed themselves to ensuring adequate shelter for all and sustainable urban development. Subsequently, the Habitat Agenda and the Istanbul Declaration were endorsed by the **United Nations General Assembly** in its resolution 51/177 of 16 December 1996 which, *inter alia*, designated the Centre as the focal point for the implementation of the Habitat Agenda at local, national and regional levels.

The International Conference “Habitat + 5” took place in Nairobi in June 2001 and considered the progress achieved in the implementation of decisions of the Istanbul Conference five years after their adoption.

The Centre also plays a leading role in raising global awareness about shelter and urbanization issues. To this end, the **World Habitat Day** is celebrated on the first Monday of October and is dedicated each year to a different theme. Thus, the theme for 1998 was “Safer Cities”, for 1999 “Cities for All”, and for 2000 “Urban Governance”.

The Centre is based in Nairobi, Kenya. It is guided by the United Nations Commission on Human Settlements which comprises 58 members and meet every two years.

United Nations Charter

Title often used for the **Charter of the United Nations**.

United Nations Children’s Fund – UNICEF

The **United Nations International Children’s Emergency Fund** was established by the **United Nations General Assembly** on 11 December 1946 to assist children and adolescents in countries where they had been victims of aggression. Its aim was

to provide help to those in need without discrimination on grounds of race, creed, national status or political belief. In 1950, its mandate was broadened to address the long-term needs of children and mothers in developing countries everywhere. On 6 October 1953, the General Assembly decided to continue the activities of the organization and changed its name to the United Nations Children's Fund, while retaining the acronym UNICEF. The basic function of UNICEF is to help the Governments of developing countries to improve the quality of life of children. Its approach to development aid is based on the conviction that children are the means as well as the beneficiaries of national development and that enlightened social policies benefiting children are a prerequisite for sustained economic and social progress. UNICEF plays a leading role within the **United Nations system** in assisting children. It implements programmes for children in more than 125 countries. The operations of UNICEF are directed by its Executive Board, which is composed of 41 States elected by the **Economic and Social Council (ECOSOC)** for a three-year term. The Executive Board sessions adopt policies, review programmes and approve expenditures. UNICEF promotes actively the full implementation of the **Convention on the Rights of the Child** (1989). The Secretariat of UNICEF is headed by an Executive Director and its Headquarters are in New York.

United Nations Congresses on the Prevention of Crime and Treatment of Offenders

By its resolution 415 (V) of 1 December 1950, the **United Nations General Assembly** authorized the convening every five years a United Nations Congress on the Prevention of Crime and Treatment of Offenders. The Congresses are world-wide forums, influencing national policies and mobilizing public opinion; focusing attention on major issues of concern to Member States, the professional and scientific community; recommending lines of

action at the national, regional and international levels; and facilitating co-operation between States and between practitioners in the various sectors and disciplines which deal with crime. The participants in the Congresses are criminologists, penologists, senior police officers specialists in criminal law, human rights and rehabilitation.

In order to strengthen international co-operation in the field of crime prevention and criminal justice, the **Economic and Social Council (ECOSOC)** established the **Commission on Crime Prevention and Criminal Justice** in February 1992 as the principal policy recommending body of the **United Nations** in the field. The Commission is also the preparatory body for the Congresses, pursuant to General Assembly resolution 46/152. Ten Congresses have been held:

- First Congress (Geneva, 1955) adopted the **Standard Minimum Rules for the Treatment of Prisoners**, which ECOSOC approved in 1957;
- Second Congress (London, 1960) dealt with measures for preventing juvenile delinquency as well as with issues of prison labour, conditional release and post-penitential assistance;
- Third Congress (Stockholm, 1965) approved measures concerning crime prevention action by the community and measures for combating recidivism;
- Fourth Congress (Tokyo, 1970) stressed the need to take crime into account in development planning, particularly in view of the effects of urbanization, industrialization and the technological revolution on the human environment;
- Fifth Congress (Geneva, 1975) adopted the **Declaration on the Protection of All Persons From Being Subjected to Torture or Other Cruel, Inhuman and Degrading Treatment or Punishment**, which the General Assembly approved later the same year. The Congress also laid the basis for the **Code of Conduct for Law Enforcement Officials**, which was adopted by the General Assembly in 1979;

- Sixth Congress (Caracas, 1980) dealt with such topics as crime trends and crime prevention strategies, juvenile delinquency, crime and the abuse of power, and deinstitutionalization of corrections. The Caracas Declaration, adopted by the Congress, was endorsed later in 1980 by the General Assembly;
- Seventh Congress (Milan, 1985) adopted the Milan Plan of Action for strengthening international co-operation in the field of crime prevention and criminal justice, which was subsequently approved by the General Assembly. It also adopted various instruments, including: **Basic Principles on the Independence of the Judiciary**; Declaration on the Basic Principles of Justice for Victims of Crime and Abuse of Power and the **United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules)**, all of them approved later by the General Assembly;
- Eighth Congress (Havana, 1990) approved a number of important instruments which were adopted in the same year by the General Assembly, including: **United Nations Standard Minimum Rules for Non-Custodial Measures (The Tokyo Rules)**, **Basic Principles for the Treatment of Prisoners**, **United Nations Standard Minimum Rules for the Protection of Juvenile Delinquency (The Riyadh Guidelines)**; **Rules for the Protection of Juveniles Deprived of Their Liberty**; **Basic Principles on the Use of Force and Firearms by Law Enforcement Officials**, as well as **Basic Principles on the Role of Lawyers and Guidelines on the Role of Prosecutors**;
- Ninth Congress (Cairo, 1995) adopted a resolution urging States to explicitly extend criminal justice and criminal sanctions to a number of specific acts of violence against women;

- Tenth Congress (Vienna, 2000) was devoted to international co-operation in combating transnational organized crime. It adopted the **Vienna Declaration on Crime and Justice** and stressed the need to accord high priority to the completion of negotiations on the **United Nations Convention against Transnational Organized Crime**. This instrument was subsequently adopted on 15 November 2000 by resolution 55/25, as were its two Protocols: the **Protocol against the Smuggling of Migrants by Land, Sea and Air** and the **Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children**.

United Nations Convention against Transnational Organized Crime

This Convention was adopted on 15 November 2000 by the **United Nations General Assembly** resolution 55/25. By the middle of 2001, the Convention had not yet entered into force, as it had not been ratified by 40 States as requested. The Convention is the first **United Nations** binding instrument to combat organized crime. It is also aimed against, *inter alia*, money laundering, **corruption** and the obstruction of justice. The objectives of the Convention should be achieved through international co-operation on such matters as extradition, mutual legal assistance, transfer of proceedings and joint investigations. It contains provisions for victim and witness protection and shielding legal markets from infiltration by organized criminal groups. Parties to the Convention may provide technical assistance to developing countries to help them take the necessary measures and upgrade their capacities for dealing with organized crime.

To supplement the Convention, two Protocols dealing with specific transnational criminal activities were also adopted on the same day by the same resolution: the **Protocol against the**

Smuggling of Migrants by Land, Sea and Air and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. A third Protocol, dealing with the illicit manufacturing of and trafficking in firearms, parts and components, and ammunition, remains under discussion.

United Nations Crime Prevention Programme

The United Nations has been dealing with crime prevention and criminal matters since the first days of its existence. In 1948, it set up its first office fighting international crime. Today, the Centre for International Crime Prevention (CICP) is the United Nations office responsible for crime prevention, criminal justice and criminal law reform. The Centre is composed of 15 professional staff members and support personnel. The Centre is part of the United Nations Office for Drug Control and Crime Prevention (ODCCP). Its activities focus on three areas: the struggle against **corruption**, the combat against illicit trafficking in human beings, and control of **organized crime**. In addition, the Centre co-operates with a network of international and regional institutions such as the United Nations Interregional Crime and Justice Research Institute (UNICRI) with the aim to cope more effectively with such issues as organized crime, money laundering and drug control.

The Centre's activities are carried out under the auspices of the intergovernmental **Commission on Crime Prevention and Criminal Justice**, which was created by the **Economic and Social Council (ECOSOC)** in 1992 (decision 1992/2). The Commission, comprising 40 Member States of the United Nations, provides guidance to the CICP by developing, monitoring and reviewing the Programme, by formulating international policies and co-ordinating activities in crime prevention and criminal justice. In addition, the Commission organizes every five years the **United Nations Congress[es] on the Prevention of Crime and the Treatment of Offenders** to

provide a forum to exchange policies and to stimulate progress in the fight against crime. Participants in the Congresses (ten have been held up to 2001) include criminologists, penologists and senior police officers, as well as experts in criminal law, human rights and rehabilitation.

On 15 November 2000, by its resolution 55/25, following the Tenth Congress, the **United Nations General Assembly** adopted the **United Nations Convention against Transnational Organized Crime** and its two Protocols: the **Protocol against the Smuggling of Migrants by Land, Sea and Air** and the **Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children**.

United Nations Day – 24 October

The anniversary of the entry into force of the **Charter of the United Nations** on 24 October 1945 has been celebrated as United Nations Day since 1948. It has traditionally been marked throughout the world by meetings, discussions and exhibits on the achievements and goals of the Organization. In 1971, the **United Nations General Assembly** recommended that it should be observed as a public holiday by **United Nations Member States**. It is expected that, with the active commitment of people, the United Nations can continue to play its indispensable role for peace and security, social and economic progress, and global human development.

United Nations Day for Women's Rights and International Peace

In 1975, during the **International Women's Year**, the **United Nations** began celebrating 8 March as **International Women's Day**. Two years later on 16 December 1997, the **United Nations General Assembly** adopted resolution 32/142 proclaiming a United Nations Day for Women's Rights and International Peace to be observed every year on a date to be

chosen by each Member State. The action came in the wake of the **International Women's Year (1975)** and the **United Nations Decade for Women: Equality, Development, Peace – 1976-1985**.

United Nations Decade against Drug Abuse – 1991-2000

This Decade was proclaimed by the **United Nations General Assembly** in 1990. A Global Programme of Action to fight illegal drugs on all levels, which focused on international co-operation against illicit production, supply, demand and trafficking in narcotic drugs and psychotropic substances was also adopted at that time. On 17 December 1999, the General Assembly reaffirmed by resolution 54/132 III the importance for Member States, the **United Nations International Drug Control Programme** and the **United Nations system** to achieve the objectives of the Decade, under the theme: "A global response to a global challenge". The **International Day against Drug Abuse and Illicit Trafficking** is marked every year on 26 June.

United Nations Decade for Human Rights Education – 1995-2004

In accordance with a proposal made by the **World Conference on Human Rights** (Vienna, 1993), the **United Nations General Assembly** proclaimed the ten year period starting from 1 January 1995 the **United Nations Decade for Human Rights Education** and welcomed the Plan of Action submitted by the **United Nations Secretary-General**. The General Assembly expressed its conviction that human rights education should constitute a life-long process, by which people learn respect for the dignity of others. The Plan of Action (A/51/506/Add.1) contains a comprehensive definition of human rights education: "training, dissemination and information efforts aimed at the building of a universal culture of human rights through the imparting of knowledge and skills and the moulding

of attitudes which are directed at 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, racial, national, ethnic, religious and linguistic groups; the enabling of all persons to participate effectively in a free society; and the furtherance of the activities of the **United Nations** for the maintenance of peace” (para. 2).

The general objectives of the Decade are as follows: assess the needs and formulate effective strategies for the furtherance of human rights education in both formal and non-formal learning; build and strengthen programmes and capacities for human rights education at the international, regional, national and local levels; develop human rights education materials; strengthen the role and capacity of the mass media in the furtherance of human rights education; and disseminate the **Universal Declaration of Human Rights** in the maximum possible number of languages, and in other forms appropriate for various levels of literacy and for the disabled (para. 10).

The **United Nations High Commissioner for Human Rights**, the highest official of the United Nations dealing with human rights issues, is specifically responsible for co-ordinating education and public information programmes in the field of human rights (para. 14). **Human rights treaty bodies**, the **Commission on Human Rights** and other relevant United Nations human rights bodies and programmes are invited to encourage the furtherance of human rights education (para. 15). United Nations specialized agencies, units of the Secretariat and programmes involved in human rights education activities, including the **United Nations Children’s Fund (UNICEF)**, the **International Labour Organisation (ILO)**, the **United Nations High Commissioner for Refugees (UNHCR)**, the **United Nations Development Programme (UNDP)**, **United Nations Environment Programme (UNEP)**, etc., are encouraged to

co-operate with the High Commissioner in achieving the objectives of the Decade (para. 18). UNESCO, by reason of its long experience in education, educational methodology and human rights and through its network of UNESCO Associated Schools, Clubs and Chairs in Human Rights as well as its National Commissions, is entrusted with a central role in the design, implementation and evaluation of projects under the Plan of Action (para. 17).

In order to contribute to the implementation of the Plan of Action, UNESCO organized, in co-operation with OHCHR, a series of **Regional Conferences on Human Rights Education** (for Europe, 1997; for Africa, 1998; for Asia and the Pacific, 1999 and for the Arab States, 1999), and prepared a number of educational and information materials.

A mid-term evaluation took place in 2000, organized by the **Office of the High Commissioner for Human Rights**, in co-operation with UNESCO.

United Nations Decade for the Eradication of Poverty – 1997-2006

On 26 January 1996, the **United Nations General Assembly** proclaimed by its resolution 50/107 II of 20 December 1995 the ten-year period beginning in 1997 as the first **United Nations Decade for the Eradication of Poverty**. The objective of the Decade is to eradicate absolute **poverty** and reduce substantially overall poverty in the world through decisive national actions and international co-operation in implementing fully and effectively all agreements, commitments and recommendations of major United Nations conferences and summits organized since 1990 as they relate to poverty eradication (para. 17). On 11 February 1997, the United Nations General Assembly recommended that, during the Decade, the causes of poverty be addressed in the context of sectoral strategies such as those on environment, security, migration, shelter, fresh water and

productive employment, and by examining the specific needs of **vulnerable groups** (para. 5). All efforts should aim at the social and economic integration of people living in poverty (para. 5). The same resolution also recommends that donor countries give greater priority to the eradication of poverty in their assistance programmes and budgets (para. 8) and that developed countries strive for the fulfillment of the agreed target of allotting 0.7% of their gross national product for overall official development assistance (para. 15). Throughout the Decade and beyond, people living in poverty and their associations should be empowered by being fully involved in the setting of targets and in the design, implementation, monitoring and assessment of national strategies, activities and programmes for poverty eradication (para. 11). The **United Nations system** is actively involved in actions aimed at the eradication of poverty. UNESCO has proclaimed among its priorities for the years 2002-2007 the eradication of poverty and, especially, **extreme poverty**.

