

Education
International
Toolkit



Education International
Trade Union Rights Toolkit
2023



Education International
Internationale de l'Éducation
Internacional de la Educación
Bildungsinternationale

Education International (EI)

Education International represents organisations of teachers and other education employees across the globe. It is the world's largest federation of unions and associations, representing 30 million education employees in about 390 organisations in 180 countries and territories, across the globe. Education International unites teachers and education employees.



*This work is licensed under a [Creative Commons Attribution-NonCommercial-ShareAlike 4.0 International License](https://creativecommons.org/licenses/by-nc-sa/4.0/).
(CC BY-NC-SA 4.0)*

Published by Education International - December 2022
ISBN 978-92-95120-63-1 (PDF)

Education
International
Toolkit



Education International
Trade Union Rights Toolkit
2023



Table of Contents

Foreword	1
Introduction	5
Purpose of this toolkit	6
The goals of Education International	6
Education International's work to defend and promote the trade union rights of educators' unions	7
The international supervisory mechanisms	8
Right to freedom of association	8
Right to collective bargaining	9
Right to peaceful assembly	10
Right to strike	10
ILO jurisprudence on freedom of association	11
How to use this toolkit	12
International Labour Organization (ILO)	13
ILO structure	15
The role of employer and worker organisations	15
International labour standards	15
Fundamental Conventions	16
Governance Conventions	19
ILO supervisory mechanisms	19
The regular system for supervising the application of standards	20
Special procedures	20
How can an education union use the ILO supervisory mechanisms?	24
Observations to the Committee of Experts on the Application of Conventions and Recommendations (CEACR)	24
Complaints to the Committee on Freedom of Association (CFA)	24
Representations under Article 24	25
Commission of Inquiry under Article 26	26
ILO technical assistance and cooperation	26
Joint ILO/UNESCO Committee of Experts on the Application of the Recommendations concerning Teaching Personnel (CEART)	27
1966 Recommendation on the Status of Teachers	29
1997 Recommendation on the Status of Higher Education Teaching Personnel	30
Procedure concerning allegations and reports	31
Submission of the report	32
UN High Commissioner for Human Rights	33
Structure of the Office of the High Commissioner for Human Rights (OHCHR)	34
Human Rights Bodies	34
Human Rights Council (HRC)	35
Universal Periodic Review (UPR)	39
Human Rights Committee (HRcT)	39
Committee on the Elimination of Discrimination against Women (CEDAW)	39
Committee on Economic, Social and Cultural Rights (ICESCR)	40
Committee on the Elimination of Racial Discrimination (CERD)	41
Committee against Torture (CAT)	41
Committee on the Rights of the Child (CRC)	41
Committee on Migrant Workers (CMW)	41



African Union (AU)	43
African Charter on Human and Peoples' Rights (Banjul Charter)	44
African Commission on Human and Peoples' Rights (ACHPR)	45
Procedures to submit a complaint to the ACHPR	46
African Court of Human and Peoples' Rights	47
Council of Europe	49
Structure of the Council of Europe	50
The European Social Charter and the European Committee for Social Rights	51
European Convention on Human Rights (ECHR)	52
European Court of Human Rights	53
Commissioner for Human Rights	54
European Union Institutions	55
EU Charter of Fundamental Rights	56
European Court of Justice (ECJ)	57
Organization of American States (OAS)	59
OAS structure	60
American Declaration of the Rights and Duties of Man	61
American Convention on Human Rights	61
Inter-American human rights treaties	61
Inter-American Court of Human Rights (IACtHR)	62
Inter-American Commission on Human Rights (IACHR)	62
Asian Human Rights Bodies	65
Association of South East Asian Nations (ASEAN)	66
ASEAN Human Rights Declaration (AHRD)	66
ASEAN Intergovernmental Commission on Human Rights (AICHR)	67
South Asian Association for Regional Cooperation (SAARC)	67
Annexes	69
Annex 1: General guidelines for submitting complaints	70
Annex 2: Useful Addresses	71
Annex 3: GLOSSARY	73
List of Conventions and full texts	79
Index of Conventions	80



Index of Conventions

UN Conventions	81
Universal Declaration of Human Rights	81
International Covenant on Civil and Political Rights	84
International Covenant on Economic, Social and Cultural Rights	96
Convention on the Elimination of All Forms of Discrimination against Women	103
Convention on the Rights of the Child	113
ILO Fundamental Conventions	127
ILO Declaration on Fundamental Principles and Rights at Work	127
ILO Convention 87: Freedom of Association and Protection of the Right to Organize	130
ILO Convention 98: Right to Organize and to Collective Bargaining	133
ILO Convention 29: Forced or Compulsory Labour	136
ILO Convention 105: Abolition of Forced Labour	138
ILO Convention 138: Minimum Age for Admission to Employment	140
ILO Convention 155: Occupational Safety and Health Convention	145
ILO Convention 182: Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour	150
ILO Convention 187: Promotional Framework for Occupational Safety and Health Convention	153
ILO Convention 100: Equal Remuneration for Men and Women Workers for Work of Equal Value	157
ILO Convention 111: Discrimination in Respect of Employment and Occupation	160
ILO/UNESCO Recommendations	163
1966 ILO/UNESCO Recommendation concerning the Status of Teachers	163
1997 UNESCO Recommendation concerning the Status of Higher-Education Teaching Personnel	177
Regional Human Rights Instruments	190
African Charter on Human and Peoples' Rights (Banjul Charter)	190
European Social Charter	199
European Convention for the Protection of Human Rights and Fundamental Freedoms	217
American Convention on Human Rights	227
Charter of the Association of Southeast Asian Nations	242
ASEAN Human Rights Declaration	253

The texts of ILO Conventions as well as national labour and social security legislation can be accessed on the [ILO web platform NORMLEX](#).

The main international human rights instruments can be accessed on the United Nations [Office of the Human Rights Commissioner web platform](#).



List of abbreviations

ACHPR	African Commission on Human and Peoples' Rights
ACTRAV	Bureau for Workers' Activities of the ILO
AHRD	ASEAN Human Rights Declaration
AI	Amnesty International
AICHR	ASEAN Intergovernmental Commission on Human
ASEAN	Association of Southeast Asian Nations
AU	African Union
CAS	ILO Conference Committee on the Application of Standards
CAT	Committee Against Torture
CEACR	ILO Committee of Experts on the Application of Conventions and Recommendations
CEART	Joint ILO/UNESCO Committee of Experts on the Application of Recommendations
CED	Committee on Enforced Disappearances
CEDAW	Committee on the Elimination of Discrimination Against Women
CERD	Committee on the Elimination of Racial Discrimination
CESCR	Committee on Economic, Social and Cultural Rights
CFA	Committee on Freedom of Association
CGU	Council of Global Union
CHR	Commission on Human Rights
CMW	Committee on Migrant Workers
CRC	Convention on the Rights of the Child
CRPD	Committee on the Rights of Persons with Disabilities
CTMD	Treaty Mechanisms Division
ECHR	European Convention on Human Rights
ECSR	European Committee of Social Rights
EctHR	European Court of Human Rights
EI	Education International
ETUC	European Trade Union Confederation
EU	European Union
FIDH	International Federation of Human Rights
FOTCD	Field Operations and Technical Cooperation Division
HRC	Human Rights Council
HRCt	Human Rights Committee
HRE	Human Rights Education
HRW	Human Rights Watch
IACHR	inter-American Commission on Human Rights
IACtHR	inter-American Court of Human Rights



ICC	International Criminal Court
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social, and Cultural Rights
ICJ	International Court of Justice
ICTUR	International Centre for Trade Union Rights
ILO	International Labour Organisation
ILS	International Labour Standards
ITUC	International Trade Union Confederation
NGO	Non-governmental Organisation
OAS	Organisation of American States
OHCHR	Office of the United Nations High Commissioner for Human Rights
SAARC	South Asian Association for Regional Cooperation
TESPRDD	Thematic Engagement, Special Procedures and Right to Development Division
UDHR	Universal Declaration of Human Rights
UNESCO	United Nations Educational, Scientific, and Cultural Organisation
UPR	Universal Periodic Review



Foreword





Foreword

Trade union rights are an integral part of human rights and essential for democracy. Trade union history shows that strong and independent trade unions are essential for strong, and healthy democracies.

Trade union rights have a privileged place among human rights. They are enabling rights. Workers can leverage access to other rights with them. Citizens can also use freedom of association to form political parties and other civil society organisations.

Trade unions, social dialogue, and collective bargaining are tools for workers to seek justice, gain recognition of their dignity, and make progress based on collective interests. They are also institutions and schools of democracy.

Trade union rights are also a critical instrument to build fairer and more equal societies based on social and economic justice.

From Myanmar to Belarus to Eswatini to Hong Kong, trade unionists have been on the front lines of the fight against dictatorship. However, authoritarians are not confined to dictatorships.

Elected authoritarian leaders and their populist followers are trying to destroy established and emerging democracies. Look at Hungary, Turkey, Tunisia, the Philippines, Thailand, and India. Some trade unions, like those in Ukraine, are forced to defend democracy by resisting foreign aggression.

Even in many democratic countries that are not drifting in an authoritarian direction, the space for trade union organising and bargaining has been shrinking. That includes limitations on the right to strike, limiting the scope of bargaining, and insecure contracts and other precarious work.

In the case of education, trade unions enable educators to defend another fundamental right -the right to education. Increasingly, unions are exercising their rights, including the right to strike, to defend the right to education by fighting for the teaching profession.

Education equips young people to reason, to think critically, to argue with civility and to be engaged citizens. The right to education is also being attacked by governments in places like Afghanistan, Hong Kong, and Russia where limited access and indoctrination threaten quality education for all. However, non-State actors, including those who make war on democracy, also attack education.

In democracies like the United States, books are being banned in school libraries and what can and cannot be taught is being determined by politicians rather than by the professional judgement of teachers. In Hungary and Poland, laws have been passed banning references to homosexuality in curricula. Such dangerous trends damage the futures of students and encourage flight from the teaching profession.

Although there is nothing new about inequality, discrimination, polarisation and even violence, the COVID pandemic has aggravated and deepened those trends. Violence against women, already higher than official figures indicated, worsened considerably.



That shocking reality may have eased the adoption of International Labour Organization Convention 190 on violence and harassment in 2019. It is a far-reaching instrument that goes beyond protecting workers from abuse by employers to cover others, with whom workers are in contact, including third parties.

It is the ability of workers to exercise their human rights to organise and bargain that determines whether they can have a voice through their trade unions or must accept the arbitrary rule of employers.

The struggle for representation and bargaining often requires courage and it is sometimes lonely. Yet, this local and national fight is not rooted in national laws and traditions alone. There are universal ILO labour standards that define trade union rights and generations of decisions that interpret their meaning.

The purpose of this toolkit is to ensure that member organisations have access to this pertinent information. It is a tool to equip national organisations to formulate cases when their rights are violated and defend their cases based on fundamental rights of the global community.

Although the ILO (International Labour Organization) is the principal body dealing with trade union rights, there are other United Nations Conventions as well as regional bodies that have standards on rights which can be used by education unions.

The toolkit also explains how complaints can be filed and how supervisory mechanisms work. International standards can be critical elements of strategies to protect rights and create an enabling environment for organising and bargaining.

Education International is available to provide additional information and to work with member organisations on complaints. All such procedures should be carefully prepared. Favourable decisions can depend on having complete and accurate arguments with good documentation.

We hope that education trade unions will find this toolkit to be an effective tool to support trade union strategies, strengthen the protection of human rights, and support democracy.

The toolkit is designed to help resolve conflicts where rights are compromised, but we also believe that striving for the respect of those rights is part of building more decent societies. The true implementation of international labour standards, and the rights they represent, is part of a collective struggle that contributes to globalising social justice.

A handwritten signature in black ink, appearing to read 'David Edwards'.

David Edwards
General Secretary,
Education International



Education International
Trade Union Rights Toolkit



Introduction





Introduction

Purpose of this toolkit

Trade union rights are human rights, protected by international human rights treaties. The Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights recognise the rights to freedom of assembly and association. Both Covenants refer to the protection of the rights set down in International Labour Organization (ILO) Convention 87 on Freedom of Association and the Right to Organize (1948). In ratifying international and regional instruments, States guarantee the exercise of trade union rights and recognise the contribution of an independent and strong trade union movement to democracy and development.

This toolkit provides practical guidance on how unions can represent education workers and submit complaints to international and regional bodies when States seek to obstruct education unions from working on behalf of their members and violate their rights.

It includes basic information for affiliates about their rights; the international and regional mechanisms available to put pressure on States to guarantee the exercise of those rights; and the role of Education International (EI) both in supporting members' actions and as the leading international advocate for the rights of education workers.

The goals of Education International

EI is a global union federation representing 32 million teachers and education workers from pre-school to higher education. It counts 390 member organisations operating in 180 countries and territories. Its main aims include:



Education and social goals

- to promote the right to education for all, without any discrimination whatsoever, through quality publicly-funded and managed educational systems, and academic and cultural institutions, aimed at the democratic, social, cultural and economic advancement of society and the preparation of every child for active and responsible citizenship;
- to promote the rights of children and to combat child labour;
- to promote the political, social and economic conditions that are required for the realisation of the right to education;
- to promote education to safeguard peace, democracy, social justice, equality and respect for human dignity;
- to combat all forms of discrimination in education and society based on gender, marital status, sexual orientation, age, religion, political opinion, social or economic status, disability, race, nationality, ethnic origin, or migrant status;

Professional goals

- to promote decent conditions of work and terms of employment for teachers and education workers, and to promote their professional status in general, through support for member organisations;
- to promote the professional autonomy and academic freedom of teachers and education workers and the right of their organisations to participate in the formulation and implementation of educational policies;
- to build solidarity and mutual cooperation among member organisations;
- to promote the development of independent and democratic organisations of teachers and education workers, particularly in those countries where political,

social, economic, or other conditions impede the full enjoyment of human and trade union rights, or where terms and working conditions of teachers and education personnel or education services are weak.

Trade union organisational goals

- to promote the full enjoyment of the trade union rights of workers in general and of teachers and education workers in particular, including freedom of association, the right to bargain collectively and the right to strike;
- to promote unity among all independent and democratic trade unions both within the education sector and with other sectors; and thereby contributing to the strengthening of the international trade union movement;
- to promote the ratification and effective implementation of the ILO fundamental labour standards;¹

Education International's work to defend and promote the trade union rights of educators' unions

The EI policy paper on 'Human and Trade Union Rights', adopted in 2015 by the 7th EI World Congress, reflects the values and principles that guide EI and its affiliates in the defence and promotion of individual and collective rights, and provides a framework for action.

EI provides training and support to member organisations to know their rights; to advocate for the promotion of rights by lobbying for the ratification of international human rights instruments and labour conventions; and to ensure their full implementation.

When member organisations are confronted with violations of their trade union rights,

¹ See annex for full list and links to the texts of the ILO fundamental Conventions



EI's first objective is to build or restore social dialogue. By extending international support to its member organisations and by putting a spotlight on a country, EI can sometimes assist authorities and unions to dialogue. EI also assists member organisations to create networks for information exchange and mutual support.

When dialogue with the authorities fails, EI supports its members through protest letters, urgent action appeals, investigative or solidarity missions, meetings with embassies, and where appropriate, complaints to intergovernmental bodies such as the International Labour Organization (ILO); the Joint ILO/ United Nations Educational, Scientific and Cultural Organization (UNESCO); Committee of Experts on the Application of the Recommendation concerning Teaching Personnel (CEART); the Council of Europe; and other organisations.

EI also selects a few countries which present long-term or systemic trade union rights violations for a time-bound in-depth focus through strategic advocacy and organisational support.

EI also works with the Bureau of Workers' Activities of the ILO (ACTRAV), with the International Trade Union Confederation (ITUC) and Council of Global Unions, and other global union federations, as well as a wide range of trade union and human rights organisations, such as Amnesty International, Human Rights Watch, the International Federation of Human Rights (FIDH), LabourStart, the International Centre for Trade Union Rights (ICTUR), Front Line Defenders and others.

The international supervisory mechanisms

International supervisory mechanisms exist to make countries accountable when they fail to respect human rights guaranteed in the international and regional instruments to which they are a signatory. International

treaties take precedence over national law; although in most countries a specific law or laws may be required to transpose an international treaty into national law to give them the force of national law.

International complaint procedures are often lengthy and time-consuming because they involve consultation with all parties including governments. However, they can be used to the advantage of unions to put pressure on governments to respect their international commitments. Governments seek to avoid being summoned by international organisations, such as the ILO, to respond to serious allegations by their own citizens. Name-and-shame tactics are sometimes very powerful. For example, when a complaint is submitted to the ILO, most governments agree to reforms to guarantee trade union rights it is then up to the organisations to follow up with advocacy or legal actions so that governments fulfil their commitments. Trade union rights

Right to freedom of association

All workers, except the police and armed forces, have the right to "associate" together to form and join organisations of their choice to promote their common economic and social interests.

However, in some countries, national legislation prohibits some categories of workers from joining trade unions. Teachers, where they are appointed as part of public services, are sometimes prohibited from forming trade unions and are only permitted to form professional associations. Such prohibitions are contrary to the provisions of ILO Convention 87 (see below). The ILO Committee of Experts has repeatedly emphasised that the only exceptions authorised by ILO Convention 87 are members of the police and armed forces. In response to a country report submitted by EI, the ILO Committee of Experts emphasised that "teachers in public schools should be provided with a legal



framework to exercise their right to form trade unions."²

Yet, there are still over 30 governments that have not ratified ILO Convention 87³, including Brazil, China, India, Iran, Korea, and the USA. In other countries, although the Convention is ratified, teachers who are civil servants are prohibited from forming trade unions, as is the case in Cambodia, Cameroon, Equatorial Guinea, Ethiopia, Lesotho and Pakistan.

Some States seek to restrict the activity of education unions including by taking reprisals against an individual for joining an organisation of their choice or by requiring a teacher to become a member of a State-approved association. In some countries, other restrictions on freedom of association exist. These include complicated registration processes, high minimum membership requirements. Without a legal status, workers organisations cannot open an institutional bank account, or enter contractual relations such as employment of staff or renting premises. In this way, the denial of legal status undermines the right to freedom of association. Wide disparities exist in national law. The ILO emphasises that the right to legal status is inherent to the right to freedom of association.

The right of freedom of association also includes the right of worker organisations to join national federations and confederations, as well as these latter to join international organisations. In some countries the authorities have restricted the right to form national federations or confederations of trade unions. In other cases, governments have violated the right to freedom of association by preventing trade unionists from participating in international trade union meetings by withholding travel documents.

The right to freedom of association also covers the right of worker organisations to draw up their own rules and constitutions, elect their representatives, decide on programmes and plans, and undertake legitimate and peaceful activities. Some education unions face hostile and intrusive interference by governments in their internal affairs. In various cases, the ILO has considered that the removal of trade union leaders from office by the government is a serious infringement of the free exercise of trade union rights. The ILO has also stated that the suspension of the legal registration or the dissolution of a union should be subject to appeal to an independent and impartial judicial tribunal. In addition, alterations in the check-off facility to collect membership fees, eviction from union premises or the termination of government-subsidies for certain positions of union officials are considered hostile interventions in union internal affairs.

Right to collective bargaining

The right to collective bargaining is a fundamental right accepted by Member States by virtue of their membership of the ILO and which they have an obligation to respect, promote and realise in good faith. Collective bargaining is a right of employers and of workers' organisations at whatever level and this right covers all workers whether in the public or private sector. The only exceptions concern the armed forces and the police, as well as public servants engaged in the direct administration of the State. The content of collective bargaining concerns terms and conditions of work and employment and the regulation of relations between employers and workers and their respective organisations. Collective bargaining must be free and voluntary and respect the principle of the autonomy of the parties.

The right to collective bargaining is set out in ILO Convention on the Right to

² See inter-alia Report of the Committee on the Application of Conventions and Recommendations adopted 2008, published 98th ILC Session 2009 ILO Convention 98 Ethiopia p. 123

³ For up to date list: https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11310:0::NO:11310:P11310_INSTRUMENT_ID:312232:NO



Organise and Collective Bargaining 1949 (No. 98) and is further defined in ILO Convention on Collective Bargaining, 1981 (No. 54). This right was reaffirmed in the 1998 ILO Declaration on Fundamental Principles and Rights at Work.

With specific reference to teachers and higher education teaching personnel both the 1966 ILO/UNESCO Recommendation on the Status of Teachers in article 83 and the 1997 Recommendation on the Status of Higher Education Teaching Personnel in articles 8 and 52 recognise the importance of collective bargaining.

Right to peaceful assembly

Freedom of assembly is a fundamental human right that can be exercised by individuals and groups, legal entities and corporate bodies, and unregistered or registered associations, including trade unions, political parties or religious groups.

There is a close link between freedom of peaceful assembly and freedom of association. Freedom of assembly is essential for the normal activities of many associations, including trade unions. Furthermore, what may begin as a mobilisation or gathering of like-minded individuals might evolve into an association over time.

The right to peaceful assembly can only be denied in situations of national security or public safety. Moreover, international standards limit the use of force by authorities in controlling peaceful or non-peaceful assemblies. International standards require that law enforcement officials should use force only as a last resort, in proportion to the threat posed, and in a way so as to minimise damage or injury.

Right to strike

The right to strike is essential for the operations and functions of a trade union. The European Court of Human Rights considers that this right is essential and

without this right, all other rights of trade unions would be illusory.⁴

The right to strike has not been formulated in absolute terms and maybe subjected to restrictions. Where public employees are providing essential services, the disruption of which may threaten the life, health, and safety of the population, strikes may be prohibited. Fire fighters, for example, are prohibited from striking in most countries. However, this prohibition should not cover all civil servants, only those providing essential services. In some countries, teachers have been classified as part of the essential services where strike action is prohibited. However, the ILO has repeatedly emphasised that teachers do not provide an essential service the interruption of which would endanger life, and therefore teacher trade unions cannot be prohibited from taking strike action.

Governments have attempted to obstruct the right to strike through a variety of other strategies. For example, some countries adopt a “permanent replacement” doctrine whereby striking employees are replaced by new employees who may vote the union out of existence to safeguard their jobs. Such practices contravene international law. In some countries, there are complicated procedures to conduct a legal strike which can amount to an effective restriction on the right to strike.

In 2012 and 2013, the employers’ group sought to challenge the right to strike at the Committee on the Application of Standards (CAS) at the ILO Conference, on the grounds it was not explicitly included in ILO Convention 87. Trade unions were forced to defend the right to strike, referring to long-standing jurisprudence dating back to the 1950s established by the ILO supervisory mechanisms and elsewhere.⁵ In February

⁴ See: European Commission on Democracy through Law (Venice Commission) and Office for Democratic Institutions and Human Rights (OSCE): Joint Guidelines on the right to freedom of association December 2014

⁵ ITUC: The Right to Strike and the ILO: the Legal Foundations, March 2014 available at: https://www.ituc-csi.org/IMG/pdf/ituc_final_brief_on_the_right_to_strike.pdf



2015, at a tripartite meeting, following an international day of protest organised by trade unions around the world, the ILO Government Group, which had previously been divided on the issue, recognised the right to strike as linked to freedom of association, and that without protecting the right to strike, freedom of association could not be fully realised. The meeting subsequently agreed that the ILO constituents recognise the right to take industrial action.⁶ Proposals to end the deadlock were then adopted by the ILO Governing Body in March 2015.

ILO jurisprudence on freedom of association

The ILO has compiled decisions on what is covered by the convention on freedom of association and what constitutes a denial of that right. For example, that “the right of assembly, freedom of opinion and expression and, in particular, freedom to hold opinions without interference and to seek, receive, and impart information and ideas through any media and regardless of frontiers constitute civil liberties which are essential for the normal exercise of trade union rights”. The ILO also considers that “a trade union’s activities cannot be restricted solely to occupational questions”. Thus, for example, when an education union convenes a march to demand that the government invest more in public education, this activity constitutes a legitimate trade union activity.

Complaints concerning the arrest of trade union leaders or workers on account of their trade union activities can be submitted to the ILO. When governments respond by denying the allegation or claiming that the arrests were on account of subversive activities i.e. for reasons of internal security, or for common law crimes, the ILO has always requested the government to provide precise information concerning the arrests. In particular on the legal

proceedings to ensure due examination of the allegations.

The ILO Committee on Freedom of Association (CFA) has stated that in cases where persons have been sentenced on grounds that have no relation to their trade union activities, the matter falls outside its competence. On the other hand, it has emphasised that the ILO will examine all available information, in particular the text of the judgment, to determine whether the case is indeed an issue of criminal law or whether the arrest was a consequence of the person’s legitimate trade union activities.

Regarding registration of worker organisations, the ILO has concluded that if there is a minimum membership requirement, the threshold should be kept low, and that consideration of applications should not be unduly delayed. The ILO has stated that registration should not be a discretionary power of government authorities, and that legislation that prohibits the existence of more than one trade union in each enterprise, sector or territory is incompatible with the right to freedom of association.

In principle, a worker organisation can only be dissolved by the sovereign decision of its members. The ILO recognises that a union can be dissolved by judicial decision. However, if the government, without recourse to a judicial ruling, decides to de-register an education union, the CFA considers that it is a violation of the right to freedom of association as defined by ILO Convention 87. The Committee has also stated that negotiations are not to be conducted on behalf of worker organisations by representatives appointed by or working on behalf of employers or their agencies.

Some governments have also sought to restrict the flow of funds to associations, particularly funds from abroad. In cases involving trade unions, the ILO has held that laws requiring official approval of funds from abroad may be incompatible with ILO Convention 87.

⁶ https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_346764.pdf



As mentioned above, the ILO has emphasised that the right to strike and to organise union meetings are essential aspects of trade union rights.

The ILO also considers that a newly inaugurated government continues to be responsible for addressing allegations that occurred under a former government. The new government should take steps to remedy any continuing effect of the issues contained in the complaint.

Intolerance; Minority Issues; Indigenous People; Internally Displaced Persons; Migrants; and Violence against Women and Trafficking in Persons.

It is always beneficial for EI to be kept informed and updated so that it can help with submitting additional information concerning the case. Furthermore, EI can then respond in an informed manner if a supervisory body requests further references or background information.

How to use this toolkit

This toolkit provides guidance for education unions on how to submit complaints concerning violations of trade union and human rights to the different international supervisory mechanisms. Education unions may submit complaints directly on their own initiative. However, for greater effectiveness, it is strongly recommended that the union first contacts EI.

EI can assist by assessing the complaint, advising whether any additional information may be necessary, and generally framing the most persuasive submission. EI can also recommend which institution(s) to approach, and in what order, and which issues to highlight in each submission.

EI can also associate with the complaint, and this endorsement can give greater legitimacy. Furthermore, EI can seek additional endorsement from the ITUC, or where applicable, other global union federations.

At the same time, the education union can also forward a complaint to other UN Committees, or to a regional intergovernmental body. It is also possible to submit information to UN Special Rapporteurs, such as those on Right to Peaceful Assembly and Association; Right to Education; Torture and other Cruel, Inhuman or Degrading Treatment or Punishment; Extrajudicial, Summary or Arbitrary Executions; Racism, Racial Discrimination, Xenophobia and Related



International Labour Organization (ILO)



Education International
Internationale de l'Éducation
Internacional de la Educación
Bildungsinternationale



International Labour Organization

The ILO is a United Nations specialised agency for the world of work. It sets international labour standards, promotes rights at work and decent employment opportunities, the enhancement of social protection and the strengthening of dialogue on work-related issues. It is the only tripartite international organisation, where workers and employers have an equal voice with governments. It was created in 1919 by the Versailles Peace Treaty as an affiliated agency of the League of Nations in Geneva. After the United Nations was established in 1946, the ILO became the UN specialised agency to promote social justice and internationally recognised human and labour rights. In 2020, it had 187 Member States.⁷

In joining the ILO, all Member States endorse the principles and rights set out in its Constitution. In 1944, the ILO Conference adopted the Declaration of Philadelphia, which restated the fundamental aims and purposes of the ILO. The Declaration affirms that labour is not a commodity and that freedom of expression and association are essential to sustained progress.

The ILO Declaration on Fundamental Principles and Rights at Work, adopted in 1998 and amended in 2022, is an expression of commitment by governments, employers' and workers' organizations to uphold basic human values - values that are vital to our social and economic lives. It affirms the obligations and commitments that are inherent in membership of the ILO, namely:

- freedom of association and the effective recognition of the right to collective bargaining;
- the elimination of all forms of forced or compulsory labour;
- the effective abolition of child labour;
- the elimination of discrimination in respect of employment and occupation; and
- a safe and healthy working environment.

⁷ The current list of Member States may be accessed here: <https://www.ilo.org/global/about-the-ilo/how-the-ilo-works/member-states/lang--en/index.htm>



ILO structure

Within the UN system, the ILO's tripartite structure is unique. The three constituents, representatives of governments and of worker and employer organisations, are members of its governing bodies. The annual International Labour Conference (ILC) consists of two government delegates, a worker delegate, and an employer delegate from each Member State. It elects the tripartite Governing Body, an executive body, which meets three times a year to take decisions on ILO policy, decide the agenda of the ILC, and adopt the draft programme and budget of the organisation that is submitted to the ILC. The Governing Body elects the Director-General for a five-year term to head the secretariat, referred to as the International Labour Office, which implements the agreed policies and programmes.

The role of employer and worker organisations

Employer and worker organisations play an essential role in the standards setting system. They take part in recommending and selecting topics, in discussing and drafting the texts of new ILO standards, and in voting to determine whether or not the ILC adopts a new standard. If a Convention (or a Protocol) is adopted, such as Convention No. 190 on violence and harassment in 2019, employers and workers can encourage their government to ratify it. If the Convention/Protocol is ratified by a State, the government is required to report periodically to the ILO on how it is being applied in law and practice. The government reports must be submitted for review to employer and worker organisations in the country. Worker and employer organisations can also supply relevant information directly to the ILO. Workers and employers' organisations may also comment on unratified conventions or recommendations upon request.

Worker and employer organisations can:

- submit information in respect of non-ratified conventions and recommendations;
- contribute to the standard setting process;
- submit complaints to the ILO Committee on Freedom of Association (CFA);
- submit comments on the application of ratified Conventions to the Committee of Experts on the Application of Conventions and Recommendations (CEACR);
- initiate proceedings for violations of ILO Conventions in accordance with Article 24 of the ILO Constitution;

Worker and employer delegates to the annual ILC Conference can:

- request to speak at the ILO Conference Committee on the Application of Standards (CAS);
- file complaints against a Member State under Article 26 of the ILO Constitution.

International labour standards

The ILO Conference adopts 'Conventions', 'Protocols' and 'Recommendations.' The ILO Conventions are international treaties, subject to voluntary ratification by ILO Member States. Protocols are linked to an ILO Convention and amend or add to certain provisions to ensure that a Convention remains relevant. Recommendations are non-binding instruments setting out further guidance on subjects covered by a Convention or a Protocol. All three instruments form part of international law and are intended to set international standards relating to working conditions and practices worldwide.

By October 2021, the ILO had adopted 190 Conventions, 206 Recommendations and 6 Protocols covering a broad range of



subjects. A two-thirds majority of the votes cast by the delegates present at the ILC is necessary for the adoption of a Convention, Protocol, or Recommendation. Each adopted Convention (or Protocol) is then communicated to all ILO Member States for ratification, that is, to obtain the consent of the legislative authority. Member States undertake to transpose the Convention into national law within 18 months from its ratification. Member States must report to the ILO within two years on the status of ratification of a new Convention. Protocols may be ratified only if the accompanying Convention has been ratified. Each Recommendation is also communicated to all Member States so that effect can be given to it by national legislation, or otherwise.

Under Article 22 of the ILO Constitution, Member States are required to report regularly on the measures they have taken to implement conventions and protocols they have ratified. If the Member State decides not to ratify, it is required to report on the position of its law and practice with regard to the convention, stating the difficulties which prevent or delay its ratification.

Fundamental Conventions

In 1995, the ILO Governing Body agreed that some Conventions should be considered 'fundamental' and that their principles should be promoted and respected, irrespective of the level of development of individual Member States. This paved the way for the 1998 Declaration on Fundamental Principles and Rights at Work. In June 2022, the International Labour Conference amended this Declaration by adding to it a safe and healthy working environment as a fifth principle and right. The COVID-19 pandemic has once again demonstrated how inextricably a healthy and safe workplace ties in with clean air, water and the maintenance of a habitable environment. A safe and healthy working environment proves to be an essential

element of the response to the pandemic as well as of longer-term recovery.

Member countries commit themselves to fundamental principles and rights at work when they adhere to the ILO's Constitution. The inclusion of a safe and healthy working environment is a recognition of an existing constitutional principle which both the Member States and the Organization itself have an obligation to promote.

The 10 fundamental conventions are:

C87 Freedom of Association and Protection of the Right to Organise Convention, 1948

Workers and employers may establish and join organisations of their own choosing without prior authorisation. Such organisations have the right to draw up their own constitutions and rules, to elect representatives, to organise their administration and activities, and to formulate their programmes. Public authorities may not intervene in the conduct of their internal affairs. Workers' and employers' organisations have the right to establish and join federations and confederations, which may in turn join international organisations. All ILO members must take appropriate measures "to ensure that workers and employers may exercise freely the right to organise."

C98 Right to Organise and Collective Bargaining Convention, 1949

All workers are to "enjoy adequate protection against acts of anti-union discrimination in respect of their employment". The protection applies to acts calculated to make the employment of a worker subject to the condition that he or she shall not join a union or shall relinquish trade union membership and to "acts calculated to cause the dismissal of/or otherwise prejudice a worker by reason of union membership or because of



participation in union activities outside working hours or, with the consent of the employer, within working hours." The protection also applies against "any acts of interference by anyone in their establishment, functioning, or administration."

The right to bargain freely over conditions of work constitutes an essential element of freedom of association. Trade unions have the right, through collective bargaining, to seek to improve the terms and conditions of employment of those whom they represent. All public service workers should also enjoy collective bargaining rights. When disputes arise, priority should be given to seeking a negotiated solution through collective bargaining. Both employers and trade unions are to bargain in good faith and make every effort to reach an agreement.

C29 Forced Labour Convention, 1930

Forced or compulsory labour is prohibited. Forced or compulsory labour is defined as "all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily." The convention does not apply to the following:

- compulsory military service laws for work of a purely military character;
- any work or service which forms part of the normal civic obligations of the citizens;
- any work or service exacted from any person as a consequence of a conviction in a court of law (provided that the work or service in question is carried out under the supervision and control of a public authority and that the person is not hired to or placed at the disposal of private individuals, companies or associations);
- any work or service exacted in cases of emergency (e.g. earthquakes, disease epidemics, floods); and

- minor communal services performed by the members of the community in the direct interest of the community.

The Protocol of 2014 to the Forced Labour Convention is a legally binding instrument that aims to advance prevention, protection and compensation measures, and to intensify efforts to eliminate contemporary forms of slavery.

C105 Abolition of Forced Labour Convention, 1957

Every country ratifying this convention commits to "suppress and not to make use of any form of forced or compulsory labour:

- as a means of political coercion or education or as a punishment for holding or expressing political views or views ideologically opposed to the established political, social, or economic system;
- as a method of mobilising 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."