United Nations Decade for Women: Equality, Development and Peace – 1976-1985

On 15 December 1975, the **United Nations General Assembly** proclaimed the period from 1976 to 1985 **United Nations Decade for Women: Equality, Development and Peace**. The Decade was devoted to effective and sustained national, regional and international action to implement the resolutions of the World Conference of the **International Women's Year** (1975). At the mid-term of the Decade, a World Conference was held in Copenhagen, Denmark, from 14 to 30 July 1980. It formulated the Programme of Action for the Second Half of the United Nations Decade for Women, 1980-1985. The Programme of Action was designed to promote the attainment of three objectives: equality, development and peace, with special emphasis on the improvement of women's access to employment, health and education. It aimed at strengthening comprehensive and effective strategies to

remove obstacles and constraints on women's full and equal participation in development, including actions to solve the problems of underdevelopment and of socio-economic structures which place women in an inferior position, and to increase women's contribution to the strengthening of world peace. The Decade concluded with the World Conference to Review and Appraise the Achievements of the United Nations Decade for Women: Equality, Development and Peace (1976-1985), held in Nairobi in 1985. This Conference adopted the **Nairobi Forward-Looking Strategies for the Advancement of Women** which were based on the assumption that an essential contribution to the strengthening of international peace and security would be made by the elimination of all forms of inequality between men and women in all spheres of public and civil life in their countries. The Strategies were endorsed by the United Nations General Assembly which entrusted the promotion of their implementation to the **Commission on the Status of Women**.

United Nations Decade of Disabled Persons – 1983-1992

On 3 December 1982, the **United Nations General Assembly** proclaimed the period 1983-1992 **United Nations Decade of Disabled Persons**. It encouraged Member States to implement within this period the **World Programme of Action Concerning Disabled Persons** that had been adopted on the same day. The aims of the Decade were to give new impetus to the protection of disabled persons, to provide them with proper assistance, education, care and guidance as well as to educate and inform the public of the rights of such persons. In particular, all organs, organizations and agencies of the **United Nations system** were urged to undertake new measures or expedite those already under way to improve employment opportunities for disabled persons within these bodies at all levels and to improve access to their buildings and facilities and to their information sources. The

need for an elaboration of national programmes for the training of rehabilitation personnel and for the production of prosthetic appliances and aids using locally available resources was stressed. At the mid-point of the Decade, in August 1987, the Secretary-General convened in Stockholm a global meeting of experts to review the implementation of the World Programme of Action concerning disabled persons. A second meeting, the International Meeting on Human Resources in the Field of Disability, was held at Tallinn, Estonia, in August 1989. It adopted a nine-point strategy, known as the Tallinn Guidelines for Action on Human Resources Development in the Field of Disability, to promote the participation, training and employment of disabled persons, especially in developing countries. To mark the end of the Decade, an agenda for action beyond the end of the Decade and a preliminary outline of a long-term strategy to the year 2000 were developed by the United Nations General Assembly in 1990.

United Nations Development Fund for Women – UNIFEM

The United Nations Development Fund for Women (UNIFEM) was created in 1985 by the United Nations General Assembly resolution 39/125 as a catalyst within the United Nations system, with the goal of ensuring women's self-realization and full participation in all spheres of life. To that end, UNIFEM focuses on: strengthening the capacity of national and regional women's organisations to advocate for women's human rights at the national and international levels; increasing women's participation in decision-making processes that shape their lives; promoting women's human rights in order to eliminate all forms of violence against women and transform development into a more peaceful, equitable and sustainable process. UNIFEM's projects are developed and overseen at the regional and country level by its 12 Regional Programme Advisors who represent the front-line of contact

between UNIFEM and its partners. Furthermore, since the 1995 **World Conference[s] on Women** in Beijing, UNIFEM has placed a strong emphasis on providing assistance to governments and non-governmental organizations in developing national action plans and widely disseminating information. In particular, UNIFEM supports the implementation of the **Beijing Declaration and Platform for Action** which aimed at strengthening women's empowerment, improving women's health, advancing women's education and training, promoting women's marital and sexual rights, and eliminating gender-based violence. UNIFEM administers the Trust Fund in Support of Actions to Eliminate Violence against Women which was created in 1996 in accordance with General Assembly resolution 50/166.

United Nations Development Programme – UNDP

The United Nations Development Programme (UNDP) was created in 1965 through merging two former **United Nations** technical co-operation programmes. In addition to being the world's largest multilateral source of grant funding for development co-operation, the UNDP is also the chief co-ordinating agency for operational development activities undertaken by the entire **United Nations system**. Funded by voluntary contributions of Member States of the United Nations and its specialized agencies, UNDP has three overriding goals: to help the United Nations become a powerful and cohesive force for sustainable human development; to focus its own resources on a series of objectives central to sustainable human development – elimination of **poverty**, environmental regeneration, job creation, and the advancement of women; to strengthen international co-operation for sustainable human development and serve as a major substantive resource on how to achieve it. UNDP works with 174 Governments through a network of 132 offices world-wide.

Its major programmes and policy decisions are determined by a 36-member Executive Board composed of both developed and developing countries. It is the responsibility of the Board to ensure that UNDP's focus remains on six priority themes: poverty elimination and grassroots development; environment and natural resources; management development; technical co-operation among developing countries; transfer and adaptation of technology; and women and development. More and more, however, there are requests for assistance in areas of good governance, human rights, food security and HIV/AIDS. *The UNDP Human Development Report*, published yearly since 1990, assists the international community in developing new, practical and pragmatic concepts, measures and policy instruments to further promote human-oriented development.

United Nations Educational, Scientific and Cultural Organization – UNESCO

The United Nations Educational, Scientific and Cultural Organization (UNESCO) came into being on 4 November 1946. Its main organs are: the General Conference, which meets every two years and in which all Member States – 188 by the middle 2001 – and the 5 Associate Member States are represented; the Executive Board, elected by the Conference, consisting of 58 Member States; and the Secretariat, headed by the Director-General. The purpose of UNESCO, as stated in Article 1 of its Constitution, is “to contribute to peace and security by promoting collaboration among the nations through education, science and culture in order to further universal respect for justice, for the rule of law and for the human rights and fundamental freedoms which are affirmed for the peoples of the world, without distinction of race, sex, language or religion, by the **Charter of the United Nations**”. To achieve these aims, UNESCO establishes and supervises the application of standards; gathers and disseminates information of educational, scientific or cultural interest; provides

advisory services and technical assistance; assists in the establishment of educational, scientific and cultural institutions and centres; organizes congresses, seminars and symposia etc. Within the framework of its standard-setting activity, UNESCO has adopted a number of international instruments aimed at the realization of human rights, including, the **Convention against Discrimination in Education** and the **Protocol Instituting a Conciliation and Good Offices Commission to be responsible for Seeking the Settlement of any Disputes which may arise between States Parties to the Convention against Discrimination in Education** (1960 and 1962 respectively), the **Declaration of Fundamental Principles concerning the Contribution of the Mass Media to Strengthening Peace and International Understanding, to the Promotion of Human Rights and Countering Racialism, Apartheid and Incitement to War** (1978), the **Declaration of Principles on Tolerance** (1995) and the **Universal Declaration on the Human Genome and Human Rights** (1997).

UNESCO also has a procedure (Executive Board Decision 104 EX 3.3) to be followed in the examination of cases and questions which might be submitted to UNESCO concerning the exercise of human rights in the spheres of its competence. As of 31 December 2000, 480 cases have been examined and 294 have been resolved. As of that date, no questions of massive, systematic or flagrant violations of human rights and fundamental freedoms falling within the Organization's competence have been examined in public meetings, as laid down in Article 18 of the Decision.

United Nations Environmental Programme

– UNEP

The United Nations Environmental Programme (UNEP) was established in 1972 by the **United Nations General Assembly** (resolution 2997 [XXVII]). It serves as the lead agency in the field of environment within the **United Nations system**. It

provides machinery for international co-operation on the problems of the human environment in order to enable nations and peoples to improve their quality of life without compromising that of future generations.

UNEP's principal functions are: to assess the state of the world's environment and to identify issues requiring international co-operation; to promote the development of international environmental law; to provide scientific knowledge and information on the environment, as well as education and training for the management of the environment. Raising public awareness on environmental issues guides most of UNEP's activities. The ultimate aim is not only to change the attitudes of people but also to motivate and empower them to act for the protection of the environment. Furthermore, UNEP has established various systems to protect and improve the environment, including: the Global Environment Monitoring System (GEMS), which deals with such environmental issues as climate and atmosphere, oceans, renewable resources, transboundary pollution and the health consequences of pollution; the Global Resource Information Database (GRID) which provides for environmental information; and the International Register of Potentially Toxic Chemicals (IRPTC) which provides practical information for chemical safety decisions.

Located in Nairobi, Kenya, UNEP is administered by a Governing Council which analyses the state of world environment, determines UNEP's programme priorities, and approves its budget. The Governing Council comprises 58 members elected by the United Nations General Assembly for a four-year term.

United Nations General Assembly

The United Nations General Assembly is essentially a deliberative, supervisory and reviewing organ of the **United Nations**. It discusses any question or any matters within the scope of the **Charter of the United Nations** or relating to the powers and functions of any organs provided for in the Charter.

It may make recommendations to Member States and to the Security Council (Article 10 of the Charter). As provided by Article 13, para. 1, of the Charter: "The General Assembly shall initiate studies and make recommendations for the purpose of ... promoting international co-operation in the economic, social, cultural, educational, and health fields, and assisting in the realization of human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion". The General Assembly consists of all the States Members of the United Nations (Article 9), with each Member having one vote (Article 18). Decisions on certain categories of important questions, such as recommendations concerning the maintenance of international peace and security, require a two-thirds majority of the Members present and voting. Decisions on other questions require a majority of the Members present and voting. The General Assembly meets in regular annual sessions and in such special sessions as occasion may require (Article 20). It adopts its own rules of procedure (Article 21) and generally holds its meetings at the Headquarters of the United Nations, New York. The Main Committees of the General Assembly are the following: Political and Security Committee (First Committee); Special Political Committee; Economic and Financial Committee (Second Committee); Social, Humanitarian and Cultural Committee (Third Committee); Trusteeship Committee (Fourth Committee); Administrative and Budgetary Committee (Fifth Committee); and Legal Committee (Sixth Committee). Normally, items relating to human rights are referred to the Third Committee. However, such items have also been directed to the First Committee, the Special Political Committee, the Sixth Committee or have been considered directly by the General Assembly. The General Assembly prepares and adopts standard-setting instruments and effective programmes of action to promote and protect particular rights and freedoms.

United Nations Guidelines for the Prevention of Juvenile Delinquency – The Riyadh Guidelines (UN)

The United Nations Guidelines for the Prevention of Juvenile Delinquency, known as the “Riyadh Guidelines”, were adopted by the United Nations General Assembly by resolution 45/112 of 14 December 1990. The Guidelines set out standards for the prevention of juvenile delinquency, which is an essential part of crime prevention in society, including measures for the protection of young persons who are abandoned, neglected, abused or find themselves in marginal circumstances, in other words at “social risk”. They are based on the premise that it is necessary to offset those conditions which adversely influence and impinge on the healthy development of children and young persons. To this end, comprehensive multidisciplinary measures are suggested to ensure for young persons a life free from crime, victimization and conflict with the law. In particular, the Guidelines urge that policies and measures adopted by States involve: educational and other opportunities to serve as a supportive framework for the personal development of young persons. The Guidelines focus on prevention and protection of young persons and aim at promoting a positive role on the part of various social actors, including the family, the educational system, the community and the mass media, as well as the young persons themselves.

United Nations High Commissioner for Human Rights – UNHCHR

In recognition of the need to adapt the United Nations machinery for the promotion and protection of human rights to current and future needs and following the recommendations of the World Conference on Human Rights (Vienna, 1993), the United Nations General Assembly established on 20 December 1993, by its resolution 48/141, the post of a High Commissioner for the

promotion and protection of all human rights – the United Nations High Commissioner for Human Rights. Since 5 April 1994, the High Commissioner has become the United Nations official with principal responsibility for human rights activities. Appointed for four years with the possibility of one renewal, the High Commissioner must function within the framework of the **United Nations Charter**, the **Universal Declaration of Human Rights** and other relevant instruments to promote universal respect for and observance of all human rights, and must be guided by the recognition that “all human rights – civil, cultural, economic, political and social – are universal, indivisible, interdependent and interrelated” (UN General Assembly resolution 48/141, para. 3b.), and that the promotion and protection of human rights is the legitimate concern of the international community. Among the High Commissioner’s responsibilities are: co-ordinating human rights promotion and protection activities throughout the **United Nations system**; providing advisory services and technical and financial assistance through the **United Nations Centre for Human Rights** (now the Office of the **United Nations High Commissioner for Human Rights**); rationalization, adoption, strengthening and streamlining of the United Nations human rights machinery with a view to improving its efficiency and effectiveness; engaging in dialogue with all Governments in order to ensure respect for all human rights; and playing an active role in preventing the continuation of human rights violations throughout the world.

United Nations High Commissioner for Refugees – UNHCR

Established on 1 January 1951, the Office of the **United Nations High Commissioner for Refugees** is a subsidiary organ of the **United Nations General Assembly** and reports to it annually through the **Economic and Social Council (ECOSOC)**. The Statute of the Office provides that the work of the High Commissioner, elected by the United Nations General Assembly,

“... shall be of an entirely non-political character; it shall be humanitarian and social” (para. 2). It further provides that “the United Nations High Commissioner for Refugees ... shall assume the function of providing international protection, under the auspices of the United Nations, to refugees who fall within the scope of the present Statute” (para. 1). The High Commissioner promotes: the conclusion and ratification of international conventions for the protection of refugees, supervises their application and proposes amendments thereto; promotes the execution of any measures calculated to improve the situation of refugees and to reduce the number requiring protection; assists governmental and private efforts to promote voluntary repatriation or assimilation within new national communities; obtains from Governments information concerning the number and conditions of refugees in their territories and the laws and regulations concerning them; and facilitates the co-ordination of the efforts of private organizations concerned with the welfare of refugees (para. 8). In addition, paragraphs 9 and 10 of the Statute provide that the High Commissioner “shall engage in such additional activities, including repatriation and resettlement, as the United Nations General Assembly may determine, within the limits of the resources placed at his disposal”. In recent years, as the size and complexity of the refugee problem in many parts of the world has grown dramatically, the provisions of paragraphs 9 and 10 have played a more prominent role. The High Commissioner’s responsibilities have increased to include: assistance to **displaced persons** who are in a refugee-like situation; the prevention of *refoulement* (the return of a person to a country where he/she has reason to fear persecution); the granting of asylum, at least on a temporary basis; and the observance of the traditional obligations to rescue those in distress at sea.

United Nations International Conference on Human Rights

The International Conference on Human Rights was held in Tehran, Iran, from 22 April to 13 May 1968. It adopted the **Proclamation of Tehran** on 13 May 1968. It underlined that peace and justice are indispensable to the full realization of human rights and fundamental freedoms. The Conference reviewed the progress made in the 20 years since the adoption of the **Universal Declaration of Human Rights** and formulated a programme for the future. It affirmed “its faith in the principles of the Universal Declaration of Human Rights and other international instruments in this field” and urged “all peoples and governments to dedicate themselves to the principles enshrined in the Universal Declaration of Human Rights and to redouble their efforts to provide for all human beings a life consonant with freedom and dignity and conducive to physical, mental, social and spiritual welfare”. Twenty-five years after Tehran, the **World Conference on Human Rights** was organized in Vienna, Austria.

United Nations Millennium Declaration

The beginning of the 21st century and of the Third Millennium was a unique and symbolically compelling moment for the 189 Member States of the **United Nations** to articulate and affirm an animating vision for the new era. The 55th session of the **United Nations General Assembly** was therefore designated “The Millennium Assembly of the United Nations” and opened on 5 September 2000. Subsequently, on 8 September, the General Assembly adopted, by its resolution 55/2, the United Nations Millennium Declaration. In it, the Heads of State and Government reaffirmed their commitment to the purposes and principles of the **Charter of the United Nations** and, in Part I of the Declaration, expressed their resolution to “... support all efforts to uphold the sovereign equality of all States, respect for their territorial integrity and political independence, resolution of

disputes by peaceful means and in conformity with the principles of justice and international law, the **right to self-determination** of peoples which remain under colonial domination and foreign occupation, non-interference in the internal affairs of States, respect for human rights and fundamental freedoms, respect for the equal rights of all without distinction as to race, sex, language or religion and international cooperation in solving international problems of an economic, social, cultural or humanitarian character” (para. 4). They expressed the opinion that the central challenge in the contemporary work is to ensure that globalization becomes a positive force for all the world’s people (para. 5). They considered that certain fundamental values are essential to international relations in the 21st century, including freedom, equality, solidarity, tolerance, respect for nature and shared responsibility (para. 6).

Part II of the Declaration deals with peace, security and disarmament; Part III with development and **poverty** eradication, Part IV with the protection of our common environment.

Part V, which deals with human rights, democracy and good governance, resolves “to respect fully and uphold the **Universal Declaration of Human Rights**; to strive for the full protection and promotion ... of **civil, political, economic, social and cultural rights** for all; to strengthen the capacity ... to implement the principles and practices of **democracy** and respect for human rights, including minority rights; to combat all forms of violence against women and to implement the **Convention on the Elimination of All Forms of Discrimination Against Women**; to take measures to ensure respect for and protection of the human rights of migrants, **migrant workers** and their families, to eliminate the increasing acts of **racism** and xenophobia in many societies and to promote greater harmony and tolerance in all societies; to work collectively for more inclusive political processes, allowing genuine participation by all citizens ...; to ensure the freedom of the media to perform their essential role and the right to the public to have access to information” (para. 25).

The Millennium Declaration also deals with the protection of the vulnerable (Part VI), meeting the special needs of Africa (Part VII) and strengthening the United Nations (Part VIII).

United Nations Population Fund

– UNFPA

UNFPA helps developing countries find solutions to their population problems. UNFPA began operations in 1969. It is the largest international source of population assistance: about a quarter of all population assistance from donor nations to developing countries is channeled through UNFPA. UNFPA is wholly funded by contributions, which are voluntary, and not part of the regular **United Nations** budget. The objectives of UNFPA are:

- to assist developing countries in providing quality reproductive health and family planning services on the basis of individual choice, and in formulating population policies that support sustainable development;
- to advance the strategy endorsed by the 1994 International Conference on Population and Development (ICPD) and reviewed by a special session of the **United Nations General Assembly** in 1999 (ICPD+5);
- to focus on meeting the needs of individual women and men rather than achieving demographic targets. Central to this approach is empowering women and providing them with more choices through expanded access to education, health services and employment opportunities;
- to promote co-operation and co-ordination among United Nations organizations, bilateral agencies, governments, non-governmental organizations (NGOs) and the private sector in addressing issues of population and development, reproductive health, gender equality and women's empowerment.

UNFPA has three main programme areas:

- Reproductive health including family planning and sexual health. UNFPA supports the provision of reproductive health care including wider choice of family planning methods and information. Reproductive health care includes: family planning; safe motherhood; counseling and prevention of infertility; preventing and treating reproductive tract infections and sexually transmitted diseases. It also deals with **HIV-infected people or people with AIDS** and with the health consequences of unsafe abortion;
- Population and Development Strategy, through which it helps countries formulate, implement and evaluate comprehensive population policies as a central part of sustainable development strategies. This includes support for data collection, analysis and research;
- Advocacy of the following: reproductive health and rights; improvement of the status of women; longer life expectancy; lower infant and maternal mortality; closing the gender gap in education; strengthening national capacity to formulate and implement population and development strategies; and increasing awareness and resources for population and development.

UNFPA offers assistance only at a country's own request. While there is international agreement on population and development goals, each country determines its own approach.

United Nations Principles for Older Persons

The United Nations Principles for Older Persons were adopted by the **United Nations General Assembly** in 1991. They aim to ensure that priority attention be given to the situation of older persons and provide a broad framework for

governments to take action on ageing. They were approved in pursuance of the **Vienna International Plan of Action on Ageing** adopted by the **World Assembly on Ageing** and endorsed by the General Assembly in its resolution 37/51 of 3 December 1982. The 18 Principles are designed to ensure: independence of older persons through guaranteeing their basic **rights** (to adequate food, shelter, income-generating activities, etc.); their integration in society, including participation in the adoption and implementation of policies affecting their well-being; adequate protection and care, including health care, to maintain or regain the optimum level of physical, mental and emotional well-being; and opportunities for the full development of the potential of older persons, including access to educational, cultural and recreational activities. The final clauses states that: "Older persons should be able to live in dignity and security and be free of exploitation and physical or mental abuse" (Principle 17) and that "Older persons should be treated fairly regardless of age, gender, racial or ethnic background, disability or other status, and be valued independently of their economic contribution" (Principle 18).

United Nations Prize in the Field of Human Rights

The **United Nations Prize in the Field of Human Rights** was instituted by the **United Nations General Assembly** resolution 2217/XXI of 19 December 1966. For the first time, the Prize was awarded on 10 December 1968 on the occasion of the 20th Anniversary of the **Universal Declaration of Human Rights**. Thereafter, the prizes have been awarded in 1973, 1978, 1988, 1993 and 1998. The latter has a particular significance since it marked not only the 50th Anniversary of the Universal Declaration but also the adoption on 10 December 1998, **Human Rights Day**, of the **Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and**

Protect Universally Recognized Human Rights and Fundamental Freedoms. A Special Committee is entrusted with selecting the laureates of the Prize; it is composed of the President of the United Nations General Assembly, the President of the Economic and Social Council (ECOSOC), the Chair of the Commission on Human Rights, the Chair of the Commission on the Status of Women and the Chair of the Sub-Commission on the Promotion and Protection of Human Rights (formerly the Sub-Commission on Prevention of Discrimination and Protection of Minorities). Eleanor Roosevelt, the International Committee of the Red Cross, Amnesty International and Nelson and Winnie Mandela were among laureates.

United Nations Rules for the Protection of Juveniles Deprived of their Liberty

On 14 December 1990, the United Nations General Assembly adopted the United Nations Rules for the Protection of Juveniles Deprived of their Liberty. The Rules advocate the least possible use of deprivation of liberty with regard to juveniles, especially in prison and other closed institutions, and provide specific principles which apply to all juveniles held in any form of detention and in any type of facility. Its fundamental perspective is that the justice system should uphold the rights and safety and promote their physical and mental well-being. The Rules call for the separation of juveniles from adults in detention and the classification of juveniles according to their sex, age, personality and type of offense, with a view to ensuring their protection from harmful influences and risk situations. The rules set forth special provisions covering various aspects of institutional life, such as the physical environment and accommodation, education, vocational training, work, recreation, religion, medical care, contacts with the wider community, limitations of physical restraint and the use of force, disciplinary

procedures, inspection, complaints and return to the community. The Rules should be made available to juvenile justice personnel in their national languages and juveniles who are not fluent in the language spoken by the personnel should have the right to the services of an interpreter (Rule 6). The Rules should be implemented in the context of the economic, social and cultural conditions prevailing in each Member State (Rule 16).

United Nations Secretary-General

The United Nations Secretariat, in conformity with Article 7 of the **Charter of the United Nations**, is one of the six principal organs of the **United Nations**. It comprises “a Secretary-General and such staff as the Organization may require” (Article 97). The functions of the Secretariat and the Secretary-General are defined in Chapter XV of the Charter (Articles 97-101). The Charter defines the Secretary-General as the chief administrative officer of the Organization and entrusts him to bring to the attention of the **Security Council** any matter which, in his opinion, threatens international peace and security and to perform such other functions as requested by the Security Council, the **United Nations General Assembly**, the **Economic and Social Council (ECOSOC)** and other United Nations organs. The Secretary-General is appointed by the General Assembly upon the recommendation of the Security Council for a term of five years which can be renewed. Article 100 of the Charter prohibits the Secretary-General from seeking or receiving instructions from any government or from any other authority external to the Organization. At the same time, Member States are invited to respect the exclusively international character of the responsibilities of the Secretary-General and his staff and not to seek to influence them in the discharge of their responsibilities. The Secretary-General issues annually a report to the General Assembly on the work of the Organization and outlines its future priorities. Furthermore, he is known to the general public for using his good offices, that is steps taken publicly and privately,

drawing upon his independence, impartiality and integrity, to prevent international disputes from arising, escalating or spreading. The Secretary-General appoints all other members of the United Nations Secretariat in conformity with regulations established by the General Assembly.

United Nations Standard Minimum Rules for Non-Custodial Measures

– “The Tokyo Rules”

The **United Nations Standard Minimum Rules for Non-Custodial Measures**, commonly referred to as “The Tokyo Rules” were adopted by the **United Nations General Assembly** on 14 December 1990. They aim at the greater use of alternatives to imprisonment (or, in other words, non-custodial measures) and at the creation of minimum legal safeguards for persons subject to them. When implementing the Rules, States : “... shall endeavour to ensure a proper balance between the rights of individual offenders, the rights of victims, and the concern of society for public safety and crime prevention” (Rule 1.4). The Rules are intended to promote greater community involvement in the management of criminal justice and to promote among offenders a sense of responsibility towards society. Similarly, they are intended to be used in accordance with the minimum intervention and the use of informal community measures in the discharge of criminal proceedings. They apply to all persons subject to prosecution, trial or terms of sentencing. They seek to ensure that the criminal justice system provides a wide range of non-custodial measures, from pre-trial to post-sentencing dispositions, to allow flexibility while maintaining a capacity for consistent sentencing. To this end, the Rules provide that: judicial discretion is to be exercised to ensure accordance with the law; non-custodial measures imposing an obligation on the offenders shall require the offender’s consent; the offender is entitled to make a request or complaint regarding the implementation of non-custodial

measures; grievances related to violation of internationally recognized human rights shall be redressed; and non-custodial measures shall not involve medical or psychological experimentation or undue risk of injury and shall respect the dignity and privacy of the offender.

United Nations Standard Minimum Rules for the Administration of Juvenile Justice – “The Beijing Rules”

The **United Nations Standard Minimum Rules for the Administration of Juvenile Justice** were adopted by the **United Nations General Assembly** on 29 November 1985 by resolution 40/33. On the same day, the General Assembly also approved the recommendation of the **Seventh United Nations Congress[es] on the Prevention of Crime and the Treatment of Offenders** that the Rules be known as “The Beijing Rules”. The Rules relate to such matters as the minimum age of criminal responsibility, the objectives of juvenile justice administration, the exercise of discretionary power, the human rights principles to be applied and protection of privacy (Part I). They also cover matters relating to investigation and prosecution of crimes committed by juveniles, including the question of detention (part II), and matters relating to the adjudication and disposition of cases against juvenile offenders (Part III). In general, they recommend the least possible use of incarceration, stating that “the placement of a juvenile in an institution shall always be a disposition of last resort and for the minimum necessary period” (Part III). The rules, however, set out some essential elements of protection for juvenile offenders placed in penitentiary institutions, such as placing juveniles under detention separate from adults, and ensuring that such juveniles receive care, protection, education and vocational training (Part V). The **United Nations General Assembly** invited Member States to adapt to the Rules, wherever necessary, their national legislation, policies and practices, particularly in the

training of juvenile justice personnel, and to bring these Rules to the attention of the relevant authorities and the public in general.

United Nations system

The United Nations system comprises the Organization of the **United Nations** established on 24 October 1945 and comprising 189 Member States, and its bodies, United Nations programmes and funds, as well as its specialized agencies. The programmes and funds work under the authority of the **United Nations General Assembly** and the **Economic and Social Council (ECOSOC)** in carrying out the Organization's mandate. The **United Nations Children's Fund (UNICEF)** is the lead United Nations entity working for the promotion and protection of the rights of children. The **United Nations Development Programme (UNDP)** strives to ensure economic and social development that respects individual human rights. The **Office of the United Nations High Commissioner for Refugees (UNHCR)** deals with problems of refugees and internally displaced persons. The **United Nations Drug Control Programme (UNDCP)**, the **United Nations Environment Programme (UNEP)**, the **United Nations Population Fund (UNFPA)**, the **World Food Programme (WFP)**, and several other programmes also deal with some aspects of human rights. Programmes and funds have their own budgets and governing bodies.

The United Nations specialized agencies, created with few exceptions after the Second World War, comprise: **International Labour Organisation (ILO)** established in 1919; **Food and Agriculture Organization of the United Nations (FAO)**; **United Nations Educational, Scientific and Cultural Organization (UNESCO)**; **World Health Organization (WHO)**; **World Bank Group**; **International Monetary Fund (IMF)**; **International Civil Aviation Organization (ICAO)**; **Universal Postal Union (UPU)** established in 1874; **International Telecommunication Union (ITU)**; **World Meteorological Organization (WMO)**; **International Maritime Organization (IMO)**; **World Intellectual Property**

Organization (WIPO); International Fund for Agricultural Development (IFAD); United Nations Industrial Development Organization (UNIDO); and International Atomic Energy Agency (IAEA).