C138 Minimum Age Convention, 1973

Every signatory "undertakes to pursue a national policy designed to ensure the effective abolition of child labour and raise progressively the minimum age for admission to employment or work to a level consistent with the fullest physical and mental development of young persons." The Convention sets the general minimum age for admission to employment or work at 15 years (13 for light work) and the minimum age for hazardous work at 18 (16 under certain strict conditions). It provides for the possibility of initially setting the general minimum age at 14 (12 for light work) where the economy and educational



facilities of the country are insufficiently developed.

According to new global estimates from ILO and UNESCO in 2020, the number of children in child labour has risen to 160 million worldwide – an increase of 8.4 million children in the last four years – with millions more at risk due to the impacts of COVID-19.

C182 Worst Forms of Child Labour Convention, 1999

Measures to prohibit and eliminate the worst forms of child labour, including slavery, the sale and trafficking of children, prostitution, debt bondage and serfdom, forced recruitment of children in armed conflict, and work “which is likely to harm the health, safety or morals of children.” The Convention applies to “all persons under the age of 18.”

C100 Equal Remuneration Convention, 1951

This Convention requires “the application to all workers of the principle of equal remuneration for men and women workers for work of equal value,” without discrimination based on gender or any other grounds. Remuneration in this context includes the salary and any additional benefits.

C111 Discrimination (Employment and Occupation) Convention, 1958

Each ratifying country “undertakes to declare and pursue a national policy designed to promote equality of opportunity and treatment in respect of employment and occupation, with a view to eliminating any discrimination.”

C155 on Occupational Health and Safety, 1981

While some improvements take place, new occupational risks emerge due to technological innovation or organizational change. Physical hazards can be compounded by mental health

problems and harassment and violence at work. Increased distance work and varying forms of labour contracts create new challenges for health and safety regulations and their application. The Convention says that countries must formulate, implement and periodically review a coherent national policy on occupational safety, occupational health and the working environment. Such policy shall take account among others:

- design, testing, choice, substitution, installation, arrangement, use and maintenance of the material elements of work (workplaces, working environment, tools, machinery and equipment, chemical, physical and biological substances and agents, work processes);
- relationships between the material elements of work and the persons who carry out or supervise the work, and adaptation of machinery, equipment, working time, organisation of work and work processes to the physical and mental capacities of the workers;
- training, including necessary further training, qualifications and motivations of persons involved.

C187 on a Promotional Framework for Occupational Health and Safety, 2006

This convention requires countries to consult with the most representative organizations of employers and workers to adopt national policies which will promote basic principles such as assessing occupational risks or hazards; combating occupational risks or hazards at source; and developing a national preventative safety and health culture that includes information, consultation and training.



Governance Conventions

In 1994, the ILO Governing Body designated another four conventions as 'priority' instruments - now called 'governance' instruments, because of their importance for the functioning of the international labour standards system, thus encouraging Member States to ratify them.

C81 Labour Inspection Convention, 1947

Ratifying countries must "maintain a system of labour inspection in industrial and commercial workplaces."

C122 Employment Policy Convention, 1964

Ratifying countries must pursue "an active policy designed to promote full, productive and freely chosen employment, to ensure that there is work for all who are available for and seeking work, such work is as productive as possible, and that there is freedom of choice of employment and the fullest 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."

C129 Labour Inspection (Agriculture) Conventions, 1969

Each signatory agrees to maintain "a system of labour inspection in agriculture."

C144 Tripartite Consultation (International Labour Standards) Convention, 1976

Each signatory undertakes "to operate procedures which ensure, for ILO matters, effective consultations between representatives of the government, of employers and of workers. The representatives of employers and workers will be freely chosen by their representative

organisations and they will be represented on an equal footing on any bodies through which consultations are undertaken."

Trade unions worldwide continue their efforts to promote the ratification of the ILO Conventions and Protocols. EI regularly encourages its member organisations to lobby their governments to ratify the fundamental and governance Conventions and Protocols, as well as other conventions that have an impact on the working conditions of education personnel, such as Convention No. 183 on maternity protection, Convention No. 169 on Indigenous and Tribal Peoples and Convention No. 190 on violence and harassment.

ILO supervisory mechanisms

To promote and strengthen the implementation and enforcement of international labour standards in law and practice, the ILO has developed a unique supervisory system that helps to ensure that countries implement the conventions they ratify. It is important to be familiar with all these mechanisms so as to take full advantage of them in the best manner.

There are two kinds of supervisory mechanism:

- ***The regular system of supervision:*** examination of periodic reports submitted by Member States on the measures they have taken to implement the provisions of the ratified Conventions;
- ***Special procedures:*** a procedure for making representations and a procedure for making complaints of general application, together with a special procedure for complaints concerning freedom of association.



The regular system for supervising the application of standards

The regular system of supervision consists of the examination by two ILO bodies of reports on the application of Conventions in law and practice sent by Member States and on observations in this regard sent by workers' organisations and employers' organisations. The two bodies are:

- The [Committee of Experts on the Application of Conventions and Recommendations](https://www.ilo.org/global/standards/applying-and-promoting-international-labour-standards/committee-of-experts-on-the-application-of-conventions-and-recommendations/lang-en/index.htm) (CEACR)⁸
- The [International Labour Conference's Tripartite Committee on the Application of Standards](https://www.ilo.org/global/standards/applying-and-promoting-international-labour-standards/conference-committee-on-the-application-of-standards/lang-en/index.htm) (CAS)⁹

Regular reports

Under Article 22 of the ILO Constitution, each Member State agrees to report at regular intervals on the measures it has taken to give effect to the provisions of ILO Conventions or Protocols, which it has ratified. Under Article 19, Member States also report, at intervals as requested by the Governing Body, on the position of its law and practice with regard to Conventions, Recommendations or Protocols they have not yet ratified. These reports are replies to a questionnaire, to which workers' organisations can also reply. This is then analysed in a General Survey.

Since 2018, governments must report, every three years, on the measures they have taken to effectively apply the fundamental and priority governance conventions and protocols. Every six years, governments must report on the implementation of all other ratified conventions and protocols, following a reporting cycle.

The reports on ratified Conventions should be sent to the ILO secretariat between 1 June and 1 September of each

year.¹⁰ This is the opportunity for worker organisations to play an important role in the tripartite system, by calling attention to, for example, new legislation that is not in conformity with a convention or to the lack of government action to implement in practice ILO fundamental conventions.

Governments are expected to consult the most representative worker and employer organisations when they draw up their reports. If they fail to do so, trade union centres may send their own contributions to the ILO. EI liaises with the ITUC to make sure that comments are received from education unions.

In 2018, the Committee of Experts requested 1,683 reports from governments on the application of conventions ratified by Member States. The Committee of Experts registered 1,038 reports, or 61.7% of the number requested. This percentage remains relatively stable over the years.

Special procedures

Unlike the regular system of supervision, the three procedures listed below are based on the submission of a complaint or representation:

- Special procedure for complaints regarding freedom of association through the Committee on [Freedom of Association](https://www.ilo.org/global/standards/applying-and-promoting-international-labour-standards/committee-on-freedom-of-association/lang-en/index.htm)¹¹ (CFA)
- [Representations](https://www.ilo.org/global/standards/applying-and-promoting-international-labour-standards/representations/lang-en/index.htm)¹² on the application of ratified Conventions (pursuant to Article 24 of the ILO Constitution)
- [Complaints](https://www.ilo.org/global/standards/applying-and-promoting-international-labour-standards/complaints/lang-en/index.htm)¹³ concerning the application of ratified Conventions (pursuant to Article 26 of the ILO Constitution)

8 <https://www.ilo.org/global/standards/applying-and-promoting-international-labour-standards/committee-of-experts-on-the-application-of-conventions-and-recommendations/lang-en/index.htm>

9 <https://www.ilo.org/global/standards/applying-and-promoting-international-labour-standards/conference-committee-on-the-application-of-standards/lang-en/index.htm>

10 <https://www.ilo.org/dyn/normlex/en/f?p=1000:11002:0>

11 Freedom of Association: <https://www.ilo.org/global/standards/applying-and-promoting-international-labour-standards/committee-on-freedom-of-association/lang-en/index.htm>

12 Representation: <https://www.ilo.org/global/standards/applying-and-promoting-international-labour-standards/representations/lang-en/index.htm>

13 Complaints: <https://www.ilo.org/global/standards/applying-and-promoting-international-labour-standards/complaints/lang-en/index.htm>



Committee on Freedom of Association (CFA)

The ILO established the Committee on Freedom of Association (CFA) in 1951 for examining complaints of violations of freedom of association, whether or not the country concerned had ratified the relevant Conventions.¹⁴ As a tripartite body, the CFA is composed of an independent chairperson and three government, three employer, and three worker representatives. The CFA meets three times a year and in nearly 70 years of work, it has examined more than 3,300 cases. The conclusions issued by the CFA are intended to guide national action to promote respect for trade union rights in law and practice.

National, regional, or international trade unions (whether they are trade union centres, sectoral unions, or associations and whether they are registered or not), can file complaints with the CFA on violations of freedom of association. Complaints can be submitted even if the country concerned has not ratified the Conventions. A complaint can only be submitted against the government not an employer, because it is the government's responsibility to ensure these Conventions are implemented (for further information, see section below on 'Submitting complaints to the ILO').

Committee of Experts on the Application of Conventions and Recommendations (CEACR)¹⁵

The task of the ILO Committee of Experts is to advise the ILO constituents (governments, employers, and workers) on the extent to which national legislation conforms to ILO Conventions and Recommendations. It was created in

1926 to examine the growing number of government reports on ratified Conventions and is composed of 20 independent legal experts appointed by the Governing Body for a three-year renewable term of office. The experts come from different geographic regions, legal systems, and cultures. The CEACR makes observations, available in an *annual report*, as well as direct requests, that are available online.¹⁶ The observations of the experts are the starting point for compiling the list of cases that trade unions put forward to be included in the list of countries to be examined at the Committee on the Application of the Standards (CAS) which meets as part of the ILO Conference in June each year.

The *CEACR annual report*, submitted to the ILO Governing Body at its March meeting, is divided into three parts:

Part I is the general report describing the extent to which Member States have fulfilled their constitutional obligations in relation to international labour standards.

Part II contains observations about particular countries on the application of ratified Conventions presented by subject, including freedom of association and collective bargaining; equality of opportunities; child labour; forced labour, occupational safety and health; wages, maternity protection, indigenous rights, migrant workers and others.

Part III contains an in-depth general survey of Member States' practice with regard to a particular subject area.

Conference Committee on the Application of Standards (CAS)

The CAS is a standing committee of the annual ILO Conference. It is a tripartite body, composed of government,

14 In October 2021, 157 Member States had ratified Convention 87 and 168 Member States had ratified Convention 98. For current list of ratifications, see for ILO Convention 87 https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11300:0::NO:11300:P11300_INSTRUMENT_ID:312232:NO and for ILO Convention 98, see https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11300:0::NO:11300:P11300_INSTRUMENT_ID:312243:NO

15 The acronym 'CEACR' should not be confused with the acronym 'CEART' of the Joint ILO/UNESCO Committee of Experts on Teaching Personnel, described below.

16 <https://www.ilo.org/global/standards/applying-and-promoting-international-labour-standards/committee-of-experts-on-the-application-of-conventions-and-recommendations/lang-en/index.htm>



employer and worker delegates. Its role is to examine the annual report of the CEACR. On the recommendation of the representatives of workers and employers, it selects 24 cases, chosen by country and Convention, to be examined in greater depth. The governments of the selected countries are invited to respond before the CAS. The CAS draws up recommendations to the governments to address issues of concern or requests the government to invite an ILO mission to the country or request technical assistance. The discussions and conclusions of the situations examined by the Conference Committee are published in its report.¹⁷

Over the recent years, strong recommendations to governments have been issued for countries where education unions have reported violations of their rights, including: Bahrain, Botswana, Cambodia, Colombia, Djibouti, Ethiopia, Fiji, Honduras, Iran, south Korea, Philippines, Eswatini/ Swaziland, and Uzbekistan. These recommendations are available online through the [NORMLEX country profile](#) search function¹⁸. In April 2021, EI associated itself with a complaint to the CFA by the ITUC concerning violations of the right to freedom of association, right to opinion and the right to peaceful assembly and protest in Myanmar.

Representations under Article 24

Under Articles 24 and 25 of the ILO Constitution, an employer or worker organisation can make a representation against any Member State to the ILO Governing Body for failure to respect any Convention which it has ratified. A three-member tripartite committee of the Governing Body then examines the representation and makes recommendations for corrective measures. If the government does not

implement the necessary measures, the CEACR may be requested to follow up on the case. In the most serious cases, the Governing Body may decide to establish a Commission of Inquiry (see following).

Commissions of Inquiry under Article 26

Under Article 26 of the ILO Constitution, a Commission of Inquiry can be established by the Governing Body when a Member State is accused of serious and repeated violations of a Convention it has ratified and has failed to address the issues concerned.

A complaint under Article 26 can be filed by:

- another Member State which has ratified the relevant Convention,
- a delegate to the International Labour Conference,
- the Governing Body in its own capacity.

Upon receipt of a complaint, the ILO Governing Body may form a Commission of Inquiry comprising three independent members. This commission carries out a full investigation of all the facts of the case. At the end, it formulates recommendations on measures to be taken by the country to address the issues raised by the complaint.

A Commission of Inquiry is the ILO's highest-level investigative procedure. There have been 14 Commissions of Inquiry in the history of the organisation, the latest referring to violations of freedom of association in the Bolivarian Republic of Venezuela. Earlier Commissions examined the situation in Zimbabwe concerning the systematic attacks against trade union leaders, in Belarus concerning the lack of independence of the trade unions and in Myanmar (Burma) on the systematic use of forced labour. In 1982, a Commission examined the situation in Poland, and later, when the Solidarność leader, Lech Walesa was elected President of Poland, he noted that "the Commission of Inquiry created by the ILO after the imposition of martial law in my country made significant contributions to the changes which brought democracy to Poland."

¹⁷ The reports are published under the relevant ILO Conference session 'reports and provisional records'. The 2019 CAS report can be accessed here: <https://www.ilo.org/ilc/ILCSessions/lang-en/index.htm>

¹⁸ See NORMLEX country profiles available at: <https://www.ilo.org/dyn/normlex/en/?p=1000:11003:0::NO:>



EI supported the complaint by the Workers' Group at the ILO Conference for a Commission on Inquiry into Bahrain in 2011 on discrimination in employment, and in Uzbekistan on the use of child labour in cotton harvesting in 2013. However, the Governing Body did not appoint a Commission of Inquiry but sent a number of high-level missions to address the issues raised in the complaints.

Follow-up to a Commission of Inquiry under Article 33

When a country fails to implement the recommendations of a Commission of Inquiry, the Governing Body can take action under Article 33 of the ILO Constitution. This provision states that "in the event of any Member failing to carry out within the time specified the recommendations, if any, contained in the report of the Commission of Inquiry, or in the decision of the International Court of Justice, as the case may be, the Governing Body may recommend to the Conference such action as it may deem wise and expedient to secure compliance therewith."

In the year 2000, Article 33 was invoked for the first time in ILO history when the Governing Body asked the ILC to take measures to urge Myanmar (Burma) to end the use of forced labour. The military regime ended in 2011 and a new labour law was adopted although the country faced new challenges and allegations of genocide against the Rohingya minority. Following the 2021 military coup, the situation of human and trade union rights has deteriorated seriously. In March 2021, EI associated itself with a complaint to the CFA by the ITUC concerning violations of the right to freedom of association, right to opinion and the right to peaceful assembly and protest in Myanmar. The Governing Body is considering the case as serious and urgent.¹⁹

¹⁹ https://www.ilo.org/dyn/normlex/en/f?p=1000:50002:0::NO:50002:P50002_COMPLAINT_TEXT_ID:4111049

Direct Interventions

Request for direct intervention by the ILO Director General

In cases of serious violations of labour standards, in particular violations of Conventions 87 or 98, requiring urgent action, such as the arbitrary detention of trade unionists, a worker or employer organisation can request the direct intervention of the ILO Director General. Although direct interventions are not a formal mechanism, it is a recognised, agile and effective practice.

Field Missions

As part of the supervisory procedures, the ILO also conducts advisory or direct contact, or high-level tripartite missions depending on the case, during which ILO officials meet government officials, employer and worker organisations, to discuss issues concerning the application of standards with the aim of finding solutions. On these occasions, education unions can request to meet the mission when visiting the country to provide additional information concerning any alleged violations of ILO Conventions. The reports on these missions, depending on their status, can provide valuable recommendations which the unions can then disseminate.

For example, in the case of the attacks and assassinations of trade unionists in the Philippines, and other violations of the right to freedom of association, the CAS and the CEACR in 2019 recommended that the government accept a high-level tripartite mission.²⁰

²⁰ See https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_711273.pdf and https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:4058020 This mission has been deferred because of the COVID-19 pandemic.



How can an education union use the ILO supervisory mechanisms?

EI affiliates and other education unions can do the following:

- submit written observations to the ILO through the Committee of Experts (CEACR);
- submit complaints to the Committee on Freedom of Association (CFA);
- submit representations to the Governing Body

Observations to the Committee of Experts on the Application of Conventions and Recommendations (CEACR)

As explained above, all ILO Member States are required to submit regular reports to the CEACR and additional reports on special request. A national organisation, including an education union or association, can play a crucial role, for example, by calling attention to regressive new legislation or reforms to existing laws that do not conform to an ILO Convention; or government failure to enforce the ILO fundamental Conventions effectively. National governments must respect the principles included in fundamental Convention even when they have not ratified them. Therefore, written observations are an important opportunity for the unions to raise issues that are relevant to educators. The deadline for sending comments to the ILO in the context of the CEACR annual report is normally 1 September of each year.

Comments can be sent to ORGS-CEACR@ilo.org. EI and the ITUC can provide advice and assistance with the transmission of observations to the Committee of Experts.

Complaints to the Committee on Freedom of Association (CFA)

The CFA receives and assesses complaints against the government of any Member State (as the responsible guarantor) by worker or employer organisations. A complaint to the ILO may be submitted even when all remedies available at the national level have not yet been exhausted. However, it is advisable that a worker organisation explains the reasons why those remedies have not been sought or reached a conclusion.

EI strongly recommends that education unions consult with EI before submitting a complaint. EI can provide advice on the procedures; can endorse or 'associate' with the complaint; and liaise with ILO for follow-up. EI can also coordinate with the ITUC for additional support. An optimum situation is if there is coordination between the national trade union centre, EI and ITUC so that they all associate with the complaint submitted by an education union.

The ILO first considers whether the complaint is admissible, that is, determines whether the facts described by the complainant organisation clearly allege a violation of trade union rights. If admissible, the ILO will then inform the national government that the organisation has filed a complaint and request comments on the allegations. The union concerned may provide additional information relevant to the case at any time. In their examination of the complaint, if the CFA concludes that standards or principles of freedom of association have been violated, it draws up a report for the ILO Governing Body and formulates recommendations on how to remedy the situation. The government is then invited to report on the implementation of these recommendations. The union may also report back to the CFA on any actions or failures of the government in response to the recommendations. More information on how to draft a complaint is available on the ILO website.



While the case is pending before the CFA, the national union can put pressure on the government in several ways. For example, it can use its media channels to publicise:

- that the case has been submitted to the CFA;
- any failures of the government to reply to requests for information from the CFA;
- the recommendations of the CFA and any follow-up actions by the government.

Submission and follow-up

The complainant will receive an acknowledgement of receipt from the ILO and the complaint will be assigned a case number. It is important to retain the case number for further reference and follow-up. If a union does not receive an acknowledgement and case number, it is advisable to contact EI for additional assistance.

It is essential to follow-up on a complaint once it is filed and to provide any additional information that may be requested by the *[ILO's International Labour Standards Department \(NORMES\)](#)*. It is also important to bear in mind that additional information may be submitted at any time, citing the case number of the complaint.

The reports containing conclusions and recommendations of the Committee on the Freedom of Association are published three times a year, after each meeting in March, June and November.

EI is available to provide advice and assistance on submitting a complaint to the CFA. EI can also associate itself with a complaint. More information on how to draft a complaint is available here: <https://foa-workersguide.ilo.org/>

Complaints should be sent to the following address:

International Labour Organization
NORMES
Route des Morillons 4,
CH 1211- Geneva 22
SWITZERLAND
E-mail: libsynd@ilo.org
www.ilo.org/normes

Representations under Article 24

The procedures for the examination of representations and an electronic submission form for representations under Article 24 are available online. EI can provide advice and assistance with the procedure.²¹

Generally speaking, it is recommended to make representations under Article 24 in cases which do not concern freedom of association and collective bargaining. Issues could refer for example to cases of discrimination, (Convention 111), equal remuneration (Convention 100), social security (Convention 102) and the rights of indigenous and tribal peoples (Convention 169). The Governing Body often refer cases concerning freedom of association and collective bargaining (Conventions 87 and 98), to the CFA.

Not many education unions have submitted representation under Article 24. One case was considered in 2008, submitted by the Education Workers Union of Río Negro (UNTER), local section affiliated to the Confederation of Education Workers of Argentina (CTERA) alleging non-observance by Argentina of the Indigenous and Tribal Peoples' Convention, 1989, (C. 169).²²

21 On-line submission form for representations under Article 24 of the ILO Constitution: <https://www.ilo.org/global/standards/applying-and-promoting-international-labour-standards/representations/lang-en/index.htm>

22 https://www.ilo.org/dyn/normlex/en/f?p=1000:50012:0::NO:50012:P50012_COMPLAINT_PROCEDURE_ID,P50012_LANG_CODE:2507187,en:NO



Commission of Inquiry under Article 26

Worker delegates to the ILO Conference can submit complaints under Art 26. Generally speaking, it is the trade union centres or employers' organisations at national level that initiate calls for a Commission of Inquiry. Education unions can support the call for a Commission of Inquiry by speaking at the Conference Committee on the Application of Standards and raising violations of the relevant Conventions and by carrying out advocacy with their government and employers' organisations.

ILO technical assistance and cooperation

The ILO provides technical assistance in drafting national legislation in line with international labour standards. The ILO also implements technical cooperation programmes, including tripartite consultations on labour law reforms, and promotional activities with the purpose of raising awareness of standards, building capacity to promote collective bargaining or develop negotiating skills.

Many of these technical assistance activities are carried out by the ILO's international labour standards specialists who are assigned to ILO offices located around the world. Standards specialists meet government officials, employers' and workers' organisations to provide assistance with new ratifications of Conventions and reporting obligations. In

addition, they discuss with them solutions to problems raised by the supervisory bodies, and review draft legislation to ensure that it conforms with international labour standards.

ILO international labour standards specialists are also available to assist education unions and may be called on for advice, information, and support.

In addition, the International Training Centre in Turin, Italy, offers training on international labour standards for government officials, employers, workers, lawyers, judges, and legal educators. Several representatives of EI member organisations have already benefitted from the training courses.



Joint ILO/UNESCO Committee of Experts on the Application of the Recommendations concerning Teaching Personnel (CEART)



Education International
Internationale de l'Éducation
Internacional de la Educación
Bildungsinternationale



CEART

The Joint ILO/UNESCO Committee of Experts on the Application of the Recommendations concerning Teaching Personnel (CEART) was created to monitor the implementation of the 1966 ILO/UNESCO Recommendation on the Status of Teachers. In 1999, its mandate was extended to also monitor the 1997 UNESCO Recommendation on the Status of Higher Education Teaching Personnel.

The two Recommendations are not legally binding and therefore the role of the Joint Committee is advisory. It reviews problems associated with the application of the Recommendations and encourages governments and employer and education unions to adopt measures to enhance the status of the teaching profession.

The CEART is composed of 12 independent experts appointed by UNESCO and the ILO for a six-year renewable mandate. The members act in their personal capacity. The criteria for selection include: independence from government, employer or trade union organisations and competence in the Recommendations' core fields. Furthermore, the Committee seeks to achieve a composition reflecting a balance of geographic regions, education systems, spheres of expertise and gender.

The CEART adopts a thematic agenda for each meeting and examines the reports and studies presented by governments, by national organisations representing teachers and their employers, by ILO and UNESCO, and by intergovernmental or non-governmental organisations (NGOs), such as EI.

The committee sessions are held every three years, alternating between UNESCO headquarters in Paris and the ILO in Geneva. Sessions vary in length from three and a half to five working days. These sessions are closed to the public but since 2000 interested stakeholders, including EI representatives, participate by invitation of the Joint Committee.

At its presentation to the CEART in October 2021, EI focused its intervention on the precarity of status, problems related



with digital and online teaching, attacks and restrictions on academic freedom and professional autonomy, on the de-professionalisation of teachers, as well as restrictions on trade union rights.

CEART reports published from 1997 session onwards are available at: <https://www.ilo.org/education>. Printed copies of the reports may also be requested from the joint secretariat at sector@ilo.org

Information on non-compliance with the Recommendations can be submitted to the CEART by education unions (see below).

1966 Recommendation on the Status of Teachers

This Recommendation, adopted on 5 October 1966 by Member States of UNESCO and ILO, sets common standards for the status of teachers, irrespective of the diversity of national legislation, regulations, and traditions. EI considers that the provisions of this Recommendation continue to be highly relevant and should be fully respected by all countries.

EI considers failure to consult education unions is a clear infringement of Article 9 of the Recommendation. It is critical for teachers to be able to negotiate their working conditions and strive for the highest education standards through their representative organisations. For this reason, EI has called on all governments to recognise representative education unions established in compliance with international and national standards.

The 1966 ILO/UNESCO Recommendation on the Status of Teachers

The 1966 ILO/UNESCO Recommendation on the Status of Teachers is the only international standard applicable to all teachers in both public and private schools up to the completion of the secondary stage of education whether nursery, kindergarten, primary, intermediate, or secondary, including those providing technical, vocational or art education (Article 2). It was adopted by consensus in October 1966 at an intergovernmental conference convened jointly by the ILO and UNESCO.

Main Issues Covered by the 1966 Recommendation

- **Preparation for the profession**
Policy governing entry into preparation for teaching should rest on the need to provide society with an adequate supply of teachers who possess the necessary moral, intellectual, and physical qualities and who have the required professional knowledge and skills (Art. 11).
- **The teacher shortage**
Recognising that certain expedients designed to deal with the shortage of teachers, such as over-large classes and the unreasonable extension of hours of teaching duty, are incompatible with the aims and objectives of education and are detrimental to the pupils, the competent authorities as a matter of urgency should take steps to render these expedients unnecessary and to discontinue them (Art. 141).
- **Employment and career**
Stability of employment and security of tenure in the profession are essential to the interests of education as well as to those of the teacher; they should be safeguarded even when changes in the organisation of or within a school system are made (Art.45).



The 1966 ILO/UNESCO Recommendation on the Status of Teachers (continued)

- ***The rights and responsibilities of teachers***

Every possible effort should be made to promote close cooperation between teachers and parents in the interests of pupils, but teachers should be protected against unfair or unwarranted interference by parents in matters which are essentially the teacher's professional responsibility (Art. 67).

- ***Collective social dialogue***

Teacher organisations should be recognised as a force which can contribute greatly to educational advance and which therefore should be associated with the determination of educational policy (Art. 9). Machinery should be established whereby the right of teachers to negotiate through their organisations with their employers, either public or private, is assured (Art. 83).

1997 Recommendation on the Status of Higher Education Teaching Personnel

The 1997 Recommendation on the Status of Higher Education Teaching Personnel represents the formal acknowledgement by UNESCO and ILO Member States of the need to address the status of higher education teaching personnel in all countries, through the application of common regulations without exceptions, despite the diversity of laws, regulations, and traditions. EI urges all countries to implement fully the 1997 Recommendation, particularly as higher education is subject to increasing commercial pressures.

The 1997 Recommendation concerning the Status of Higher Education Teaching Personnel

The 1997 Recommendation is the only international norm that applies to higher education teaching personnel, defined as all those persons in institutions or programmes of higher education who are engaged to teach and/or to undertake scholarship and/or to undertake research and/or to provide educational services to students or to the community at large (article 1f). It was adopted by consensus by the UNESCO General Conference on 11 November 1997, following years of joint preparation by UNESCO and the ILO.

Main Issues covered by the 1997 Recommendation

- ***Academic freedom***

Higher education teaching personnel are entitled to academic freedom. This is to say, the right, without constriction by prescribed doctrine, to freedom of teaching and discussion, freedom in carrying out research and disseminating and publishing the results thereof, freedom to express freely their opinion about the institution or system in which they work, freedom from institutional censorship, and freedom to participate in professional or representative academic bodies (Art. 27). CEART issued useful recommendations following the UCU complaint.²³

- ***Collegiality***

Higher education teaching personnel should have the right and opportunity, without discrimination of any kind, according to their abilities, to take part in the governing bodies and to criticise the functioning of higher education institutions, including their own, while respecting the right of other sections of the academic community to participate. They should also have the right to elect a majority of representatives to academic bodies within the higher education institution (Art. 31.)

²³ [Briefing on CEART report \(ucu.org.uk\)](#)



The 1997 Recommendation concerning the Status of Higher Education Teaching Personnel(continued)

- **Security of employment**

Security of employment in the profession, including tenure or its functional equivalent, where applicable, should be safeguarded as it is essential to the interests of higher education as well as those of higher education teaching personnel. Tenure or its functional equivalent, should be granted, after a reasonable period of probation, to those who meet stated objective criteria in teaching, and/or scholarship, and/or research to the satisfaction of an academic body, and/or extension work to the satisfaction of the institution of higher education (Art. 46).

- **Collective bargaining and social dialogue**

Organisations which represent higher education teaching personnel should be considered and recognised as a force which can contribute greatly to educational advancement, and which should, therefore, be involved, together with other stakeholders and interested parties, in the determination of higher education policy (Art. 8).

Higher education teaching personnel should enjoy the right to freedom of association, and this right should be effectively promoted. Collective bargaining or an equivalent procedure should be promoted in accordance with the standards of the ILO (Art. 52).

EI is concerned about the proliferation of short-term contracts and supports the decision of the Supreme Court of Canada, which ruled that “academic staff should have a strong security of employment in order to enjoy the freedom required to maintain academic excellence, which is or should be distinctive of the university.” EI considers the lack of consultation with teacher organisations to be a clear violation of Article 8 and Article 52 of the Recommendation. It is essential that academic staff be able to negotiate their conditions of employment through collective bargaining.

Procedure concerning allegations and reports

In order to monitor the implementation of the two recommendations, CEART has established a procedure that permits national and international education unions to submit complaints concerning the non-application of the provisions of the Recommendations in a Member State.

To be admissible for examination by CEART, an allegation should be related to the provisions of either recommendation, must come from a national or international education union, and should not fall within the competence of other bodies of the ILO or UNESCO established to monitor Conventions or other international instruments.

On receipt of any communication that it considers to contain an allegation and is considered within its competence, the secretariat of CEART may request additional information from the submitting organisation. It will then send the allegation to its permanent working party on allegations.

The original communication and any supplementary information will be



referred to the government of the country in question for its comments within a specified period of time. Comments received will in turn be sent to the submitting organisation for additional observations, and these in turn shall be returned to the government for its final remarks, if any. In the event that a government fails to respond within a reasonable time following the original communication and a reminder, the allegation may be submitted to CEART noting that the government has failed to respond.

The original communication and all observations from the parties are then submitted to CEART for examination at its next session. Where appropriate, information related to its consideration of allegations is sought from other sources in accordance with its mandate. CEART's views are published as part of its report.

Submission of the report

CEART's reports are submitted to the ILO Governing Body, with a request that the reports be transmitted to the CAS and to the Committee on Conventions and Recommendations of the Executive Board of UNESCO, for transmission to the General Conference.

On some occasions, the final draft of a report on an allegation may be prepared more than a year before the next scheduled meeting. With CEART's approval, the working party which has prepared the report is authorised to transmit it, as a full CEART report, for consideration by the Governing Body of the ILO and the Executive Board of UNESCO.

EI strongly recommends that education unions liaise with EI before sending any complaints to CEART so that EI can advise on the content of the complaint, and can also endorse the complaint and assist with any follow-up that may be required.

Submissions should be addressed as follows:

CEART/ILO
Education Sector Specialist
Sectoral Activities Department
International Labour Office
Route des Morillons, 4
CH-1211 Geneva 22
Switzerland
E-mail: sector@ilo.org
Tel: +41 22-799 -7513

or

CEART
Chief of Section
Section for Teacher Education
Division for Higher Education
UNESCO,
Place de Fontenoy 7,
75352 Paris 07 SP
France



UN High Commissioner for Human Rights



Education International
Internationale de l'Éducation
Internacional de la Educación
Bildungsinternationale



UN High Commissioner for Human Rights

The Office of the UN High Commissioner for Human Rights (OHCHR) is the lead agency within the UN system for the promotion and protection of human rights. OHCHR is guided in its work by the mandate provided by the General Assembly (Resolution 48/141), the Charter of the United Nations, the Universal Declaration of Human Rights and subsequent human rights instruments.

Structure of the Office of the High Commissioner for Human Rights (OHCHR)

The OHCHR is headed by a High Commissioner with the rank of Under-Secretary General and has its headquarters in Geneva, Switzerland. The OHCHR, in addition to the Executive Office of the High Commissioner, is composed of three substantive divisions:

- Thematic Engagement, Special Procedures and Right to Development Division (TESPRDD)
- Human Rights Council (HRC) and Treaty Mechanisms Division (CTMD)
- Field Operations and Technical Cooperation Division (FOTCD)

In 2022, OHCHR had 12 regional offices in East Africa (Addis Ababa), Southern Africa (Pretoria), West Africa (Dakar) Central America (Panama City), South America (Santiago de Chile), Europe (Brussels), Central Asia (Bishkek), South East Asia (Bangkok), Pacific (Suva) and the Middle East and North Africa (Beirut). OHCHR also has a Regional Centre for Human Rights and Democracy for Central Africa in Cameroon (Yaounde) and a Training and Documentation Centre for South West Asia and the Arab Region in Qatar (Doha).

Human Rights Bodies

The United Nations system for the promotion and protection of human rights consists of two main types of body: bodies created under the UN Charter, including the HRC, and bodies



created under the international human rights treaties. Most of these bodies receive secretariat support from the HRC and Treaty Mechanisms Division of the OHCHR.

Charter bodies

- Human Rights Council (HRC), formerly Commission on Human Rights (CHR)
- Special Procedures of the Human Rights Council
- Universal Periodic Review (UPR)
- Human Rights Council Complaint Procedure

Treaty bodies

There are ten human rights treaty bodies that monitor implementation of the core international human rights treaties:

- Human Rights Council (HRC)
- Committee on Economic, Social and Cultural Rights (CESCR)
- Committee on the Elimination of Racial Discrimination (CERD)
- Committee on the Elimination of Discrimination Against Women (CEDAW)
- Committee Against Torture (CAT)
- Sub-Committee on the Prevention of Torture
- Committee on the Rights of the Child (CRC)
- Committee on Migrant Workers (CMW)
- Committee on the Rights of Persons with Disabilities (CRPD)
- Committee on Enforced Disappearances (CED)

The bodies of most relevance for education unions are described below.