All specialized agencies are linked to the United Nations through co-operative agreements. Established by intergovernmental agreement, they are autonomous bodies. The United Nations specialized agencies have their own governing bodies, budgets and secretariats. Their membership may differ from that of the United Nations. A number of specialized agencies, such as the International Labour Organisation (ILO) and UNESCO, deal actively with the promotion and protection of human rights.

A number of activities within the United Nations system are co-ordinated – for example, those linked with the promotion and protection of human rights, fostering development and reducing poverty, combating drug trafficking, corruption and terrorism, etc.

The **Office of the United Nations High Commissioner for Human Rights (OHCHR)**, which is a part of the United Nations itself, assumes principal responsibilities for human rights activities and for their co-ordination within the United Nations system.

United Nations Year of Dialogue among Civilizations – 2001

The year 2001 was proclaimed as the **United Nations Year of Dialogue among Civilizations** by the **United Nations General Assembly** (resolution 53/22 of 4 November 1998). The purpose of the Year is to enhance understanding through constructive dialogue among civilizations. The resolution emphasized the importance of tolerance in international relations and the significant role of dialogue as a means to reach understanding, to remove threats to peace and to strengthen interaction and exchange among civilizations. It invited

governments, the **United Nations system**, including UNESCO, and relevant intergovernmental and non-governmental organizations to plan and to implement cultural, educational and social programmes to promote the concept of dialogue among civilizations, including through organizing conferences and seminars and disseminating information and scholarly material. In its subsequent resolutions concerning the Year, the United Nations General Assembly noted with interest the activities undertaken and proposals made by Member States, UNESCO and other organizations, encouraged States, regional and international organizations, civil society and non-governmental organizations to continue to develop appropriate initiatives at all levels to promote dialogue in all fields with a view to fostering mutual recognition and understanding among and within civilizations (resolution 55/23, paras. 6 and 7). Governments were invited to encourage all members of society to participate in promoting such dialogue and provide them with an opportunity to make contributions to the Year (resolution 54/113, para. 4).

The promotion of dialogue among civilizations is intimately linked with the issue of human rights and cultural diversity. In its resolution 55/91 on this subject, the United Nations General Assembly recognized that cultural diversity and the pursuit of cultural development by all peoples and nations are a source of mutual enrichment for the cultural life of humankind, and that all cultures and civilizations share a common set of universal values. It reaffirmed the **right to take part in cultural life and the right to enjoy the benefits of scientific progress and its applications**. It states that intercultural dialogue enriches essentially the common understanding of human rights and that respect for cultural diversity and the cultural rights of all enhances cultural pluralism and contributes to the advance of the application and enjoyment of universally accepted human rights and to fostering stable friendly relations among peoples and nations world-wide.

Universal Children's Day

– 20 November (UN)

On 14 December 1954, the **United Nations General Assembly** (resolution 836 [IX]) recommended that a Universal Children's Day be observed by all countries as a day of world-wide fraternity and understanding between children, and of activities devoted to promoting the welfare of the world's children. It also proposed to Member States that the Day be observed on date and in way which each considers appropriate. Universal Children's Day is usually celebrated on 20 November, because on that day the 1959 **Declaration of the Rights of the Child** and the 1989 **Convention on the Rights of the Child** were adopted.

Universal Copyright Convention (1952)

and the Universal Copyright Convention

as revised in 1971 (UNESCO)

The Universal Copyright Convention was adopted in Geneva on 6 September 1952 by the Intergovernmental Copyright Conference convened by UNESCO. It came into force on 16 September 1955 and, by the middle of 2001, had been ratified by 98 States. Until 10 July 1974, when the Revised Universal Convention came into force, it was open to ratification, acceptance or accession by any State. Since that date, no State has been able to accede solely to the 1952 Convention, but accession to the Revised Convention by a State not Party to the first Convention constitutes, in addition, accession to the latter. The purpose of the 1952 Convention is to improve copyright protection world-wide and to establish a basis for common action in this respect between countries with widely differing civilizations, cultures, legal systems and administrative practices, and sometimes conflicting interests. With a view to introducing a preferential system to benefit the developing countries, the Convention was revised by the Conference for the Revision of the Universal Copyright Convention, convened by UNESCO.

Adopted by that Conference in Paris on 24 July 1971, the Revised Convention came into force on 10 July 1974 and had been ratified by 63 States by the middle of 2001. Its purpose is also to establish standard copyright provisions in all the States Parties. The revised Convention covers not only the protection of the rights of authors, but also the rights of other copyright proprietors in literary, scientific and artistic works (Article I). Article IV bis extends these rights to the basic rights ensuring the author's economic interests, including the exclusive right to authorize reproduction by any means, public performances and broadcasting. Two Protocols to the Universal Copyright Convention as revised at Paris on 24 July 1971 came also into force on 10 July 1971. Protocol 1, which had been ratified by 38 States as of the middle of 2001, concerns the application of that Convention to works of stateless persons and refugees, whereas Protocol 2, which had been ratified by 41 States by the middle of 2001, concerns the application of that Convention to the works of certain international organizations.

Universal Declaration of Human Rights (UN)

On 10 December 1948, the **United Nations General Assembly** adopted and proclaimed the **Universal Declaration of Human Rights** “as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance” (Preamble). The Universal Declaration consists of a Preamble and 30 articles setting forth the basic human rights and fundamental freedoms to which all human beings everywhere in the world are entitled without discrimination. Article 1 lays down the philosophical postulates upon which the Declaration is based: “All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood”. Article 2, para. 1,

affirms the principle of non-discrimination, stipulating that: "Everyone is entitled to all the rights and freedoms set for in this Declaration, 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 Declaration lays down fundamental **civil, cultural, economic, political and social** rights, among which (Articles 3 to 27): the **right to life**, liberty and security of person; freedom from torture and cruel, inhuman or degrading treatment or punishment; the **right to recognition as a person before the law**; the right to an effective judicial remedy; the **right to marry and to found a family**; freedom of movement; the right of asylum; the **right to a nationality**; **freedom of thought, conscience and religion**; the **right to own property**; the right of association and of assembly; the **right of equal access to public service**; the **right to social security**; the **right to work**; the **right to rest and leisure**; the right to a standard of living adequate for health and well-being; the **right to education**; and the right to participate in the cultural life of the community. Article 28 stipulates that: "Everyone is entitled to a social and international order in which the rights and freedoms set forth in the Declaration can be fully realized". Article 29 contains two important provisions. Paragraph 1 states: "Everyone has duties to the community in which alone the free and full development of his personality is possible". Paragraph 2 stipulates that: "In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society". Article 30 proclaims: "Nothing in this Declaration 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 and freedoms set forth herein".

The Universal Declaration forms the very basis of the **International Bill of Human Rights** and has become the

cornerstone instrument of human rights law. It has inspired the adoption of numerous standard-setting instruments and influenced national laws in a number of States.

Universal Declaration on Democracy (IPU)

The Universal Declaration on Democracy was adopted on 16 September 1997 by the Inter-Parliamentary Council, the plenary body of the **Inter-Parliamentary Union (IPU)**. The Declaration is the result of a process started in 1995 when the Inter-Parliamentary Council decided to prepare such a Declaration in order to advance international standards and contribute to the process of democratization under way in the world.

The Declaration first sets out the principles of democracy, describing it as a universally recognized ideal and goal aiming essentially to preserve and promote the dignity and fundamental rights of the individual and to foster the economic and social development of the community, as well as a mode of government best suited to achieving these objectives. As a mode of government, democracy is to be applied according to modalities which reflect the diversity of experience and cultural particularities “without derogating from internationally recognized principles, norms and standards”. The Declaration affirms also that the “achievement of democracy presupposes a genuine partnership between men and women in the conduct of the affairs of society”. Part II of the Declaration deals with the elements and exercise of democratic processes, the existence of judicial institutions and independent and effective oversight mechanisms, the creation of an active civil society through education and satisfaction of the basic economic needs of the most disadvantaged. Finally, the Declaration stresses the importance of the international dimension of democracy. Democracy, it affirms, “must be recognized as an international principle, applicable to international organizations and to States in their international relations”.

Universal Declaration on the Eradication of Hunger and Malnutrition (UN)

The Universal Declaration on the Eradication of Hunger and Malnutrition was adopted on 16 November 1974 by the World Food Conference and was subsequently endorsed by the **United Nations General Assembly** in its resolution 3348 (XXIX) of 17 December 1974. The Declaration guarantees the **right to adequate food**, enshrined in Article 25 of the **Universal Declaration on Human Rights** and Article 11 of the **International Covenant on Social, Economic and Cultural Rights**.

The Conference proclaimed that: “every man, woman and child has the inalienable right to be free from hunger and malnutrition in order to develop fully their mental and physical faculties” (para. 4 of the Declaration). To ensure the enjoyment of this right, States should work together, in accordance with their sovereign judgement and internal legislation, for higher food production and a more equitable and efficient distribution of food between and within countries. In this connection, States undertook to collaborate for the establishment of an effective system of world food security by promoting, *inter alia*, the advancement of food production technology, as well as by providing additional technical and financial assistance to developing and least developed countries. It was stressed, however, that ensuring the right to adequate food should not be detrimental to the conservation of natural resources and, therefore, their rational exploitation as well as the preservation of the environment should be promoted.

The concept of food security was further elaborated and developed by the **World Food Summit** organized by the **Food and Agriculture Organization of the United Nations** in Rome in November 1996. In recognizing the fundamental right to adequate food, the Summit underlined that “... food security exists when all people at all times have physical and economic

access to sufficient safe and nutritious food to meet their dietary needs and food preferences for an active and healthy life”.

Since 1980, **World Food Day** has been observed every year on 16 October. Its purpose is to increase public awareness of the world's food problems and strengthen solidarity in the struggle against hunger, malnutrition and **poverty**.

Universal Declaration on the Human Genome and Human Rights (UNESCO)

The Universal Declaration on the Human Genome and Human Rights was adopted unanimously and by acclamation by the General Conference of UNESCO at its 29th session on 11 November 1997, and endorsed by the **United Nations General Assembly** on 9 December 1998, as part of the celebration of the fiftieth anniversary of the **Universal Declaration of Human Rights**. The first universal instrument in the field of bioethics, it sets out ethical and legal principles to assist the progress of genetic research and its applications. Its purpose is to strike a balance between the freedom of scientific research and the protection of human dignity and human freedom against potential drifts in biomedical research.

The Declaration states that the human genome “...underlies the fundamental unity of all members of the human family In a symbolic sense, it is the heritage of humanity”. The concept of the human genome refers to the genes of every individual as well as to the whole genes spectrum of genes constituting the human species. With its preamble and twenty-four articles, the Declaration is based on four pillars: human dignity, freedom of research, solidarity among humans and international co-operation. It focuses, among others, on the prohibition of discrimination based on genetic characteristics, the consent of each individual, the protection of the confidentiality of genetic data, the freedom and responsibility of researchers, the sharing of benefits of advances in biomedicine,

especially with developing countries, and the responsibility of States in the implementation of the Declaration. It also entrusts the International Bioethics Committee of UNESCO (IBC) with the task of contributing to the dissemination of the principles set out in the Declaration, in particular through giving advice on its follow-up and further examining issues raised by its implementation.

Vienna Declaration and Programme of Action (UN)

The **Vienna Declaration and Programme of Action** was adopted on 25 June 1993, by the **World Conference on Human Rights**, which took place in Vienna, Austria (14-25 June 1993). The World Conference brought together representatives of 171 States, as well as bodies, programmes and specialized agencies of the **United Nations**, other intergovernmental organizations and 800 non-governmental organizations. Its final document declares that the promotion and protection of human rights is a matter of priority for the international community and that all States are responsible for developing and encouraging respect for human rights and fundamental freedoms for all (Part I, para. 1). One of the most significant conclusions of the Vienna Declaration and Programme of Action, adopted by consensus, is the confirmation of the equal importance of all human rights. The Conference proclaimed that “all human rights are universal, indivisible and interdependent and interrelated” and that “the international community must treat human rights globally in a fair and equal manner, on the same footing, and with the same emphasis” (Part I, para. 5). It proclaims that democracy, development and respect for human rights and fundamental freedoms are interdependent and mutually reinforcing (Part I, para. 8). The Vienna Declaration and Programme of Action also underlined that “... the universal respect for, and observance of, human rights and fundamental freedoms for all, contribute to the stability and well-being necessary for peaceful and friendly relations among nations, and to improved conditions for peace and security, as well as social and economic development ...”

(Part I, para. 6). It also reaffirms that States are duty-bound to ensure that education is aimed at strengthening the respect for human rights and fundamental freedoms (Part I, para. 33) and as such should include peace, democracy, development and social justice (Part II, para. 80). The Declaration and Programme of Action further recommends that States develop specific programmes and strategies for ensuring the widest human rights education and the dissemination of public information, taking particular account of the human rights needs of women (Part II, para. 81).

The document contains a separate section concerning increased co-ordination on human rights within the **United Nations system** (Part II, paras. 1-15) and the strengthening of the United Nations machinery for human rights, including the establishment of the post of the **United Nations High Commissioner for Human Rights** (Part II, paras. 17-18). The Programme of Action (Part II) also deals specifically with the struggle against discrimination (paras. 19-24), protection of persons belonging to minorities (paras. 25-27); indigenous people (paras. 28-32), migrant workers (paras. 33-35) disabled persons (paras. 63-65). Special sections are devoted to the equal status and human rights of women (paras. 36-44) and the rights of the child (paras. 45-53). The Programme also enumerates measures to give priority to national and international action to promote human rights (paras. 66-77) and to strengthen the monitoring mechanisms for their implementation (paras. 83-98). It also recommended the proclamation of a **United Nations Decade for Human Rights Education** (para. 82).

Vienna Declaration on Crime and Justice (UN)

This Declaration was adopted by the **United Nations General Assembly** in its resolution 55/59 of 4 December 2000. It had previously been approved on 17 April 2000 by the Tenth **United Nations Congress[es] on the Prevention of Crime and**

Treatment of Offenders (Vienna, April 2000). This instrument has been described as a landmark document to serve as a guiding light for years to come.

The Declaration followed the adoption on 15 November 2000 by the General Assembly of the **Convention against Transnational Organized Crime**. Both these instruments will strengthen international co-operation in combating organized crime, including **corruption**, money laundering, and in achieving a significant decrease in trafficking in persons, especially women and children, as well as in the illicit manufacturing and trafficking of firearms.

Vienna International Plan of Action on Ageing

The Vienna Plan of Action on Ageing was drawn up by the **World Assembly on Ageing** (Vienna, Austria, 1982). It was later endorsed by the **United Nations General Assembly** by its resolution 37/51 of 3 December 1982. Subsequently, the General Assembly adopted the **United Nations Principles for Older Persons** (1991). These 18 Principles are designed to guarantee various rights for older persons and to ensure that they live in dignity and security.

Vulnerable Groups

Over the years relevant organs and agencies within the **United Nations system** have adopted special measures of protection and assistance to benefit members of groups whose human rights are very often neglected, for example the elderly, aliens, migrant workers, the handicapped, HIV-infected people or people with AIDS. Such special measures are necessary to ensure equality in the realization of human rights and fundamental freedoms of persons belonging to those groups. A few examples of such instruments are: the **Declaration on the Rights of Disabled Persons** (1975); the **Declaration on the Human Rights**

of Individuals who are not Nationals of the Country in which They Live (1985); the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990); the United Nations Principles for Older Persons (1991) and the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (1992).

Some specialists prefer to give to the definition “vulnerable groups” a broader sense and to include in these groups children and women.

Week of Solidarity with the Peoples of Non-Self-Governing Territories

– beginning 25 May (UN)

On 6 December 1999, the **United Nations General Assembly** by its resolution 54/91 requested the Special Committee on Decolonization to observe annually the Week of Solidarity with the Peoples of Non-Self-Governing Territories commencing on the week beginning 25 May – African Liberation Day. This Week had first been proclaimed in 1972 as a week of solidarity with colonial peoples fighting for their independence.

Week of Solidarity with the Peoples Struggling against Racism and Racial Discrimination

– beginning 21 March (UN)

As part of its programme for the first Decade for Action to combat Racism and Racial discrimination, in 1979 the **United Nations General Assembly** by its resolution 34/24 called for the observance by all States of a Week of Solidarity the Peoples Struggling against Racism and Racial Discrimination beginning on 21 March, the **International Day for the Elimination of Racial Discrimination**, each year.

World AIDS Day

– 1 December (WHO)

In 1998, the **United Nations General Assembly** stated its deep concern about the pandemic proportions of the acquired immunodeficiency syndrome (AIDS). It noted that the **World Health Organization (WHO)** had declared 1 December 1988 as

World AIDS Day. Today over 50 million people are living with HIV/AIDS. The theme for World AIDS Day 2001 is “Men and AIDS: I care. Do you?”

World Assembly on Ageing (UN)

The World Assembly on Ageing took place in Vienna, Austria, in 1982 and resulted in the adoption of the **Vienna Plan of Action on Ageing**. This Plan was later endorsed by the **United Nations General Assembly** by its resolution 37/51 of 3 December 1982. The Assembly was a first step towards drafting and adopting the **United Nations Principles for Older Persons** (1991).

World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance – WCAR (UN)

Noting with grave concern the persistence of all forms of racism in many parts of the world, the **United Nations General Assembly** decided, by resolution 52/111 of 12 December 1997, to convene a World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and, by resolution 55/84 of 4 December 2000, it was decided that the Conference would be held in Durban, South Africa, from 31 August to 7 September 2001. This event, organized within the context of the **Third United Nations Decade[s] to Combat Racism and Racial Discrimination** (1993-2003), will renew **United Nations** commitment to eradicate all forms of racial discrimination and intolerance. Furthermore, by resolution 53/132 of 23 February 1999, the General Assembly proclaimed the Year 2001 as the **International Year of Mobilization against Racism, Racial Discrimination, Xenophobia and Related Intolerance** to draw the world's attention to the objectives of the World Conference. They include: reviewing

progress achieved in the struggle against racism and racial discrimination, xenophobia and related intolerance and re-appraising obstacles to further progress; considering ways and means to improve the implementation of existing instruments to eradicate all forms of racism; increasing awareness about racism and its consequences; reviewing all factors leading to racism and racial discrimination; and making concrete recommendations on action-oriented measures to combat all forms of racism and racial discrimination as well as on ways to increase the effectiveness of existing mechanisms.

The World Conference will focus on practical measures to eradicate racism and provide long-lasting solutions to the scourge of racism and all forms of intolerance. The **Commission on Human Rights** was designated as the Preparatory Committee for the Conference, and the **United Nations High Commissioner for Human Rights** as its Secretary-General. A slogan for the World Conference – United to Combat Racism: Equality, Justice, Dignity – was adopted by the Preparatory Committee in May 2000.

The World Conference is expected to promote the universal ratification and implementation of relevant international standards, in particular the **International Convention on the Elimination of All Forms of Racial Discrimination** (1965), and aims to increase the number of States which recognize the competence of the **Committee on the Elimination of Racial Discrimination** (CERD) to examine communications from individuals and groups concerning violations of their rights.

The World Conference is the third world conference against racism. The previous two conferences were both prepared in the context of the first United Nations Decade to Combat Racism and Racial Discrimination (1973-1983). The first was convened at the mid-point of the Decade (Geneva, August, 1979) with a view to reviewing and appraising the progress made in the struggle against racism and racial discrimination. The second was held at

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the end of the first Decade (Geneva, August, 1983), its main purpose being the formulation of ways, means and specific measures aimed at ensuring the full and universal implementation of United Nations resolutions and decisions against racism, racial discrimination and apartheid.

The **International Day for the Elimination of Racial Discrimination** is observed each year on 21 March and the **Week of Solidarity with the Peoples Struggling against Racism and Racial Discrimination** starts the same day.

World Conference of the International Women's Year (UN)

The World Conference of the **International Women's Year** took place in Mexico from 19 June to 2 July 1975. Through the adoption of the **Declaration of Mexico on the Equality of Women and Their Contribution to Development and Peace**, the **World Plan of Action for the Implementation of the Objectives of the International Women's Year** and related resolutions, the World Conference made a valuable contribution towards the achievement of the threefold objectives of the Year, namely, to promote equality between men and women, to ensure the full integration of women in the total development effort and to promote women's contribution to the development of friendly relations and co-operation among States and to the strengthening of world peace.

World Conference on Human Rights (UN)

The World Conference on Human Rights was convened by the **United Nations** and held in Vienna, Austria, from 14 to 25 June 1993. It was attended by more than 7,000 participants, including delegates from 171 States and 800 non-governmental organizations, as well as by representatives of bodies, programmes and specialized agencies of the United Nations and other intergovernmental organizations. On 25 June 1993, the

Vienna Declaration and Programme of Action was adopted by consensus, successfully closing the World Conference and presenting to the international community a common plan for strengthening human rights activities around the world. It was then endorsed by the **United Nations General Assembly**. The document marks not only the culmination of a long process of review and debate, but also the beginning of a renewed effort to reinforce and further implement the body of human rights instruments. Thus, the Vienna Declaration recommends strengthening and harmonizing the monitoring capacity of the **United Nations system** and calls for the establishment of the post of the **United Nations High Commissioner for Human Rights**. The World Conference confirmed that all human rights – civil, cultural, economic, political and social – are universal, indivisible and interrelated and interdependent. It also confirmed an inherent link between human rights, peace, democracy and development. It also emphasized the need for speedy ratification of all human rights instruments. The World Conference recommended the proclamation by the **United Nations General Assembly** of a **United Nations Decade for Human Rights Education** and an **International Decade of the World's Indigenous People**.

World Conferences on Women (UN)

The **World Conference of the International Women's Year** held in Mexico City in 1975, was the first **United Nations World Conference on Women**. Pursuant to the proposals made by this Conference, the **United Nations General Assembly** proclaimed the **United Nations Decade for Women: Equality, Development and Peace (1976-1985)**.

In July 1980, at the mid-point of the Decade, the second **World Conference of the United Nations Decade for Women: Equality, Development and Peace**, was held in Copenhagen, Denmark. This conference reviewed and evaluated the progress achieved and obstacles encountered in attaining the objectives of

the Decade at the national, regional and international levels. It adopted the Programme of Action for the Second Half of the United Nations Decade for Women in order to promote the implementation of the three objectives of equality, development and peace. Special emphasis was placed on employment, health and education, which were considered as being significant elements to ensure the full and equal participation of women in development.

In July 1985, at the end of the Decade, the third World Conference to Review and Appraise the Achievements of the United Nations Decade for Women: Equality, Development and Peace was held at Nairobi, Kenya. It adopted the **Nairobi Forward-Looking Strategies for the Advancement of Women**, which provided a policy framework for improving the status of women during the period 1986-2000 and the elimination of all forms of inequality between men and women which is essential for strengthening peace and security.

The fourth World Conference on Women was held in Beijing, China, in September 1995. Its aim was to increase awareness of the gender dimensions of equality, development and peace and to further promote women's advancement world-wide. The fourth World Conference was attended by representatives of 189 countries and 2,600 non-governmental organizations (more than 30,000 people attended the parallel Non-Governmental Organization Forum). The Conference adopted the **Beijing Declaration and Platform for Action** in which the participating governments committed themselves to the effective inclusion of a gender dimension throughout all their institutions, policies, planning and decision-making. As the main United Nations intergovernmental entity entrusted with the responsibility of promoting the advancement of women and gender equality, the **Commission on the Status of Women** was the preparatory body for all four World Conferences on Women.

In June 2000, the General Assembly held a special session to review and appraise the progress achieved in implementing the

objectives of the Beijing Platform for Action and the Nairobi Forward Looking Strategies.

World Declaration on the Survival, Protection, and Development of Children (UN)

On 30 September 1990, the **World Summit for Children**, which met in New York, adopted the World Declaration on the Survival, Protection, and Development of Children. It was accompanied by a Plan of Action for Implementing the World Declaration. Both documents aim at giving a better future for every child, with respect to the **Convention on the Rights of the Child**. On 21 December 1990, the **United Nations General Assembly** called on States and the international community to work towards achieving the objectives approved in them as an integral part of their national plans and international co-operation. The World Declaration states that the political leaders are aware of the challenges to be met, have the means and the knowledge (Articles 4-8) to fulfil the tasks listed in Articles 10-17, such as the “enhancement of children’s health and nutrition” (Article 10) or “strengthening the role of women in general and ensuring their equal rights” (Article 12). Therefore, the Declaration contains in its Article 21 a ten-point programme, to which the political leaders committed themselves, to protect the rights of children and to improve their lives. The Plan of Action, as a framework for more specific national and international undertakings, calls for specific action to be taken by national Governments, international organizations, bilateral aid agencies, non-governmental organizations and all other sectors of society. It calls for specific action on questions such as child health; food and nutrition; role of women and the family, maternal health, and family planning; basic education and literacy; children in especially difficult situations; protection of children during armed conflicts; children and the environment; and alleviation of poverty and revitalization of economic growth.

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World Education Forum (UNESCO)

The Forum was convened by UNESCO in Dakar, Senegal, from 26 to 28 April 2000. It was the most important event in the field of education at the dawn of the new century. By adopting the **Dakar Framework for Action**, the 1,100 participants of the Forum reaffirmed their commitment to achieving the goals of “Education for All” for every citizen and every society.

World Food Day – 16 October (FAO)

On 28 November 1979, the **Food and Agriculture Organization** Conference unanimously decided that World Food Day should be observed for the first time on 16 October 1981 and annually thereafter. The objectives of this Day are to heighten public awareness of the nature and dimensions of the world food problem and to mobilize support for the long-term effort to overcome widespread chronic malnutrition. The **United Nations General Assembly**, on 5 December 1980, welcomed the observance of World Food Day and urged Governments and international, regional and national organizations to contribute to its annual commemoration. On 17 November 1997, the FAO Conference mandated, within the framework of World Food Day, the TeleFood Programme to raise public awareness of the issues underlying food security and to mobilize support in the struggle against world hunger and malnutrition.

World Food Summit (FAO)

Noting with grave concern the continued existence of widespread malnutrition and the failure to meet the goals set by the World Food Conference held in 1974, the Conference of the **Food and Agriculture Organization of the United Nations (FAO)** decided, at its 28th session in October 1995, to convene a World Food Summit. Subsequently this decision was endorsed unanimously by the **United Nations General Assembly**. The

Summit took place from 13 to 17 November 1996 in Rome, and was attended by high-level representatives from 185 countries and from the **European Community**. The objective of the Summit was to renew global commitment at the highest political level to eliminate hunger and malnutrition and to achieve sustainable food security for all. The Rome Declaration on World Food Security and the Plan of Action adopted by the Summit reaffirmed the commitments of the **Universal Declaration on the Eradication of Hunger and Malnutrition** and provided a framework for bringing about important changes in policies and programmes needed to achieve “Food for All”. FAO’s Committee on World Food Security (CFS) has the responsibility to monitor and appraise the implementation of the Plan of Action. The FAO is organizing a follow-up to the Summit in Rome in November 2001.

World Habitat Day

– 1st Monday of October (UN)

In 1985, the **United Nations General Assembly** by its resolution 40/202A designated the first Monday of October as World Habitat Day. The first observance of the Day, in 1986, marked the 10th anniversary of the first international conference on the issue – Habitat: **United Nations** Conference on Human Settlements (Vancouver, Canada, 1976).

Ten years later, the second United Nations Conference on Human Settlements (Habitat II, Istanbul, Turkey, 1996) adopted the Habitat Agenda (principles, commitments and plan of action) for addressing questions relating to human settlements, both urban and rural. In his message on the occasion of World Habitat Day in 2000 – whose theme was “Women in Urban Governance” – the **United Nations Secretary-General** said that: “In theory, the poor are excluded from governance regardless of gender. In practice, it is women, even more than men, who must confront the consequences of other people’s decisions”. He therefore called for the further involvement of women in the governance of urban

neighbourhoods. Every year, on the occasion of the Day, the “Habitat Scroll of Honour” is awarded to organizations, individuals or projects having made an outstanding contribution to human settlements development.

World Health Day

– 7 April (WHO)

The **World Health Organization (WHO)** designated 7 April each year as World Health Day. The objective of the Day is to raise global awareness of a specific health theme to highlight a priority area of concern for WHO. The Day serves to launch long-term advocacy programmes for which activities are undertaken and resources provided. In 2001, global advocacy and awareness- raising regarding mental health issues were selected as the theme for the Day. **World Mental Health Day** is observed on 10 October each year.