Human Rights Council (HRC)

In March 2006, the Human Rights Council (HRC) was established through Resolution 60/251 of the UN General Assembly Resolution 60/251, thereby replacing the former Commission on Human Rights. The HRC is an inter-governmental body responsible for the promotion and

protection of human rights around the globe and for addressing situations of human rights violations. It may discuss all thematic human rights issues. The Council is composed of 47 UN Member States elected by the UN General Assembly for a three-year period and it meets at the UN building in Geneva.

The HRC reaffirms the indivisibility, universality, and interdependence of all human rights. On the occasion of its inauguration, former UN Secretary General Kofi Annan stated: “The Council’s work should mark a clean break from the past, and that should be apparent in the way it developed and applied the universal periodic review mechanism; and in its willingness to confront hard issues and engage in difficult discussions, where these were necessary to remedy or to prevent human rights violations. The Council should never be allowed to become caught up in political point-scoring or petty manoeuvres; it should always think of those whose rights were denied.”

The current composition of the HRC is available on the [OHCHR website](#).²⁴

Special Procedures

Special Procedures are established by the HRC to address either specific country situations or thematic issues in all parts of the world. As of October 2022, there are 45 thematic and 14 country mandates. The current list of thematic and country mandates is available on the [OHCHR website](#).²⁵ The OHCHR provides these mechanisms with personnel, logistical, and research assistance to support them in the discharge of their mandates.

Special Procedures undertake country visits; act on individual cases and broader issues by sending communications to States and others to bring alleged violations or abuses to their attention; conduct

²⁴ <https://www.ohchr.org/EN/HRBodies/HRC/Pages/Membership.aspx>

²⁵ <https://www.ohchr.org/EN/HRBodies/SP/Pages/Welcomepage.aspx>



thematic studies and convene expert consultations; contribute to the development of international human rights standards; engage in advocacy; and provide advice for technical cooperation. Special Procedures report to the HRC; most of the mandates also report to the General Assembly. Their tasks are defined in the resolutions creating or extending their mandates.

During recent years, the Special Procedures have brought to the attention of the international community many issues of concern, such as police brutality, summary executions, honour killings, the plight of street children, the persecution of ethnic minorities in many societies, the role of non-State actors in human rights violations, the link between extreme poverty and respect for human rights, and the impact of human rights violations on civil society.

Special Procedures can be established through the appointment of a Special Rapporteur, a Special Representative or Independent Expert – or a working group, typically composed of five members. Mandate-holders of the Special Procedures serve in their personal capacity and do not receive salaries or any other financial retribution for their work. An independent status for the mandate-holders can help guarantee their impartiality.

Thematic and Country Mandates

In October 2022, the following mandates existed:

Countries²⁶

- Afghanistan – Special Rapporteur on Human Rights
- Belarus – Special Rapporteur on Human Rights
- Burundi – Special Rapporteur on Human Rights
- Cambodia – Special Rapporteur on Human Rights
- Central African Republic - Independent Expert on Human Rights
- Democratic People's Republic of Korea - Special Rapporteur on Human Rights
- Eritrea – Special Rapporteur on Human Rights
- Islamic Republic of Iran –Special Rapporteur on Human Rights
- Mali – Independent Expert on Human Rights
- Myanmar - Special Rapporteur on Human Rights
- Palestinian Territories – Special Rapporteur on Human Rights
- Russian Federation – Special Rapporteur on Human Rights
- Somalia - Independent Expert on Human Rights
- Syrian Arab Republic – Special Rapporteur on Human Rights

Themes²⁷

- Working Group on People of African Descent
- Independent Expert on Human Rights of Persons with Albinism
- Working Group on Arbitrary Detention
- Working Group on Human Rights and Transnational Corporations and other Business Enterprises

26 The current list is available at: <https://spinternet.ohchr.org/ViewAllCountryMandates.aspx?lang=en>

27 The current list is available at : <https://spinternet.ohchr.org/ViewAllCountryMandates.aspx?Type=TM&lang=en>



- Special Rapporteur on the promotion and protection of human rights in the context of climate change
- Special Rapporteur on Cultural Rights
- Special Rapporteur on the Right to Development
- Special Rapporteur on the Rights of Persons with Disabilities
- Working Group on Enforced or Involuntary Disappearances
- **Special Rapporteur on the Right to Education**
- Special Rapporteur on Human Rights to Safe, Clean, Healthy and Sustainable Environment
- Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions
- Special Rapporteur on the Right to Food
- Independent Expert on the effects of Foreign Debt
- Special Rapporteur on Right to Freedom of Opinion and Expression
- **Special Rapporteur on Right to Peaceful Assembly and Association**
- Special Rapporteur on the Right to Physical and Mental Health
- Special Rapporteur on the Right to Adequate Housing
- **Special Rapporteur on Human Rights Defenders**
- Special Rapporteur on the Independence of Judges and Lawyers
- Special Rapporteur on Human Rights of Indigenous People
- Special Rapporteur on Human Rights of Internally Displaced Persons
- Independent Expert on the Promotion of a Democratic and Equitable International Order
- Independent Expert on Human Rights and International Solidarity
- Special Rapporteur on the Elimination of Discrimination against Persons affected by Leprosy and their Families
- Working Group on the Use of Mercenaries to Impede the Right of Peoples to Self-Determination
- Special Rapporteur on the Human Rights of Migrants
- Special Rapporteur on Minority Issues
- Independent Expert on the Human Rights of Older Persons
- Special Rapporteur on Extreme Poverty and Human Rights
- Special Rapporteur on the Right to Privacy
- Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance
- Special Rapporteur on Freedom of Religion and Belief
- Special Rapporteur on the Sale and Sexual Exploitation of Children
- Independent Expert on the Protection against Violence and Discrimination based on Sexual Orientation and Gender Identity
- Special Rapporteur on Contemporary Forms of Slavery
- Special Rapporteur on the Promotion and Protection of Human Rights while Countering Terrorism
- Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- Special Rapporteur on Trafficking in Persons, especially Women and Children
- Special Rapporteur on the Promotion of Truth, Justice, Reparation and Guarantees of Non-Repetition
- Special Rapporteur on the Negative Impact of Unilateral Coercive Measures on Human Rights
- Special Rapporteur on Violence against Women
- Special Rapporteur on the Right to Safe Drinking Water and Sanitation
- **Working Group on Discrimination against Women and Girls**



Submitting complaints under Special Procedures

Any individual, trade union, civil society organisation or national human rights body can submit complaints, known as communications, to the Special Procedures mandate holders. The person(s) or organisation(s) submitting may be direct or indirect victims of the alleged violations or have a direct or reliable knowledge of those allegations. The complaint can relate to a human rights violation that has already occurred, one that is ongoing, or to take preventive measures. When mandate-holders receive credible information about a human rights violation that comes within the scope of their mandate, they can intervene directly by sending urgent appeals to the government concerned. The decision to intervene is at the discretion of the mandate-holder.

The admissibility criteria will generally relate to the reliability of the source, the internal consistency of the information received, the level of detail and the scope of the mandate itself. The criteria and procedures involved in responding to an individual complaint vary, so it is necessary to submit a complaint in accordance with the specific requirements established by each mandate-holder.

Education unions are advised to assist their individual members to file complaints. The claim should be in writing and signed. EI strongly recommends that affiliates liaise with EI before sending any complaints to OHCHR so that EI can advise on the content of the complaint and can also endorse the complaint and assist with any follow-up that may be required.

The OHCHR secretariat may request additional details. Special Procedures submit reports on the communications received to the HRC. The identity of the source of information is always kept confidential. A complaint can be

submitted through the online form/questionnaire at the link “Online submission to special procedures” in English, French or Spanish.

Communications can also be sent by post or email:

Office of the United Nations High Commissioner for Human Rights
Palais Wilson
United Nations Office at Geneva
1211 Geneva 10, Switzerland
Tel: (41 22) 917 90 00
E-mail: urgent-action@ohchr.org

Information Needed to Submit a Communication

The Special Procedures mandate-holders will only act on credible and substantiated information, which is factual, updated, as clear as possible, and not politically motivated or based exclusively on reports disseminated by mass media. Submissions need to be an accurate account of the alleged violation and include the following information:

Alleged Violation

- Date, time and location of the Incident(s)
- Victims, including their names
- Types of violations
- The circumstances of the alleged violations (chronological order) alleged perpetrators of the violations
- Any actions taken by the victims and/or their legal representatives and possible outcomes
- Any actions taken by relevant authorities to remedy the situation and possible outcomes
- Any other information that may further clarify the context in which the violations have occurred including possible patterns and trends



Universal Periodic Review (UPR)

The UPR was established with the HRC on 15 March 2006. The UPR is a unique mechanism of the HRC designed to monitor States' compliance with human rights instruments and to address human rights violations when they occur. It provides the opportunity for each State to declare what actions they have taken to improve the human rights situations in their countries and to fulfil their human rights obligations. The UPR is designed to ensure equal treatment for every country when their human rights situations are assessed. The UPR also aims to provide technical assistance to States, enhance their capacity to deal effectively with human rights challenges and to share best practices in the field of human rights among States and other stakeholders.

Under the UPR mechanism, the human rights situation of all UN Member States is reviewed every four or five years. Each year, 42 States are reviewed at three Working Group sessions dedicated to 14 States each. These three sessions are usually held in January/February, May/June and October/November. The fourth cycle of reviews has started in November 2022 for a five-year period. The reviews are conducted by the UPR Working Group which consists of the 47 members of the Council; however, any UN Member State can take part in the dialogue with the States under review.

The documents on which the reviews are based are: 1) information provided by the State under review, which can take the form of a "national report"; 2) information contained in the reports of independent human rights experts and groups, the Special Procedures, human rights treaty bodies, and other UN entities; 3) information from other stakeholders including national human rights institutions and NGOs.

El is entitled to submit information to the UPR and has already reported on a number of countries, including Bahrain, Eswatini, Georgia, Iran, Nepal and Turkey.

Human Rights Committee (HRCt)

The UN Human Rights Committee (HRCt) is composed of 18 experts who meet three times a year in Geneva. States must report initially to the Committee within two years of becoming a State party to the [1966 International Covenant on Civil and Political Rights](#) (ICCPR)²⁸ and thereafter every five years. If they are State parties, they must also report on measures to comply with the Second Optional Protocol to the Covenant on the Abolition of the Death Penalty. Furthermore, the Committee has the competence to examine inter-state and individual complaints related to alleged violations of the Covenant by State parties to the First Optional Protocol. The HRCt also publishes its interpretation of human rights provisions, known as general comments on thematic issues or methods of work.²⁹

In March 2020, there were 116 State parties to the First Optional Protocol and there were 88 State parties to the Second Optional Protocol.³⁰

Committee on the Elimination of Discrimination against Women (CEDAW)

The Committee on the Elimination of Discrimination against Women (CEDAW) is composed of 23 experts from different regions of the world, with a mandate to monitor the advancement of women in

28 For the full text, of the ICCPR, see <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>

29 Further information on the Covenant and the Human Rights Committee may be obtained from the UN Fact Sheet: <https://www.ohchr.org/Documents/Publications/FactSheet15rev.1en.pdf>

30 The current list may be consulted here: https://treaties.un.org/Pages/Treaties.aspx?id=4&subid=A&clang=_en



countries that are States Parties to the [1979 Convention on the Elimination of All Forms of Discrimination against Women](#).³¹

The Convention defines what constitutes discrimination against women. By ratifying the Convention, States are obliged to undertake a series of measures to end discrimination against women in all forms. Countries that have ratified or acceded to the Convention commit to submitting national reports every four years on measures they have taken to comply with their treaty obligations. The Committee also makes recommendations on any issue affecting women which it believes the States parties should address.

In November 2022, there were [182 States Parties](#) to the Convention on the Elimination of All Forms of Discrimination against Women.³²

Committee on Economic, Social and Cultural Rights (ICESCR)

This committee is composed of 18 independent experts and monitors the implementation of the [1966 International Covenant on Economic, Social and Cultural Rights](#) (ICESCR).³³ It was set up in its current form by the UN Economic and Social Council in 1985. It meets every two years, holding two three-week sessions in May and November. Its primary function is to monitor the implementation of the Covenant by State parties and it can issue specific legislative and policy recommendations to countries in order to secure more effectively the rights contained in the Covenant and interpretative general comments. State parties are required to submit regular reports to the Committee on how these rights are being implemented. They must report initially within two years of becoming a State party to the Covenant and thereafter every five years.

31 For the full text of the CEDAW, see <https://www.ohchr.org/en/professionalinterest/pages/cedaw.aspx>

32 The current list may be consulted here: https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-8&chapter=4&clang=en

33 For the text of the ICESCR see <https://www.ohchr.org/EN/ProfessionalInterest/Pages/ICESCR.aspx>

The Covenant contains some of the most significant international legal provisions establishing

the 'progressive realisation' of economic, social and cultural rights, including rights relating to work in just and favourable conditions, to social protection, to an adequate standard of living, to the highest attainable standards of physical and mental health, to education and to enjoyment of the benefits of cultural freedom and scientific progress.

Article 8 refers to the right to form and join trade unions and is based on provisions found in ILO Convention 87. It also provides for the right to strike, provided it is exercised in conformity with the laws of the particular country (Article 8 (d)).

Article 13 refers to the right to education:

The States Parties to the present Covenant recognise that, with a view to achieving the full realisation 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.*



Civil society organisations, including trade unions, with consultative status with the UN, may also submit both written comments and oral submissions to the sessions of the Committee.

An Optional Protocol to the Convention was adopted in 2008 allowing for a complaint procedure. Communications can be submitted by individuals or groups, claiming to be victims of alleged violations of any of the economic, social and cultural rights contained in the Covenant. Inter-State complaints may also be submitted. In December 2022, there were [173 State parties to the ICESCR and 24 State parties to its Optional Protocol](#) on communications.³⁴

Committee on the Elimination of Racial Discrimination (CERD)

The Committee on the Elimination of Racial Discrimination (CERD) is composed of 18 independent experts who monitor implementation of the [Convention on the Elimination of All Forms of Racial Discrimination](#) by its State parties³⁵.

The Committee meets in Geneva and normally holds three sessions each year for two or three weeks. States must report initially one year after acceding to the Convention, and then every two years. Besides the reporting procedure, the Convention establishes three other mechanisms through which the Committee performs its monitoring functions: the early-warning procedure, the examination of inter-state complaints, and the examination of individual complaints.³⁶

Committee against Torture (CAT)

The Committee against Torture (CAT) monitors implementation of the Convention against Torture and Other

Cruel, Inhuman or Degrading Treatment or Punishment by its State parties.³⁷ All State parties must report initially one year after acceding to the Convention and then every four years. Additionally, CAT may also, under certain circumstances, consider individual complaints or communications from individuals claiming that their rights under the Convention have been violated, undertake inquiries, and consider inter-state complaints.

Committee on the Rights of the Child (CRC)

The Committee on the Rights of the Child (CRC) monitors implementation by State parties of the [Convention on the Rights of the Child](#)³⁸ and the two Optional Protocols to the Convention, on involvement of children in armed conflict and on the sale of children, child prostitution, and child pornography, by its State parties. All State parties must report initially two years after acceding to the Convention and then every five years.

This Convention has been one of the most widely ratified. In December 2022, there were [196 State parties and the United States of America is signatory State](#) to the Convention.³⁹

Committee on Migrant Workers (CMW)

The Committee on Migrant Workers (CMW) is composed of 10-14 independent experts who monitor implementation of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families by its State parties. All State parties must report initially one year after acceding to the Convention and then every five years.⁴⁰

34 The current list may be consulted here: <https://treaties.un.org/Pages/Treaties.aspx?id=4&subid=A&clang=en>

35 For the full text, see: <https://www.ohchr.org/en/professionalinterest/pages/cedaw.aspx>

36 Further information on the CERD can be obtained from the UN Fact Sheet on the Convention and Committee <https://www.ohchr.org/Documents/Publications/FactSheet12en.pdf>

37 For the full text, see: <https://www.ohchr.org/en/professionalinterest/pages/cat.aspx>

38 For the full text see: <https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>

39 The current list may be consulted here: <https://treaties.un.org/Pages/Treaties.aspx?id=4&subid=A&clang=en>

40 Further information on the Convention on Migrant Workers and the work of the Committee can be obtained from the UN Fact Sheet:





African Union (AU)





African Union (AU)

The African Union (AU) is an inter-governmental regional organisation established in 2002, as a successor to the Organization of African Unity (OAU). The purpose of the AU is to promote democracy, human rights, peace and stability as well as economic integration and cohesion. In the longer term the AU aspires to greater political and economic union, an integrated defence force and freedom of movement and goods across the region.

The AU Commission has headquarters in Addis Ababa, Ethiopia. The AU is governed by the Assembly of Heads of State and the Pan-African Parliament. It has eight Commissioners, responsible for trade, resources, and security issues. There is a Commissioner for Social Affairs but there are no specific Commissioners for education or human rights. The Commissioner for Human Resources, Science and Technology is responsible for AU programmes on education with the mandate to contribute towards revitalised, quality, relevant and harmonised education systems responsive to the needs of Africa.

African Charter on Human and Peoples' Rights (Banjul Charter)

The *Banjul Charter*⁴¹ is an international human rights instrument that seeks to promote and protect human rights and basic freedoms in the African continent. Article 10 of the Charter guarantees freedom of association and Article 17 guarantees 'the right to education and the freedom to take part in cultural activities in the community'. While 'Peoples' Rights' are not defined in the Charter, they have been interpreted to mean community rights, be it ethnic or national, to determine how they should be governed, and other rights, such as international peace and security, and the right to a safe and clean environment.

⁴¹ For the full text, see <https://www.achpr.org/legalinstruments/detail?id=49>



Key sections include the following:

- Every individual shall be entitled to the enjoyment of the rights and freedoms recognised and guaranteed in the present Charter without distinction of any kind such as race, ethnic group, colour, sex, language, religion, political or any other opinion, national and social origin, fortune, birth, or other status (Art. 2).
- 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 (Art. 6).
- Every individual shall have the right to free association provided that he abides by law (Art. 10.1).
- Every individual shall have the right to assemble freely with others. The exercise of this right shall be subject only to necessary restrictions provided for by law, in particular those enacted in the interest of national security, the safety, health, ethics, and rights and the freedoms of others (Art. 11).
- Every individual shall have the right to work under equitable and satisfactory conditions and shall receive equal pay for equal work (Art. 15).

African Commission on Human and Peoples' Rights (ACHPR)

The African Commission on Human and Peoples' Rights (ACHPR) is a quasi-judicial body established by the Banjul Charter. The Commission meets twice a year, usually in March/April and October/November. One of these meetings is usually in Banjul (Gambia), where the Commission's secretariat is located; the other may be in any African state.

The ACHPR is made up of 11 independent legal experts, elected by secret ballot

at the AU Assembly, who serve a six-year renewable term. The Commission is responsible for the protection and promotion of human rights and interpreting the Banjul Charter. In fulfilling these responsibilities, it may undertake research, organise seminars and conferences, disseminate information and make recommendations to governments.

The ACHPR may create special mechanisms, such as special rapporteurs, committees and working groups. In December 2022, there were special rapporteurs, including a Special Rapporteur on Women, a Special Rapporteur on Refugees, and a Special Rapporteur on Indigenous Populations and Communities in Africa.⁴²

The ACHPR appointed a Special Rapporteur on Human Rights Defenders in 2004. The mandate of the Special Rapporteur is to:

- seek, receive, examine and act upon information regarding human rights defenders in Africa;
- submit reports at every ordinary session of the African Commission;
- cooperate and engage in dialogue with Member States, National Human Rights Institutions, relevant intergovernmental bodies, international and regional mechanisms of protection of human rights defenders and other stake holders;
- develop and recommend effective strategies to better protect human rights defenders and follow up on his/her recommendations; and
- raise awareness and promote the implementation of the UN Declaration on Human Rights Defenders (1998) in the African region.

⁴² The current list of special mechanisms is available here: <https://www.achpr.org/specialmechanisms>



Procedures to submit a complaint to the ACHPR⁴³

Who may file a complaint?

Article 55 ACHPR does not place any restrictions on who can submit cases to the Commission. The Commission has interpreted this provision to allow victims themselves and victims' families as well as NGOs and others acting on their behalf to submit complaints. Names of the victims may remain anonymous.

Information to be included in the complaint:

- Name, nationality contact address of complainant (and legal representative if appropriate)
- Government accused of the violation
- Facts constituting alleged violation
- Urgency of the case i.e., does it require emergency measures
- Provisions of the Charter alleged to be violated
- Names and titles of government authorities who committed the violation (name of institution and current head of institution)
- Witness(es) to the violation
- Documentary proof of the violation
- Domestic legal remedies pursued
- Other international avenues pursued

Admissibility

The Commission can only deal with communications if they "are sent after exhausting local remedies, if any, unless it is obvious that this procedure is unduly prolonged" (Article 56(5)).

The complaint should state whether the issue is being considered before any other international human rights body.

Interim or emergency measures

The Commission has developed a mechanism for adoption of interim or emergency measures in its Rules of Procedure (Rule 111) "to avoid irreparable damage being caused to the victim of the alleged violation".

Friendly settlement

The Commission can use its good offices so as to reach an amicable solution on the issue based on the respect of human rights and fundamental liberties as recognised by the Charter (Rule 98 Rules of Procedure).

Written report

After having obtained the information, it considers necessary, and after having tried all appropriate means to reach an amicable settlement, the Commission prepares a report stating the facts and its findings. This report is then submitted to the Assembly of Heads of State and Government for a final decision.

Complaints, known as communications, can be sent by post or email to the following address:

The Secretary,
The African Commission on Human and People's Rights
P O Box 673, Banjul
The Gambia
Tel: + (220)-392-962
E-mail: achpr@achpr.org
Web-site: www.achpr.org

⁴³ The ACHPR has developed guidelines for submitting complaints, available at <https://www.achpr.org/guidelinesforsubmittingcomplaints>



African Court of Human and Peoples' Rights

The African Court of Human and Peoples' Rights complements and reinforces the work of the Commission. Established in 2004, it began hearing cases in 2010 after adopting its Final Rules of Court. The Court is composed of 11 judges, and it is based in Arusha, Tanzania.

The Court may receive cases filed by the ACHPR, State parties to the Protocol or African Intergovernmental Organisations. NGOs with observer status before the African Commission and individuals can also institute cases directly before the Court if the State against which they are complaining has deposited the Article 34(6) declaration recognising the jurisdiction of the Court to accept cases from individuals and NGOs.⁴⁴

In December 2022, the countries which had recognised the competence of the court in cases submitted by individuals and NGOs were: Benin, Burkina Faso, Côte d'Ivoire, The Gambia, Ghana, Guinea Bissau, Mali, Malawi, Niger, Rwanda, Tanzania and Republic of Tunisia.⁴⁵

Communications can be submitted to the following address:

Registry of the Court
P.O. Box 6274
Arusha,
Tanzania
Email: registry@african-court.org

⁴⁴ Further information on how to file a case to the court is available here: <https://www.african-court.org/en/index.php/27-filing-a-case/106-how-to-file-a-case#Submission>

⁴⁵ The current list of countries is available at: <https://www.african-court.org/wpafc/declarations/>





Council of Europe



Education International
Internationale de l'Éducation
Internacional de la Educación
Bildungsinternationale



Council of Europe

The Council of Europe, established in 1949, is currently composed of 46 countries.⁴⁶ Membership is open to all European countries that accept the principle of the rule of law and guarantee fundamental human rights and freedoms to their citizens. In 1950, the Council ratified the first international legal instrument safeguarding human rights, the European Convention for the Protection of Human Rights and Fundamental Freedoms.

Structure of the Council of Europe

The Council of Europe comprises four pillars:

Committee of Ministers

The Council of Europe's decision-making body comprises the Foreign Affairs Ministers of all Member States, or their permanent diplomatic representatives in Strasbourg, France.⁴⁷ The Committee meets at ministerial level once a year and at Deputies' level (Permanent Representatives to the Council of Europe) on a weekly basis.

Parliamentary Assembly

The Assembly representatives are elected by the national governments of Member States. National delegations must 'reasonably' reflect the representation of political parties in the parliaments. The size of the population of each country determines its number of representatives and votes, with the largest countries having 18 representatives and the smallest two representatives each. In December 2022, there were 612 representatives. Their function is to investigate, recommend, and provide advice.⁴⁸

⁴⁶ Following the [decision](#) of the Committee of Ministers on 16 March 2022 the Russian Federation is no longer a member of the Council of Europe.

⁴⁷ http://www.coe.int/t/cm/aboutCM_en.asp

⁴⁸ For size of current composition see: <https://pace.coe.int/en/pages/representation>



Congress of Local and Regional Authorities

The Congress of Local and Regional Authorities is responsible for strengthening local and regional democracies in the Member States. The Congress is made up of two Chambers: The Chamber of Regions and the Chamber of Local Authorities. In December 2022, it had 306 representatives elected for four-year terms. It is organised in political groupings. The main task of the Congress is to monitor the situation of local and regional democracy in Member States and observe local and regional elections in Europe. It also provides advice to the Committee of Ministers and to the Parliamentary Assembly on local and regional issues.⁴⁹

Conference of International NGOs

The Conference of INGOs is the main body representing NGOs which have participatory status before the Council of Europe. The plenary Conference decides on policy lines and actions and adopts positions and policies which are submitted in the form of Recommendations or Resolutions to other Council of Europe bodies. NGOs can also advise or provide legal representation for individuals or groups who wish to submit a complaint to the European Court of Human Rights. They can also submit collective complaints to the European Committee of Social Rights alleging violations of the European Social Charter.⁵⁰

EI has been granted participatory status by the Council of Europe and takes part in the annual plenary Conference of the INGOs. Each year the Conference decides on a general plan of action and the work plan for the Standing Committee and the Bureau of INGOs to implement.

EI participates in the Conference committees, with a special focus on education-related items, including education and intercultural dialogue, education for citizenship, and democratic governance in schools.

The European Social Charter and the European Committee for Social Rights

Guarantees for social rights are embodied in the European Social Charter (1961), the Revised Charter (1966) and the Additional Protocol (1988).⁵¹ Of the rights guaranteed by the Charter, the right to work, the right to organise, the right to bargain collectively, the right to social security, the right to social and medical assistance, the right to the social, legal and economic protection of the family, and the right to protection and assistance for migrant workers and their families are particularly significant. In October 2021, the Charter or the Revised Charter had been signed by all Member States and 43 of the 47 Member States of the Council of Europe had ratified either version.⁵² The European Committee for Social Rights, set up under the Charter, is the body responsible for monitoring compliance by States parties of their commitments under these Treaties.

Follow up of the European Social Charter via the national reports

Every year, State parties are required to submit a national report on the application of the Charter in their country. These reports are examined by the Committee which adopts conclusions as to whether the State party is in conformity with the provisions of the Charter. The follow-up to these conclusions is carried out by the Committee of Ministers of

49 For more information on the Congress see: <https://www.coe.int/en/web/congress/overview>

50 For more information see: http://www.coe.int/t/ngo/conf_intro_en.asp and [https://www.coe.int/en/web/ingo/conference#\(1%2210850802%22:\[0,1\]\)](https://www.coe.int/en/web/ingo/conference#(1%2210850802%22:[0,1]))

51 For the full text of the European Social Charter, see <https://www.coe.int/en/web/european-social-charter/about-the-charter>

52 The current list of Member States that have ratified the Charter or the Revised Charter can be found here: https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/035/signatures?p_auth=70lgjZFc



the Council of Europe, by adopting a resolution which may contain specific recommendations to a Member State. Civil society organisations and trade unions have the opportunity to question their government about the draft report before it is submitted or may submit additional observations to the report.⁵³

Collective complaints

The European Committee of Social Rights established a parallel collective complaints system to complement the judicial protection provided under the European Convention on Human Rights (see below). The European Trade Union Confederation (ETUC), trade unions in the country concerned and INGOs with participatory status at the Council of Europe are entitled to submit collective complaints directly to the European Committee of Social Rights. However, the complaints can only concern States parties that have ratified the Additional Protocol of 1995, which established the complaints system. In December 2022, there were **19 countries** that had ratified this additional protocol.⁵⁴

The Committee only examines collective complaints not individual complaints. Complaints can be submitted even if domestic remedies have not been exhausted. If the formal requirements have been met, the complaint is declared admissible. A written procedure is then set in motion, and the Committee may decide to hold a public hearing. The Committee then makes a decision on the merits of the complaint, which it forwards to the parties concerned and to the Committee of Ministers in a report that is made public within four months. Finally, the Committee of Ministers adopts a resolution. If appropriate, it may recommend that the State concerned take specific measures in order to comply

with the European Social Charter. The decisions taken by the Committee of Ministers are declaratory, set out the law and must be respected by the State concerned. However, it is the domestic courts to declare invalid or set aside domestic legislation if the Committee has ruled that it is not in compliance with the Charter.

European Convention on Human Rights (ECHR)

The Convention for the Protection of Human Rights and Fundamental Freedoms, known as the **European Convention on Human Rights** (ECHR), was inspired by the 1948 Universal Declaration of Human Rights and entered into force in 1953. All Member States of the Council of Europe are party to the ECHR, and new members are expected to ratify the Convention at the earliest opportunity.⁵⁵

The ECHR guarantees the following rights:

- the right to life
- the right to a fair hearing
- the right to respect for private and family life
- freedom of expression
- freedom of thought, conscience and religion
- the protection of property.

The Convention prohibits in particular:

- torture and inhuman or degrading treatment or punishment
- slavery and forced labour
- death penalty
- arbitrary and unlawful detention
- discrimination in the enjoyment of the rights and freedoms set out in the Convention

The Convention has been amended various times through the adoption of protocols.

53 The national report form and guidance are available here: <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016804922f8>

54 The list of countries which have ratified the 1995 Additional Protocol may be found here: https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/158/signatures?p_auth=70lgjZFc

55 The full text of the ECHR is available here: https://www.echr.coe.int/Documents/Convention_ENG.pdf



For example, Protocol 6 prohibited the death penalty except in time of war. In 1994, Protocol 11 provided that individuals have direct access to the European Court of Human Rights and also enlarged the Court, assigning to it functions and powers which were previously held by the Commission on Human Rights. By ratifying Protocol 11, all contracting states accepted the jurisdiction of the Court to rule over cases brought against them by individuals. Protocol 14 amended the supervisory system of the Convention.

European Court of Human Rights

The European Court of Human Rights, established first in 1958 and operating from 1998 under Protocol 11 as a full-time court which can hear individual cases. It comprises 47 judges, one from each Member State. The judges are elected for a six-year renewable term by the Parliamentary Assembly from shortlists of three candidates submitted by each member country. The judges sit in an individual capacity and do not represent their respective countries; they must be independent and impartial. The Court's mission is to protect and guarantee the rights set down in the ECHR. It rules over complaints against any Member State submitted either by States or individual citizens of a Member State. The Court is based in Strasbourg, France.⁵⁶

Any person who considers that their rights under the ECHR have been violated by a State party can take a case to the Court. The decisions of the Court are legally binding, and the Court has the power to award damages. The establishment of a Court to protect individuals from human rights violations was an innovative feature, as it gives the individual an active role in the protection of human rights where previously, only States were considered actors in international law.

⁵⁶ For more information on the European Court of Human Rights see: <https://www.echr.coe.int/Pages/home.aspx?p=court&c=>

Complaints Procedure

Any Member State or individual that claims to be the victim of a violation of the ECHR by a State that is a bound by the Convention may submit a complaint, known as an application, directly to the Court. The applicant must have first exhausted all domestic remedies, normally through a decision by the highest court, and must file a complaint within six months of that decision. The complaint must be directed against the State or State institution, not against a private company or individual and clearly refer to a violation of a right set down in the ECHR. Complaints should be submitted using an application form in English or French or one of the official languages of one of the States parties to the ECHR.⁵⁷

The complainant may also request interim measures, or emergency measures, in cases where a serious violation of the Convention may occur, usually in the form of requesting a State to refrain from any action while the Court is considering the case. There is a specific guidance and application form to request interim measures.⁵⁸

All complaints, known as applications, must be submitted by post, using the application form, addressed to:

The Registrar
European Court of Human Rights
Council of Europe
F-67075 Strasbourg Cedex
France

⁵⁷ More information on the process and the application form can be obtained here: https://www.echr.coe.int/Documents/Questions_Answers_ENG.pdf and <https://www.echr.coe.int/Pages/home.aspx?p=applicants&c=>

⁵⁸ For more information on interim measure procedures see: https://www.echr.coe.int/Documents/PD_interim_measures_ENG.pdf



Commissioner for Human Rights

The Commissioner for Human Rights is an independent institution within the Council of Europe, established in 1999, to promote and raise awareness of human rights in the 47 countries of the Council. The Commissioner is supported by an office and assisted by a group of advisors.

The Commissioner is mandated to foster the effective observance of human rights, assist Member States in the implementation of Council of Europe human rights standards, promote education and awareness-raising in human rights standards, identify possible shortcomings in the law and practice, and facilitate the activities of national ombudspersons and other human rights structures. The Commissioner's responsibility is to encourage reforms to improve the promotion and the protection of human rights as well as to take initiatives to protect against human rights violations.

The Commissioner engages in continuing dialogue with Member States and conducts official country missions for a comprehensive evaluation of the human rights situation. The Commissioner's reports are presented to the Council of Europe's Committee of Ministers and the Parliamentary Assembly. They are subsequently published and widely circulated.

As a non-judicial institution, the Commissioner's Office cannot act upon individual complaints, but the Commissioner can draw conclusions and take wider initiatives on the basis of reliable information regarding human rights violations suffered by individuals.⁵⁹

Communications should be addressed by post or email to:

Office of the Commissioner for Human Rights
Council of Europe
F-67075 Strasbourg Cedex,
FRANCE
E-mail: commissioner@coe.int
Tel + 33 388 413421
Fax + 33 390 215053

⁵⁹ For more information on the role of the Commissioner for Human Rights, see: <https://www.coe.int/en/web/commissioner>



European Union Institutions





Council of Europe

The European Union (EU) is founded on a strong commitment to promoting and protecting human rights, democracy and the rule of law. Civil society organisations, including trade unions, have an important role to play in raising awareness of EU human rights provisions and ensuring that they are effectively respected.

EU Charter of Fundamental Rights

The EU Charter of Fundamental Rights guarantees EU citizens' rights and became legally binding when the Treaty of Lisbon came into force in 2009. The Charter brings together all the personal, civic, political, economic and social rights enjoyed by people within the EU in a single text. It includes the rights and freedoms set out in the ECHR; rights found in case law of the Court of Justice of the EU (see below) and other rights and principles resulting from common constitutional traditions of EU countries and other international instruments. The EU Charter is consistent with the ECHR. The main provisions concerning trade union rights are:

- The right to freedom of peaceful assembly and association including the "right of everyone to form and to join trade unions for the protection of his or her interests". (Article 12);
- Workers' right to information and consultation within the undertaking (Article 27);
- The right to negotiate collective agreements at the appropriate levels and in cases of conflicts of interest, to take collective action to defend their interests, including strike action. (Article 28).



European Court of Justice (ECJ)

The European Court of Justice, formally known as the Court of Justice, is an institution of the EU. The Court of Justice is divided into two courts: the Court of Justice deals with requests for preliminary rulings from national courts, certain actions for annulment and appeals. The General Court deals mainly with competition law, State aid, trade, agriculture and trademarks.