World Health Organization – WHO

The Constitution of the World Health Organization (WHO) was adopted on 22 July 1946 by the International Health Conference. WHO came into being officially on 7 April 1948 and on 10 July of the same year it became a specialized agency of the **United Nations**. The objective of WHO, as stated in Article 1 of its Constitution, is “the attainment by all peoples of the highest possible level of health”. It defines “health” as “a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity”. WHO’s efforts are concerned not only with the provision of health care to everyone, but also with the provision of care throughout the entire life of each individual (Preamble). To attain this objective, the functions of WHO are: to act as the directing and co-ordinating authority on international health work; to transmit policy decisions on international health matters; to promote international agreement on health policies; to promote the rationalization and mobilization of resources for

health and to support developing countries identifying their needs for external resources; to serve as a neutral ground for absorbing, distilling, synthesizing and widely disseminating information that has practical value for countries in solving their health problems; and to identify or generate health technology that is appropriate (Article 2). Since its establishment, WHO has co-operated closely with the United Nations in matters relating to the **right to health**. In 1981, the **United Nations General Assembly** endorsed the **Global Strategy for Health for All by the Year 2000** which had been adopted earlier by the World Health Assembly (the main body of WHO). In 1982, the General Assembly adopted the **Principles of Medical Ethics relevant to the Role of Health Personnel, particularly Physicians, in the Protection of Prisoners and Detainees against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment**, which it had invited WHO to prepare. The World Health Assembly has adopted various regulations designed to prevent the international spread of disease and several resolutions on subjects related to the realization of rights provided in the **International Covenants on Human Rights**, such as nutrition, family health and medical research.

World Heritage Committee (UNESCO)

The Intergovernmental Committee for the Protection of the World Cultural and Natural Heritage of Outstanding Universal Value commonly called the World Heritage Committee, was established pursuant to Article 8 of the **Convention concerning the Protection of the World Cultural and Natural Heritage** of 1972. The Committee comprises 21 States Parties elected for a term of six years by the **UNESCO General Conference**. It meets annually and is responsible for the implementation of the Convention. It determines the inclusion of sites on the **World Heritage List** and **List of World Heritage in Danger**. The Committee defines the criteria on the basis of which a property belonging to the cultural or natural heritage may be

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included in either list. Furthermore the Convention states that “The World Heritage Committee shall receive and study requests for international assistance formulated by States Parties to the Convention ...” (Article 13).

World Heritage List and List of World Heritage in Danger (UNESCO)

The World Heritage List is compiled by the **World Heritage Committee of UNESCO**, pursuant to the **Convention concerning the Protection of the World Cultural and Natural Heritage** which was adopted by the General Conference of UNESCO in 1972. By the middle of 2001, the Committee has inscribed on the World Heritage List 690 properties (529 cultural, 138 natural and 23 mixed properties in 122 States Parties). Furthermore, 30 properties have been inscribed on the List of the World Heritage in Danger.

World Intellectual Property Organization – WIPO (UN)

The Convention Establishing the World Intellectual Property Organization was signed in Stockholm on 14 July 1967 and entered into force in April 1970. In December 1974, the World Intellectual Property Organization (WIPO) became a specialized agency of the United Nations with 171 Member States.

The origins of WIPO go back to the adoption of the **Paris Convention for the Protection of Industrial Property** in 1883, which entered into force in 1884 and was the first major international treaty aiming to provide citizens of one country with protection in other countries for their intellectual creations in the form of industrial property rights. By the middle of 2001, 162 States have ratified the Paris Convention. In 1886, the **Berne Convention for the Protection of Literary and Artistic Works** was adopted to guarantee international protection of literary and artistic works. By the middle of 2001, it had been ratified

by 148 States. Both the 1883 Paris Convention and the 1886 Berne Convention created an international bureau to deal with administrative tasks. In 1893, these two bureaus united to form an international organization called the United International Bureau for the Protection of Intellectual Property, best known by its French name *Bureau international réuni pour la protection de la propriété intellectuelle (BIRPI)*. In 1967, WIPO succeeded BIRPI with the same headquarters in Geneva and with a larger structure. Since some countries participating in BIRPI have yet to become formally members of WIPO, BIRPI is still a legal entity.

The overall objective of WIPO is to promote the protection of intellectual property throughout the world through co-operation among States and, where appropriate, in collaboration with other international organizations. WIPO monitors several international treaties dealing with the legal and administrative aspects of intellectual property, harmonizes and simplifies relevant rules and practices, and provides governments, organizations and the private sector with legal and technical assistance. The 1967 Convention defines the term “intellectual property” as including the rights concerning “literary, artistic and scientific works; performances of performing artists, phonograms, and broadcasts; inventions in all fields of human endeavour; scientific discoveries; industrial designs; trademarks, service marks, and commercial names and designations; protection against unfair competition; and all other rights resulting from intellectual activity in the industrial, scientific, literary or artistic fields”.

WIPO is governed by a General Assembly and a Conference, each composed of all its Member States; a Co-ordination Committee, and a secretariat called the International Bureau headed by the Director-General. It also comprises an Arbitration and Mediation Center set up in 1994 to resolve commercial disputes between private parties concerning intellectual property.

World Mental Health Day

– 10 October (WHO)

World Mental Health Day was first proclaimed by the World Federation for Mental Health in 1992 and is co-sponsored by the **World Health Organization (WHO)**. WHO requests Member States to promote mental health and healthy behaviour using the commemoration of the World Mental Health Day. In 2001, the theme “Mental health and work” was selected for the Day.

World Plan of Action for the Implementation of the Objectives of the International Women’s Year (UN)

Like the **Declaration of Mexico on the Equality of Women and Their Contribution to Development and Peace**, the World Plan of Action for the Implementation of the Objectives of the International Women’s Year was adopted by the **World Conference of the International Women’s Year**, held at Mexico City, from 19 June to 2 July 1975. The objectives of the World Plan of Action were: to reinforce the implementation of the instruments and programmes which have been adopted concerning the status of women, and to broaden and place them in a more timely context; to encourage national and international action to solve the problems of under-development and the socio-economic structure which place women in a inferior position, in order to achieve the aims of the **International Women’s Year**. With a view to promote equality between women and men the Plan recommended that Governments ensure both women and men: equality before the law; equality of educational training and opportunities; equality in conditions of employment, including remuneration; and adequate social security. Moreover, the Plan provided specific guidelines for national action and made recommendations for international and regional action. The World Plan of Action was later endorsed by the **United Nations**

General Assembly (resolution 3520 (XXX) of 15 December 1975) which proclaimed the period 1976-1985 the United Nations Decade for Women: Equality, Development and Peace.

World Plan of Action on Education for Human Rights and Democracy (UNESCO/UN)

The World Plan of Action on Education for Human Rights and Democracy was adopted by the **International Congress on Education for Human Rights and Democracy** (Montreal, Canada, 1993), organized by UNESCO in co-operation with the **United Nations Centre of Human Rights** (now the **Office of the United Nations High Commissioner for Human Rights**) and the Canadian Commission for UNESCO. Its aim was to contribute to the elaboration of future action to be taken for the promotion of human rights in the recently emerged political, economic and cultural circumstances that call for fresh consideration and debate. Within this framework, the objectives of the Montreal Congress were: to highlight the achievements and identify the obstacles to be overcome in the field of human rights education; to introduce education for democracy as a complementary aspect; and to encourage the elaboration of tools and ideas, in particular educational methods, pedagogic approaches and didactic materials, so as to give a new impetus to education for human rights and democracy. The World Plan stipulates that, in spite of major progress achieved in the field of education for human rights, serious efforts still need to be made to overcome present obstacles and shortcomings as well as to meet new challenges.

The World Plan is addressed to various social actors from individuals and families through to States, to non-governmental organizations, and the **United Nations system** and, in particular, UNESCO. It proposed major strategies for concerted action to promote education for human rights and democracy including various activities to be carried out by UNESCO, in particular the

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development and distribution of a standard form for planning, implementing and assessing the Plan, the strengthening of UNESCO's Voluntary Fund for the Development of Knowledge of Human Rights through Education and Information, and the establishment of a follow-up committee (the UNESCO Advisory Committee on Education for Peace, Human Rights and Democracy was established in 1994. In 1996, it was renamed the **UNESCO Advisory Committee on Education for Peace, Human Rights, International Understanding and Tolerance**). The World Plan's ultimate purpose is to create a culture of human rights and to develop democratic societies that enable individuals and groups to solve their disagreements and conflicts by the use of non-violent methods. Ten main lines of action include the identification of the most appropriate target groups, the design of the cost-effective and sustainable educational programmes and a global commitment to increase resources to make education for human rights and democracy effective and comprehensive world-wide.

In order to ensure a broad and comprehensive implementation of the World Plan, the following activities are foreseen: inclusion of human rights and democracy in the curricula of all levels of the school system; promotion of education for human rights and democracy in a non-formal setting; and introduction of education for human rights and democracy in specific contexts and difficult situations. The World Plan underlined that UNESCO bears special responsibility for enhancing the quality of publications in the area of human rights education and for the best use and distribution of information, documentation and materials. The World Plan acknowledged that education for human rights is itself a human right.

The World Plan was noted by the **World Conference on Human Rights** (Vienna, Austria, 1993). With reference to the World Plan, the **Vienna Declaration and Programme of Action** recommended that "... States develop specific programmes and strategies for ensuring the widest human rights education and the

dissemination of public information, taking particular account of the human rights of women” (Part II, para. 81).

World Population Day

– 11 July (UN)

In 1989, the **United Nations Development Programme (UNDP)** recommended that 11 July be observed as World Population Day. The Day seeks to focus attention on the urgency and importance of population issues, particularly in the context of overall development plans and programmes, and the need to find solutions for these issues. In 2000, the world population reached 6 billion and continues to grow.

World Press Freedom Day

– 3 May (UNESCO)

On 20 December 1993, the **United Nations General Assembly** declared 3 May as World Press Freedom Day. The initiative of proclaiming the Day stemmed from the General Conference of UNESCO, which had adopted, on 6 November 1991, the resolution “Promotion of press freedom in the world” in which it recognized that a free, pluralistic and independent press was an essential component of any democratic society. The date had been chosen to commemorate the adoption by the Seminar on Promoting an Independent and Pluralistic African Press in Windhoek, Namibia, on 3 May 1991 of the **Declaration of Windhoek on Promoting an Independent and Pluralistic African Press**. This Day is also the occasion for the awarding the **World Press Freedom Prize**.

World Press Freedom Prize (UNESCO)

The **Guillermo Cano World Press Freedom Prize**, was first awarded by UNESCO in 1997. It honours each year a person, organization or institution that has made an outstanding contribution to the defence and/or promotion of the freedom of

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the press anywhere in the world, especially if it is related to a risk. It is formally conferred by the Director-General of UNESCO on the occasion of **World Press Freedom Day – 3 May**.

This Prize was instituted in 1997 and is named after Guillermo Cano Isaza, a Colombian journalist who was assassinated by the drug cartels in 1986.

World Programme of Action concerning Disabled Persons (UN)

The World Programme of Action concerning Disabled Persons was adopted by the **United Nations General Assembly** in its resolution 37/52 of 3 December 1982 as a principal outcome of the **International Year of Disabled Persons (1981)**. The World Programme of Action is a global strategy to strengthen disability prevention and rehabilitation of disabled persons and to promote their rights to the same opportunities as other citizens and to equal share in the improvements in living conditions resulting from economic and social development. The ultimate goal is to ensure the full participation of disabled persons in all aspects of social and economic life of their countries.

Having defined principles and concepts relating to disabilities, the Programme stresses the necessity to treat disability issues from a human rights perspective and provides recommendations for action at the national, regional and international levels in the fields of disability prevention, rehabilitation of disabled persons and equalization of opportunities for them. It therefore calls for technical and economic co-operation among countries, all relevant non-governmental organizations, organizations of disabled persons, and all organs of the **United Nations system**.

The World Programme of Action provided a strong impetus for progress concerning the rights of persons with disabilities. On 3 December 1982, the **United Nations General Assembly** adopted resolution 37/53 on the implementation of the

World Programme of Action concerning Disabled Persons, in which, *inter alia*, it proclaimed the period 1983-1992 the **United Nations Decade of Disabled Persons**. On 20 December 1993, the General Assembly adopted resolution 48/96 regarding the **Standard Rules on the Equalization of Opportunities for Persons with Disabilities** which are essentially built on the concepts enshrined in the World Programme of Action concerning Disabled Persons and which aims at improving the opportunities for full participation and equality for people with disabilities.

World Public Information Campaign for Human Rights (UN)

The World Public Information Campaign for Human Rights was launched by the **United Nations General Assembly** (resolution 43/128 of 8 December 1988). The Campaign, which started on 10 December 1988, is aimed at increasing understanding and awareness on human rights and on the international machinery to promote and protect them. Through education and information, the Campaign should foster the development of a universal culture of human rights. The activities within it include: the preparation and dissemination of printed and audio-visual information and reference materials; organization of training courses; and the observance of special human rights events and promotional activities. Among the main targets of the Campaign are governments, non-governmental organizations, the mass media, education and research communities, national and regional human rights institutions and interested individuals. The **World Conference on Human Rights** (Vienna, Austria, 1993) confirmed the importance of public information and related activities for promoting respect for human rights. Public information is also an important means to ensure the implementation of human rights and to affirm the principles of non-discrimination, equality of opportunities,

universality and indivisibility of human rights which have been repeatedly underlined in recent General Assembly resolutions.

World Summit for Children (UN)

The World Summit for Children was held at the **United Nations** Headquarters in New York in September 1990 and was attended by more than 70 Heads of Government or State and representatives of 152 countries.

The Summit adopted the World Declaration on the Survival, Protection and Development of Children as well as a Plan of Action in the context of each country. It is intended as a guide for national governments, international organizations, bilateral aid agencies, non-governmental organizations, and all other actors of civil society in formulating their own programmes to ensure the implementation of the Declaration. Its major goals were: reduction of infant and child mortality; reduction of maternal mortality; reduction of severe and moderate malnutrition among children under five years old; universal access to safe drinking water and to sanitary means of excreta disposal; and universal access to basic education and completion of primary education

World Summit for Social Development (UN)

The World Summit for Social Development was held in Copenhagen, Denmark, from 6 to 12 March 1995, with the participation of many Heads of State or Government. It adopted the **Copenhagen Declaration on Social Development and Programme of Action**. The World Summit elaborated a major international agreement with a view to concentrating the efforts of the international community on meeting three global challenges: eradicating **poverty**; creating jobs; and enhancing social integration. The agreement produced a consensus on development objectives, which should be people-oriented, promote well-being for all, recognize the central role of women,

and empower civil society. The Programme of Action outlines policies and measures to fulfil the commitments enunciated in the Declaration, including: the creation of an environment favourable for social development; elimination of poverty; expansion of productive employment and reduction of unemployment; and building solidarity. Subsequently the **United Nations General Assembly** endorsed both documents in its resolution 50/161 of 22 December 1995.

Five years later, the General Assembly convened a Special Session in Geneva (26 June-1 July 2000) to reconfirm the commitments made in Copenhagen, to assess the achievements since the World Summit, and to agree on further initiatives for social development. The “Copenhagen + 5” session discussed a large number of issues, including health and AIDS problems, globalization, corporate social responsibility, new resources for social development, poverty, decent conditions of work, etc.