The ECJ acts as the Supreme Court of the EU in matters related to EU law. Its function is to interpret EU law at the request of national courts and tribunals to ensure it is applied uniformly in all EU countries and it settles legal disputes between national governments and EU institutions, including actions brought by the European Commission for failure of a Member State to fulfil its obligations under EU law. The ECJ has one judge from each Member States, so there are currently 27 judges after the United Kingdom left the EU. Established in 1952, it is based in Luxembourg.

It is not possible to appeal against the decisions of national courts in the ECJ, but rather national courts refer questions of EU law to the ECJ. Hence, complaints are submitted for alleged breach of EU law either by the European Commission or by the national authorities of a Member State, generally speaking after exhausting national avenues. Complaints concerning the actions of a private individual or body that do not involve public authorities are not considered.

A recent case before the ECJ was brought by the European Commission against Hungary following that government's decision to repeal the license of foreign higher education institutions operating in its territory, in particular the Central European University in Budapest, founded by George Soros, which is incorporated and accredited in the USA. New legislation adopted by the Hungarian parliament in 2017 made the supply of higher education services subject to the provision of education in the State of origin and to the existence of a prior international treaty. This legislation effectively made it illegal for the Central European University to continue operations in Budapest and it has subsequently moved most operations to Vienna.

The ECJ in its ruling in October 2020 considered that Hungary had failed to comply with commitments under the General Agreement on Trade in Services (GATS) and with Articles 13, 14 (3) and 16 of the Charter of Fundamental Rights of the EU concerning academic freedom, freedom of expression and research and freedom of communication.⁶⁰ In the ruling (para 227) the ECJ also cites provisions of the ILO/UNESCO 1997 Recommendation concerning the status of higher-education teaching personnel on academic freedom and autonomy.

⁶⁰ <https://curia.europa.eu/juris/documents.jsf?language=EN&critereEcli=ECLI:EU:C:2020:792>





Organization of American States (OAS)





Organization of American States

The Organization of American States (OAS) is the region's principal multilateral forum for strengthening peace and security, representative democracy, promoting human rights and development. It was established in 1951 under the Charter of the OAS and fosters multilateral dialogue, technical cooperation, and training. The OAS has four official languages: English, Spanish, Portuguese, and French. It comprises 35 Member States from North, Central and South America and the Caribbean. Some countries from other regions participate as permanent observers.

OAS structure

The Member States set major policies and goals through its highest decision-making body, the annual General Assembly of Ministers of Foreign Affairs of the Member States. The Permanent Council, comprising ambassadors appointed by the Member States, carries out the mandate of the General Assembly and is responsible for on-going policy guidance and facilitates cooperation between Member States.

The OAS General Secretariat carries out the programmes and policies set by the General Assembly. Seven specialised secretariats coordinate OAS work in several broad areas, including the strengthening of democracy, integral development, and access to rights and equity.⁶¹

The OAS has also established specialised agencies, including the Pan-American Health Organization (PAHO); the Inter-American Commission of Women and the Inter-American Children's Institute, among others.

⁶¹ The full list of Executive Secretariats is available [here: http://www.oas.org/en/about/secretariats.asp](http://www.oas.org/en/about/secretariats.asp)



American Declaration of the Rights and Duties of Man

The American Declaration of the Rights and Duties of Man was the world's first international human rights instrument predating the Universal Declaration of Human Rights. The Declaration was adopted in April 1948 by the 9th International Conference of American States, which also adopted the founding Charter of the OAS.

The Declaration sets down the civil and political rights to be enjoyed by the citizens of the signatory nations, together with additional economic, social, and cultural rights. While now largely superseded by the provisions of the American Convention on Human Rights (in force since 18 July 1978), the terms of the Declaration are still valid with respect to those States that have not ratified the Convention. Although it is a declaration and not a legally binding treaty, the jurisprudence of both the Inter-American Court of Human Rights and the Inter-American Commission on Human Rights holds it to be a source of binding international obligations for the OAS's Member States.

American Convention on Human Rights

The American Convention on Human Rights⁶², together with its two additional protocols, came into force on 18 July 1978, and to date has been ratified by 25 of the OAS's 35 Member States, although two (Trinidad and Tobago and the Bolivarian Republic of Venezuela) have since denounced the Convention. Some of its main provisions are as follows:

- No one shall be subject to arbitrary arrest or imprisonment (Art.7, para. 3).

- Everyone has the right to freedom of thought and expression (Art. 13, para. 1).
- The right of peaceful assembly, without arms, is recognised. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and necessary in a democratic society in the interest of national security, public safety or public order, or to protect public health or morals or the rights or freedom of others (Art.15).
- Everyone has the right to associate freely for ideological, religious, political, economic, labour, social, cultural, sports, or other purposes (Art. 16, para. 1).

Inter-American human rights treaties⁶³

- American Convention on Human Rights, 'Pact of San José, Costa Rica', 1969;
- Inter-American Convention to Prevent and Punish Torture, 1985;
- Additional Protocol to the American Convention in the area of Economic, Social and Cultural Rights, 'Protocol of San Salvador', 1988;
- Protocol to the American Convention on Human Rights to Abolish the Death Penalty, 1990;
- Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women, 'Convention of Belém do Pará,' 1994;
- Inter-American Convention on Forced Disappearance of Persons, 1994;
- Inter-American Convention on the Elimination of All Forms of Discrimination against Persons with Disabilities, 1999.

62 For the full text, see <https://www.cidh.oas.org/basicos/english/basic3.american%20convention.htm>

63 The list of ratifications of these treaties is available here: http://www.oas.org/en/sla/dil/inter_american_treaties.asp



Inter-American Court of Human Rights (IACtHR)

The Inter-American Court of Human Rights (IACtHR) is an autonomous judicial institution established in 1979 with a mandate from the American Convention on Human Rights. It is based in San José, Costa Rica. Together with the Inter-American Commission on Human Rights (IACHR), it makes up the human rights protection system of the OAS, which serves to uphold and promote basic rights and freedoms in the Americas.

The Court was established in 1979 with the purpose of enforcing and interpreting the provisions of the American Convention on Human Rights. Its two main functions are thus adjudicatory and advisory. Under the former, it hears and rules on the specific cases of human rights violations referred to it. Under the latter, it issues opinions on matters of legal interpretation brought to its attention by other OAS bodies or Member States. Only the Inter-American Commission or State parties to the Convention that have accepted its adjudication can bring cases to the Court. Individuals do not have direct recourse to the Court but must file petitions through the IACHR.

Inter-American Commission on Human Rights (IACHR)

The Inter-American Commission on Human Rights (IACHR) was established in 1959 and has its headquarters in Washington, D.C. The IACHR is an autonomous organ of the OAS. It is composed of seven independent members, elected by the General Assembly, who serve in a personal capacity. It is a permanent body which meets in ordinary and special sessions several times a year. Its mandate is to promote the observance and protection of human rights and to serve as a consultative organ to the OAS with regard to human rights. The Commission is serviced by a permanent Executive Secretariat.

The work of the IACHR depends on three main pillars:

- Monitoring of the human rights system in Member States through on-site visits;
- Priority thematic areas;
- Individual complaints procedure and the adoption of precautionary measures to protect human rights defenders or the adoption of requests to the IACtHR to adopt provisional measures.

IACHR Complaints Procedure

The IACHR Executive Secretariat has prepared guidance and an on-line form intended to make it easier for victims of violations, their family members, civil society organisations, or other persons to file complaints alleging human rights violations for which an OAS Member State is allegedly responsible, through an action, an omission, or acquiescence.⁶⁴

⁶⁴ For the guidance, see https://www.oas.org/ipspp/images/HANDBOOK2010_E.pdf and for the on-line form see <https://www.oas.org/ipspp/default.aspx?Lang=En> (English) or <https://www.oas.org/es/cidh/portal/> (Spanish) or <https://www.oas.org/pt/cidh/portal/> (Portuguese) or <https://www.oas.org/fr/cidh/portal/> (French)



Complaints, known as petitions, addressed to the Commission, should contain the following information:

- the personal information of the alleged victim(s) and that of his/her next of kin;
- the personal information on the petitioner(s), such as complete name, phone number, mailing address, and email;
- a complete, clear, and detailed description of the facts alleged that includes how, when, and where they occurred, as well as the State considered responsible;
- an indication of the State authorities considered responsible;
- the rights considered violated, if possible;
- the judicial bodies or authorities in the State to which one has turned to remedy the alleged violations;
- the response of the State authorities, especially of the courts of justice;
- if possible, uncertified and legible copies of the principal complaints and motions filed in pursuit of a remedy, and of the domestic judicial decisions and other annexes considered relevant, such as witness statements; and
- an indication as to whether the petition has been submitted to any other international organisation competent to resolve cases.

The complaint must be filed within six months of the judicial decision exhausting all domestic remedies, normally in the highest court, unless there is good reason for an exception to this rule.

The complaint must allege violations of the American Convention, if the Member State concerned has ratified it. If the State concerned has not ratified the Convention, the complaint can allege violations of rights

contained in the American Declaration. Violations of a right protected in another human rights treaty of the system can be alleged if the State concerned has ratified it and depending on the applicable conditions.

The Commission may first seek to reach a friendly settlement; failing this, and if it determines a State is responsible for a violation, it may make the following types of recommendations to the State concerned:

- suspend the acts in violation of human rights;
- investigate and punish the persons responsible;
- make reparation for the damages caused;
- make changes to legislation; and/or
- require that the State adopt other measures or actions.

Petitions can be sent addressed to the Inter-American Commission of Human Rights using the following means:

E-mail:

cidjdenuncias@oas.org

On-line:

using the electronic form available on the IACHR website at: <https://www.oas.org/en/iachr/portal/>

Via Fax:

+1-202- 458-3992 or 6215

By Post:

Inter-American Commission on Human Rights
1889 F Street, N. W.
Washington, D.C. 20006
USA





Asian Human Rights Bodies





Asian Human Rights Bodies

Unlike Europe, Africa and the Americas, Asia-Pacific does not have a region-wide inter-governmental system – such as treaties, courts, commissions or other institutions – to protect and promote human rights. Some Asian and Pacific countries are signatories to the ILO fundamental Conventions and the ICCPR and the ICESCR, and some are signatories to other international human rights treaties, such as the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child.⁶⁵ At sub-regional level, there have been some attempts to strengthen human rights protection although there are many critical voices of aspects of this work.

Association of South East Asian Nations (ASEAN)

The Association of South East Asian Nations (ASEAN) is a ten-member organisation to promote political and economic cooperation. It was formed in 1967, initially by Indonesia, Malaysia, the Philippines, Singapore, and Thailand. Since then, it has been joined by Brunei Darussalam, Cambodia, Laos, Myanmar and Viet Nam. Its Secretariat is based in Jakarta, Indonesia.

ASEAN Human Rights Declaration (AHRD)

The [*ASEAN Human Rights Declaration*](#)⁶⁶ was adopted in 2012 as a framework for regional cooperation on human rights. However, while the international community welcomed the declaration, the Office of the Human Rights Commissioner noted that some articles in the Declaration fell below international standards.⁶⁷ Reservations have been expressed about the concept of 'cultural relativism', whereby domestic

65 See current list of ratifications available here: <https://indicators.ohchr.org/>

66 For full text see: <https://aichr.org/wp-content/uploads/2018/10/ASEAN-Human-Rights-Declaration.pdf>

67 See: <https://news.un.org/en/story/2012/11/426012#.UPgVKGckSOI>



law can take precedence over international human rights standards. In particular, the 'General Principles' make the enjoyment of human rights conditional on regional and national contexts, where the Declaration states that the "realisation of human rights must be considered in the regional and national context bearing in mind different political, economic, legal, social, cultural, historical and religious backgrounds" (Article 7). In the same way, the rights to form and join a trade union is limited in that it must be "in accordance with national law and regulations" (Article 27.2) and there is no explicit guarantee for the right to freedom of association.⁶⁸

ASEAN Intergovernmental Commission on Human Rights (AICHR)

The ASEAN Intergovernmental Commission on Human Rights (AICHR) was established in 2009, as a consultative body under the ASEAN Charter. It holds two regular meetings each year and special sessions when necessary. The role of the AICHR is to promote regional cooperation on human rights through education, research and dissemination of information. The Intergovernmental Commission has a promotional function, and it does not receive or investigate complaints of human rights violations.

AICHR members are designated as representatives by each ASEAN Member State and the Commission works on the basis of consensus, a procedural arrangement which effectively prevents reporting on any particular country. The AICHR has faced major problems regarding its capacity, independence, ability to engage its stakeholders, work agenda and priority setting. Its limited achievements can also be attributed to a lack of technical and financial support from ASEAN Member States.⁶⁹

68 See: <https://www.hrw.org/news/2012/11/19/civil-society-denounces-adoption-flawed-asean-human-rights-declaration>

69 See: https://www.hrw.org/sites/default/files/supporting_resources/asean_australia0318.pdf

South Asian Association for Regional Cooperation (SAARC)

The South Asian Association for Regional Cooperation (SAARC) was established in 1985 and comprises eight countries: Afghanistan, Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan and Sri Lanka. The SAARC Secretariat is based in Kathmandu, Nepal.

The objectives of the SAARC as laid down in its founding Charter are to promote cooperation to improve social and economic development and to strengthen regional self-reliance. There are no commitments to protect or promote human rights under the Charter.

However, most SAARC countries are signatories to the ICCPR and the ICESCR, and some are signatories to other international human rights treaties, such as the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child.⁷⁰

70 See current list of ratifications available here: <https://indicators.ohchr.org/>





Annexes





Annex 1: General guidelines for submitting complaints

Approach

- An education union should first contact EI for advice;
- Check which is the most appropriate organisation to submit a complaint;
- Verify what information is required and whether there is a specific form to submit complaints, petitions or communications.

Drafting

- Provide a brief summary of the facts of the case including names, or explain why it is important that the victim remain anonymous, dates, and place where the violation took place, and presumed authors of the violation if known;
- Identify which right has been violated that is guaranteed under which Convention and its corresponding article that you think has been violated;
- Highlight the national remedies you have already used with copies of the decisions given in the case by the authorities concerned;
- Attach copies of relevant documents (these documents will not be returned to you so do not send originals);
- When drafting the complaint, bear in mind that the complaint will usually be submitted to the respective government for comment.

Submission

- There is no reason to submit an application in person. The case will not be examined more quickly, and no legal advice will be available.
- The complaint may be sent by email, provided the original is sent

by post, or in some cases through an on-line submission form.

- The originals must bear a signature, place and date.



Annex 2: Useful Addresses

Education International

15 bd de Bischoffsheim
B1000 Brussels
Belgium
Tel: + 32 2 224 0611
E-mail: headoffice@ei.ie.org
<https://www.ei-ie.org>

ILO Committee on Freedom of Association /CEACR) International Labour Organization

Director General
International Labour Organization
Route des Morillons 4,
CH 1211- Geneva 22
Switzerland
Tel: +41-22-799-7155
E-mail: normes@ilo.org
<https://www.ilo.org/normes>

ILO/CEART

Education Sector Specialist
Sectoral Activities Department
International Labour Office
Route des Morillons, 4
CH-1211 Geneva 22
Switzerland
Tel: +41 22 799 6204
Fax: 41-22-799-7296
E-mail: sector@ilo.org
[https:// www.ilo.org/sector](https://www.ilo.org/sector)

Chief of Section
Section for Teacher Education
Division for Higher Education UNESCO,
UNESCO
Place de Fontenoy, 7
75352 Paris 07 SP
France



Office of the United Nations High Commissioner for Human Rights

Palais Wilson
United Nations Office at Geneva
1211 Geneva 10,
Switzerland
Tel: (41 22) 917 90 00
Fax: (41 22) 917 90 11
E-mail: urgent-action@ohchr.org

African Commission on Human and Peoples' Rights

The Secretary,
The African Commission on Human and People's Rights
P O Box 673, Banjul
The Gambia
Tel: + 220-392-962
Fax: + 220 -390-764
E-mail: achpr@achpr.org
<https://www.achpr.org>

European Court of Human Rights

The Registrar
European Court of Human Rights
Council of Europe
F-67075 Strasbourg Cedex
France
Tel: +33-388 -41-2018
Fax: +33-388-41 -2730

Inter-American Commission on Human Rights

Inter-American Commission on Human Rights
1889 F Street, N. W.
Washington, D.C. 20006
USA
Tel: +1-202-370-9000
Fax: +1-202-458-3922 or 6215
E-mail: cidhdenuncias@oas.org
<https://www.cidh.org>



Annex 3: GLOSSARY

ACTRAV: The Bureau for Workers' Activities of the ILO ensures that the concerns and interests of workers' organisations are taken into consideration in the policy development and activities of the ILO. It supports workers' organisations in the defence and promotion of workers' rights.

African Charter on Human and People's Rights:

The African Charter, sometimes also referred to as the Banjul Charter, is a regional human rights treaty for the African continent adopted by the Organization of Africa Unity in 1981. The right to freedom of association is guaranteed under Article 10 of the African Charter, Article 8 of the African Charter on the Rights and Welfare of the Child, and Articles 12(3), 27(2) and 28 of the African Charter on Democracy, Elections and Governance.

Amnesty International (AI) is a global movement that campaigns to end abuses of human rights. Founded in 1961, it focused initially on freeing prisoners of conscience and campaigning against the death penalty and the use of torture. Since then, it has expanded its mandate to cover the full range of human rights.

American Convention on Human Rights: The American Convention is a human rights treaty adopted by the Organization for American States (OAS) in 1969. It covers North, Central and South America. Article 16(1) protects the right to protest by holding meetings and demonstrations with other people. You also have the right to form and be part of a trade union, a political party or any another association or voluntary group.

Arab Charter of Human Rights: adopted by the Council of the League of Arab States on 22 May 2004 it affirms the principles contained in the UDHR, the International Covenants of Human Rights and the Cairo Declaration on Human Rights in Islam. Article 28 states that All citizens have the right to freedom of peaceful assembly and association. Article 29 says The State guarantees the right to form trade unions and the right to strike within the limits laid down by law.

ASEAN: The Association of Southeast Asian Nations is a regional grouping that promotes economic, political and security cooperation among its ten members: Brunei, Cambodia, Indonesia, Laos, Malaysia, Myanmar, the Philippines, Singapore, Thailand and Vietnam.

AU: The African Union is a continent-wide body consisting of 55 Member States. Launched in 2002, as a successor to the Organization of African Unity (OAU), it aims to promote unity and solidarity among African States; to promote cooperation for development; and to safeguard the sovereignty and territorial integrity of Member States.

CAS: The ILO Conference Committee on the Application of Standards is a standing committee which examines the annual report of the Committee of Experts (CEACR) and selects a number of observations concerning specific countries for discussion, when governments are invited to respond before the Committee. The discussions and conclusions are published in a report.

CEACR: The Committee of Experts on the Application of Conventions and Recommendations was set up in 1926 to examine government reports on ratified Conventions. It is composed of 20 eminent jurists and the role of the Committee is to provide an impartial and technical evaluation of the application of international labour standards in ILO Member States.

CEART: The Joint ILO/UNESCO Committee of Experts on the Application of Recommendations concerning Teaching Personnel was jointly established by the ILO and UNESCO to promote and monitor the application of two international Recommendations concerning teaching personnel. It is composed of experts on education, teaching and labour. The Committee examines trends in teaching and how countries apply the Recommendations as well as cases of allegations made by teachers' organisations concerning the non-respect of the principles found in the Recommendations.

CFA: The Committee on Freedom of Association was set up in 1951 to examine complaints of violations of freedom of association, whether or not the country concerned had ratified the ILO Conventions 87 and 98 on freedom of association and collective bargaining. The CFA is a Governing Body committee and is composed of an independent chairperson and three representatives each of governments, employers and workers. In 70 years of work, the CFA has examined over 3,300 cases.



CGU: The Council of Global Unions is a partnership between the International Trade Union Confederation (ITUC), the ten Global Union Federations (GUFs) and the Trade Union Advisory Committee (TUAC) to the OECD. The Council meets on an annual basis to plan and cooperate on social and economic issues and for the promotion of workers' rights.

Charter of Fundamental Rights of the European Union: The Charter enshrines all the personal, civic, political, economic and social rights enjoyed by citizens within the EU. It became legally binding on the EU with the entry into force of the Treaty of Lisbon in 2009.

Charter of the United Nations: This founding treaty of the United Nations was adopted unanimously on the 25th June 1945 and sets out the rights and obligations of Member States as well as establishing the United Nations organs and procedures.

Civil rights: (sometimes known as *civil liberties*); a category of rights and freedoms that protect individuals from infringement by governments, other organisations and individuals. They ensure the ability to participate in the civil life of the state without discrimination or repression.

Civil society: refers collectively to voluntary civic and social organisations, associations and institutions, for example registered charities, non-governmental organisations, community groups, women's organisations, faith-based organisations, professional associations, trade unions, self-help groups and advocacy groups that form the basis of a functioning democratic society

Collective rights: the rights of groups to protect their interests and identities; sometimes referred to as 'third generation rights'. These rights exist in addition to individual rights.

UN Commission on Human Rights: UN body now superseded by the Human Rights Council.

Commissioner for Human Rights: an independent non-judicial institution within the Council of Europe mandated to promote the awareness of and respect for human rights in Council of Europe Member States. Not to be confused with the UN High Commissioner for Human Rights.

Convention: a binding formal agreement enforceable in law between states; used synonymously with treaty and covenant. A convention is stronger than a declaration because it is legally binding on governments that have ratified it.

Convention on the Rights of the Child (CRC): The first legally binding code of child's rights, was adopted by the General Assembly of the United Nations in November 20, 1989 and signed by all Member States. It entered into force in September 1990. Only the United States and Somalia have not ratified the convention.

Council of Europe: founded in 1949 to protect and promote human rights, democracy and the rule of law. Today it has 47 Member States. It is based in Strasbourg.

Covenant: a binding agreement between states; used synonymously with convention and treaty. The major international human rights covenants, both adopted in 1966, are the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR).

Declaration on the Rights of the Child: adopted by the UN General Assembly in 1959, this non-binding instrument sets forth ten general principles, which later formed the basis for the Convention on the Rights of the Child (CRC), which was adopted in 1989.

Democracy: a form of government where the authority to govern is derived from the people, either by direct referendum or by means of representatives elected by the people entitled to vote.

Discrimination: any distinction, exclusion or restriction of preference, which is based on any ground such as race, culture, ethnic origin, nationality, sexual orientation, religion, physical handicap, or other characteristics not relevant to the issue in question.

Education International (EI): is the global union federation of teachers' trade unions consisting of 383 member organisations in 178 countries and territories. It represents over 32 million education personnel from pre-school through tertiary education. The Secretariat is based in Brussels.

Environmental rights: the rights individuals have to a secure, healthy and ecologically sound environment; also used to refer to the "rights" that the environment itself may possess – including the rights of animals, plants and ecosystems to survive the impact of human actions.

European Committee of Social Rights (ECSR): a body responsible for monitoring states' compliance with the European Social Charter. It is made up of 15 independent experts who meet regularly to consider reports submitted by Member States to the Social Charter.



European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR): (also referred to as the European Convention and the European Convention on Human Rights), a regional human rights treaty adopted in 1950 by the Council of Europe. All Council of Europe Member States are party to the ECHR, and new members are expected to ratify the convention at the earliest opportunity. Article 11 reads “1. Everyone has the right to freedom of peaceful assembly and to freedom of association with others, including the right to form and to join trade unions for the protection of his interests. 2.

European Court of Human Rights (ECtHR): situated in Strasbourg, it is a supra-national court, established by the European Convention on Human Rights, which provides legal recourse of last resort for individuals who consider that their human rights have been violated by a contracting party to the Convention. Also known as the Strasbourg Court.

European Social Charter: adopted by the Council of Europe in 1962 and revised in 1996, a regional treaty that guarantees social and economic human rights; it complements the European Convention, which principally addresses civil and political rights. Article 5 (the right to organise) and Article 6 (the right to bargain collectively) adopted by the Council of Europe in 1962 and revised in 1996, a regional treaty that guarantees social and economic human rights; it complements the European Convention, which principally addresses civil and political rights. Article 12 reads Everyone has the right to freedom of peaceful assembly and to freedom of association at all levels, in particular in political, trade union and civic matters, which implies the right of everyone to form and to join trade unions for the protection of his or her interests.

European Union (EU): a political and economic union, consisting of 27 member states, following the exit of the United Kingdom in 2020. The EU was created by the 1993 Maastricht Treaty. The treaty was designed to enhance European political and economic integration by creating a single currency (the euro), a unified foreign and security policy, and common citizenship rights and by advancing cooperation in the areas of immigration, asylum, and judicial affairs.

International Federation of Human Rights (FIDH) is human rights NGO federating 192 organisations from 117 countries. Founded in 1922, FIDH defends all civil, political, economic, social and cultural rights as set out in the Universal Declaration of Human Rights.

Freedom of expression: the right to hold opinions and express them freely without interference and across frontiers, including the right to express views through publications, and to receive information. The right to freedom of expression is set out in Article 19 of the Universal Declaration of Human Rights.

HRE: acronym for **Human Rights Education:** simply put it refers to all learning that develops the knowledge, skills, and values of human rights.

Human rights: rights that universally belong to all human beings. Human rights are indivisible, inalienable and universal and respect the equality and dignity of each individual.

Human Rights Committee: a United Nations body of 18 experts that meets three times a year to consider the five-yearly reports submitted by 162 UN member states on their compliance with the International Covenant on Civil and Political Rights (ICCPR).

Human Rights Council: an inter-governmental body within the UN system made up of 47 States responsible for strengthening the promotion and protection of human rights around the world. The Council was created by the UN General Assembly in March 2006 to replace the Commission on Human Rights, and with the main purpose of addressing situations of human rights violations and making recommendations on them.

Human rights framework: the evolving and interrelated body of international and regional instruments that define human rights and establish mechanisms to promote and protect them. The human rights framework is designed to be a legally, politically and morally binding set of principles for governments.

Human Rights Watch (HRW): investigates and reports on abuses happening in all corners of the world. Human Rights Watch was founded in 1978 as “Helsinki Watch,” when it began to investigate rights abuses in countries that signed the Helsinki Accords, most notably those behind the Iron Curtain. Since then, its work has expanded to all regions.

The Inter-American Commission on Human Rights (IACHR): is an autonomous organ of the Organization of American States (OAS) whose mission is to promote and protect human rights in the American hemisphere. Created by the OAS in 1959, the Commission has its headquarters in Washington, D.C. The work of the IACHR rests on three main pillars: the individual petition system; monitoring of the human rights situation in the Member States, and priority thematic areas.



The Inter-American Court of Human Rights (IACTHR) is one of three regional human rights tribunals, together with the European Court of Human Rights and the African Court of Human and Peoples' Rights. It is an autonomous legal institution whose objective is to interpret and apply the American Convention. The Inter-American Court has an advisory function, can issue provisional measures to protect individuals at risk, and issues judgements on cases referred by the Inter-American Commission on Human Rights.

ICTUR: International Centre for Trade Union Rights (ICTUR) was established in 1987 as a non-profit organisation based in London, promoting international trade union rights through research and advocacy services.

The International Labour Organization (ILO) was established in 1919, is a tripartite UN agency that brings together governments, employers and workers of its Member States to promote decent work in human dignity throughout the world.

International Labour Standards (ILS) refer to the ILO's comprehensive system of instruments on work and social policy that are supported by a supervisory system designed to address issues and complaints in their application at the national level.

Inalienable: refers to rights that belong to every person and cannot be taken from them under any circumstances.

Indivisible: refers to the importance of seeing all human rights as part of an undividable and inseparable whole. A person cannot be denied a particular human right on the grounds that it is "less important" than another or "non-essential".

Instruments: any formal, written document of a state or states that sets forth rights as non-binding principles (a declaration) or codifies rights that are legally binding on those states that ratify them (a covenant, treaty, or convention). They may be national or international.

International Bill of Human Rights: an informal name given collectively to the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) and their Optional Protocols.

International Court of Justice (ICJ): is the primary judicial organ of the United Nations. Based in The Hague, Netherlands, its main functions are to settle legal disputes submitted to it by states and to give advisory opinions on legal questions submitted to it by duly authorised international organs, agencies, and the UN General Assembly. The ICJ is sometime referred to as the World Court and it should not be confused with the International Criminal Court.

International Covenant on Civil and Political Rights (ICCPR): (adopted in 1966 and entered into force 1976); one of the key international human rights treaties, the ICCPR declares that all people have a broad range of civil and political rights and sets up ways to monitor their respect by Member States. Article 22 states: 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.

International Covenant on Economic, Social, and Cultural Rights (ICESCR): (adopted 1966, and entered into force 1976); one of the key international human rights treaties, the ICESCR declares that all people have a broad range of economic, social and cultural rights. The right to freedom of assembly and association is contained in article 8 (1) (a) of the ICESCR.

International Criminal Court (ICC): a permanent tribunal established in 2002 and situated in The Hague, Netherlands to prosecute individuals for genocide, crimes against humanity, war crimes and the crime of aggression. (The ICC should not be confused with the International Court of Justice.)

The International Trade Union Confederation (ITUC) is the world's largest trade union confederation with over 200 million workers affiliated in 330 affiliated organisations in 163 countries (2018). It works to promote and defend workers' rights and interests, through international cooperation between trade unions, global campaigning and advocacy within the major global institutions.

Jurisprudence: a legal term that refers to the collection of cases and the principles established by these cases at a particular court, for example the jurisprudence of the European Court of Human Rights.

LabourStart: is a news and campaigning website linked to the trade union movement. It distributes news via its own website, through news services, and issues solidarity appeals in coordination with the international trade union movement. Its headquarters are based in London.



Legal rights: (also called **statutory rights**); rights laid down in law and which can be defended and brought before courts of law; also used to describe human rights relating to legal process, for example, right to a fair trial.

Member States: countries that are members of an intergovernmental organisation (e.g. of the United Nations, ILO, the European Union).

Non-governmental Organisations (NGOs): organisations set up to be independent of government, normally with a lobbying, charitable, or activist role. Some are large and international e.g. the Red Cross, Amnesty International, Human Rights Watch, the European Youth Forum. Others may be small and local e.g. an organisation to advocate for people with disabilities in a particular city; a coalition to promote the right to education.

Protocol: A Protocol is a method to amend or add certain provisions to a Convention or Covenant, or to extend its obligations. Protocols are also international treaties. In the ILO context, they do not exist independently but are always linked to a specific Convention. There are six Protocols to ILO Conventions and the most recent is the Protocol of 2014 to the Forced Labour Convention, 1930 (Convention 29). Protocols must be ratified by Member States.

Organization of American States (OAS) was founded in 1948 for the purpose of achieving among its Member States an order of peace and justice, to promote solidarity, to strengthen collaboration and to defend sovereignty, territorial integrity and independence. It uses a four-pronged approach, based on the pillars of democracy, human rights, security and development.

Office of the United Nations High Commissioner for Human Rights (OHCHR) is the UN's principal entity mandated to promote and protect the full range of human rights and freedoms as set out in the Universal Declaration of Human Rights. It was established in 1993 and is based in Geneva. It serves as the Secretariat to the Human Rights Council and the bodies that monitor implementation of the international human rights treaties. (Not to be confused with Commissioner for Human Rights, an institution of the Council of Europe).

Recommendation: In the context of the ILO, a Recommendation sets out standards to guide action by Member States but they are not legally binding, unlike an ILO Convention. In most cases, the Convention lays down basic principles to be implemented by ratifying countries while a related Recommendation provides more detailed guidelines. In some cases, Recommendations are not linked to a specific Convention.

South Asian Association for Regional Cooperation (SAARC) is the regional inter-governmental organisation of South Asia. Its mandate is to promote social and economic development, and promote regional cooperation to advance peace, progress and stability. Established in 1985, the Secretariat is based in Kathmandu, Nepal.

UN Commission on Human Rights: UN body now superseded by the Human Rights Council.

United Nations Educational, Scientific and Cultural Organization (UNESCO) is a specialised agency of the UN, with the aim of promoting peace and security through international cooperation in the fields of education, the sciences, culture and communications. It was founded in 1945 and its headquarters are based in Paris.

The Universal Declaration of Human Rights (UDHR) adopted on 10 December 1948 sets out for the first time fundamental human rights which everyone is entitled as a human being, regardless of race, colour religion, sex, language political or other opinion, national or social origin or other status. It paved the way for the adoption of a wide range of international and regional human rights treaties. 10 December has subsequently been declared UN Human Rights Day. Article 20, combined with Article 19's freedom of expression, together ensure the right to gather publicly or privately and collectively express, promote, pursue and defend common interests.





List of Conventions and full texts





Index of Conventions

<i>UN Conventions</i>	81
Universal Declaration of Human Rights	81
International Covenant on Civil and Political Rights	84
International Covenant on Economic, Social and Cultural Rights	96
Convention on the Elimination of All Forms of Discrimination against Women	103
Convention on the Rights of the Child	113
<i>ILO Fundamental Conventions</i>	127
ILO Declaration on Fundamental Principles and Rights at Work	127
ILO Convention 87: Freedom of Association and Protection of the Right to Organize	130
ILO Convention 98: Right to Organize and to Collective Bargaining	133
ILO Convention 29: Forced or Compulsory Labour	136
ILO Convention 105: Abolition of Forced Labour	138
ILO Convention 138: Minimum Age for Admission to Employment	140
ILO Convention 155: Occupational Safety and Health Convention	145
ILO Convention 182: Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour	150
ILO Convention 187: Promotional Framework for Occupational Safety and Health Convention	153
ILO Convention 100: Equal Remuneration for Men and Women Workers for Work of Equal Value	157
ILO Convention 111: Discrimination in Respect of Employment and Occupation	160
<i>ILO/UNESCO Recommendations</i>	163
1966 ILO/UNESCO Recommendation concerning the Status of Teachers	163
1997 UNESCO Recommendation concerning the Status of Higher-Education Teaching Personnel	177
<i>Regional Human Rights Instruments</i>	190
African Charter on Human and Peoples' Rights (Banjul Charter)	190
European Social Charter	199
European Convention for the Protection of Human Rights and Fundamental Freedoms	217
American Convention on Human Rights	227
Charter of the Association of Southeast Asian Nations	242
ASEAN Human Rights Declaration	253

The texts of ILO Conventions as well as national labour and social security legislation can be accessed on the [ILO web platform NORMLEX](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:1:0).¹ The main international human rights instruments can be accessed on the United Nations [Office of the Human Rights Commissioner web platform](https://www.ohchr.org/en/professionalinterest/pages/internationallaw.aspx).²

1 <https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:1:0>

2 <https://www.ohchr.org/en/professionalinterest/pages/internationallaw.aspx>



UN Conventions

Universal Declaration of Human Rights

<https://www.un.org/en/universal-declaration-human-rights/>

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 peoples 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,

Whereas Member States have pledged themselves to achieve, in cooperation 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 this 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.

International Covenant on Civil and Political Rights

<https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>

Adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966.

Entry into force 23 March 1976, in accordance with Article 49.

Preamble

The States Parties to the present Covenant,

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

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

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

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

Realizing that the individual, having duties to other individuals and to the community to which he belongs, is under a responsibility to



strive for the promotion and observance of the rights recognized in the present Covenant,

Agree upon the following articles:

PART I

Article 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 1 and 2), 11, 15, 16 and 18 may be made under this provision.
3. Any State Party to the present Covenant availing itself of the right of derogation shall immediately inform the other States Parties to the present Covenant, through the intermediary of the Secretary-General of the United Nations, of the provisions from which it has derogated and of the reasons by which it was actuated. A further communication shall be made, through the



same intermediary, on the date on which it terminates such derogation.

Article 5

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

PART III

Article 6

1. Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.
2. In countries which have not abolished the death penalty, sentence of death may be imposed only for the most serious crimes in accordance with the law in force at the time of the commission of the crime and not contrary to the provisions of the present Covenant and to the Convention on the Prevention and Punishment of the Crime of Genocide. This penalty can only be carried out pursuant to a final 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 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, 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 1 of this article. Such declarations shall be deposited by the States Parties with the Secretary-General of the United Nations, who shall transmit copies thereof to the other States Parties. A declaration may be withdrawn at any time by notification to the Secretary-General. Such a withdrawal shall not prejudice the consideration of any matter which is the subject of a communication already transmitted under this article; no further communication by any State Party shall be received 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 tie 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

1. 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 1 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.

International Covenant on Economic, Social and Cultural Rights

<https://www.ohchr.org/en/professionalinterest/pages/cescr.aspx>

Preamble

The States Parties to the present Covenant,

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

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

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

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

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

Agree upon the following articles:

PART I

Article 1

1. All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.
2. All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.
3. The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations.



PART II

Article 2

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

Article 3

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

Article 4

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

Article 5

1. Nothing in the present Covenant may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights or freedoms recognized herein, or at their

limitation to a greater extent than is provided for in the present Covenant.

2. No restriction upon or derogation from any of the fundamental human rights recognized or existing in any country in virtue of law, conventions, regulations or custom shall be admitted on the pretext that the present Covenant does not recognize such rights or that it recognizes them to a lesser extent.

PART III

Article 6

1. The States Parties to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right.
2. The steps to be taken by a State Party to the present Covenant to achieve the full realization of this right shall include technical and vocational guidance and training programmes, policies and techniques to achieve steady economic, social and cultural development and full and productive employment under conditions safeguarding fundamental political and economic freedoms to the individual.

Article 7

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

- a) Remuneration which provides all workers, as a minimum, with:
 - (i) Fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work;
 - (ii) A decent living for themselves and their families in accordance with the provisions of the present Covenant;
- (b) Safe and healthy working conditions;
- (c) Equal opportunity for everyone to be promoted in his employment to an



appropriate higher level, subject to no considerations other than those of seniority and competence;

- (d) Rest, leisure and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays

Article 8

1. The States Parties to the present Covenant undertake to ensure:
 - (a) The right of everyone to form trade unions and join the trade union of his choice, subject only to the rules of the organization concerned, for the promotion and protection of his economic and social interests. No restrictions may be placed on the exercise of this right other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others;
 - (b) The right of trade unions to establish national federations or confederations and the right of the latter to form or join international trade-union organizations;
 - (c) The right of trade unions to function freely subject to no limitations other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others;
 - (d) The right to strike, provided that it is exercised in conformity with the laws of the particular country.
2. This article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces or of the police or of the administration of the State.
3. Nothing in this article shall authorize States Parties to the International Labour Organisation Convention of 1948 concerning Freedom of Association and Protection of the Right to Organize to take legislative measures which would prejudice, or apply the law in such a manner as would prejudice, the guarantees provided for in that Convention.

Article 9

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

Article 10

The States Parties to the present Covenant recognize that:

1. The widest possible protection and assistance should be accorded to the family, which is the natural and fundamental group unit of society, particularly for its establishment and while it is responsible for the care and education of dependent children. Marriage must be entered into with the free consent of the intending spouses.
2. Special protection should be accorded to mothers during a reasonable period before and after childbirth. During such period working mothers should be accorded paid leave or leave with adequate social security benefits.
3. Special measures of protection and assistance should be taken on behalf of all children and young persons without any discrimination for reasons of parentage or other conditions. Children and young persons should be protected from economic and social exploitation. Their employment in work harmful to their morals or health or dangerous to life or likely to hamper their normal development should be punishable by law. States should also set age limits below which the paid employment of child labour should be prohibited and punishable by law.

Article 11

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



right of everyone to be free from hunger, shall take, individually and through international co-operation, the measures, including specific programmes, which are needed:

- (a) To improve methods of production, conservation and distribution of food by making full use of technical and scientific knowledge, by disseminating knowledge of the principles of nutrition and by developing or reforming agrarian systems in such a way as to achieve the most efficient development and utilization of natural resources;
- (b) Taking into account the problems of both food-importing and food-exporting countries, to ensure an equitable distribution of world food supplies in relation to need.

Article 12

1. The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.
2. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for:
 - (a) The provision for the reduction of the stillbirth-rate and of infant mortality and for the healthy development of the child;
 - (b) The improvement of all aspects of environmental and industrial hygiene;
 - (c) The prevention, treatment and control of epidemic, endemic, occupational and other diseases;
 - (d) The creation of conditions which would assure to all medical service and medical attention in the event of sickness.

Article 13

1. The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society,

promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace.

2. The States Parties to the present Covenant recognize that, with a view to achieving the full realization of this right:
 - (a) Primary education shall be compulsory and available free to all;
 - (b) Secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education;
 - (c) Higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education;
 - (d) Fundamental education shall be encouraged or intensified as far as possible for those persons who have not received or completed the whole period of their primary education;
 - (e) The development of a system of schools at all levels shall be actively pursued, an adequate fellowship system shall be established, and the material conditions of teaching staff shall be continuously improved.
3. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to choose for their children schools, other than those established by the public authorities, which conform to such minimum educational standards as may be laid down or approved by the State and to ensure the religious and moral education of their children in conformity with their own convictions.
4. No part of this article shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principles set forth in paragraph 1 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 thereof, from States Parties to the present Covenant which are also members of these specialized agencies in so far as these reports, or parts thereof, 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 1 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.



Convention on the Elimination of All Forms of Discrimination against Women

<https://www.ohchr.org/en/professionalinterest/pages/cedaw.aspx>

Entry into force: 3 September 1981, in accordance with article 27(1).

Introduction

On 18 December 1979, the Convention on the Elimination of All Forms of Discrimination against Women was adopted by the United Nations General Assembly. It entered into force as an international treaty on 3 September 1981 after the twentieth country had ratified it. By the tenth anniversary of the Convention in 1989, almost one hundred nations have agreed to be bound by its provisions.

The Convention was the culmination of more than thirty years of work by the United Nations Commission on the Status of Women, a body established in 1946 to monitor the situation of women and to promote women's rights. The Commission's work has been instrumental in bringing to light all the areas in which women are denied equality with men. These efforts for the advancement of women have resulted in several declarations and conventions, of which the Convention on the Elimination of All Forms of Discrimination against Women is the central and most comprehensive document.

Among the international human rights treaties, the Convention takes an important place in bringing the female half of humanity into the focus of human rights concerns. The spirit of the Convention is rooted in the goals of the United Nations: 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 present document spells out the meaning of equality and how it can be achieved. In so doing, the Convention establishes not only an international bill of rights for women, but also an agenda for action by countries to guarantee the enjoyment of those rights.

In its preamble, the Convention explicitly acknowledges that "extensive discrimination against women continues to exist", and emphasizes that such discrimination "violates

the principles of equality of rights and respect for human dignity". As defined in article 1, discrimination is understood as "any distinction, exclusion or restriction made on the basis of sex...in the political, economic, social, cultural, civil or any other field". The Convention gives positive affirmation to the principle of equality by requiring States parties to take "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).

The agenda for equality is specified in fourteen subsequent articles. In its approach, the Convention covers three dimensions of the situation of women. Civil rights and the legal status of women are dealt with in great detail. In addition, and unlike other human rights treaties, the Convention is also concerned with the dimension of human reproduction as well as with the impact of cultural factors on gender relations.

The legal status of women receives the broadest attention. Concern over the basic rights of political participation has not diminished since the adoption of the Convention on the Political Rights of Women in 1952. Its provisions, therefore, are restated in article 7 of the present document, whereby women are guaranteed the rights to vote, to hold public office and to exercise public functions. This includes equal rights for women to represent their countries at the international level (article 8). The Convention on the Nationality of Married Women - adopted in 1957 - is integrated under article 9 providing for the statehood of women, irrespective of their marital status. The Convention, thereby, draws attention to the fact that often women's legal status has been linked to marriage, making them dependent on their husband's nationality rather than individuals in their own right. Articles 10, 11 and 13, respectively, affirm women's rights to non-discrimination in education, employment



and economic and social activities. These demands are given special emphasis with regard to the situation of rural women, whose particular struggles and vital economic contributions, as noted in article 14, warrant more attention in policy planning. Article 15 asserts the full equality of women in civil and business matters, demanding that all instruments directed at restricting women's legal capacity "shall be deemed null and void". Finally, in article 16, the Convention returns to the issue of marriage and family relations, asserting the equal rights and obligations of women and men with regard to choice of spouse, parenthood, personal rights and command over property.

Aside from civil rights issues, the Convention also devotes major attention to a most vital concern of women, namely their reproductive rights. The preamble sets the tone by stating that "the role of women in procreation should not be a basis for discrimination". The link between discrimination and women's reproductive role is a matter of recurrent concern in the Convention. For example, it advocates, in article 5, "a proper understanding of maternity as a social function", demanding fully shared responsibility for child-rearing by both sexes. Accordingly, provisions for maternity protection and child-care are proclaimed as essential rights and are incorporated into all areas of the Convention, whether dealing with employment, family law, health care or education. Society's obligation extends to offering social services, especially child-care facilities, that allow individuals to combine family responsibilities with work and participation in public life. Special measures for maternity protection are recommended and "shall not be considered discriminatory". (article 4). "The Convention also affirms women's right to reproductive choice. Notably, it is the only human rights treaty to mention family planning. States parties are obliged to include advice on family planning in the education process (article 10.h) and to develop family codes that guarantee women's rights "to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights" (article 16.e).

The third general thrust of the Convention aims at enlarging our understanding of the concept of human rights, as it gives formal recognition to the influence of culture and tradition on restricting women's enjoyment of their fundamental rights. These forces take shape in stereotypes, customs and norms which give rise to the multitude of legal, political and economic constraints on the advancement of women. Noting this interrelationship, the preamble of the Convention stresses "that a change in the traditional role of men as well as the role of women in society and in the family is needed to achieve full equality of men and women". States parties are therefore obliged to work towards the modification of social and cultural patterns of individual conduct in order to eliminate "prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women" (article 5). And Article 10.c. mandates the revision of textbooks, school programmes and teaching methods with a view to eliminating stereotyped concepts in the field of education. Finally, cultural patterns which define the public realm as a man's world and the domestic sphere as women's domain are strongly targeted in all of the Convention's provisions that affirm the equal responsibilities of both sexes in family life and their equal rights with regard to education and employment. Altogether, the Convention provides a comprehensive framework for challenging the various forces that have created and sustained discrimination based upon sex.

The implementation of the Convention is monitored by the Committee on the Elimination of Discrimination against Women (CEDAW). The Committee's mandate and the administration of the treaty are defined in the Articles 17 to 30 of the Convention. The Committee is composed of 23 experts nominated by their Governments and elected by the States parties as individuals "of high moral standing and competence in the field covered by the Convention".

At least every four years, the States parties are expected to submit a national report to the Committee, indicating the measures they have adopted to give effect to the provisions of the Convention. During its annual session, the



Committee members discuss these reports with the Government representatives and explore with them areas for further action by the specific country. The Committee also makes general recommendations to the States parties on matters concerning the elimination of discrimination against women.

The full text of the Convention is set out herein:

Convention on the Elimination of all forms of Discrimination Against Women

The States Parties to the present Convention,
Noting that the Charter of the United Nations reaffirms faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women,

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

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

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

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

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

Recalling that discrimination against women violates the principles of equality of rights and respect for human dignity, is an obstacle to the participation of women, on equal terms with men, in the political, social, economic and cultural life of their countries, hampers

the growth of the prosperity of society and the family and makes more difficult the full development of the potentialities of women in the service of their countries and of humanity,

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

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

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

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

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

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



upbringing of children requires a sharing of responsibility between men and women and society as a whole,

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

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

Have agreed on the following:

PART I

Article 1

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

Article 2

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

- (a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;
- (b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;
- (c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the

effective protection of women against any act of discrimination;

- (d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;
- (e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;
- (f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;
- (g) To repeal all national penal provisions which constitute discrimination against women.

Article 3

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

Article 4

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

Article 5

States Parties shall take all appropriate measures:



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

Article 6

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

PART II

Article 7

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

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

Article 8

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

Article 9

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

PART III

Article 10

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

- (a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training;
- (b) Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;
- (c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods;
- (d) The same opportunities to benefit from scholarships and other study grants;
- (e) The same opportunities for access to programmes of continuing education, including adult and functional literacy programmes, particularly those aimed at



reducing, at the earliest possible time, any gap in education existing between men and women;

- (f) The reduction of female student drop-out rates and the organization of programmes for girls and women who have left school prematurely;
- (g) The same Opportunities to participate actively in sports and physical education;
- (h) Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning.

Article 11

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:
 - (a) The right to work as an inalienable right of all human beings;
 - (b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;
 - (c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;
 - (d) The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;
 - (e) The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;
 - (f) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.
2. In order to prevent discrimination against women on the grounds of marriage or

maternity and to ensure their effective right to work, States Parties shall take appropriate measures:

- (a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;
 - (b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;
 - (c) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;
 - (d) To provide special protection to women during pregnancy in types of work proved to be harmful to them.
3. Protective legislation relating to matters covered in this article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary.

Article 12

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning.
2. Notwithstanding the provisions of paragraph 1 of this article, States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.

Article 13

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



of men and women, the same rights, in particular:

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

Article 14

1. States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetized sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of the present Convention to women in rural areas.
2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:
 - (a) To participate in the elaboration and implementation of development planning at all levels;
 - (b) To have access to adequate health care facilities, including information, counselling and services in family planning;
 - (c) To benefit directly from social security programmes;
 - (d) To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency;
 - (e) To organize self-help groups and co-operatives in order to obtain equal access to economic opportunities through employment or self employment;
 - (f) To participate in all community activities;
 - (g) To have access to agricultural credit and

loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;

- (h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.

PART IV

Article 15

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

Article 16

1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:
 - (a) The same right to enter into marriage;
 - (b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent;
 - (c) The same rights and responsibilities during marriage and at its dissolution;
 - (d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;
 - (e) The same rights to decide freely and



- responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;
- (f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;
 - (g) The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;
 - (h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.
2. The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

PART V

Article 17

1. For the purpose of considering the progress made in the implementation of the present Convention, there shall be established a Committee on the Elimination of Discrimination against Women (hereinafter referred to as the Committee) consisting, at the time of entry into force of the Convention, of eighteen and, after ratification of or accession to the Convention by the thirty-fifth State Party, of twenty-three experts of high moral standing and competence in the field covered by the Convention. The experts shall be elected by States Parties from among their nationals and shall serve in their personal capacity, consideration being given to equitable geographical distribution and to the representation of the different forms of civilization as well as the principal legal systems.
2. The members of the Committee shall be elected by secret ballot from a list of persons nominated by States Parties. Each State Party may nominate one person from among its own nationals.
3. The initial election shall be held six months after the date of the entry into force of the present Convention. At least three months before the date of each election the Secretary-General of the United Nations shall address a letter to the States Parties inviting them to submit their nominations within two months. The Secretary-General shall prepare a list in alphabetical order of all persons thus nominated, indicating the States Parties which have nominated them, and shall submit it to the States Parties.
4. Elections of the members of the Committee shall be held at a meeting of States Parties convened by the Secretary-General at United Nations Headquarters. At that meeting, for which two thirds of the States Parties shall constitute a quorum, the persons elected to the Committee shall be those nominees who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.
5. The members of the Committee shall be elected for a term of four years. However, the terms of nine of the members elected at the first election shall expire at the end of two years; immediately after the first election the names of these nine members shall be chosen by lot by the Chairman of the Committee.
6. The election of the five additional members of the Committee shall be held in accordance with the provisions of paragraphs 2, 3 and 4 of this article, following the thirty-fifth ratification or accession. The terms of two of the additional members elected on this occasion shall expire at the end of two years, the names of these two members having been chosen by lot by the Chairman of the Committee.
7. For the filling of casual vacancies, the State Party whose expert has ceased to function as a member of the Committee shall appoint another expert from among its nationals, subject to the approval of the Committee.



8. The members of the Committee shall, with the approval of the General Assembly, receive emoluments from United Nations resources on such terms and conditions as the Assembly may decide, having regard to the importance of the Committee's responsibilities.
9. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Convention.

Article 18

1. States Parties undertake to submit to the Secretary-General of the United Nations, for consideration by the Committee, a report on the legislative, judicial, administrative or other measures which they have adopted to give effect to the provisions of the present Convention and on the progress made in this respect:
 - (a) Within one year after the entry into force for the State concerned;
 - (b) Thereafter at least every four years and further whenever the Committee so requests.
2. Reports may indicate factors and difficulties affecting the degree of fulfilment of obligations under the present Convention.

Article 19

1. The Committee shall adopt its own rules of procedure.
2. The Committee shall elect its officers for a term of two years.

Article 20

1. The Committee shall normally meet for a period of not more than two weeks annually in order to consider the reports submitted in accordance with article 18 of the present Convention.
2. The meetings of the Committee shall normally be held at United Nations Headquarters or at any other convenient place as determined by the Committee. (amendment, status of ratification)

Article 21

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

Article 22

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

PART VI

Article 23

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

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

Article 24

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

Article 25

1. The present Convention shall be open for signature by all States.
2. The Secretary-General of the United Nations is designated as the depositary of the present Convention.



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

Article 26

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

Article 27

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

Article 28

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

Article 29

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

Article 30

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

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



Convention on the Rights of the Child

<https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>

Entry into force: 2 September 1990, in accordance with article 49

Preamble

The States Parties to the present Convention,

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

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

Recognizing that the United Nations has, in the Universal Declaration of Human Rights and in the International Covenants on Human Rights, proclaimed and agreed that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

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

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

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

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

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

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

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



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

Taking due account of the importance of the traditions and cultural values of each people for the protection and harmonious development of the child, Recognizing the importance of international co-operation for improving the living conditions of children in every country, in particular in the developing countries,

Have agreed as follows:

PART I

Article 1

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

Article 2

1. States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.
2. States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.

Article 3

1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.
2. States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being,

taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures.

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

Article 4

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

Article 5

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

Article 6

1. States Parties recognize that every child has the inherent right to life.
2. States Parties shall ensure to the maximum extent possible the survival and development of the child.

Article 7

1. The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right



to know and be cared for by his or her parents.

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

Article 8

1. States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference.
2. Where a child is illegally deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view to re-establishing speedily his or her identity.

Article 9

1. States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. Such determination may be necessary in a particular case such as one involving abuse or neglect of the child by the parents, or one where the parents are living separately and a decision must be made as to the child's place of residence.
2. In any proceedings pursuant to paragraph 1 of the present article, all interested parties shall be given an opportunity to participate in the proceedings and make their views known.
3. States Parties shall respect the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis, except if it is contrary to the child's best interests.
4. Where such separation results from any action initiated by a State Party, such as the detention, imprisonment, exile, deportation or death (including death arising from any cause while the person

is in the custody of the State) of one or both parents or of the child, that State Party shall, upon request, provide the parents, the child or, if appropriate, another member of the family with the essential information concerning the whereabouts of the absent member(s) of the family unless the provision of the information would be detrimental to the well-being of the child. States Parties shall further ensure that the submission of such a request shall of itself entail no adverse consequences for the person(s) concerned.

Article 10

1. In accordance with the obligation of States Parties under article 9, paragraph 1, applications by a child or his or her parents to enter or leave a State Party for the purpose of family reunification shall be dealt with by States Parties in a positive, humane and expeditious manner. States Parties shall further ensure that the submission of such a request shall entail no adverse consequences for the applicants and for the members of their family.
2. A child whose parents reside in different States shall have the right to maintain on a regular basis, save in exceptional circumstances personal relations and direct contacts with both parents. Towards that end and in accordance with the obligation of States Parties under article 9, paragraph 1, States Parties shall respect the right of the child and his or her parents to leave any country, including their own, and to enter their own country. The right to leave any country shall be subject only to such restrictions as are prescribed by law and which are necessary to protect the national security, public order (ordre public), public health or morals or the rights and freedoms of others and are consistent with the other rights recognized in the present Convention.

Article 11

1. States Parties shall take measures to combat the illicit transfer and non-return of children abroad.
2. To this end, States Parties shall promote



the conclusion of bilateral or multilateral agreements or accession to existing agreements.

Article 12

1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.
2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.

Article 13

1. The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice.
2. The exercise of this right may be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:
 - (a) For respect of the rights or reputations of others; or
 - (b) For the protection of national security or of public order (*ordre public*), or of public health or morals.

Article 14

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

Article 15

1. States Parties recognize the rights of the child to freedom of association and to freedom of peaceful assembly.
2. No restrictions may be placed on the exercise of these rights other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (*ordre public*), the protection of public health or morals or the protection of the rights and freedoms of others.

Article 16

1. No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, nor to unlawful attacks on his or her honour and reputation.
2. The child has the right to the protection of the law against such interference or attacks.

Article 17

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

To this end, States Parties shall:

- (a) Encourage the mass media to disseminate information and material of social and cultural benefit to the child and in accordance with the spirit of article 29;
- (b) Encourage international co-operation in the production, exchange and dissemination of such information and material from a diversity of cultural, national and international sources;
- (c) Encourage the production and dissemination of children's books;



- (d) Encourage the mass media to have particular regard to the linguistic needs of the child who belongs to a minority group or who is indigenous;
- (e) Encourage the development of appropriate guidelines for the protection of the child from information and material injurious to his or her well-being, bearing in mind the provisions of articles 13 and 18.

Article 18

1. States Parties shall use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child. Parents or, as the case may be, legal guardians, have the primary responsibility for the upbringing and development of the child. The best interests of the child will be their basic concern.
2. For the purpose of guaranteeing and promoting the rights set forth in the present Convention, States Parties shall render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities and services for the care of children.
3. States Parties shall take all appropriate measures to ensure that children of working parents have the right to benefit from child-care services and facilities for which they are eligible.

Article 19

1. States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.
2. Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have

the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.

Article 20

1. A child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State.
2. States Parties shall in accordance with their national laws ensure alternative care for such a child.
3. Such care could include, inter alia, foster placement, kafalah of Islamic law, adoption or if necessary placement in suitable institutions for the care of children. When considering solutions, due regard shall be paid to the desirability of continuity in a child's upbringing and to the child's ethnic, religious, cultural and linguistic background.

Article 21

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

- (a) Ensure that the adoption of a child is authorized only by competent authorities who determine, in accordance with applicable law and procedures and on the basis of all pertinent and reliable information, that the adoption is permissible in view of the child's status concerning parents, relatives and legal guardians and that, if required, the persons concerned have given their informed consent to the adoption on the basis of such counselling as may be necessary;
- (b) Recognize that inter-country adoption may be considered as an alternative means of child's care, if the child cannot be placed in a foster or an adoptive family or cannot in any suitable manner be cared for in the child's country of origin;
- (c) Ensure that the child concerned by inter-



country adoption enjoys safeguards and standards equivalent to those existing in the case of national adoption;

- (d) Take all appropriate measures to ensure that, in inter-country adoption, the placement does not result in improper financial gain for those involved in it;
- (e) Promote, where appropriate, the objectives of the present article by concluding bilateral or multilateral arrangements or agreements, and endeavour, within this framework, to ensure that the placement of the child in another country is carried out by competent authorities or organs.

Article 22

1. States Parties shall take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law and procedures shall, whether unaccompanied or accompanied by his or her parents or by any other person, receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in the present Convention and in other international human rights or humanitarian instruments to which the said States are Parties.
2. For this purpose, States Parties shall provide, as they consider appropriate, co-operation in any efforts by the United Nations and other competent intergovernmental organizations or non-governmental organizations co-operating with the United Nations to protect and assist such a child and to trace the parents or other members of the family of any refugee child in order to obtain information necessary for reunification with his or her family. In cases where no parents or other members of the family can be found, the child shall be accorded the same protection as any other child permanently or temporarily deprived of his or her family environment for any reason, as set forth in the present Convention.

Article 23

1. States Parties recognize that a mentally or physically disabled child should enjoy

a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community.

2. States Parties recognize the right of the disabled child to special care and shall encourage and ensure the extension, subject to available resources, to the eligible child and those responsible for his or her care, of assistance for which application is made and which is appropriate to the child's condition and to the circumstances of the parents or others caring for the child.
3. Recognizing the special needs of a disabled child, assistance extended in accordance with paragraph 2 of the present article shall be provided free of charge, whenever possible, taking into account the financial resources of the parents or others caring for the child, and shall be designed to ensure that the disabled child has effective access to and receives education, training, health care services, rehabilitation services, preparation for employment and recreation opportunities in a manner conducive to the child's achieving the fullest possible social integration and individual development, including his or her cultural and spiritual development
4. States Parties shall promote, in the spirit of international cooperation, the exchange of appropriate information in the field of preventive health care and of medical, psychological and functional treatment of disabled children, including dissemination of and access to information concerning methods of rehabilitation, education and vocational services, with the aim of enabling States Parties to improve their capabilities and skills and to widen their experience in these areas. In this regard, particular account shall be taken of the needs of developing countries.

Article 24

1. States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived



of his or her right of access to such health care services.

2. States Parties shall pursue full implementation of this right and, in particular, shall take appropriate measures:
 - (a) To diminish infant and child mortality;
 - (b) To ensure the provision of necessary medical assistance and health care to all children with emphasis on the development of primary health care;
 - (c) To combat disease and malnutrition, including within the framework of primary health care, through, inter alia, the application of readily available technology and through the provision of adequate nutritious foods and clean drinking-water, taking into consideration the dangers and risks of environmental pollution;
 - (d) To ensure appropriate pre-natal and post-natal health care for mothers;
 - (e) To ensure that all segments of society, in particular parents and children, are informed, have access to education and are supported in the use of basic knowledge of child health and nutrition, the advantages of breastfeeding, hygiene and environmental sanitation and the prevention of accidents;
 - (f) To develop preventive health care, guidance for parents and family planning education and services.
3. States Parties shall take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children.
4. States Parties undertake to promote and encourage international co-operation with a view to achieving progressively the full realization of the right recognized in the present article. In this regard, particular account shall be taken of the needs of developing countries.

Article 25

States Parties recognize the right of a child who has been placed by the competent authorities for the purposes of care, protection or treatment of his or her physical or mental health, to a periodic

review of the treatment provided to the child and all other circumstances relevant to his or her placement.

Article 26

1. States Parties shall recognize for every child the right to benefit from social security, including social insurance, and shall take the necessary measures to achieve the full realization of this right in accordance with their national law.
2. The benefits should, where appropriate, be granted, taking into account the resources and the circumstances of the child and persons having responsibility for the maintenance of the child, as well as any other consideration relevant to an application for benefits made by or on behalf of the child.

Article 27

1. States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.
2. The parent(s) or others responsible for the child have the primary responsibility to secure, within their abilities and financial capacities, the conditions of living necessary for the child's development.
3. States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing.
4. States Parties shall take all appropriate measures to secure the recovery of maintenance for the child from the parents or other persons having financial responsibility for the child, both within the State Party and from abroad. In particular, where the person having financial responsibility for the child lives in a State different from that of the child, States Parties shall promote the accession to international agreements or the conclusion of such agreements, as well as the making of other appropriate arrangements.



Article 28

1. States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:
 - (a) Make primary education compulsory and available free to all;
 - (b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;
 - (c) Make higher education accessible to all on the basis of capacity by every appropriate means;
 - (d) Make educational and vocational information and guidance available and accessible to all children;
 - (e) Take measures to encourage regular attendance at schools and the reduction of drop-out rates.
2. States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention.
3. States Parties shall promote and encourage international cooperation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods. In this regard, particular account shall be taken of the needs of developing countries.

Article 29

1. States Parties agree that the education of the child shall be directed to:
 - (a) The development of the child's personality, talents and mental and physical abilities to their fullest potential;
 - (b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;

- (c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;
 - (d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;
 - (e) The development of respect for the natural environment.
2. No part of the present article or article 28 shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principle set forth in paragraph 1 of the present article and to the requirements that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

Article 30

In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language.

Article 31

1. States Parties recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.
2. States Parties shall respect and promote the right of the child to participate fully in cultural and artistic life and shall encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity.



Article 32

1. States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.
2. States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article. To this end, and having regard to the relevant provisions of other international instruments, States Parties shall in particular:
 - (a) Provide for a minimum age or minimum ages for admission to employment;
 - (b) Provide for appropriate regulation of the hours and conditions of employment;
 - (c) Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article.

Article 33

States Parties shall take all appropriate measures, including legislative, administrative, social and educational measures, to protect children from the illicit use of narcotic drugs and psychotropic substances as defined in the relevant international treaties, and to prevent the use of children in the illicit production and trafficking of such substances.

Article 34

States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent:

- (a) The inducement or coercion of a child to engage in any unlawful sexual activity;
- (b) The exploitative use of children in prostitution or other unlawful sexual practices;
- (c) The exploitative use of children in pornographic performances and materials.

Article 35

States Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form.

Article 36

States Parties shall protect the child against all other forms of exploitation prejudicial to any aspects of the child's welfare.

Article 37

States Parties shall ensure that:

- (a) No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age;
- (b) No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time;
- (c) Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age. In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances;
- (d) Every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his or her liberty before a court or other competent, independent and impartial authority, and to a prompt decision on any such action.



Article 38

1. States Parties undertake to respect and to ensure respect for rules of international humanitarian law applicable to them in armed conflicts which are relevant to the child.
2. States Parties shall take all feasible measures to ensure that persons who have not attained the age of fifteen years do not take a direct part in hostilities.
3. States Parties shall refrain from recruiting any person who has not attained the age of fifteen years into their armed forces. In recruiting among those persons who have attained the age of fifteen years but who have not attained the age of eighteen years, States Parties shall endeavour to give priority to those who are oldest.
4. In accordance with their obligations under international humanitarian law to protect the civilian population in armed conflicts, States Parties shall take all feasible measures to ensure protection and care of children who are affected by an armed conflict.

Article 39

States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child.

Article 40

1. States Parties recognize the right of every child alleged as, accused of, or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth, which reinforces the child's respect for the human rights and fundamental freedoms of others and which takes into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society.

2. To this end, and having regard to the relevant provisions of international instruments, States Parties shall, in particular, ensure that:
 - (a) No child shall be alleged as, be accused of, or recognized as having infringed the penal law by reason of acts or omissions that were not prohibited by national or international law at the time they were committed;
 - (b) Every child alleged as or accused of having infringed the penal law has at least the following guarantees:
 - (i) To be presumed innocent until proven guilty according to law;
 - (ii) To be informed promptly and directly of the charges against him or her, and, if appropriate, through his or her parents or legal guardians, and to have legal or other appropriate assistance in the preparation and presentation of his or her defence;
 - (iii) To have the matter determined without delay by a competent, independent and impartial authority or judicial body in a fair hearing according to law, in the presence of legal or other appropriate assistance and, unless it is considered not to be in the best interest of the child, in particular, taking into account his or her age or situation, his or her parents or legal guardians;
 - (iv) Not to be compelled to give testimony or to confess guilt; to examine or have examined adverse witnesses and to obtain the participation and examination of witnesses on his or her behalf under conditions of equality;
 - (v) If considered to have infringed the penal law, to have this decision and any measures imposed in consequence thereof reviewed by a higher competent, independent and impartial authority or judicial body according to law;
 - (vi) To have the free assistance of an interpreter if the child cannot understand or speak the language used;
 - (vii) To have his or her privacy fully respected at all stages of the proceedings.
3. States Parties shall seek to promote the establishment of laws, procedures,



authorities and institutions specifically applicable to children alleged as, accused of, or recognized as having infringed the penal law, and, in particular:

- (a) The establishment of a minimum age below which children shall be presumed not to have the capacity to infringe the penal law;
- (b) Whenever appropriate and desirable, measures for dealing with such children without resorting to judicial proceedings, providing that human rights and legal safeguards are fully respected. 4. A variety of dispositions, such as care, guidance and supervision orders; counselling; probation; foster care; education and vocational training programmes and other alternatives to institutional care shall be available to ensure that children are dealt with in a manner appropriate to their well-being and proportionate both to their circumstances and the offence.

Article 41

Nothing in the present Convention shall affect any provisions which are more conducive to the realization of the rights of the child and which may be contained in:

- (a) The law of a State party; or
- (b) International law in force for that State.

PART II

Article 42

States Parties undertake to make the principles and provisions of the Convention widely known, by appropriate and active means, to adults and children alike.

Article 43

1. For the purpose of examining the progress made by States Parties in achieving the realization of the obligations undertaken in the present Convention, there shall be established a Committee on the Rights of the Child, which shall carry out the functions hereinafter provided.
2. The Committee shall consist of eighteen experts of high moral standing and recognized competence in the field covered by this Convention.^{1/} The

members of the Committee shall be elected by States Parties from among their nationals and shall serve in their personal capacity, consideration being given to equitable geographical distribution, as well as to the principal legal systems.

3. The members of the Committee shall be elected by secret ballot from a list of persons nominated by States Parties. Each State Party may nominate one person from among its own nationals.
4. The initial election to the Committee shall be held no later than six months after the date of the entry into force of the present Convention and thereafter every second year. At least four months before the date of each election, the Secretary-General of the United Nations shall address a letter to States Parties inviting them to submit their nominations within two months. The Secretary-General shall subsequently prepare a list in alphabetical order of all persons thus nominated, indicating States Parties which have nominated them, and shall submit it to the States Parties to the present Convention.
5. The elections shall be held at meetings of States Parties convened by the Secretary-General at United Nations Headquarters. At those meetings, for which two thirds of States Parties shall constitute a quorum, the persons elected to the Committee shall be those who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.
6. The members of the Committee shall be elected for a term of four years. They shall be eligible for re-election if renominated. The term of five of the members elected at the first election shall expire at the end of two years; immediately after the first election, the names of these five members shall be chosen by lot by the Chairman of the meeting.
7. If a member of the Committee dies or resigns or declares that for any other cause he or she can no longer perform the duties of the Committee, the State Party which nominated the member shall appoint another expert from among its nationals to serve for the remainder of the term, subject to the approval of the



Committee.

8. The Committee shall establish its own rules of procedure.
9. The Committee shall elect its officers for a period of two years.
10. The meetings of the Committee shall normally be held at United Nations Headquarters or at any other convenient place as determined by the Committee. The Committee shall normally meet annually. The duration of the meetings of the Committee shall be determined, and reviewed, if necessary, by a meeting of the States Parties to the present Convention, subject to the approval of the General Assembly.
11. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Convention.
12. With the approval of the General Assembly, the members of the Committee established under the present Convention shall receive emoluments from United Nations resources on such terms and conditions as the Assembly may decide.