World Teachers’ Day – 5 October (UNESCO)

In 1994, the General Conference of UNESCO, at its 25th session, proclaimed 5 October World Teachers’ Day in order to mark the day of the adoption of the joint **International Labour Organisation (ILO)/UNESCO Recommendation concerning the Status of Teachers** in 1966. The Day pays tribute to the role of teachers in promoting education in its most basic dimensions and encourages the enhancement of their status and their work conditions, in accordance with the guidelines provided for by the 1966 Recommendation and, subsequently, the **Recommendation concerning the Status of Higher-Education Teaching Personnel** adopted by UNESCO in 1997. In their joint message on the occasion of World Teachers’ Day in 2000, whose theme was “Expanding Horizons”, the Director-General of UNESCO and the Director-General of ILO, the Administrator of the **United Nations Development Programme (UNDP)** and the Executive

Director of the **United Nations Children's Fund (UNICEF)** stressed the important role of teachers in expanding students' horizons, the role of new information and communications technologies in expanding pedagogic methods, and the areas in which the teaching and learning horizon is expanding, including education for human rights and peace.

Youth

The **United Nations General Assembly** has approved numerous decisions and activities concerning youth. On 7 December 1965, it adopted the **Declaration on the Promotion among Youth of the Ideals of Peace, Mutual Respect and the Understanding between Peoples**, which highlights the importance of the role of youth in today's world.

Two decades later, the General Assembly proclaimed the year 1985 as **International Youth Year: Participation, Development, Peace**, to increase the involvement of young people in development. The General Assembly provided guidelines for further action and appropriate follow-up, with particular emphasis on youth work. The **United Nations** has subsequently supported Governments' activities concerning youth and has enhanced co-operation with youth organizations.

In 1995, on the 10th anniversary of the Year, the **United Nations** adopted the World Programme of Action for Youth to the Year 2000 and Beyond, which aims at increasing awareness of youth-related issues and promoting youth rights. The Programme formulates guidelines for national and international action to improve opportunities for the participation of youth in society. In particular, it envisaged the convening of World Conferences of Ministers Responsible for Youth and of youth non-governmental organizations (NGOs). Accordingly, in 1998, the first World Conference was convened in Lisbon by Portugal, in co-operation with the United Nations. On this occasion, the Lisbon Declaration on Youth was adopted to promote actions at national and international levels in the field of youth. Concerning the World Youth Forum of the **United Nations system**, the third session of the Forum was organized in partnership with the

Portuguese National Youth Committee in Braga, Portugal, in August 1998. The Forum adopted the Braga Youth Action Plan which formulates recommendations to empower young people to participate in human development. The Forum brought together representatives of youth organizations, and representatives of the **United Nations system** and other intergovernmental organizations, to discuss enhanced co-operation. Both the World Youth Forum and the World Conference of Ministers Responsible for Youth are a follow-up to the implementation of the 1995 World Programme of Action, which focuses, in particular, on measures to strengthen national capacities concerning youth, and to improve opportunities available to young people.

Annexes

I UNIVERSAL DECLARATION OF HUMAN RIGHTS*

*Adopted and proclaimed by
the United Nations General Assembly
resolution 217 A (III)
of 10 December 1948.*

Preamble

Whereas 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,

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

Whereas it is essential to promote the development of friendly relations between nations,

Whereas the people of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

* The text of this instrument has been downloaded from the relevant United Nations web-site.

Whereas Member States have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,

Now, therefore,

The General Assembly,

Proclaims this Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

Article 1

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2

Everyone is entitled to all the rights and freedoms set forth in this Declaration, 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.

Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Article 3

Everyone has the right to life, liberty and security of person.

Article 4

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

Article 5

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 6

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

Article 7

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 8

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

Article 9

No one shall be subjected to arbitrary arrest, detention or exile.

Article 10

Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

Article 11

1. Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a

public trial at which he has had all the guarantees necessary for his defence.

2. No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal 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 the penal offence was committed.

Article 12

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Article 13

1. Everyone has the right to freedom of movement and residence within the borders of each State.
2. Everyone has the right to leave any country, including his own, and to return to his country.

Article 14

1. Everyone has the right to seek and to enjoy in other countries asylum from persecution.
2. This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

Article 15

1. Everyone has the right to a nationality.
2. No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

Article 16

1. Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a

family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.

2. Marriage shall be entered into only with the free and full consent of the intending spouses.
3. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

Article 17

1. Everyone has the right to own property alone as well as in association with others.
2. No one shall be arbitrarily deprived of his property.

Article 18

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 19

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 20

1. Everyone has the right to freedom of peaceful assembly and association.
2. No one may be compelled to belong to an association.

Article 21

1. Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.
2. Everyone has the right to equal access to public service in his country.
3. The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and

genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

Article 22

Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

Article 23

1. Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.
2. Everyone, without any discrimination, has the right to equal pay for equal work.
3. Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.
4. Everyone has the right to form and to join trade unions for the protection of his interests.

Article 24

Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

Article 25

1. Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

2. Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

Article 26

1. Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.
2. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.
3. Parents have a prior right to choose the kind of education that shall be given to their children.

Article 27

1. Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.
2. Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

Article 28

Everyone is entitled to a social and international order in which the rights and freedoms set forth in the Declaration can be fully realized.

Article 29

1. Everyone has duties to the community in which alone the free and full development of his personality is possible.
2. In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely

for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

3. These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

Article 30

Nothing in this Declaration 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 and freedoms set forth herein.

II INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS*

*Adopted and opened for signature,
ratification and accession by
General Assembly resolution 2200A (XXI)
of 16 December 1966.
Entered into force on 3 January 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,

* The text of this instrument has been downloaded from the relevant United Nations web-site.

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

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.

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.

III INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS*

*Adopted by the General Assembly
resolution 2200A (XXI)*

of 16 December 1966.

Entered into force 23 March 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,

* The text of this instrument has been downloaded from the relevant United Nations web-site.

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 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 laws 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.

IV INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION*

*Adopted and opened for signature
and ratification by*

*General Assembly resolution 2106 (XX)
of 21 December 1965.*

Entered into force 4 January 1969.

The States Parties to this Convention,

Considering that the Charter of the United Nations is based on the principles of the dignity and equality inherent in all human beings, and that all Member States have pledged themselves to take joint and separate action, in co-operation with the Organization, for the achievement of one of the purposes of the United Nations which is to promote and encourage universal respect for and observance of human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion,

Considering that the Universal Declaration of Human Rights 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 out therein, without distinction of any kind, in particular as to race, colour or national origin,

Considering that all human beings are equal before the law and are entitled to equal protection of the law against any discrimination and against any incitement to discrimination,

Considering that the United Nations has condemned colonialism and all practices of segregation and discrimination associated

* The text of this instrument has been downloaded from the relevant United Nations web-site.

therewith, in whatever form and wherever they exist, and that the Declaration on the Granting of Independence to Colonial Countries and Peoples of 14 December 1960 (General Assembly resolution 1514 (xv)) has affirmed and solemnly proclaimed the necessity of bringing them to a speedy and unconditional end,

Considering that the United Nations Declaration on the Elimination of All Forms of Racial Discrimination of 20 November 1963 (General Assembly resolution 1904 (xviii)) solemnly affirms the necessity of speedily eliminating racial discrimination throughout the world in all its forms and manifestations and of securing understanding of and respect for the dignity of the human person,

Convinced that any doctrine of superiority based on racial differentiation is scientifically false, morally condemnable, socially unjust and dangerous, and that there is no justification for racial discrimination, in theory or in practice, anywhere,

Reaffirming that discrimination between human beings on the grounds of race, colour or ethnic origin is an obstacle to friendly and peaceful relations among nations and is capable of disturbing peace and security among peoples and the harmony of persons living side by side even within one and the same State,

Convinced that the existence of racial barriers is repugnant to the ideals of any human society,

Alarmed by manifestations of racial discrimination still in evidence in some areas of the world and by governmental policies based on racial superiority or hatred, such as policies of apartheid, segregation or separation,

Resolved to adopt all necessary measures for speedily eliminating racial discrimination in all its forms and manifestations, and to prevent and combat racist doctrines and practices in order to promote understanding between races and to build an international community free from all forms of racial segregation and racial discrimination,

Bearing in mind the Convention concerning Discrimination in respect of Employment and Occupation adopted by the International Labour Organisation in 1958, and the Convention against Discrimination in Education adopted by the United Nations Educational, Scientific and Cultural Organization in 1960,

Desiring to implement the principles embodied in the United Nations Declaration on the Elimination of All Forms of Racial Discrimination and to secure the earliest adoption of practical measures to that end,

Have agreed as follows:

PART I

Article 1

1. In this Convention, the term “racial discrimination” shall mean any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.
2. This Convention shall not apply to distinctions, exclusions, restrictions or preferences made by a State Party to this Convention between citizens and non-citizens.
3. Nothing in this Convention may be interpreted as affecting in any way the legal provisions of States Parties concerning nationality, citizenship or naturalization, provided that such provisions do not discriminate against any particular nationality.
4. Special measures taken for the sole purpose of securing adequate advancement of certain racial or ethnic groups or individuals requiring such protection as may be necessary in order to ensure such groups or individuals equal enjoyment or exercise of human rights and fundamental freedoms shall not be deemed

racial discrimination, provided, however, that such measures do not, as a consequence, lead to the maintenance of separate rights for different racial groups and that they shall not be continued after the objectives for which they were taken have been achieved.

Article 2

1. States Parties condemn racial discrimination and undertake to pursue by all appropriate means and without delay a policy of eliminating racial discrimination in all its forms and promoting understanding among all races, and, to this end:
 - (a) Each State Party undertakes to engage in no act or practice of racial discrimination against persons, groups of persons or institutions and to ensure that all public authorities and public institutions, national and local, shall act in conformity with this obligation;
 - (b) Each State Party undertakes not to sponsor, defend or support racial discrimination by any persons or organizations;
 - (c) Each State Party shall take effective measures to review governmental, national and local policies, and to amend, rescind or nullify any laws and regulations which have the effect of creating or perpetuating racial discrimination wherever it exists;
 - (d) Each State Party shall prohibit and bring to an end, by all appropriate means, including legislation as required by circumstances, racial discrimination by any persons, group or organization;
 - (e) Each State Party undertakes to encourage, where appropriate, integrationist multiracial organizations and movements and other means of eliminating barriers between races, and to discourage anything which tends to strengthen racial division.
2. States Parties shall, when the circumstances so warrant, take, in the social, economic, cultural and other fields, special and concrete measures to ensure the adequate development and protection of certain racial groups or individuals belonging to

them, for the purpose of guaranteeing them the full and equal enjoyment of human rights and fundamental freedoms. These measures shall in no case entail as a consequence the maintenance of unequal or separate rights for different racial groups after the objectives for which they were taken have been achieved.

Article 3

States Parties particularly condemn racial segregation and apartheid and undertake to prevent, prohibit and eradicate all practices of this nature in territories under their jurisdiction.

Article 4

States Parties condemn all propaganda and all organizations which are based on ideas or theories of superiority of one race or group of persons of one colour or ethnic origin, or which attempt to justify or promote racial hatred and discrimination in any form, and undertake to adopt immediate and positive measures designed to eradicate all incitement to, or acts of, such discrimination and, to this end, with due regard to the principles embodied in the Universal Declaration of Human Rights and the rights expressly set forth in article 5 of this Convention, *inter alia*:

- (a) Shall declare an offence punishable by law all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin, and also the provision of any assistance to racist activities, including the financing thereof;
- (b) Shall declare illegal and prohibit organizations, and also organized and all other propaganda activities, which promote and incite racial discrimination, and shall recognize participation in such organizations or activities as an offence punishable by law;
- (c) Shall not permit public authorities or public institutions, national or local, to promote or incite racial discrimination.

Article 5

In compliance with the fundamental obligations laid down in article 2 of this Convention, States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights:

- (a) The right to equal treatment before the tribunals and all other organs administering justice;
- (b) The right to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual group or institution;
- (c) Political rights, in particular the right to participate in elections-to vote and to stand for election-on the basis of universal and equal suffrage, to take part in the Government as well as in the conduct of public affairs at any level and to have equal access to public service;
- (d) Other civil rights, in particular:
 - (i) The right to freedom of movement and residence within the border of the State;
 - (ii) The right to leave any country, including one's own, and to return to one's country;
 - (iii) The right to nationality;
 - (iv) The right to marriage and choice of spouse;
 - (v) The right to own property alone as well as in association with others;
 - (vi) The right to inherit;
 - (vii) The right to freedom of thought, conscience and religion;
 - (viii) The right to freedom of opinion and expression;
 - (ix) The right to freedom of peaceful assembly and association;
- (e) Economic, social and cultural rights, in particular:

- (i) The rights to work, to free choice of employment, to just and favourable conditions of work, to protection against unemployment, to equal pay for equal work, to just and favourable remuneration;
- (ii) The right to form and join trade unions;
- (iii) The right to housing;
- (iv) The right to public health, medical care, social security and social services;
- (v) The right to education and training;
- (vi) The right to equal participation in cultural activities;
- (f) The right of access to any place or service intended for use by the general public, such as transport hotels, restaurants, cafes, theatres and parks.

Article 6

States Parties shall assure to everyone within their jurisdiction effective protection and remedies, through the competent national tribunals and other State institutions, against any acts of racial discrimination which violate his human rights and fundamental freedoms contrary to this Convention, as well as the right to seek from such tribunals just and adequate reparation or satisfaction for any damage suffered as a result of such discrimination.

Article 7

States Parties undertake to adopt immediate and effective measures, particularly in the fields of teaching, education, culture and information, with a view to combating prejudices which lead to racial discrimination and to promoting understanding, tolerance and friendship among nations and racial or ethnical groups, as well as to propagating the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the United Nations Declaration on the Elimination of All Forms of Racial Discrimination, and this Convention.

PART II

Article 8

1. There shall be established a Committee on the Elimination of Racial Discrimination (hereinafter referred to as the Committee) consisting of eighteen experts of high moral standing and acknowledged impartiality elected by States Parties from among their nationals, who 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 of the principal legal systems.
2. The members of the Committee shall be elected by secret ballot from a list of persons nominated by the 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 this 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 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. (a) 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;

- (b) 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.
6. States Parties shall be responsible for the expenses of the members of the Committee while they are in performance of Committee duties.