Article 44

1. States Parties undertake to submit to the Committee, through the Secretary-General of the United Nations, reports on the measures they have adopted which give effect to the rights recognized herein and on the progress made on the enjoyment of those rights
 - (a) Within two years of the entry into force of the Convention for the State Party concerned;
 - (b) Thereafter every five years.
2. Reports made under the present article shall indicate factors and difficulties, if any, affecting the degree of fulfilment of the obligations under the present Convention. Reports shall also contain sufficient information to provide the Committee with a comprehensive understanding of the implementation of the Convention in the country concerned.
3. A State Party which has submitted a comprehensive initial report to the

Committee need not, in its subsequent reports submitted in accordance with paragraph 1 (b) of the present article, repeat basic information previously provided.

4. The Committee may request from States Parties further information relevant to the implementation of the Convention.
5. The Committee shall submit to the General Assembly, through the Economic and Social Council, every two years, reports on its activities.
6. States Parties shall make their reports widely available to the public in their own countries.

Article 45

In order to foster the effective implementation of the Convention and to encourage international co-operation in the field covered by the Convention:

- (a) The specialized agencies, the United Nations Children's Fund, and other United Nations organs shall be entitled to be represented at the consideration of the implementation of such provisions of the present Convention as fall within the scope of their mandate. The Committee may invite the specialized agencies, the United Nations Children's Fund and other competent bodies as it may consider appropriate to provide expert advice on the implementation of the Convention in areas falling within the scope of their respective mandates. The Committee may invite the specialized agencies, the United Nations Children's Fund, and other United Nations organs to submit reports on the implementation of the Convention in areas falling within the scope of their activities;
- (b) The Committee shall transmit, as it may consider appropriate, to the specialized agencies, the United Nations Children's Fund and other competent bodies, any reports from States Parties that contain a request, or indicate a need, for technical advice or assistance, along with the Committee's observations and suggestions, if any, on these requests or indications;
- (c) The Committee may recommend to the General Assembly to request the



Secretary-General to undertake on its behalf studies on specific issues relating to the rights of the child;

- (d) The Committee may make suggestions and general recommendations based on information received pursuant to articles 44 and 45 of the present Convention. Such suggestions and general recommendations shall be transmitted to any State Party concerned and reported to the General Assembly, together with comments, if any, from States Parties.

PART III

Article 46

The present Convention shall be open for signature by all States.

Article 47

The present Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

Article 48

The present Convention shall remain open for accession by any State. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

Article 49

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

Article 50

1. Any State Party may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate the proposed amendment to States Parties, with a request that

they indicate whether they favour a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that, within four months from the date of such communication, at least one third of the States Parties favour such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of States Parties present and voting at the conference shall be submitted to the General Assembly for approval.

2. An amendment adopted in accordance with paragraph 1 of the present article shall enter into force when it has been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of States Parties.
3. When an amendment enters into force, it shall be binding on those States Parties which have accepted it, other States Parties still being bound by the provisions of the present Convention and any earlier amendments which they have accepted.

Article 51

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

Article 52

A State Party may denounce the present Convention by written notification to the Secretary-General of the United Nations. Denunciation becomes effective one year after the date of receipt of the notification by the Secretary-General.



Article 53

The Secretary-General of the United Nations is designated as the depositary of the present Convention.

Article 54

The original of the present Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations. In witness thereof the undersigned plenipotentiaries, being duly authorized thereto by their respective Governments, have signed the present Convention.

-
- 1/ The General Assembly, in its resolution 50/155 of 21 December 1995, approved the amendment to article 43, paragraph 2, of the Convention on the Rights of the Child, replacing the word “ten” with the word “eighteen”. The amendment entered into force on 18 November 2002 when it had been accepted by a two-thirds majority of the States parties (128 out of 191).



ILO Fundamental Conventions

ILO Declaration on Fundamental Principles and Rights at Work

<https://www.ilo.org/declaration/thedeclaration/textdeclaration/lang--en/index.htm>

(as amended in 2022)

Whereas the ILO was founded in the conviction that social justice is essential to universal and lasting peace;

Whereas economic growth is essential but not sufficient to ensure equity, social progress and the eradication of poverty, confirming the need for the ILO to promote strong social policies, justice and democratic institutions;

Whereas the ILO should, now more than ever, draw upon all its standard-setting, technical cooperation and research resources in all its areas of competence, in particular employment, vocational training and working conditions, to ensure that, in the context of a global strategy for economic and social development, economic and social policies are mutually reinforcing components in order to create broad-based sustainable development;

Whereas the ILO should give special attention to the problems of persons with special social needs, particularly the unemployed and migrant workers, and mobilize and encourage international, regional and national efforts aimed at resolving their problems, and promote effective policies aimed at job creation;

Whereas, in seeking to maintain the link between social progress and economic growth, the guarantee of fundamental principles and rights at work is of particular significance in that it enables the persons concerned to claim freely and on the basis of equality of opportunity their fair share of the wealth which they have helped to generate, and to achieve fully their human potential;

Whereas the ILO is the constitutionally mandated international organization and the competent body to set and deal with international labour standards, and enjoys universal support and acknowledgement in promoting fundamental rights at work as the expression of its constitutional principles;

Whereas it is urgent, in a situation of growing economic interdependence, to reaffirm the immutable nature of the fundamental principles and rights embodied in the Constitution of the Organization and to promote their universal application;

The International Labour Conference,

1. Recalls:
 - a. that in freely joining the ILO, all Members have endorsed the principles and rights set out in its Constitution and in the Declaration of Philadelphia, and have undertaken to work towards attaining the overall objectives of the Organization to the best of their resources and fully in line with their specific circumstances;
 - b. that these principles and rights have been expressed and developed in the form of specific rights and obligations in Conventions recognized as fundamental both inside and outside the Organization.
2. Declares that all Members, even if they have not ratified the Conventions in question, have an obligation, arising from the very fact of membership in the Organization, to respect, to promote and to realize, in good faith and in accordance with the Constitution, the principles concerning the fundamental rights which are the subject of those Conventions, namely:
 - a. freedom of association and the effective recognition of the right to collective bargaining;
 - b. the elimination of all forms of forced or compulsory labour;
 - c. the effective abolition of child labour;
 - d. the elimination of discrimination in respect of employment and occupation; and



- e. a safe and healthy working environment.
3. Recognizes the obligation on the Organization to assist its Members, in response to their established and expressed needs, in order to attain these objectives by making full use of its constitutional, operational and budgetary resources, including by the mobilization of external resources and support, as well as by encouraging other international organizations with which the ILO has established relations, pursuant to article 12 of its Constitution, to support these efforts:
 - a. by offering technical cooperation and advisory services to promote the ratification and implementation of the fundamental Conventions;
 - b. by assisting those Members not yet in a position to ratify some or all of these Conventions in their efforts to respect, to promote and to realize the principles concerning fundamental rights which are the subject of those Conventions; and
 - c. by helping the Members in their efforts to create a climate for economic and social development.
4. Decides that, to give full effect to this Declaration, a promotional follow-up, which is meaningful and effective, shall be implemented in accordance with the measures specified in the annex hereto, which shall be considered as an integral part of this Declaration.
5. Stresses that labour standards should not be used for protectionist trade purposes, and that nothing in this Declaration and its follow-up shall be invoked or otherwise used for such purposes; in addition, the comparative advantage of any country should in no way be called into question by this Declaration and its follow-up.

Annex (Revised)

Follow-up to the Declaration¹

I. Overall purpose

1. The aim of the follow-up described below is to encourage 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 and reaffirmed in this Declaration.

2. In line with this objective, which is of a strictly promotional nature, this follow-up will allow the identification of areas in which the assistance of the Organization through its technical cooperation activities may prove useful to its Members to help them implement these fundamental principles and rights. It is not a substitute for the established supervisory mechanisms, nor shall it impede their functioning; consequently, specific situations within the purview of those mechanisms shall not be examined or re-examined within the framework of this follow-up.
3. The two aspects of this follow-up, described below, are based on existing procedures: the annual follow-up concerning non-ratified fundamental Conventions will entail merely some adaptation of the present modalities of application of article 19, paragraph 5(e), of the Constitution; and the Global Report on the effect given to the promotion of the fundamental principles and rights at work that will serve to inform the recurrent discussion at the Conference on the needs of the Members, the ILO action undertaken, and the results achieved in the promotion of the fundamental principles and rights at work.

II. Annual follow-up concerning non-ratified fundamental Conventions

A. Purpose and scope

1. The purpose is to provide an opportunity to review each year, by means of simplified procedures, the efforts made in accordance with the Declaration by Members which have not yet ratified all the fundamental Conventions.
2. The follow-up will cover the five categories of fundamental principles and rights specified in the Declaration.

B. Modalities

1. The follow-up will be based on reports requested from Members under article 19, paragraph 5(e), of the Constitution.



The report forms will be drawn up so as to obtain information from governments which have not ratified one or more of the fundamental Conventions, on any changes which may have taken place in their law and practice, taking due account of article 23 of the Constitution and established practice.

2. These reports, as compiled by the Office, will be reviewed by the Governing Body.
3. Adjustments to the Governing Body's existing procedures should be examined to allow Members which are not represented on the Governing Body to provide, in the most appropriate way, clarifications which might prove necessary or useful during Governing Body discussions to supplement the information contained in their reports.

III. Global Report on fundamental principles and rights at work

A. Purpose and scope

1. The purpose of the Global Report is to provide a dynamic global picture relating to the five categories of fundamental principles and rights at work noted during the preceding period, and to serve as a basis for assessing the effectiveness of the assistance provided by the Organization, and for determining priorities for the following period, including in the form of action plans for technical cooperation designed in particular to mobilize the internal and external resources necessary to carry them out.

B. Modalities

1. The report will be drawn up under the responsibility of the Director-General on the basis of official information, or information gathered and assessed in accordance with established procedures. In the case of States which have not ratified the fundamental Conventions, it will be based in particular on the findings of the aforementioned annual follow-up. In the case of Members which have ratified the Conventions concerned, the report will be based in particular on reports as dealt with pursuant to article 22 of the Constitution. It will also refer to the experience gained from technical

cooperation and other relevant activities of the ILO.

2. This report will be submitted to the Conference for a recurrent discussion on the strategic objective of fundamental principles and rights at work based on the modalities agreed by the Governing Body. It will then be for the Conference to draw conclusions from this discussion on all available ILO means of action, including the priorities and plans of action for technical cooperation to be implemented for the following period, and to guide the Governing Body and the Office in their responsibilities.

IV. It is understood that:

1. The Conference shall, in due course, review the operation of this follow-up in the light of the experience acquired to assess whether it has adequately fulfilled the overall purpose articulated in Part I.



ILO Convention 87: Freedom of Association and Protection of the Right to Organize

https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_INSTRUMENT_ID:312232

Preamble

The General Conference of the International Labour Organisation,

Having been convened at San Francisco by the Governing Body of the International Labour Office, and having met in its Thirty-first Session on 17 June 1948;

Having decided to adopt, in the form of a Convention, certain proposals concerning freedom of association and protection of the right to organise, which is the seventh item on the agenda of the session;

Considering that the Preamble to the Constitution of the International Labour Organisation declares “recognition of the principle of freedom of association” to be a means of improving conditions of labour and of establishing peace;

Considering that the Declaration of Philadelphia reaffirms that “freedom of expression and of association are essential to sustained progress”;

Considering that the International Labour Conference, at its Thirtieth Session, unanimously adopted the principles which should form the basis for international regulation;

Considering that the General Assembly of the United Nations, at its Second Session, endorsed these principles and requested the International Labour Organisation to continue every effort in order that it may be possible to adopt one or several international Conventions;

adopts this ninth day of July of the year one thousand nine hundred and forty-eight the following Convention, which may be cited as the Freedom of Association and Protection of the Right to Organise Convention, 1948:

PART I. FREEDOM OF ASSOCIATION

Article 1

Each Member of the International Labour Organisation for which this Convention is in

force undertakes to give effect to the following provisions.

Article 2

Workers and employers, without distinction whatsoever, shall have the right to establish and, subject only to the rules of the organisation concerned, to join organisations of their own choosing without previous authorisation.

Article 3

1. Workers’ and employers’ organisations shall have the right to draw up their constitutions and rules, to elect their representatives in full freedom, to organise their administration and activities and to formulate their programmes.
2. The public authorities shall refrain from any interference which would restrict this right or impede the lawful exercise thereof.

Article 4

Workers’ and employers’ organisations shall not be liable to be dissolved or suspended by administrative authority.

Article 5

Workers’ and employers’ organisations shall have the right to establish and join federations and confederations and any such organisation, federation or confederation shall have the right to affiliate with international organisations of workers and employers.

Article 6

The provisions of Articles 2, 3 and 4 hereof apply to federations and confederations of workers’ and employers’ organisations.

Article 7

The acquisition of legal personality by workers’ and employers’ organisations, federations and confederations shall not be made subject to conditions of such a character as to restrict



the application of the provisions of Articles 2, 3 and 4 hereof.

Article 8

1. In exercising the rights provided for in this Convention workers and employers and their respective organisations, like other persons or organised collectivities, shall respect the law of the land.
2. The law of the land shall not be such as to impair, nor shall it be so applied as to impair, the guarantees provided for in this Convention.

Article 9

1. The extent to which the guarantees provided for in this Convention shall apply to the armed forces and the police shall be determined by national laws or regulations.
2. In accordance with the principle set forth in paragraph 8 of Article 19 of the Constitution of the International Labour Organisation the ratification of this Convention by any Member shall not be deemed to affect any existing law, award, custom or agreement in virtue of which members of the armed forces or the police enjoy any right guaranteed by this Convention.

Article 10

In this Convention the term organisation means any organisation of workers or of employers for furthering and defending the interests of workers or of employers.

PART II. PROTECTION OF THE RIGHT TO ORGANISE

Article 11

Each Member of the International Labour Organisation for which this Convention is in force undertakes to take all necessary and appropriate measures to ensure that workers and employers may exercise freely the right to organise.

PART III. MISCELLANEOUS PROVISIONS

Article 12

1. In respect of the territories referred to in Article 35 of the Constitution of

the International Labour Organisation as amended by the Constitution of the International Labour Organisation Instrument of Amendment 1946, other than the territories referred to in paragraphs 4 and 5 of the said article as so amended, each Member of the Organisation which ratifies this Convention shall communicate to the Director-General of the International Labour Office with or as soon as possible after its ratification a declaration stating:

- (a) the territories in respect of which it undertakes that the provisions of the Convention shall be applied without modification;
 - (b) the territories in respect of which it undertakes that the provisions of the Convention shall be applied subject to modifications, together with details of the said modifications;
 - (c) the territories in respect of which the Convention is inapplicable and in such cases the grounds on which it is inapplicable;
 - (d) the territories in respect of which it reserves its decision.
2. The undertakings referred to in subparagraphs (a) and (b) of paragraph 1 of this Article shall be deemed to be an integral part of the ratification and shall have the force of ratification.
 3. Any Member may at any time by a subsequent declaration cancel in whole or in part any reservations made in its original declaration in virtue of subparagraphs (b), (c) or (d) of paragraph 1 of this Article.
 4. Any Member may, at any time at which the Convention is subject to denunciation in accordance with the provisions of Article 16, communicate to the Director-General a declaration modifying in any other respect the terms of any former declaration and stating the present position in respect of such territories as it may specify.

Article 13

1. Where the subject-matter of this Convention is within the self-governing powers of any non-metropolitan territory, the Member responsible for the international relations of that territory



may, in agreement with the government of the territory, communicate to the Director-General of the International Labour Office a declaration accepting on behalf of the territory the obligations of this Convention.

2. A declaration accepting the obligations of this Convention may be communicated to the Director-General of the International Labour Office:
 - (a) by two or more Members of the Organisation in respect of any territory which is under their joint authority; or
 - (b) by any international authority responsible for the administration of any territory, in virtue of the Charter of the United Nations or otherwise, in respect of any such territory.
3. Declarations communicated to the Director-General of the International Labour Office in accordance with the preceding paragraphs of this Article shall indicate whether the provisions of the Convention will be applied in the territory concerned without modification or subject to modifications; when the declaration indicates that the provisions of the Convention will be applied subject to modifications it shall give details of the said modifications.
4. The Member, Members or international authority concerned may at any time by a subsequent declaration renounce in whole or in part the right to have recourse to any modification indicated in any former declaration.
5. The Member, Members or international authority concerned may, at any time at which this Convention is subject to denunciation in accordance with the provisions of Article 16, communicate to the Director-General a declaration modifying in any other respect the terms of any former declaration and stating the present position in respect of the application of the Convention.

PART IV. FINAL PROVISIONS

Article 14

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 15

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.
2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.
3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratifications has been registered.

Article 16

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.
2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 17

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organisation of the registration of all ratifications, declarations and denunciations communicated to him by the Members of the Organisation.
2. When notifying the Members of the Organisation of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the Members of the Organisation to the date upon which the Convention will come into force.



Article 18

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications, declarations and acts of denunciation registered by him in accordance with the provisions of the preceding articles.

Article 19

At such times as it may consider necessary the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 20

1. Should the Conference adopt a new Convention revising this Convention in

whole or in part, then, unless the new Convention otherwise provides:

- (a) the ratification by a Member of the new revising Convention shall ipso jure involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 16 above, if and when the new revising Convention shall have come into force;
 - (b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.
2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 21

The English and French versions of the text of this Convention are equally authoritative.

ILO Convention 98: Right to Organize and to Collective Bargaining

https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C098

Preamble

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Thirty-second Session on 8 June 1949, and

Having decided upon the adoption of certain proposals concerning the application of the principles of the right to organise and to bargain collectively, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention,

adopts this first day of July of the year one thousand nine hundred and forty-nine the following Convention, which may be cited as the Right to Organise and Collective Bargaining Convention, 1949:

Article 1

1. Workers shall enjoy adequate protection against acts of anti-union discrimination in respect of their employment.
2. Such protection shall apply more particularly in respect of acts calculated to--
 - (a) make the employment of a worker subject to the condition that he shall not join a union or shall relinquish trade union membership;
 - (b) cause the dismissal of or otherwise prejudice a worker by reason of union membership or because of participation in union activities outside working hours or, with the consent of the employer, within working hours.



Article 2

1. Workers' and employers' organisations shall enjoy adequate protection against any acts of interference by each other or each other's agents or members in their establishment, functioning or administration.
2. In particular, acts which are designed to promote the establishment of workers' organisations under the domination of employers or employers' organisations, or to support workers' organisations by financial or other means, with the object of placing such organisations under the control of employers or employers' organisations, shall be deemed to constitute acts of interference within the meaning of this Article.

Article 3

Machinery appropriate to national conditions shall be established, where necessary, for the purpose of ensuring respect for the right to organise as defined in the preceding Articles.

Article 4

Measures appropriate to national conditions shall be taken, where necessary, to encourage and promote the full development and utilisation of machinery for voluntary negotiation between employers or employers' organisations and workers' organisations, with a view to the regulation of terms and conditions of employment by means of collective agreements.

Article 5

1. The extent to which the guarantees provided for in this Convention shall apply to the armed forces and the police shall be determined by national laws or regulations.
2. In accordance with the principle set forth in paragraph 8 of Article 19 of the Constitution of the International Labour Organisation the ratification of this Convention by any Member shall not be deemed to affect any existing law, award, custom or agreement in virtue of which members of the armed forces or the police enjoy any right guaranteed by this Convention.

Article 6

This Convention does not deal with the position of public servants engaged in the administration of the State, nor shall it be construed as prejudicing their rights or status in any way.

Article 7

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 8

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.
2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.
3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

Article 9

1. Declarations communicated to the Director-General of the International Labour Office in accordance with paragraph 2 of Article 35 of the Constitution of the International Labour Organisation shall indicate --
 - (a) the territories in respect of which the Member concerned undertakes that the provisions of the Convention shall be applied without modification;
 - (b) the territories in respect of which it undertakes that the provisions of the Convention shall be applied subject to modifications, together with details of the said modifications;
 - (c) the territories in respect of which the Convention is inapplicable and in such cases the grounds on which it is inapplicable;
 - (d) the territories in respect of which it reserves its decision pending further consideration of the position.



2. The undertakings referred to in subparagraphs (a) and (b) of paragraph 1 of this Article shall be deemed to be an integral part of the ratification and shall have the force of ratification.
3. Any Member may at any time by a subsequent declaration cancel in whole or in part any reservation made in its original declaration in virtue of subparagraph (b), (c) or (d) of paragraph 1 of this Article.
4. Any Member may, at any time at which the Convention is subject to denunciation in accordance with the provisions of Article 11, communicate to the Director-General a declaration modifying in any other respect the terms of any former declaration and stating the present position in respect of such territories as it may specify.

Article 10

1. Declarations communicated to the Director-General of the International Labour Office in accordance with paragraph 4 or 5 of Article 35 of the Constitution of the International Labour Organisation shall indicate whether the provisions of the Convention will be applied in the territory concerned without modification or subject to modifications; when the declaration indicates that the provisions of the Convention will be applied subject to modifications, it shall give details of the said modifications.
2. The Member, Members or international authority concerned may at any time by a subsequent declaration renounce in whole or in part the right to have recourse to any modification indicated in any former declaration.
3. The Member, Members or international authority concerned may, at any time at which this Convention is subject to denunciation in accordance with the provisions of Article 11, communicate to the Director-General a declaration modifying in any other respect the terms of any former declaration and stating the present position in respect of the application of the Convention.

Article 11

1. A Member which has ratified this Convention may denounce it after the

expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 12

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organisation of the registration of all ratifications, declarations and denunciations communicated to him by the Members of the Organisation.
2. When notifying the Members of the Organisation of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the Members of the Organisation to the date upon which the Convention will come into force.

Article 13

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications, declarations and acts of denunciation registered by him in accordance with the provisions of the preceding articles.

Article 14

At such times as it may consider necessary the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing



on the agenda of the Conference the question of its revision in whole or in part.

Article 15

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides,

- (a) the ratification by a Member of the new revising Convention shall ipso jure involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 11 above, if and when the new revising Convention shall have come into force;

(b) as from the date when the new revising Convention comes into force, this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 16

The English and French versions of the text of this Convention are equally authoritative.

ILO Convention 29: Forced or Compulsory Labour

https://www.ilo.org/dyn/normlex/en/f?p=1000:12100:0::NO::P12100_ILO_CODE:C029

Preamble

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Fourteenth Session on 10 June 1930, and

Having decided upon the adoption of certain proposals with regard to forced or compulsory labour, which is included in the first item on the agenda of the Session, and

Having determined that these proposals shall take the form of an international Convention,

adopts this twenty-eighth day of June of the year one thousand nine hundred and thirty the following Convention, which may be cited as the Forced Labour Convention, 1930, for ratification by the Members of the International Labour Organisation in accordance with the provisions of the Constitution of the International Labour Organisation:

Article 1

1. Each Member of the International Labour Organisation which ratifies this Convention undertakes to suppress the use of forced or compulsory labour in all its forms within the shortest possible period.

2. [deleted pursuant to Article 7 of the

Protocol of 2014 to the Forced Labour Convention, 1930]

3. [deleted pursuant to Article 7 of the Protocol of 2014 to the Forced Labour Convention, 1930]

Article 2

1. For the purposes of this Convention the term forced or compulsory labour shall mean all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.

2. Nevertheless, for the purposes of this Convention, the term forced or compulsory labour shall not include--

- (a) any work or service exacted in virtue of compulsory military service laws for work of a purely military character;
- (b) any work or service which forms part of the normal civic obligations of the citizens of a fully self-governing country;
- (c) any work or service exacted from any person as a consequence of a conviction in a court of law, provided that the said work or service is carried out under the supervision and control of a public authority and that the said person is not hired to or placed at the disposal of private individuals, companies or associations;



- (d) any work or service exacted in cases of emergency, that is to say, in the event of war or of a calamity or threatened calamity, such as fire, flood, famine, earthquake, violent epidemic or epizootic diseases, invasion by animal, insect or vegetable pests, and in general any circumstance that would endanger the existence or the well-being of the whole or part of the population;
- (e) minor communal services of a kind which, being performed by the members of the community in the direct interest of the said community, can therefore be considered as normal civic obligations incumbent upon the members of the community, provided that the members of the community or their direct representatives shall have the right to be consulted in regard to the need for such services.

Articles 3 to 24

[deleted pursuant to Article 7 of the Protocol of 2014 to the Forced Labour Convention, 1930]

Article 25

The illegal exaction of forced or compulsory labour shall be punishable as a penal offence, and it shall be an obligation on any Member ratifying this Convention to ensure that the penalties imposed by law are really adequate and are strictly enforced.

Article 26

1. Each Member of the International Labour Organisation which ratifies this Convention undertakes to apply it to the territories placed under its sovereignty, jurisdiction, protection, suzerainty, tutelage or authority, so far as it has the right to accept obligations affecting matters of internal jurisdiction; provided that, if such Member may desire to take advantage of the provisions of article 35 of the Constitution of the International Labour Organisation, it shall append to its ratification a declaration stating--
 - (1) the territories to which it intends to apply the provisions of this Convention without modification;
 - (2) the territories to which it intends to

apply the provisions of this Convention with modifications, together with details of the said modifications;

- (3) the territories in respect of which it reserves its decision.
2. The aforesaid declaration shall be deemed to be an integral part of the ratification and shall have the force of ratification. It shall be open to any Member, by a subsequent declaration, to cancel in whole or in part the reservations made, in pursuance of the provisions of subparagraphs (2) and (3) of this Article, in the original declaration.

Article 27

The formal ratifications of this Convention under the conditions set forth in the Constitution of the International Labour Organisation shall be communicated to the Director-General of the International Labour Office for registration.

Article 28

1. This Convention shall be binding only upon those Members whose ratifications have been registered with the International Labour Office.
2. It shall come into force twelve months after the date on which the ratifications of two Members of the International Labour Organisation have been registered with the Director-General.
3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which the ratification has been registered.

Article 29

As soon as the ratifications of two Members of the International Labour Organisation have been registered with the International Labour Office, the Director-General of the International Labour Office shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

Article 30

1. A Member which has ratified this Convention may denounce it after the



expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered with the International Labour Office.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of five years and, thereafter, may denounce this Convention at the expiration of each period of five years under the terms provided for in this Article.

Article 31

At such times as it may consider necessary the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 32

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, the ratification by a Member of the new revising Convention shall ipso jure involve denunciation of this Convention without any requirement of delay, notwithstanding the provisions of Article 30 above, if and when the new revising Convention shall have come into force.
2. As from the date of the coming into force of the new revising Convention, the present Convention shall cease to be open to ratification by the Members.
3. Nevertheless, this Convention shall remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising convention.

Article 33

The French and English texts of this Convention shall both be authentic.

ILO Convention 105: Abolition of Forced Labour

https://www.ilo.org/dyn/normlex/en/f?p=1000:12100:0::NO::P12100_ILO_CODE:C105

Preamble

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Fortieth Session on 5 June 1957, and

Having considered the question of forced labour, which is the fourth item on the agenda of the session, and

Having noted the provisions of the Forced Labour Convention, 1930, and

Having noted that the Slavery Convention, 1926, provides that all necessary measures shall be taken to prevent compulsory or forced labour from developing into conditions analogous to slavery and that the

Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery, 1956, provides for the complete abolition of debt bondage and serfdom, and

Having noted that the Protection of Wages Convention, 1949, provides that wages shall be paid regularly and prohibits methods of payment which deprive the worker of a genuine possibility of terminating his employment, and

Having decided upon the adoption of further proposals with regard to the abolition of certain forms of forced or compulsory labour constituting a violation of the rights of man referred to in the Charter of the United Nations and enunciated by the Universal Declaration of Human Rights, and



Having determined that these proposals shall take the form of an international Convention, adopts this twenty-fifth day of June of the year one thousand nine hundred and fifty-seven the following Convention, which may be cited as the Abolition of Forced Labour Convention, 1957:

Article 1

Each Member of the International Labour Organisation which ratifies this Convention undertakes to suppress and not to make use of any form of forced or compulsory labour--

- (a) as a means of political coercion or education or as a punishment for holding or expressing political views or views ideologically opposed to the established political, social or economic system;
- (b) as a method of mobilising and using labour for purposes of economic development;
- (c) as a means of labour discipline;
- (d) as a punishment for having participated in strikes;
- (e) as a means of racial, social, national or religious discrimination.

Article 2

Each Member of the International Labour Organisation which ratifies this Convention undertakes to take effective measures to secure the immediate and complete abolition of forced or compulsory labour as specified in Article 1 of this Convention.

Article 3

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 4

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.
2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

Article 5

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.
2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 6

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organisation of the registration of all ratifications and denunciations communicated to him by the Members of the Organisation.
2. When notifying the Members of the Organisation of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the Members of the Organisation to the date upon which the Convention will come into force.

Article 7

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications and acts of denunciation registered by him in accordance with the provisions of the preceding Articles.



Article 8

At such times as it may consider necessary the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 9

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides:
 - (a) the ratification by a Member of the new revising Convention shall ipso jure involve the immediate denunciation of this Convention, notwithstanding the

provisions of Article 5 above, if and when the new revising Convention shall have come into force;

- (b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.
2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 10

The English and French versions of the text of this Convention are equally authoritative.

ILO Convention 138: Minimum Age for Admission to Employment

https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C138

Preamble

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Fifty-eighth Session on 6 June 1973, and

Having decided upon the adoption of certain proposals with regard to minimum age for admission to employment, which is the fourth item on the agenda of the session, and

Noting the terms of the Minimum Age (Industry) Convention, 1919, the Minimum Age (Sea) Convention, 1920, the Minimum Age (Agriculture) Convention, 1921, the Minimum Age (Trimmers and Stokers) Convention, 1921, the Minimum Age (Non-Industrial Employment) Convention, 1932, the Minimum Age (Sea) Convention (Revised), 1936, the Minimum Age (Industry) Convention (Revised), 1937, the Minimum Age (Non-Industrial Employment) Convention (Revised), 1937, the Minimum Age (Fishermen) Convention, 1959, and the Minimum Age (Underground Work) Convention, 1965, and

Considering that the time has come to establish a general instrument on the subject, which would gradually replace the existing ones applicable to limited economic sectors, with a view to achieving the total abolition of child labour, and

Having determined that these proposals shall take the form of an international Convention, adopts this twenty-sixth day of June of the year one thousand nine hundred and seventy-three the following Convention, which may be cited as the Minimum Age Convention, 1973:

Article 1

Each Member for which this Convention is in force undertakes to pursue a national policy designed to ensure the effective abolition of child labour and to raise progressively the minimum age for admission to employment or work to a level consistent with the fullest physical and mental development of young persons.



Article 2

1. Each Member which ratifies this Convention shall specify, in a declaration appended to its ratification, a minimum age for admission to employment or work within its territory and on means of transport registered in its territory; subject to Articles 4 to 8 of this Convention, no one under that age shall be admitted to employment or work in any occupation.
2. Each Member which has ratified this Convention may subsequently notify the Director-General of the International Labour Office, by further declarations, that it specifies a minimum age higher than that previously specified.
3. The minimum age specified in pursuance of paragraph 1 of this Article shall not be less than the age of completion of compulsory schooling and, in any case, shall not be less than 15 years.
4. Notwithstanding the provisions of paragraph 3 of this Article, a Member whose economy and educational facilities are insufficiently developed may, after consultation with the organisations of employers and workers concerned, where such exist, initially specify a minimum age of 14 years.
5. Each Member which has specified a minimum age of 14 years in pursuance of the provisions of the preceding paragraph shall include in its reports on the application of this Convention submitted under article 22 of the Constitution of the International Labour Organisation a statement--
 - (a) that its reason for doing so subsists; or
 - (b) that it renounces its right to avail itself of the provisions in question as from a stated date.

Article 3

1. 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.
2. The types of employment or work to which paragraph 1 of this Article applies

shall be determined by national laws or regulations or by the competent authority, after consultation with the organisations of employers and workers concerned, where such exist.

3. Notwithstanding the provisions of paragraph 1 of this Article, national laws or regulations or the competent authority may, after consultation with the organisations of employers and workers concerned, where such exist, authorise employment or work as from the age of 16 years on condition that the health, safety and morals of the young persons concerned are fully protected and that the young persons have received adequate specific instruction or vocational training in the relevant branch of activity.

Article 4

1. In so far as necessary, the competent authority, after consultation with the organisations of employers and workers concerned, where such exist, may exclude from the application of this Convention limited categories of employment or work in respect of which special and substantial problems of application arise.
2. Each Member which ratifies this Convention shall list in its first report on the application of the Convention submitted under article 22 of the Constitution of the International Labour Organisation any categories which may have been excluded in pursuance of paragraph 1 of this Article, giving the reasons for such exclusion, and shall state in subsequent reports the position of its law and practice in respect of the categories excluded and the extent to which effect has been given or is proposed to be given to the Convention in respect of such categories.
3. Employment or work covered by Article 3 of this Convention shall not be excluded from the application of the Convention in pursuance of this Article.

Article 5

1. A Member whose economy and administrative facilities are insufficiently developed may, after consultation with the organisations of employers and



workers concerned, where such exist, initially limit the scope of application of this Convention.

2. Each Member which avails itself of the provisions of paragraph 1 of this Article shall specify, in a declaration appended to its ratification, the branches of economic activity or types of undertakings to which it will apply the provisions of the Convention.
3. The provisions of the Convention shall be applicable as a minimum to the following: mining and quarrying; manufacturing; construction; electricity, gas and water; sanitary services; transport, storage and communication; and plantations and other agricultural undertakings mainly producing for commercial purposes, but excluding family and small-scale holdings producing for local consumption and not regularly employing hired workers.
4. Any Member which has limited the scope of application of this Convention in pursuance of this Article--
 - (a) shall indicate in its reports under Article 22 of the Constitution of the International Labour Organisation the general position as regards the employment or work of young persons and children in the branches of activity which are excluded from the scope of application of this Convention and any progress which may have been made towards wider application of the provisions of the Convention;
 - (b) may at any time formally extend the scope of application by a declaration addressed to the Director-General of the International Labour Office.

Article 6

This Convention does not apply to work done by children and young persons in schools for general, vocational or technical education or in other training institutions, or to work done by persons at least 14 years of age in undertakings, where such work is carried out in accordance with conditions prescribed by the competent authority, after consultation with the organisations of employers and workers concerned, where such exist, and is an integral part of--

- (a) a course of education or training for which

a school or training institution is primarily responsible;

- (b) a programme of training mainly or entirely in an undertaking, which programme has been approved by the competent authority; or
- (c) a programme of guidance or orientation designed to facilitate the choice of an occupation or of a line of training.

Article 7

1. National laws or regulations may permit the employment or work of persons 13 to 15 years of age on light work which is--
 - (a) not likely to be harmful to their health or development; and
 - (b) not such as to prejudice their attendance at school, their participation in vocational orientation or training programmes approved by the competent authority or their capacity to benefit from the instruction received.
2. National laws or regulations may also permit the employment or work of persons who are at least 15 years of age but have not yet completed their compulsory schooling on work which meets the requirements set forth in subparagraphs (a) and (b) of paragraph 1 of this Article.
3. The competent authority shall determine the activities in which employment or work may be permitted under paragraphs 1 and 2 of this Article and shall prescribe the number of hours during which and the conditions in which such employment or work may be undertaken.
4. Notwithstanding the provisions of paragraphs 1 and 2 of this Article, a Member which has availed itself of the provisions of paragraph 4 of Article 2 may, for as long as it continues to do so, substitute the ages 12 and 14 for the ages 13 and 15 in paragraph 1 and the age 14 for the age 15 in paragraph 2 of this Article.

Article 8

1. After consultation with the organisations of employers and workers concerned, where such exist, the competent authority may,



by permits granted in individual cases, allow exceptions to the prohibition of employment or work provided for in Article 2 of this Convention, for such purposes as participation in artistic performances.

2. Permits so granted shall limit the number of hours during which and prescribe the conditions in which employment or work is allowed.

Article 9

1. All necessary measures, including the provision of appropriate penalties, shall be taken by the competent authority to ensure the effective enforcement of the provisions of this Convention.
2. National laws or regulations or the competent authority shall define the persons responsible for compliance with the provisions giving effect to the Convention.
3. National laws or regulations or the competent authority shall prescribe the registers or other documents which shall be kept and made available by the employer; such registers or documents shall contain the names and ages or dates of birth, duly certified wherever possible, of persons whom he employs or who work for him and who are less than 18 years of age.

Article 10

1. This Convention revises, on the terms set forth in this Article, the Minimum Age (Industry) Convention, 1919, the Minimum Age (Sea) Convention, 1920, the Minimum Age (Agriculture) Convention, 1921, the Minimum Age (Trimmers and Stokers) Convention, 1921, the Minimum Age (Non-Industrial Employment) Convention, 1932, the Minimum Age (Sea) Convention (Revised), 1936, the Minimum Age (Industry) Convention (Revised), 1937, the Minimum Age (Non-Industrial Employment) Convention (Revised), 1937, the Minimum Age (Fishermen) Convention, 1959, and the Minimum Age (Underground Work) Convention, 1965.
2. The coming into force of this Convention shall not close the Minimum Age (Sea) Convention (Revised), 1936, the Minimum Age (Industry) Convention (Revised),

1937, the Minimum Age (Non-Industrial Employment) Convention (Revised), 1937, the Minimum Age (Fishermen) Convention, 1959, or the Minimum Age (Underground Work) Convention, 1965, to further ratification.

3. The Minimum Age (Industry) Convention, 1919, the Minimum Age (Sea) Convention, 1920, the Minimum Age (Agriculture) Convention, 1921, and the Minimum Age (Trimmers and Stokers) Convention, 1921, shall be closed to further ratification when all the parties thereto have consented to such closing by ratification of this Convention or by a declaration communicated to the Director-General of the International Labour Office.
4. When the obligations of this Convention are accepted--
 - (a) by a Member which is a party to the Minimum Age (Industry) Convention (Revised), 1937, and a minimum age of not less than 15 years is specified in pursuance of Article 2 of this Convention, this shall ipso jure involve the immediate denunciation of that Convention,
 - (b) in respect of non-industrial employment as defined in the Minimum Age (Non-Industrial Employment) Convention, 1932, by a Member which is a party to that Convention, this shall ipso jure involve the immediate denunciation of that Convention,
 - (c) in respect of non-industrial employment as defined in the Minimum Age (Non-Industrial Employment) Convention (Revised), 1937, by a Member which is a party to that Convention, and a minimum age of not less than 15 years is specified in pursuance of Article 2 of this Convention, this shall ipso jure involve the immediate denunciation of that Convention,
 - (d) in respect of maritime employment, by a Member which is a party to the Minimum Age (Sea) Convention (Revised), 1936, and a minimum age of not less than 15 years is specified in pursuance of Article 2 of this Convention or the Member specifies that Article 3 of this Convention applies to maritime employment, this shall ipso jure involve



the immediate denunciation of that Convention,

- (e) in respect of employment in maritime fishing, by a Member which is a party to the Minimum Age (Fishermen) Convention, 1959, and a minimum age of not less than 15 years is specified in pursuance of Article 2 of this Convention or the Member specifies that Article 3 of this Convention applies to employment in maritime fishing, this shall ipso jure involve the immediate denunciation of that Convention,
 - (f) by a Member which is a party to the Minimum Age (Underground Work) Convention, 1965, and a minimum age of not less than the age specified in pursuance of Article 2 of this Convention or the Member specifies that such an age applies to employment underground in mines in virtue of Article 3 of this Convention, this shall ipso jure involve the immediate denunciation of that Convention,
if and when this Convention shall have come into force.
5. Acceptance of the obligations of this Convention--
- (a) shall involve the denunciation of the Minimum Age (Industry) Convention, 1919, in accordance with Article 12 thereof,
 - (b) in respect of agriculture shall involve the denunciation of the Minimum Age (Agriculture) Convention, 1921, in accordance with Article 9 thereof,
 - (c) in respect of maritime employment shall involve the denunciation of the Minimum Age (Sea) Convention, 1920, in accordance with Article 10 thereof, and of the Minimum Age (Trimmers and Stokers) Convention, 1921, in accordance with Article 12 thereof, if and when this Convention shall have come into force.

Article 11

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 12

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.
2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.
3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratifications has been registered.

Article 13

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.
2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 14

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organisation of the registration of all ratifications and denunciations communicated to him by the Members of the Organisation.
2. When notifying the Members of the Organisation of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the Members of the Organisation to the date upon which the Convention will come into force.



Article 15

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications and acts of denunciation registered by him in accordance with the provisions of the preceding Articles.

Article 16

At such times as it may consider necessary the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 17

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides:

- (a) the ratification by a Member of the new revising Convention shall ipso jure involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 13 above, if and when the new revising Convention shall have come into force;
 - (b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.
2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 18

The English and French versions of the text of this Convention are equally authoritative.

ILO Convention 155: Occupational Safety and Health Convention

https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C155

Preamble

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Sixty-seventh Session on 3 June 1981, and

Having decided upon the adoption of certain proposals with regard to safety and health and the working environment, which is the sixth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention,

adopts this twenty-second day of June of the year one thousand nine hundred and eighty-one the following Convention, which may be cited as the Occupational Safety and Health Convention, 1981:

PART I. SCOPE AND DEFINITIONS

Article 1

1. This Convention applies to all branches of economic activity.
2. A Member ratifying this Convention may, after consultation at the earliest possible stage with the representative organisations of employers and workers concerned, exclude from its application, in part or in whole, particular branches of economic activity, such as maritime shipping or fishing, in respect of which special problems of a substantial nature arise.
3. Each Member which ratifies this Convention shall list, in the first report on the application of the Convention submitted under Article 22 of the Constitution of the International Labour



Organisation, any branches which may have been excluded in pursuance of paragraph 2 of this Article, giving the reasons for such exclusion and describing the measures taken to give adequate protection to workers in excluded branches, and shall indicate in subsequent reports any progress towards wider application.

Article 2

1. This Convention applies to all workers in the branches of economic activity covered.
2. A Member ratifying this Convention may, after consultation at the earliest possible stage with the representative organisations of employers and workers concerned, exclude from its application, in part or in whole, limited categories of workers in respect of which there are particular difficulties.
3. Each Member which ratifies this Convention shall list, in the first report on the application of the Convention submitted under Article 22 of the Constitution of the International Labour Organisation, any limited categories of workers which may have been excluded in pursuance of paragraph 2 of this Article, giving the reasons for such exclusion, and shall indicate in subsequent reports any progress towards wider application.

Article 3

For the purpose of this Convention--

- (a) the term branches of economic activity covers all branches in which workers are employed, including the public service;
- (b) the term workers covers all employed persons, including public employees;
- (c) the term workplace covers all places where workers need to be or to go by reason of their work and which are under the direct or indirect control of the employer;
- (d) the term regulations covers all provisions given force of law by the competent authority or authorities;
- (e) the term health, in relation to work, indicates not merely the absence of disease or infirmity; it also includes the physical and mental elements affecting

health which are directly related to safety and hygiene at work.

PART II. PRINCIPLES OF NATIONAL POLICY

Article 4

1. Each Member shall, in the light of national conditions and practice, and in consultation with the most representative organisations of employers and workers, formulate, implement and periodically review a coherent national policy on occupational safety, occupational health and the working environment.
2. The aim of the policy shall be to prevent accidents and injury to health arising out of, linked with or occurring in the course of work, by minimising, so far as is reasonably practicable, the causes of hazards inherent in the working environment.

Article 5

The policy referred to in Article 4 of this Convention shall take account of the following main spheres of action in so far as they affect occupational safety and health and the working environment:

- (a) design, testing, choice, substitution, installation, arrangement, use and maintenance of the material elements of work (workplaces, working environment, tools, machinery and equipment, chemical, physical and biological substances and agents, work processes);
- (b) relationships between the material elements of work and the persons who carry out or supervise the work, and adaptation of machinery, equipment, working time, organisation of work and work processes to the physical and mental capacities of the workers;
- (c) training, including necessary further training, qualifications and motivations of persons involved, in one capacity or another, in the achievement of adequate levels of safety and health;
- (d) communication and co-operation at the levels of the working group and the undertaking and at all other appropriate levels up to and including the national level;



- (e) the protection of workers and their representatives from disciplinary measures as a result of actions properly taken by them in conformity with the policy referred to in Article 4 of this Convention.

Article 6

The formulation of the policy referred to in Article 4 of this Convention shall indicate the respective functions and responsibilities in respect of occupational safety and health and the working environment of public authorities, employers, workers and others, taking account both of the complementary character of such responsibilities and of national conditions and practice.

Article 7

The situation regarding occupational safety and health and the working environment shall be reviewed at appropriate intervals, either over-all or in respect of particular areas, with a view to identifying major problems, evolving effective methods for dealing with them and priorities of action, and evaluating results.

PART III. ACTION AT THE NATIONAL LEVEL

Article 8

Each Member shall, by laws or regulations or any other method consistent with national conditions and practice and in consultation with the representative organisations of employers and workers concerned, take such steps as may be necessary to give effect to Article 4 of this Convention.

Article 9

1. The enforcement of laws and regulations concerning occupational safety and health and the working environment shall be secured by an adequate and appropriate system of inspection.
2. The enforcement system shall provide for adequate penalties for violations of the laws and regulations.

Article 10

Measures shall be taken to provide guidance to employers and workers so as to help them to comply with legal obligations.

Article 11

To give effect to the policy referred to in Article 4 of this Convention, the competent authority or authorities shall ensure that the following functions are progressively carried out:

- (a) the determination, where the nature and degree of hazards so require, of conditions governing the design, construction and layout of undertakings, the commencement of their operations, major alterations affecting them and changes in their purposes, the safety of technical equipment used at work, as well as the application of procedures defined by the competent authorities;
- (b) the determination of work processes and of substances and agents the exposure to which is to be prohibited, limited or made subject to authorisation or control by the competent authority or authorities; health hazards due to the simultaneous exposure to several substances or agents shall be taken into consideration;
- (c) the establishment and application of procedures for the notification of occupational accidents and diseases, by employers and, when appropriate, insurance institutions and others directly concerned, and the production of annual statistics on occupational accidents and diseases;
- (d) the holding of inquiries, where cases of occupational accidents, occupational diseases or any other injuries to health which arise in the course of or in connection with work appear to reflect situations which are serious;
- (e) the publication, annually, of information on measures taken in pursuance of the policy referred to in Article 4 of this Convention and on occupational accidents, occupational diseases and other injuries to health which arise in the course of or in connection with work;
- (f) the introduction or extension of systems, taking into account national conditions and possibilities, to examine chemical, physical and biological agents in respect of the risk to the health of workers.



Article 12

Measures shall be taken, in accordance with national law and practice, with a view to ensuring that those who design, manufacture, import, provide or transfer machinery, equipment or substances for occupational use--

- (a) satisfy themselves that, so far as is reasonably practicable, the machinery, equipment or substance does not entail dangers for the safety and health of those using it correctly;
- (b) make available information concerning the correct installation and use of machinery and equipment and the correct use of substances, and information on hazards of machinery and equipment and dangerous properties of chemical substances and physical and biological agents or products, as well as instructions on how known hazards are to be avoided;
- (c) undertake studies and research or otherwise keep abreast of the scientific and technical knowledge necessary to comply with subparagraphs (a) and (b) of this Article.

Article 13

A worker who has removed himself from a work situation which he has reasonable justification to believe presents an imminent and serious danger to his life or health shall be protected from undue consequences in accordance with national conditions and practice.

Article 14

Measures shall be taken with a view to promoting in a manner appropriate to national conditions and practice, the inclusion of questions of occupational safety and health and the working environment at all levels of education and training, including higher technical, medical and professional education, in a manner meeting the training needs of all workers.

Article 15

1. With a view to ensuring the coherence of the policy referred to in Article 4 of this Convention and of measures for its

application, each Member shall, after consultation at the earliest possible stage with the most representative organisations of employers and workers, and with other bodies as appropriate, make arrangements appropriate to national conditions and practice to ensure the necessary co-ordination between various authorities and bodies called upon to give effect to Parts II and III of this Convention.

2. Whenever circumstances so require and national conditions and practice permit, these arrangements shall include the establishment of a central body.

PART IV. ACTION AT THE LEVEL OF THE UNDERTAKING

Article 16

1. Employers shall be required to ensure that, so far as is reasonably practicable, the workplaces, machinery, equipment and processes under their control are safe and without risk to health.
2. Employers shall be required to ensure that, so far as is reasonably practicable, the chemical, physical and biological substances and agents under their control are without risk to health when the appropriate measures of protection are taken.
3. Employers shall be required to provide, where necessary, adequate protective clothing and protective equipment to prevent, so far as is reasonably practicable, risk of accidents or of adverse effects on health.

Article 17

Whenever two or more undertakings engage in activities simultaneously at one workplace, they shall collaborate in applying the requirements of this Convention.

Article 18

Employers shall be required to provide, where necessary, for measures to deal with emergencies and accidents, including adequate first-aid arrangements.



Article 19

There shall be arrangements at the level of the undertaking under which--

- (a) workers, in the course of performing their work, co-operate in the fulfilment by their employer of the obligations placed upon him;
- (b) representatives of workers in the undertaking co-operate with the employer in the field of occupational safety and health;
- (c) representatives of workers in an undertaking are given adequate information on measures taken by the employer to secure occupational safety and health and may consult their representative organisations about such information provided they do not disclose commercial secrets;
- (d) workers and their representatives in the undertaking are given appropriate training in occupational safety and health;
- (e) workers or their representatives and, as the case may be, their representative organisations in an undertaking, in accordance with national law and practice, are enabled to enquire into, and are consulted by the employer on, all aspects of occupational safety and health associated with their work; for this purpose technical advisers may, by mutual agreement, be brought in from outside the undertaking;
- (f) a worker reports forthwith to his immediate supervisor any situation which he has reasonable justification to believe presents an imminent and serious danger to his life or health; until the employer has taken remedial action, if necessary, the employer cannot require workers to return to a work situation where there is continuing imminent and serious danger to life or health.

Article 20

Co-operation between management and workers and/or their representatives within the undertaking shall be an essential element of organisational and other measures taken in pursuance of Articles 16 to 19 of this Convention.

Article 21

Occupational safety and health measures shall not involve any expenditure for the workers.

PART V. FINAL PROVISIONS

Article 22

This Convention does not revise any international labour Conventions or Recommendations.

Article 23

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 24

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.
2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.
3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

Article 25

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.
2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each



period of ten years under the terms provided for in this Article.

Article 26

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organisation of the registration of all ratifications and denunciations communicated to him by the Members of the Organisation.
2. When notifying the Members of the Organisation of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the Members of the Organisation to the date upon which the Convention will come into force.

Article 27

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications and acts of denunciation registered by him in accordance with the provisions of the preceding Articles.

Article 28

At such times as it may consider necessary the Governing Body of the International Labour Office shall present to the General Conference

a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 29

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides:
 - (a) the ratification by a Member of the new revising Convention shall ipso jure involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 25 above, if and when the new revising Convention shall have come into force;
 - (b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.
2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 30

The English and French versions of the text of this Convention are equally authoritative.

ILO Convention 182: Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour

https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C182

Preamble

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its 87th Session on 1 June 1999, and

Considering the need to adopt new instruments for the prohibition and elimination of the worst forms of child labour, as the main priority for national and international action, including international

cooperation and assistance, to complement the Convention and the Recommendation concerning Minimum Age for Admission to Employment, 1973, which remain fundamental instruments on child labour, and

Considering that the effective elimination of the worst forms of child labour requires immediate and comprehensive action, taking into account the importance of free basic education and the need to remove the children concerned from all such work and to provide for their rehabilitation and social integration while addressing the needs of



their families, and

Recalling the resolution concerning the elimination of child labour adopted by the International Labour Conference at its 83rd Session in 1996, and

Recognizing that child labour is to a great extent caused by poverty and that the long-term solution lies in sustained economic growth leading to social progress, in particular poverty alleviation and universal education, and

Recalling the Convention on the Rights of the Child adopted by the United Nations General Assembly on 20 November 1989, and

Recalling the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up, adopted by the International Labour Conference at its 86th Session in 1998, and

Recalling that some of the worst forms of child labour are covered by other international instruments, in particular the Forced Labour Convention, 1930, and the United Nations Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, 1956, and

Having decided upon the adoption of certain proposals with regard to child labour, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention;

adopts this seventeenth day of June of the year one thousand nine hundred and ninety-nine the following Convention, which may be cited as the Worst Forms of Child Labour Convention, 1999.

Article 1

Each Member which ratifies this Convention shall take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour as a matter of urgency.

Article 2

For the purposes of this Convention, the term child shall apply to all persons under the age of 18.

Article 3

For the purposes of this Convention, the term the worst forms of child labour comprises:

- (a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict;
- (b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;
- (c) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties;
- (d) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.

Article 4

1. The types of work referred to under Article 3(d) shall be determined by national laws or regulations or by the competent authority, after consultation with the organizations of employers and workers concerned, taking into consideration relevant international standards, in particular Paragraphs 3 and 4 of the Worst Forms of Child Labour Recommendation, 1999.
2. The competent authority, after consultation with the organizations of employers and workers concerned, shall identify where the types of work so determined exist.
3. The list of the types of work determined under paragraph 1 of this Article shall be periodically examined and revised as necessary, in consultation with the organizations of employers and workers concerned.

Article 5

Each Member shall, after consultation with employers' and workers' organizations, establish or designate appropriate mechanisms to monitor the implementation



of the provisions giving effect to this Convention.

Article 6

1. Each Member shall design and implement programmes of action to eliminate as a priority the worst forms of child labour.
2. Such programmes of action shall be designed and implemented in consultation with relevant government institutions and employers' and workers' organizations, taking into consideration the views of other concerned groups as appropriate.

Article 7

1. Each Member shall take all necessary measures to ensure the effective implementation and enforcement of the provisions giving effect to this Convention including the provision and application of penal sanctions or, as appropriate, other sanctions.
2. Each Member shall, taking into account the importance of education in eliminating child labour, take effective and time-bound measures to:
 - (a) prevent the engagement of children in the worst forms of child labour;
 - (b) provide the necessary and appropriate direct assistance for the removal of children from the worst forms of child labour and for their rehabilitation and social integration;
 - (c) ensure access to free basic education, and, wherever possible and appropriate, vocational training, for all children removed from the worst forms of child labour;
 - (d) identify and reach out to children at special risk; and
 - (e) take account of the special situation of girls.
3. Each Member shall designate the competent authority responsible for the implementation of the provisions giving effect to this Convention.

Article 8

Members shall take appropriate steps to assist one another in giving effect to the provisions of this Convention through

enhanced international cooperation and/or assistance including support for social and economic development, poverty eradication programmes and universal education.

Article 9

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 10

1. This Convention shall be binding only upon those Members of the International Labour Organization whose ratifications have been registered with the Director-General of the International Labour Office.
2. It shall come into force 12 months after the date on which the ratifications of two Members have been registered with the Director-General.
3. Thereafter, this Convention shall come into force for any Member 12 months after the date on which its ratification has been registered.

Article 11

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.
2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 12

1. The Director-General of the International Labour Office shall notify all Members of



- the International Labour Organization of the registration of all ratifications and acts of denunciation communicated by the Members of the Organization.
2. When notifying the Members of the Organization of the registration of the second ratification, the Director-General shall draw the attention of the Members of the Organization to the date upon which the Convention shall come into force.

Article 13

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations, for registration in accordance with article 102 of the Charter of the United Nations, full particulars of all ratifications and acts of denunciation registered by the Director-General in accordance with the provisions of the preceding Articles.

Article 14

At such times as it may consider necessary, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 15

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides --
 - (a) the ratification by a Member of the new revising Convention shall ipso jure involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 11 above, if and when the new revising Convention shall have come into force;
 - (b) as from the date when the new revising Convention comes into force, this Convention shall cease to be open to ratification by the Members.
2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 16

The English and French versions of the text of this Convention are equally authoritative.

ILO Convention 187: Promotional Framework for Occupational Safety and Health Convention

https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:::NO:12100:P12100_ILO_CODE:C187:NO

Preamble

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Ninety-fifth Session on 31 May 2006,

Recognizing the global magnitude of occupational injuries, diseases and deaths, and the need for further action to reduce them, and

Recalling that the protection of workers against sickness, disease and injury arising out

of employment is among the objectives of the International Labour Organization as set out in its Constitution, and

Recognizing that occupational injuries, diseases and deaths have a negative effect on productivity and on economic and social development, and

Noting paragraph III(g) of the Declaration of Philadelphia, which provides that the International Labour Organization has the solemn obligation to further among the nations of the world programmes which will achieve adequate protection for the life and health of workers in all occupations, and



Mindful of the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-Up, 1998, and

Noting the Occupational Safety and Health Convention, 1981 (No. 155), the Occupational Safety and Health Recommendation, 1981 (No. 164), and other instruments of the International Labour Organization relevant to the promotional framework for occupational safety and health, and

Recalling that the promotion of occupational safety and health is part of the International Labour Organization's agenda of decent work for all, and

Recalling the Conclusions concerning ILO standards-related activities in the area of occupational safety and health - a global strategy, adopted by the International Labour Conference at its 91st Session (2003), in particular relating to ensuring that priority be given to occupational safety and health in national agendas, and

Stressing the importance of the continuous promotion of a national preventative safety and health culture, and

Having decided upon the adoption of certain proposals with regard to occupational safety and health, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention;

adopts this fifteenth day of June of the year two thousand and six the following Convention, which may be cited as the Promotional Framework for Occupational Safety and Health Convention, 2006.

I. DEFINITIONS

Article 1

For the purpose of this Convention:

- (a) the term national policy refers to the national policy on occupational safety and health and the working environment developed in accordance with the principles of Article 4 of the Occupational Safety and Health Convention, 1981 (No. 155);
- (b) the term national system for occupational safety and health or national system refers

to the infrastructure which provides the main framework for implementing the national policy and national programmes on occupational safety and health;

- (c) the term national programme on occupational safety and health or national programme refers to any national programme that includes objectives to be achieved in a predetermined time frame, priorities and means of action formulated to improve occupational safety and health, and means to assess progress;
- (d) the term a national preventative safety and health culture refers to a culture in which the right to a safe and healthy working environment is respected at all levels, where government, employers and workers actively participate in securing a safe and healthy working environment through a system of defined rights, responsibilities and duties, and where the principle of prevention is accorded the highest priority.

II. OBJECTIVE

Article 2

1. Each Member which ratifies this Convention shall promote continuous improvement of occupational safety and health to prevent occupational injuries, diseases and deaths, by the development, in consultation with the most representative organizations of employers and workers, of a national policy, national system and national programme.
2. Each Member shall take active steps towards achieving progressively a safe and healthy working environment through a national system and national programmes on occupational safety and health by taking into account the principles set out in instruments of the International Labour Organization (ILO) relevant to the promotional framework for occupational safety and health.
3. Each Member, in consultation with the most representative organizations of employers and workers, shall periodically consider what measures could be taken to ratify relevant occupational safety and health Conventions of the ILO.



III. NATIONAL POLICY

Article 3

1. Each Member shall promote a safe and healthy working environment by formulating a national policy.
2. Each Member shall promote and advance, at all relevant levels, the right of workers to a safe and healthy working environment.
3. In formulating its national policy, each Member, in light of national conditions and practice and in consultation with the most representative organizations of employers and workers, shall promote basic principles such as assessing occupational risks or hazards; combating occupational risks or hazards at source; and developing a national preventative safety and health culture that includes information, consultation and training.

IV. NATIONAL SYSTEM

Article 4

1. Each Member shall establish, maintain, progressively develop and periodically review a national system for occupational safety and health, in consultation with the most representative organizations of employers and workers.
2. The national system for occupational safety and health shall include among others:
 - (a) laws and regulations, collective agreements where appropriate, and any other relevant instruments on occupational safety and health;
 - (b) an authority or body, or authorities or bodies, responsible for occupational safety and health, designated in accordance with national law and practice;
 - (c) mechanisms for ensuring compliance with national laws and regulations, including systems of inspection; and
 - (d) arrangements to promote, at the level of the undertaking, cooperation between management, workers and their representatives as an essential element of workplace-related prevention measures.
3. The national system for occupational safety and health shall include, where appropriate:

- (a) a national tripartite advisory body, or bodies, addressing occupational safety and health issues;
- (b) information and advisory services on occupational safety and health;
- (c) the provision of occupational safety and health training;
- (d) occupational health services in accordance with national law and practice;
- (e) research on occupational safety and health;
- (f) a mechanism for the collection and analysis of data on occupational injuries and diseases, taking into account relevant ILO instruments;
- (g) provisions for collaboration with relevant insurance or social security schemes covering occupational injuries and diseases; and
- (h) support mechanisms for a progressive improvement of occupational safety and health conditions in micro-enterprises, in small and medium-sized enterprises and in the informal economy.

V. NATIONAL PROGRAMME

Article 5

1. Each Member shall formulate, implement, monitor, evaluate and periodically review a national programme on occupational safety and health in consultation with the most representative organizations of employers and workers.
2. The national programme shall:
 - (a) promote the development of a national preventative safety and health culture;
 - (b) contribute to the protection of workers by eliminating or minimizing, so far as is reasonably practicable, work-related hazards and risks, in accordance with national law and practice, in order to prevent occupational injuries, diseases and deaths and promote safety and health in the workplace;
 - (c) be formulated and reviewed on the basis of analysis of the national situation regarding occupational safety and health, including analysis of the national system for occupational safety and health;



- (d) include objectives, targets and indicators of progress; and
 - (e) be supported, where possible, by other complementary national programmes and plans which will assist in achieving progressively a safe and healthy working environment.
3. The national programme shall be widely publicized and, to the extent possible, endorsed and launched by the highest national authorities.

VI. FINAL PROVISIONS

Article 6

This Convention does not revise any international labour Conventions or Recommendations.

Article 7

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 8

1. This Convention shall be binding only upon those Members of the International Labour Organization whose ratifications have been registered with the Director-General of the International Labour Office.
2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.
3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification is registered.

Article 9

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.
2. Each Member which has ratified this Convention and which does not, within

the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention within the first year of each new period of ten years under the terms provided for in this Article.

Article 10

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organization of the registration of all ratifications and denunciations that have been communicated by the Members of the Organization.
2. When notifying the Members of the Organization of the registration of the second ratification that has been communicated, the Director-General shall draw the attention of the Members of the Organization to the date upon which the Convention will come into force.

Article 11

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications and denunciations that have been registered.

Article 12

At such times as it may consider necessary, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision.

Article 13

1. Should the Conference adopt a new Convention revising this Convention, then, unless the new Convention otherwise provides:
 - (a) the ratification by a Member of the new revising Convention shall ipso jure involve the immediate denunciation of



this Convention, notwithstanding the provisions of Article 9 above, if and when the new revising Convention shall have come into force;

- (b) as from the date when the new revising Convention comes into force, this Convention shall cease to be open to ratification by the Members.
2. This Convention shall in any case remain in force in its actual form and content for

those Members which have ratified it but have not ratified the revising Convention.

Article 14

The English and French versions of the text of this Convention are equally authoritative.

ILO Convention 100: Equal Remuneration for Men and Women Workers for Work of Equal Value

https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C100

Preamble

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Thirty-fourth Session on 6 June 1951, and

Having decided upon the adoption of certain proposals with regard to the principle of equal remuneration for men and women workers for work of equal value, which is the seventh item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention, adopts this twenty-ninth day of June of the year one thousand nine hundred and fifty-one the following Convention, which may be cited as the Equal Remuneration Convention, 1951:

Article 1

For the purpose of this Convention--

- (a) the term remuneration includes the ordinary, basic or minimum wage or salary and any additional emoluments whatsoever payable directly or indirectly, whether in cash or in kind, by the employer to the worker and arising out of the worker's employment;
- (b) the term equal remuneration for men and women workers for work of equal value refers to rates of remuneration established without discrimination based

on sex.

Article 2

1. Each Member shall, by means appropriate to the methods in operation for determining rates of remuneration, promote and, in so far as is consistent with such methods, ensure the application to all workers of the principle of equal remuneration for men and women workers for work of equal value.
2. This principle may be applied by means of--
 - (a) national laws or regulations;
 - (b) legally established or recognised machinery for wage determination;
 - (c) collective agreements between employers and workers; or
 - (d) a combination of these various means.

Article 3

1. Where such action will assist in giving effect to the provisions of this Convention measures shall be taken to promote objective appraisal of jobs on the basis of the work to be performed.
2. The methods to be followed in this appraisal may be decided upon by the authorities responsible for the determination of rates of remuneration, or, where such rates are determined by collective agreements, by the parties thereto.



3. Differential rates between workers which correspond, without regard to sex, to differences, as determined by such objective appraisal, in the work to be performed shall not be considered as being contrary to the principle of equal remuneration for men and women workers for work of equal value.

Article 4

Each Member shall co-operate as appropriate with the employers' and workers' organisations concerned for the purpose of giving effect to the provisions of this Convention.

Article 5

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 6

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.
2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.
3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

Article 7

1. Declarations communicated to the Director-General of the International Labour Office in accordance with paragraph 2 of Article 35 of the Constitution of the International Labour Organisation shall indicate --
 - (a) the territories in respect of which the Member concerned undertakes that the provisions of the Convention shall be applied without modification;
 - (b) the territories in respect of which it undertakes that the provisions of the Convention shall be applied subject to modifications, together with details of

the said modifications;

- (c) the territories in respect of which the Convention is inapplicable and in such cases the grounds on which it is inapplicable;
 - (d) the territories in respect of which it reserves its decision pending further consideration of the position.
2. The undertakings referred to in subparagraphs (a) and (b) of paragraph 1 of this Article shall be deemed to be an integral part of the ratification and shall have the force of ratification.
 3. Any Member may at any time by a subsequent declaration cancel in whole or in part any reservation made in its original declaration in virtue of subparagraph (b), (c) or (d) of paragraph 1 of this Article.
 4. Any Member may, at any time at which the Convention is subject to denunciation in accordance with the provisions of Article 9, communicate to the Director-General a declaration modifying in any other respect the terms of any former declaration and stating the present position in respect of such territories as it may specify.

Article 8

1. Declarations communicated to the Director-General of the International Labour Office in accordance with paragraph 4 or 5 of Article 35 of the Constitution of the International Labour Organisation shall indicate whether the provisions of the Convention will be applied in the territory concerned without modification or subject to modifications; when the declaration indicates that the provisions of the Convention will be applied subject to modifications, it shall give details of the said modifications.
2. The Member, Members or international authority concerned may at any time by a subsequent declaration renounce in whole or in part the right to have recourse to any modification indicated in any former declaration.
3. The Member, Members or international authority concerned may, at any time at which this Convention is subject to denunciation in accordance with the provisions of Article 9, communicate to the



Director-General a declaration modifying in any other respect the terms of any former declaration and stating the present position in respect of the application of the Convention.

Article 9

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.
2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 10

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organisation of the registration of all ratifications, declarations and denunciations communicated to him by the Members of the Organisation.
2. When notifying the Members of the Organisation of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the Members of the Organisation to the date upon which the Convention will come into force.

Article 11

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications, declarations and acts of denunciation registered by him

in accordance with the provisions of the preceding articles.

Article 12

At such times as may consider necessary the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 13

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides--
 - (a) the ratification by a Member of the new revising Convention shall ipso jure involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 9 above, if and when the new revising Convention shall have come into force;
 - (b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.
2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 14

The English and French versions of the text of this Convention are equally authoritative.



ILO Convention 111: Discrimination in Respect of Employment and Occupation

https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312256:NO

Preamble

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Forty-second Session on 4 June 1958, and

Having decided upon the adoption of certain proposals with regard to discrimination in the field of employment and occupation, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention, and

Considering that the Declaration of Philadelphia affirms that all human beings, irrespective of race, creed or sex, have the right to pursue both their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity, and

Considering further that discrimination constitutes a violation of rights enunciated by the Universal Declaration of Human Rights,

adopts this twenty-fifth day of June of the year one thousand nine hundred and fifty-eight the following Convention, which may be cited as the Discrimination (Employment and Occupation) Convention, 1958:

Article 1

1. For the purpose of this Convention the term discrimination includes--
 - (a) 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;
 - (b) such other distinction, exclusion or preference which has the effect of nullifying or impairing equality of

opportunity or treatment in employment or occupation as may be determined by the Member concerned after consultation with representative employers' and workers' organisations, where such exist, and with other appropriate bodies.

2. Any distinction, exclusion or preference in respect of a particular job based on the inherent requirements thereof shall not be deemed to be discrimination.
3. For the purpose of this Convention the terms employment and occupation include access to vocational training, access to employment and to particular occupations, and terms and conditions of employment.

Article 2

Each Member for which this Convention is in force undertakes 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 3

Each Member for which this Convention is in force undertakes, by methods appropriate to national conditions and practice--

- (a) to seek the co-operation of employers' and workers' organisations and other appropriate bodies in promoting the acceptance and observance of this policy;
- (b) to enact such legislation and to promote such educational programmes as may be calculated to secure the acceptance and observance of the policy;
- (c) to repeal any statutory provisions and modify any administrative instructions or practices which are inconsistent with the policy;
- (d) to pursue the policy in respect of employment under the direct control of a



national authority;

- (e) to ensure observance of the policy in the activities of vocational guidance, vocational training and placement services under the direction of a national authority;
- (f) to indicate in its annual reports on the application of the Convention the action taken in pursuance of the policy and the results secured by such action.

Article 4

Any measures affecting an individual who is justifiably suspected of, or engaged in, activities prejudicial to the security of the State shall not be deemed to be discrimination, provided that the individual concerned shall have the right to appeal to a competent body established in accordance with national practice.

Article 5

1. Special measures of protection or assistance provided for in other Conventions or Recommendations adopted by the International Labour Conference shall not be deemed to be discrimination.
2. Any Member may, after consultation with representative employers' and workers' organisations, where such exist, determine that other special measures designed to meet the particular requirements of persons who, for reasons such as sex, age, disablement, family responsibilities or social or cultural status, are generally recognised to require special protection or assistance, shall not be deemed to be discrimination.

Article 6

Each Member which ratifies this Convention undertakes to apply it to non-metropolitan territories in accordance with the provisions of the Constitution of the International Labour Organisation.

Article 7

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 8

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.
2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.
3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

Article 9

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.
2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 10

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organisation of the registration of all ratifications and denunciations communicated to him by the Members of the Organisation.
2. When notifying the Members of the Organisation of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the Members of the Organisation to the date upon which the Convention will come into force.