Article 9

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 and which give effect to the provisions of this Convention:
 - (a) within one year after the entry into force of the Convention for the State concerned; and
 - (b) thereafter every two years and whenever the Committee so requests. The Committee may request further information from the States Parties.
2. The Committee shall report annually, through the Secretary General, to the General Assembly of the United Nations on its activities and may make suggestions and general recommendations based on the examination of the reports and information received from the States Parties. Such suggestions and general recommendations shall be reported to the General Assembly together with comments, if any, from States Parties.

Article 10

1. The Committee shall adopt its own rules of procedure.
2. The Committee shall elect its officers for a term of two years.
3. The secretariat of the Committee shall be provided by the Secretary General of the United Nations.

4. The meetings of the Committee shall normally be held at United Nations Headquarters.

Article 11

1. If a State Party considers that another State Party is not giving effect to the provisions of this Convention, it may bring the matter to the attention of the Committee. The Committee shall then transmit the communication to the State Party concerned. Within three months, the receiving State shall submit to the Committee written explanations or statements clarifying the matter and the remedy, if any, that may have been taken by that State.
2. If the matter is not adjusted to the satisfaction of both parties, either by bilateral negotiations or by any other procedure open to them, within six months after the receipt by the receiving State of the initial communication, either State shall have the right to refer the matter again to the Committee by notifying the Committee and also the other State.
3. The Committee shall deal with a matter referred to it in accordance with paragraph 2 of this article after it has ascertained that all available domestic remedies have been invoked and exhausted in the case, 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.
4. In any matter referred to it, the Committee may call upon the States Parties concerned to supply any other relevant information.
5. When any matter arising out of this article is being considered by the Committee, the States Parties concerned shall be entitled to send a representative to take part in the proceedings of the Committee, without voting rights, while the matter is under consideration.

Article 1

1. (a) After the Committee has obtained and collated all the information it deems necessary, the Chairman shall appoint an ad hoc Conciliation Commission (hereinafter referred to as the Commission) comprising five persons who may or may not be members of the Committee. The members of the Commission shall be appointed with the unanimous consent of the parties to the dispute, and its good offices shall be made available to the States concerned with a view to an amicable solution of the matter on the basis of respect for this Convention;
(b) If the States parties to the dispute fail to reach agreement within three months on all or part of the composition of the Commission, the members of the Commission not agreed upon by the States parties to the dispute shall be elected by secret ballot by a two-thirds majority vote of the Committee from among its own members.
2. The members of the Commission shall serve in their personal capacity. They shall not be nationals of the States parties to the dispute or of a State not Party to this Convention.
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 United Nations Headquarters or at any other convenient place as determined by the Commission.
5. The secretariat provided in accordance with article 10, paragraph 3, of this Convention shall also service the Commission whenever a dispute among States Parties brings the Commission into being.
6. The States parties to the dispute 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.
7. The Secretary-General shall be empowered to pay the expenses of the members of the Commission, if necessary, before

reimbursement by the States parties to the dispute in accordance with paragraph 6 of this article.

8. The information obtained and collated by the Committee shall be made available to the Commission, and the Commission may call upon the States concerned to supply any other relevant information.

Article 13

1. When the Commission has fully considered the matter, it shall prepare and submit to the Chairman of the Committee a report embodying its findings on all questions of fact relevant to the issue between the parties and containing such recommendations as it may think proper for the amicable solution of the dispute.
2. The Chairman of the Committee shall communicate the report of the Commission to each of the States parties to the dispute. These States shall, within three months, inform the Chairman of the Committee whether or not they accept the recommendations contained in the report of the Commission.
3. After the period provided for in paragraph 2 of this article, the Chairman of the Committee shall communicate the report of the Commission and the declarations of the States Parties concerned to the other States Parties to this Convention.

Article 14

1. A State Party may at any time declare that it recognizes the competence of the Committee to receive and consider communications from individuals or groups of individuals within its jurisdiction claiming to be victims of a violation by that State Party of any of the rights set forth in this Convention. No communication shall be received by the Committee if it concerns a State Party which has not made such a declaration.
2. Any State Party which makes a declaration as provided for in paragraph 1 of this article may establish or indicate a body within its national legal order which shall be competent to receive and consider petitions from individuals and groups of individuals within its jurisdiction who claim to be victims of a

violation of any of the rights set forth in this Convention and who have exhausted other available local remedies.

3. A declaration made in accordance with paragraph 1 of this article and the name of any body established or indicated in accordance with paragraph 2 of this article shall be deposited by the State Party concerned 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, but such a withdrawal shall not affect communications pending before the Committee.
4. A register of petitions shall be kept by the body established or indicated in accordance with paragraph 2 of this article, and certified copies of the register shall be filed annually through appropriate channels with the Secretary-General on the understanding that the contents shall not be publicly disclosed.
5. In the event of failure to obtain satisfaction from the body established or indicated in accordance with paragraph 2 of this article, the petitioner shall have the right to communicate the matter to the Committee within six months.
6. (a) The Committee shall confidentially bring any communication referred to it to the attention of the State Party alleged to be violating any provision of this Convention, but the identity of the individual or groups of individuals concerned shall not be revealed without his or their express consent. The Committee shall not receive anonymous communications;
- (b) Within three months, the receiving State shall submit to the Committee written explanations or statements clarifying the matter and the remedy, if any, that may have been taken by that State.
7. (a) The Committee shall consider communications in the light of all information made available to it by the State Party concerned and by the petitioner. The Committee shall not consider any communication from a petitioner unless it has ascertained that the petitioner has exhausted all available

domestic remedies. However, this shall not be the rule where the application of the remedies is unreasonably prolonged;

- (b) The Committee shall forward its suggestions and recommendations, if any, to the State Party concerned and to the petitioner.
- 8. The Committee shall include in its annual report a summary of such communications and, where appropriate, a summary of the explanations and statements of the States Parties concerned and of its own suggestions and recommendations.
- 9. The Committee shall be competent to exercise the functions provided for in this article only when at least ten States Parties to this Convention are bound by declarations in accordance with paragraph I of this article.

Article 15

- 1. Pending the achievement of the objectives of the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in General Assembly resolution 1514 (xv) of 14 December 1960, the provisions of this Convention shall in no way limit the right of petition granted to these peoples by other international instruments or by the United Nations and its specialized agencies.
- 2. (a) The Committee established under article 8, paragraph 1, of this Convention shall receive copies of the petitions from, and submit expressions of opinion and recommendations on these petitions to, the bodies of the United Nations which deal with matters directly related to the principles and objectives of this Convention in their consideration of petitions from the inhabitants of Trust and Non-Self-Governing Territories and all other territories to which General Assembly resolution 1514 (xv) applies, relating to matters covered by this Convention which are before these bodies;

- (b) The Committee shall receive from the competent bodies of the United Nations copies of the reports concerning the legislative, judicial, administrative or other measures directly related to the principles and objectives of this Convention applied by the administering Powers within the Territories mentioned in subparagraph (a) of this paragraph, and shall express opinions and make recommendations to these bodies.
- 3. The Committee shall include in its report to the General Assembly a summary of the petitions and reports it has received from United Nations bodies, and the expressions of opinion and recommendations of the Committee relating to the said petitions and reports.
- 4. The Committee shall request from the Secretary-General of the United Nations all information relevant to the objectives of this Convention and available to him regarding the Territories mentioned in paragraph 2 (a) of this article.

Article 16

The provisions of this Convention concerning the settlement of disputes or complaints shall be applied without prejudice to other procedures for settling disputes or complaints in the field of discrimination laid down in the constituent instruments of, or conventions adopted by, the United Nations and its specialized agencies, and shall not prevent the States Parties from having recourse to other procedures for settling a dispute in accordance with general or special international agreements in force between them.

PART III

Article 17

1. This Convention 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 this Convention.
2. This Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

Article 18

1. This Convention shall be open to accession by any State referred to in article 17, paragraph 1, of the Convention.
2. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

Article 19

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

Article 20

1. The Secretary-General of the United Nations shall receive and circulate to all States which are or may become Parties to this Convention reservations made by States at the time of ratification or accession. Any State which objects to the reservation shall, within a period of ninety days from the

date of the said communication, notify the Secretary-General that it does not accept it.

2. A reservation incompatible with the object and purpose of this Convention shall not be permitted, nor shall a reservation the effect of which would inhibit the operation of any of the bodies established by this Convention be allowed. A reservation shall be considered incompatible or inhibitive if at least two thirds of the States Parties to this Convention object to it.
3. Reservations may be withdrawn at any time by notification to this effect addressed to the Secretary-General. Such notification shall take effect on the date on which it is received.

Article 21

A State Party may denounce this Convention by written notification to the Secretary-General of the United Nations. Denunciation shall take effect one year after the date of receipt of the notification by the Secretary General.

Article 22

Any dispute between two or more States Parties with respect to the interpretation or application of this Convention, which is not settled by negotiation or by the procedures expressly provided for in this Convention, shall, at the request of any of the parties to the dispute, be referred to the International Court of Justice for decision, unless the disputants agree to another mode of settlement.

Article 23

1. A request for the revision of this 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 24

The Secretary-General of the United Nations shall inform all States referred to in article 17, paragraph 1, of this Convention of the following particulars:

- (a) Signatures, ratifications and accessions under articles 17 and 18;
- (b) The date of entry into force of this Convention under article 19;
- (c) Communications and declarations received under articles 14, 20 and 23;
- (d) Denunciations under article 21.

Article 25

1. This Convention, 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 this Convention to all States belonging to any of the categories mentioned in article 17, paragraph 1, of the Convention.

V SELECTED LIST OF HUMAN RIGHTS WEB-SITES

1. Web-sites of the United Nations and its specialized agencies

United Nations:

<http://www.un.org>

Office of the UN High Commissioner for Human Rights:

<http://www.unhchr.ch>

Office of the UN High Commissioner for Refugees:

<http://www.unhcr.ch/>

UNIFEM:

<http://www.unifem.undp.org/>

Women Watch:

<http://www.un.org/womenwatch/>

International Criminal Court:

<http://www.un.org/icc/>

ILO:

<http://www.ilo.org>

UNESCO:

<http://www.unesco.org/>

UNICEF:

<http://www.unicef.org/>

WHO:

<http://www.who.org>

WIPO:

<http://www.wipo.org>

2. Web-sites of regional organizations

African Commission on Human Rights:

<http://www1.umn.edu/humanrts/africa/comision.html>

Council of Europe:

<http://www.coe.fr/>

European Commission of Human Rights:

<http://www.dhcommhr.coe.fr/>

European Court of Human Rights:

<http://www.dhcour.coe.fr/>

Inter-American Commission on Human Rights:

<http://www.oas.org/EN/PROG/ichr/index.htm>

Inter-American Court of Human Rights:

http://corteidh-oea.nu.or.cr/ci/HOME_ING.HTM

Organization of African Unity:

<http://www.oau-oau.org/>

Organization of American States:

<http://www.oas.org/>

Organization for Security and Co-operation in Europe:

<http://www.osce.org/>

3. Other human rights web-sites, including those of international non-governmental organizations

Amnesty International:

<http://www.amnesty.org/>

CARE:

<http://www.care.org/>

Derechos Human Rights:

<http://www.derechos.org/>

Handicap International:

<http://www.handicap-international.org/>

Human Rights Internet:

<http://www.hri.ca>

Human Rights Watch:

<http://www.hrw.org/>

International Committee of the Red Cross:

<http://www.icrc.ch/>

International Federation of Human Rights:

<http://www.fidh.imaginet.fr/>

Inter-Parliamentary Union:

<http://www.ipu.org>

Minnesota Human Rights Library:

<http://www.umn.edu/humanrts/>

NGO Guide to the UN Human Rights Committee:

<http://www.lchr.org/ngo/ngoguide/final.htm>

World Organization Against Torture:

<http://www.omct.org/>

VI LIST OF ABBREVIATIONS USED IN THIS PUBLICATION

ACHPR	African Commission on Human and Peoples' Rights
AI	Amnesty International
AIDS	acquired immune deficiency syndrome
ALECSO	Arab League Educational, Cultural and Scientific Organization
BIRPI	Bureau international réuni pour la protection de la propriété intellectuelle
CBSS	Commissioner of the Council of the Baltic Sea States
CE	Council of Europe
CESCR	Committee on Economic, Social and Cultural Rights (UN)
CEDAW	Committee on the Elimination of Racial Discrimination against Women
CERD	Committee on the Elimination of Racial Discrimination
CFS	Committee on World Food Security (FAO)
CIM	Inter-American Commission of Women
CIOMS	Council for International Organizations of Medical Sciences
CJCE	Court of Justice of the European Communities (EU)
CRC	Committee on the Rights of the Child
CSCE	Conference for Security and Co-operation in Europe
EC	European Community
ECOSOC	Economic and Social Council (UN)
ECRI	European Commission against Racism and Intolerance
ESCAP	Economic and Social Commission for Asia and the Pacific (EU)
EU	European Union
FAO	Food and Agriculture Organization of the United Nations
GA	General Assembly (UN)
HABITAT	United Nations Centre for Human Settlements
HCNM	High Commissioner on National Minorities (OSCE)
HIV	human immunodeficiency virus
HRC	Human Rights Committee

HRE	human rights education
IBC	International Bioethics Committee (UNESCO)
ICAO	International Civil Aviation Organization
ICC	International Criminal Court (UN)
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICJ	International Court of Justice (UN)
ICRC	International Committee of the Red Cross
ICTR	International Criminal Tribunal for Rwanda
ICTY	International Criminal Tribunal for the Former Yugoslavia
IGO	intergovernmental organization
ILO	International Labour Organisation
IMF	International Monetary Fund
INIA	International Institute on Ageing
INSTRAW	International Research and Training Institute for the Advancement of Women
IOM	International Organization for Migration
IPU	Inter-Parliamentary Union
IRO	International Refugee Organization
MOST	Management of Social Transformations – MOST (UNESCO)
NGO	non-governmental organization
OAS	Organization of American States
OAU	Organization of African Unity
ODIHR	Office for Democratic Institutions and Human Rights (OSCE)
OECD	Organization for Economic Co-operation and Development
OHCHR	Office of the United Nations High Commissioner for Human Rights
OSCE	Organization for Security and Co-operation in Europe
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNAIDS	United Nations Programme on HIV/AIDS
UNCHR	United Nations Centre for Human Rights
UNDCP	United Nations Drug Control Programme
UNDP	United Nations Development Programme
UNEP	United Nations Environment Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization

UNFPA	United Nations Population Fund
UNGA	United Nations General Assembly
UNHCHR	United Nations High Commissioner for Human Rights
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNIFEM	United Nations Development Fund for Women
WCAR	World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance
WFP	World Food Programme
WHO	World Health Organization
WIPO	World Intellectual Property Organization
WSSD	World Summit for Social Development