Article 11

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications and acts of denunciation registered by him in accordance with the provisions of the preceding Articles.

Article 12

At such times as it may consider necessary the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 13

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides:

- (a) the ratification by a Member of the new revising Convention shall ipso jure involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 9 above, if and when the new revising Convention shall have come into force;
 - (b) as from the date when the new revising Convention comes into force, this Convention shall cease to be open to ratification by the Members.
2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 14

The English and French versions of the text of this Convention are equally authoritative.



ILO/UNESCO Recommendations

1966 ILO/UNESCO Recommendation concerning the Status of Teachers

https://www.ilo.org/wcmsp5/groups/public/---ed_dialogue/---sector/documents/normativeinstrument/wcms_162034.pdf

Adopted on 5 October 1966 by the Special Intergovernmental Conference on the Status of Teachers, convened by UNESCO, Paris, in cooperation with the ILO

The Special Intergovernmental Conference on the Status of Teachers,

Recalling that the right to education is a fundamental human right,

Conscious of the responsibility of the States for the provision of proper education for all in fulfillment of Article 26 of the Universal Declaration of Human Rights, of Principles 5, 7 and 10 of the Declaration of the Rights of the Child and of the United Nations Declaration concerning the Promotion among Youth of the Ideals of Peace, Mutual Respect and Understanding between Peoples,

Aware of the need for more extensive and widespread general and technical and vocational education, with a view to making full use of all the talent and intelligence available as an essential contribution to continued moral and cultural progress and economic and social advancement,

Recognizing the essential role of teachers in educational advancement and the importance of their contribution to the development of man and modern society,

Concerned to ensure that teachers enjoy the status commensurate with this role,

Taking into account the great diversity of the laws, regulations and customs which, in different countries, determine the patterns and organization of education,

Taking also into account the diversity of the arrangements which in different countries apply to teaching staff, in particular according to whether the regulations concerning the public service apply to them,

Convinced that in spite of these differences similar questions arise in all countries with

regard to the status of teachers and that these questions call for the application of a set of common standards and measures, which it is the purpose of this Recommendation to set out,

Noting the terms of existing international conventions which are applicable to teachers, and in particular of instruments concerned with basic human rights such as the Freedom of Association and Protection of the Right to Organize Convention, 1948, the Right to Organize and Collective Bargaining Convention, 1949, the Equal Remuneration Convention, 1951, and the Discrimination (Employment and Occupation) Convention, 1958, adopted by the General Conference of the International Labour Organization, and the Convention against Discrimination in Education, 1960, adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization,

Noting also the recommendations on various aspects of the preparation and the status of teachers in primary and secondary schools adopted by the International Conference on Public Education convened jointly by the United Nations Educational, Scientific and Cultural Organization and the International Bureau of Education, and the Recommendation concerning Technical and Vocational Education, 1962, adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization,

Desiring to supplement existing standards by provisions relating to problems of peculiar concern to teachers and to remedy the problems of teacher shortage,

Has adopted this Recommendation:



I. Definitions

1. For the purpose of the Recommendation:
 - (a) the word 'teacher' covers all those persons in schools who are responsible for the education of pupils;
 - (b) the expression 'status' as used in relation to teachers means both the standing or regard accorded them, as evidenced by the level of appreciation of the importance of their function and of their competence in performing it, and the working conditions, remuneration and other material benefits accorded them relative to other professional groups.

II. Scope

2. This Recommendation applies to all teachers in both public and private schools up to the completion of the secondary stage of education, whether nursery, kindergarten, primary, intermediate or secondary, including those providing technical, vocational, or art education.

III. Guiding principles

3. Education from the earliest school years should be directed to the allround development of the human personality and to the spiritual, moral, social, cultural and economic progress of the community, as well as to the inculcation of deep respect for human rights and fundamental freedoms; within the framework of these values the utmost importance should be attached to the contribution to be made by education to peace and to understanding, tolerance and friendship among all nations and among racial or religious groups.
4. It should be recognized that advance in education depends largely on the qualifications and ability of the teaching staff in general and on the human, pedagogical and technical qualities of the individual teachers.
5. The status of teachers should be commensurate with the needs of education as assessed in the light of educational aims and objectives; it should be recognized that the proper status of teachers and due public regard for

the profession of teaching are of major importance for the full realization of these aims and objectives.

6. Teaching should be regarded as a profession: it is a form of public service which requires of teachers expert knowledge and specialized skills, acquired and maintained through rigorous and continuing study; it calls also for a sense of personal and corporate responsibility for the education and welfare of the pupils in their charge.
7. All aspects of the preparation and employment of teachers should be free from any form of discrimination on grounds of race, colour, sex, religion, political opinion, national or social origin, or economic condition.
8. Working conditions for teachers should be such as will best promote effective learning and enable teachers to concentrate on their professional tasks.
9. Teachers' organizations should be recognized as a force which can contribute greatly to educational advance and which therefore should be associated with the determination of educational policy.

IV. Educational objectives and policies

10. Appropriate measures should be taken in each country to the extent necessary to formulate comprehensive educational policies consistent with the Guiding Principles, drawing on all available resources, human and otherwise. In so doing, the competent authorities should take account of the consequences for teachers of the following principles and objectives:
 - (a) it is the fundamental right of every child to be provided with the fullest possible educational opportunities; due attention should be paid to children requiring special educational treatment;
 - (b) all facilities should be made available equally to enable every person to enjoy his right to education without discrimination on grounds of sex, race, colour, religion, political opinion, national or social origin, or economic condition;
 - (c) since education is a service of fundamental importance in the general



- public interest, it should be recognized as a responsibility of the State, which should provide an adequate network of schools, free education in these schools and material assistance to needy pupils; this should not be construed so as to interfere with the liberty of the parents and, when applicable, legal guardians to choose for their children schools other than those established by the State, or so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions which conform to such minimum educational standards as may be laid down or approved by the State;
- (d) since education is an essential factor in economic growth, educational planning should form an integral part of total economic and social planning undertaken to improve living conditions;
 - (e) since education is a continuous process the various branches of the teaching service should be so co-ordinated as both to improve the quality of education for all pupils and to enhance the status of teachers ;
 - (f) there should be free access to a flexible system of schools, properly interrelated, so that nothing restricts the opportunities for each child to progress to any level in any type of education;
 - (g) as an educational objective, no State should be satisfied with mere quantity, but should seek also to improve quality;
 - (h) in education both long-term and short-term planning and programming are necessary; the efficient integration in the community of today's pupils will depend more on future needs than on present requirements;
 - (i) all educational planning should include at each stage early provision for the training, and the further training, of sufficient numbers of fully competent and qualified teachers of the country concerned who are familiar with the life of their people and able to teach in the mother tongue;
 - (j) co-ordinated systematic and continuing research and action in the field of teacher preparation and in-service training are essential, including, at the

- international level, co-operative projects and the exchange of research findings ;
- (k) there should be close co-operation between the competent authorities, organizations of teachers, of employers and workers, and of parents as well as cultural organizations and institutions of learning and research, for the purpose of defining educational policy and its precise objectives;
 - (l) as the achievement of the aims and objectives of education largely depends on the financial means made available to it, high priority should be given, in all countries, to setting aside, within the national budgets, an adequate proportion of the national income for the development of education.

V. Preparation for the profession

Selection

11. Policy governing entry into preparation for teaching should rest on the need to provide society with an adequate supply of teachers who possess the necessary moral, intellectual and physical qualities and who have the required professional knowledge and skills.
12. To met this need, educational authorities should provide adequate inducements to prepare for teaching and sufficient places in appropriate institutions.
13. Completion of an approved course in an appropriate teacher-preparation institution should be required of all persons entering the profession.
14. Admission to teacher preparation should be based on the completion of appropriate secondary education, and the evidence of the possession of personal qualities likely to help the persons concerned to become worthy members of the profession.
15. While the general standards for admission to teacher preparation should be maintained, persons who may lack some of the formal academic requirements for admission, but who possess valuable experience, particularly in technical and vocational fields, may be admitted.
16. Adequate grants or financial assistance should be available to students preparing



for teaching to enable them to follow the courses provided and to live decently; as far as possible, the competent authorities should seek to establish a system of free teacher-preparation institutions.

17. Information concerning the opportunities and the grants or financial assistance for teacher preparation should be readily available to students and other persons who may wish to prepare for teaching.
18.
 - (1) Fair consideration should be given to the value of teacher-preparation programmes completed in other countries as establishing in whole or in part the right to practice teaching.
 - (2) Steps should be taken with a view to achieving international recognition of teaching credentials conferring professional status in terms of standards agreed to internationally.

Teacher preparation programmes

19. The purpose of a teacher-preparation programme should be to develop in each student his general education and personal culture, his ability to teach and educate others, an awareness of the principles which underlie good human relations, within and across national boundaries, and a sense of responsibility to contribute both by teaching and by example to social, cultural and economic progress.
20. Fundamentally a teacher-preparation programme should include:
 - (a) general studies;
 - (b) study of the main elements of philosophy, psychology, sociology as applied to education, the theory and history of education, and of comparative education, experimental pedagogy, school administration and methods of teaching the various subjects;
 - (c) studies related to the student's intended field of teaching;
 - (d) practice in teaching and in conducting extra-curricular activities under the guidance of fully qualified teachers.
21.
 - (1) All teachers should be prepared in general, special and pedagogical

subjects in universities, or in institutions on a level comparable to universities, or else in special institutions for the preparation of teachers.

- (2) The content of teacher-preparation programmes may reasonably vary according to the tasks the teachers are required to perform in different-types of schools, such as establishments for handicapped children or technical and vocational schools. In the latter case, the programmes might include some practical experience to be acquired in industry, commerce or agriculture.
22. A teacher-preparation programme may provide for a professional course either concurrently with or subsequent to a course of personal academic or specialized education or skill cultivation.
23. Education for teaching should normally be full-time; special arrangements may be made for older entrants to the profession and persons in other exceptional categories to undertake all or part of their course on a part-time basis, on condition that the content of such courses and the standards of attainment are on the same level as -those of the full-time courses.
24. Consideration should be given to the desirability of providing for the education of different types of teachers, whether primary, secondary, technical, specialist or vocational teachers, in institutions organically related or geographically adjacent to one another.

Teacher preparation institutions

25. The staff of teacher-preparation institutions should be qualified to teach in their own discipline at a level equivalent to that of higher education. The staff teaching pedagogical subjects should have had experience of teaching in schools and wherever possible should have this experience periodically refreshed by secondment to teaching duties in schools.
26. Research and experimentation in education and in the teaching of particular subjects should be promoted through the provision of research facilities in teacher-preparation institutions and research work by their



staff and students. All staff concerned with teacher education' should be aware of the findings of research in the field with which they are concerned and endeavour to pass on its results to students.

27. Students as well as staff should have the opportunity of expressing their views on the arrangements governing the life, work and discipline of a teacher-preparation institution.
28. Teacher-preparation institutions should form a focus of development in the education service, both keeping schools abreast of the results of research and methodological progress, and reflecting in their own work the experience of schools and teachers.
29. The teacher-preparation institutions should, either severally or jointly, and in collaboration with another institution of higher education or with the competent education authorities, or not, be responsible for certifying that the student has satisfactorily completed the course.
30. School authorities, in co-operation with teacher-preparation institutions, should take appropriate measures to provide the newly-trained teachers with an employment in keeping with their preparation, and individual wishes and circumstances.

VI. Further education for teachers

31. Authorities and teachers should recognize the importance of in-service education designed to secure a systematic improvement of the quality and content of education and of teaching techniques.
32. Authorities, in consultation with teachers' organizations, should promote the establishment of a wide system of in-service education, available free to all teachers. Such a system should provide a variety of arrangements and should involve the participation of teacher-preparation institutions, scientific and cultural institutions, and teachers' organizations. Refresher courses should be provided, especially for teachers returning to teaching after a break in service.

33.

- (1) Courses and other appropriate facilities should be so designed as to enable teachers to improve their qualifications, to alter or enlarge the scope of their work or seek promotion and to keep up to date with their subject and field of education as regards both content and method.
 - (2) Measures should be taken to make books and other material available to teachers to improve their general education and professional qualifications.
34. Teachers should be given both the opportunities and the incentives to participate in courses and facilities and should take full advantage of them.
 35. School authorities should make every endeavour to ensure that schools can apply relevant research findings both in the subjects of study and in teaching methods.
 36. Authorities should encourage and, as far as possible, assist teachers to travel in their own country and abroad, either in groups or individually, with a view to their further education.
 37. It would be desirable that measures taken for the preparation and further education of teachers should be developed and supplemented by financial and technical co-operation on an international or regional basis.

VII. Employment and career

Entry into the teaching profession

38. In collaboration with teachers' organizations, policy governing recruitment into employment should be clearly defined at the appropriate level and rules should be established laying down the teachers' obligations and rights.
39. A probationary period on entry to teaching should be recognized both by teachers and by employers as the opportunity for the encouragement and helpful initiation of the entrant and for the establishment and maintenance of proper professional standards as well as the teacher's own development of his



practical teaching proficiency. The normal duration of probation should be known in advance and the conditions for its satisfactory completion should be strictly related to professional competence. If the teacher is failing to complete his probation satisfactorily, he should be informed of the reasons and should have the right to make representations.

Advancement and promotion

40. Teachers should be able, subject to their having the necessary qualifications, to move from one type or level of school to another within the education service.
41. The organization and structure of an education service, including that of individual schools, should provide adequate opportunities for and recognition of additional responsibilities to be exercised by individual teachers, on condition that those responsibilities are not detrimental to the quality or regularity of their teaching work.
42. Consideration should be given to the advantages of schools sufficiently large for pupils to have the benefits and staff the opportunities to be derived from a range of responsibilities being carried by different teachers.
43. Posts of responsibility in education, such as that of inspector, educational administrator, director of education or other posts of special responsibility, should be given as far as possible to experienced teachers.
44. Promotion should be based on an objective assessment of the teacher's qualifications for the new post, by reference to strictly professional criteria laid down in consultation with teachers' organizations.

Security of tenure

45. Stability of employment and security of tenure in the profession are essential in the interests of education as well as in that of the teacher and should be safeguarded even when changes in the organization of or within a school system are made.

46. Teachers should be adequately protected against arbitrary action affecting their professional standing or career.

Disciplinary procedures related to breaches of professional conduct

47. Disciplinary measures applicable to teachers guilty of breaches of professional conduct should be clearly defined. The proceedings and any resulting action should only be made public if the teacher so requests, except where prohibition from teaching is involved or the protection or well-being of the pupils so requires.
48. The authorities or bodies competent to propose or apply sanctions and penalties should be clearly designated.
49. Teachers' organizations should be consulted when the machinery to deal with disciplinary matters is established.
50. Every teacher should enjoy equitable safeguards at each stage of any disciplinary procedure, and in particular:
 - (a) the right to be informed in writing of the allegations and the grounds for, them ;
 - (b) the right to full access to the evidence in the case;
 - (c) the right to defend himself and to be defended by a representative of his choice, adequate time being given to the teacher for the preparation of his defense;
 - (d) the right to be informed in writing of the decisions reached and the reasons for them;
 - (e) the right to appeal to clearly designated competent authorities or bodies.
51. Authorities should recognize that effectiveness of disciplinary safeguards as well as discipline itself would be greatly enhanced if the teachers were judged with the participation of their peers.
52. The provisions of the foregoing paragraphs 47-51 do not in any way affect the procedures normally applicable under national laws or regulations to acts punishable under criminal laws.



Medical examinations

53. Teachers should be required to undergo periodical medical examinations, which should be provided free.

Women teachers with family responsibilities

54. Marriage should not be considered a bar to the appointment or to the continued employment of women teachers, nor should it affect remuneration or other conditions of work.
55. Employers should be prohibited from terminating contracts of service for reasons of pregnancy and maternity leave.
56. Arrangements such as creches or nurseries should be considered where desirable to take care of the children of teachers with family responsibilities.
57. Measures should be taken to permit women teachers with family responsibilities to obtain teaching posts in the locality of their homes and to enable married couples, - both of whom are teachers, to teach in the same general neighborhood or in one and the same school.
58. In appropriate circumstances women teachers with family responsibilities who have left the profession before retirement age should be encouraged to return to teaching.

Part-time service

59. Authorities and schools should recognize the value of part-time service given, in case of need, by qualified teachers who for some reason cannot give full-time service.
60. Teachers employed regularly on a part-time basis should:
- receive proportionately the same remuneration and enjoy the same basic conditions of employment as teachers employed on a full-time basis;
 - be granted rights corresponding to those of teachers employed on a full time basis as regards holidays with pay, sick leave and maternity leave, subject to the same eligibility requirements; and

- be entitled to adequate and appropriate social security protection, including coverage under employers' pension schemes.

VIII. The rights and responsibilities of teachers

Professional freedom

61. The teaching profession should enjoy academic freedom in the discharge of professional duties. Since teachers are particularly qualified to judge the teaching aids and methods most suitable for their pupils, they should be given the essential role in the choice and the adaptation of teaching material, the selection of textbooks and the application of teaching methods, within the framework of approved programmes, and with the assistance of the educational authorities.
62. Teachers and their organizations should participate in the development of new courses, textbooks and teaching aids
63. Any systems of inspection or supervision should be designed to encourage and help teachers in the performance of their professional tasks and should be such as not to diminish the freedom, initiative and responsibility of teachers.
- 64.
- Where any kind of direct assessment of the teacher's work is required, such assessment should be objective and should be made known to the teacher.
 - Teachers should have a right to appeal against assessments which they deem to be unjustified.
65. Teachers should be free to make use of such evaluation techniques as they may deem useful for the appraisal of pupils' progress, but should ensure that no unfairness to individual pupils results.
66. The authorities should give due weight to the recommendations of teachers regarding the suitability of individual pupils for courses and further education of different kinds.
67. Every possible effort should be made to promote close co-operation between teachers and parents in the interests of pupils, but teachers should be



protected against unfair or unwarranted interference by parents in matters which are essentially the teacher's professional responsibility.

68.

- (1) Parents having a complaint against a school or a teacher should be given the opportunity of discussing it in the first instance with the school principal and the teacher concerned. Any complaint subsequently addressed to higher authority should be put in writing and a copy should be supplied to the teacher.
- (2) Investigations of complaints should be so conducted that the teachers are given a fair opportunity to defend themselves and that no publicity is given to the proceedings.

69. While teachers should exercise the utmost care to avoid accidents to pupils, employers of teachers should safeguard them against the risk of having damages assessed against them in the event of injury to pupils occurring at school or in school activities away from the school premises or grounds.

Responsibilities of teachers

70. Recognizing that the status of their profession depends to a considerable extent upon teachers themselves, all teachers should seek to achieve the highest possible standards in all their professional work.
71. Professional standards relating to teacher performance should be defined and maintained with the participation of the teachers' organizations.
72. Teachers and teachers' organizations should seek to co-operate fully with authorities in the interests of the pupils, of the education service and of society generally.
73. Codes of ethics or of conduct should be established by the teachers' organizations, since such codes greatly contribute to ensuring the prestige of the profession and the exercise of professional duties in accordance with agreed principles.
74. Teachers should be prepared to take their part in extra-curricular activities for the benefit of pupils and adults.

Relations between teachers and the education service as a whole

75. In order that teachers may discharge their responsibilities, authorities should establish and regularly use recognized means of consultation with teachers' organizations on such matters as educational policy, school organization, and new developments in the education service.
76. Authorities and teachers should recognize the importance of the participation of teachers, through their organizations and in other ways, in steps designed to improve the quality of the education service, in educational research, and in the development and dissemination of new improved methods.
77. Authorities should facilitate the establishment and the work of panels designed, within a school or within a broader framework, to promote the co-operation of teachers of the same subject and should take due account of the opinions and suggestions of such panels.
78. Administrative and other staff who are responsible for aspects of the education service should seek to establish good relations with teachers and this approach should be equally reciprocated.

Rights of teachers

79. The participation of teachers in social and public life should be encouraged in the interests of the teacher's personal development, of the education service and of society as a whole.
80. Teachers should be free to exercise all civic rights generally enjoyed by citizens and should be eligible for public office.
81. Where the requirements of public office are such that the teacher has to relinquish his teaching duties, he should be retained in the profession for seniority and pension purposes and should be able to return to his previous post or to an equivalent post after his term of public office has expired.
82. Both salaries and working conditions for teachers should be determined through the process of negotiation between teachers' organizations and the employers of teachers.



83. Statutory or voluntary machinery should be established whereby the right of teachers to negotiate through their organizations with their employers, either public or private, is assured..
84. Appropriate joint machinery should be set up to deal with the settlement of disputes between the teachers and their employers arising out of terms and conditions of employment. If the means and procedures established for these purposes should be exhausted or if there should be a breakdown in negotiations between the parties, teachers' organizations should have the right to take such other steps as are normally open to other organizations in the defense of their legitimate interests.

IX. Conditions for effective teaching and learning

85. Since the teacher is a valuable specialist, his work should be so organized and assisted as to avoid waste of his time and energy.

Class size

86. Class size should be such as to permit the teacher to give the pupils individual attention. From time to time provision may be made for small group or even individual instruction for such purposes as remedial work, and on occasion, for large group instruction employing audio-visual aids.

Ancillary staff

87. With a view to enabling teachers to concentrate on their professional tasks, schools should be provided with ancillary staff to perform non-teaching duties.

Teaching aids

- 88.
- (1) Authorities should provide teachers and pupils with modern aids to teaching. Such aids should not be regarded as a substitute for the teacher but as a means of improving the quality of teaching and extending to a larger number of pupils the benefits of education.
 - (2) Authorities should promote research into the use of such aids and encourage

teachers to participate actively in such research.

Hours of work

89. The hours teachers are required to work per day and per week should be established in consultation with teachers' organizations.
90. In fixing hours of teaching account should be taken of all factors which are relevant to the teacher's work load, such as:
- (a) the number of pupils with whom the teacher is required to work per day and per week;
 - (b) the necessity to provide time for adequate planning and preparation of lessons and for evaluation of work;
 - (c) the number of different lessons assigned to be taught each day;
 - (d) the demands upon the time of the teacher imposed by participation in research, in co-curricular and extra-curricular activities, in supervisory duties and in counseling of pupils ;
 - (e) the desirability of providing time in which teachers may report to and consult with parents regarding pupil progress.
91. Teachers should be provided time necessary for taking part in in-service training programmes.
92. Participation of teachers in extra-curricular activities should not constitute an excessive burden and should not interfere with the fulfillment of the main duties of the teacher.
93. Teachers assigned special educational responsibilities in addition to classroom instruction should have their normal hours of teaching reduced correspondingly.

Annual holidays with pay

94. All teachers should enjoy a right to adequate annual vacation with full pay.

Study leave

- 95.
- (1) Teachers should be granted study leave on full or partial pay at intervals. Women teachers with children should



be encouraged to remain in the service by such measures as enabling them, at their request, to take additional

- (2) The period of study leave should be counted for seniority and pension purposes.
- (3) Teachers in areas which are remote from population centers and are recognized as such by the public authorities should be given study leave more frequently.

Special leave

96. Leave of absence granted within the framework of bilateral and multilateral cultural exchanges should be considered as service.
97. Teachers attached to technical assistance projects should be granted leave of absence and their seniority, eligibility for promotion and pension rights in the home country should be safeguarded. In addition special arrangements should be made to cover their extraordinary expenses.
98. Foreign guest teachers should similarly be given leave of absence by their home countries and have their seniority and pension rights safeguarded.
99.
 - (1) Teachers should be granted occasional leave of absence with full pay to enable them to participate in the activities of their organizations.
 - (2) Teachers should have the right to take up office in their organizations; in such case their entitlements should be similar to those of teachers holding public office.
100. Teachers should be granted leave of absence with full pay for adequate personal reasons under arrangements specified in advance of employment.

Sick leave and maternity leave

101.
 - (1) Teachers should be entitled to sick leave with pay.
 - (2) In determining the period during which full or partial pay shall be payable, account should be taken of cases in

which it is necessary for teachers to be isolated from pupils for long periods.

102. Effect should be given to the standards laid down by the International Labour Organisation in the field of maternity protection, and in particular the Maternity Protection Convention, 1919, and the Maternity Protection Convention (Revised), 1952, as well as to the standards referred to in paragraph 126 of this
103. Women teachers with children should be encouraged to remain in the service by such measures as enabling them, at their request, to take additional unpaid leave of up to one year after childbirth without loss of employment, all rights resulting from employment being fully safeguarded.

Teacher exchange

104. Authorities should recognize the value both to the education service and to teachers themselves of professional and cultural exchanges between countries and of travel abroad on the part of teachers; they should seek to extend such opportunities and take account of the experience acquired abroad by individual teachers.
105. Recruitment for such exchanges should be arranged without any discrimination, and the persons concerned should not be considered as representing any particular political view.
106. Teachers who travel in order to study and work abroad should be given adequate facilities to do so and proper safeguards of their posts and status.
107. Teachers should be encouraged to share teaching experience gained abroad with other members of the profession.

School buildings

108. School buildings should be safe and attractive in overall design and functional in layout; they should lend themselves to effective teaching, and to use for extra-curricular activities and, especially in rural areas, as a community centre; they should be constructed in accordance with established sanitary standards and with



a view to durability, adaptability and easy, economic maintenance.

109. Authorities should ensure that school premises are properly maintained, so as not to threaten in any way the health and safety of pupils and teachers.
110. In the planning of new schools representative teacher opinion should be consulted. In providing new or additional accommodation for an existing school the staff of the school concerned should be consulted.

Special provisions for teachers in rural or remote areas

111.
 - (1) Decent housing, preferably free or at a subsidized rental, should be provided for teachers and their families in areas remote from population centers and recognized as such by the public authorities.
 - (2) In countries where teachers, in addition to their normal teaching duties, are expected to promote and stimulate community activities, development plans and programmes should include provision for appropriate accommodation for teachers.
112.
 - (1) On appointment or transfer to schools in remote areas, teachers should be paid removal and travel expenses for themselves and their families.
 - (2) Teachers in such areas should, where necessary, be given special travel facilities to enable them to maintain their professional standards.
 - (3) Teachers transferred to remote areas should, as an inducement, be reimbursed their travel expenses from their place of work to their home town once a year when they go on leave.
113. Whenever teachers are exposed to particular hardships, they should be compensated by the payment of special hardship allowances, which should be included in earnings taken into account for pension purposes.

X. Teachers' salaries

114. Amongst the various factors which affect the status of teachers, particular importance should be attached to salary, seeing that in present world conditions other factors, such as the standing or regard accorded them and the level of appreciation of the importance of their function, are largely dependent, as in other comparable professions, on the economic position in which they are placed.
115. Teachers' salaries should :
 - (a) reflect the importance to society of the teaching function and hence the importance of teachers as well as the responsibilities of all kinds which fall upon them from the time of their entry into the service;
 - (b) compare favorably with salaries paid in other occupations requiring similar or equivalent qualifications ;
 - (c) provide teachers with the means to ensure a reasonable standard of living for themselves and their families as well as to invest in further education or in the pursuit of cultural activities, thus enhancing their professional qualification;
 - (d) take account of the fact that certain posts require higher qualifications and experience and carry greater responsibilities.
116. Teachers should be paid on the basis of salary scales established in agreement with the teachers' organizations. In no circumstances should qualified teachers during a probationary period or if employed on a temporary basis be paid on a lower salary scale than that laid down for established teachers.
117. The salary structure should be planned so as not to give rise to injustices or anomalies tending to lead to friction between different groups of teachers.
118. Where a maximum number of class contact hours is laid down, a teacher whose regular schedule exceeds the normal maximum should receive additional remuneration on an approved scale.



119. Salary differentials should be based on objective criteria such as levels of qualification, years of experience or degrees of responsibility but the relationship between the lowest and the highest salary should be of a reasonable order.
120. In establishing the placement on a basic salary scale of a teacher of vocational or technical subjects who may have no academic degree, allowance should be made for the value of his practical training and experience.
121. Teachers' salaries should be calculated on an annual basis.
- 122.
- (1) Advancement within the grade through salary increments granted at regular, preferably annual, intervals should be provided.
 - (2) The progression from the minimum to the maximum of the basic salary scale should not extend over a period longer, than, 10 to 15 years.
 - (3) Teachers should be granted salary increments for service performed during periods of probationary or temporary appointment.
- 123.
- (1) Salary scales for teachers should be reviewed periodically to take into account such factors as a rise in the cost of living, increased productivity leading to higher standards of living in the country or- a general upward movement in wage or salary levels.
 - (2) Where a system of salary adjustments automatically following a cost of living index has been adopted, the choice of index should be determined with the participation of the teachers' organizations and any cost-of-living allowance granted should be regarded as an integral part of earnings taken into account for pension purposes.
124. No merit rating system for purposes of salary determination should be introduced or applied without prior consultation with and acceptance by the teachers' organizations concerned.

XI. Social security

General provisions

125. All teachers, regardless of the type of school in which they serve, should enjoy the same or similar social security protection. Protection should be extended to periods of probation and of training for those who are regularly employed as teachers.
- 126.
- (1) Teachers should be protected by social security measures in respect of all the contingencies included in the International Labour Organization -Social Security (Minimum Standards) Convention, 1952, namely by medical care, sickness benefit, unemployment benefit, old-age benefit, employment injury benefit, family benefit, maternity benefit, invalidity benefit and survivors' benefit.
 - (2) The standards of social security provided for teachers should be at least as favorable as those set out in the relevant instruments of the International Labour Organization and in particular the Social Security (Minimum Standards) Convention, 1952.
 - (3) Social security benefits for teachers should be granted as a matter of right.
127. The social security protection of teachers should take account of their particular conditions of employment, as indicated in paragraphs 128-140.

Medical care

128. In regions where there is a scarcity of medical facilities teachers should be paid travelling expenses necessary to obtain appropriate medical care.

Sickness benefit

- 129.
- (1) Sickness benefit should be granted throughout any period of incapacity for work involving suspension of earnings.
 - (2) It should be paid from the first day in each case of suspension of earnings.
 - (3) Where the duration of sickness benefit is limited to a specified period, provisions



should be made for extensions in cases in which it is necessary for teachers to be isolated from pupils.

Employment injury benefit

130. Teachers should be protected against the consequences of injuries suffered not only during teaching at school but also when engaged in school activities away from the school premises or grounds.
131. Certain infectious diseases prevalent among children should be regarded as occupational diseases when contracted by teachers who have been exposed to them by virtue of their contact with pupils.

Old-age benefit

132. Pension credits earned by a teacher under any education authority within a country should be portable should the teacher transfer to employment under any other authority within that country.
133. Taking account of national regulations, teachers who, in case of a duly recognized teacher shortage, continue in service after qualifying for a pension should either receive credit in the calculation of the pension for the additional years of service or be able to gain a supplementary pension through an appropriate agency.
134. Old-age benefit% should be so related to final earnings that the teacher may continue to maintain an adequate living standard.

Invalidity benefit

135. Invalidity benefit should be payable to teachers who are forced to discontinue teaching because of physical or mental disability. Provision should be made for the granting of pensions where the contingency is not covered by extended sickness benefit or other means.
136. Where disability is only partial in that the teacher is able to teach part time, partial invalidity benefit should be payable.
- 137.
- (1) Invalidity benefit should be so related to final earnings that the teacher may continue to maintain an adequate living standard.
 - (2) Provision should be made for medical

care and allied benefits with a view to restoring or, where this is not possible, improving the health of dis-abled teachers, as well as for rehabilitation services designed to prepare disabled teachers, wherever possible, for the resumption of their previous activity.

Survivors' benefit

138. The conditions of eligibility for survivors' benefit and the amount of such benefit should be such as to enable survivors to maintain an adequate standard of living and as to secure the welfare and education of surviving dependent children.

Means of providing social security for teachers

- 139.
- (1) The social security protection of teachers should be assured as far as possible through a general scheme applicable to employed persons in the public sector or in the private sector as appropriate.
 - (2) Where no general scheme is in existence for one or more of the contingencies to be covered, special schemes, statutory or non-statutory, should be established.
 - (3) Where the level of benefits under a general scheme is below that provided for in this Recommendation, it should be brought up to the recommended standard by means of supplementary schemes.
140. Consideration should be given to the possibility of associating representatives of teachers' organizations with the administration of special and supplementary schemes, including the investment of their funds.

XII. The teacher shortage

- 141.
- (1) It should be a guiding principle that any severe supply problem should be dealt with by measures which are recognized as exceptional, which do not detract from or endanger in any way professional standards already established or to be established and



which minimize educational loss to pupils.

- (2) Recognizing that certain expedients designed to deal with the shortage of teachers, such as over-large classes and the unreasonable extension of hours of teaching duty are incompatible with the aims and objectives of education and are detrimental to the pupils, the competent authorities as a matter of urgency should take steps to render these expedients unnecessary and to discontinue them.
142. In developing countries, where supply considerations may necessitate short-term intensive emergency preparation programmes for teachers," a fully professional, extensive programme should be available in order to produce corps of professionally prepared teachers competent to guide and direct the educational enterprise.
- 143.
- (1) Students admitted to training in short-term, emergency programmes should be selected in terms of the standards applying to admission to the normal professional programme, or even higher ones, to ensure that they will be capable of subsequently completing the requirements of the full programme.
 - (2) Arrangements and special facilities, including extra study leave on full pay, should enable such students to complete their qualifications in service.
- 144.
- (1) As far as possible, unqualified personnel should be required to work under the close supervision and direction of professionally qualified teachers.
 - (2) As a condition of continued employment such persons should be required to obtain or complete their qualifications.
145. Authorities should recognize that improvements in the social and economic status of teachers, their living and working conditions, their terms of employment and their career prospects are the best means of overcoming any existing shortage of competent and experienced teachers, and of attracting to and retaining in they teaching profession

substantial numbers of fully qualified persons.

XIII. Final provision

146. Where teachers enjoy a status, which is, in certain respects, more favorable than that provided for in this Recommendation, its terms should not be invoked to diminish the status already granted.

The foregoing is the authentic text of the Recommendation duly adopted by the Special Intergovernmental Conference on the Status of Teachers, which was held in Paris and declared closed the fifth day of October 1966.

IN FAITH WHEREOF we have appended our signatures this fifth day of October 1966.

The President of the Special Intergovernmental Conference on the Status of Teachers

The Director-General of the United Nations Educational, Scientific and Cultural Organization



1997 UNESCO Recommendation concerning the Status of Higher-Education Teaching Personnel

http://portal.unesco.org/en/ev.php-URL_ID=13144&URL_DO=DO_TOPIC&URL_SECTION=201.html

Preamble

The General Conference of the United Nations Educational, Scientific and Cultural Organization (UNESCO), meeting in Paris from 21 October to 12 November 1997, at its 29th session, Conscious of the responsibility of states for the provision of education for all in fulfilment of Article 26 of the Universal Declaration of Human Rights (1948),

Recalling in particular the responsibility of the states for the provision of higher education in fulfilment of Article 13, paragraph 1(c), of the International Covenant on Economic, Social and Cultural Rights (1966),

Conscious that higher education and research are instrumental in the pursuit, advancement and transfer of knowledge and constitute an exceptionally rich cultural and scientific asset,

Also conscious that governments and important social groups, such as students, industry and labour, are vitally interested in and benefit from the services and outputs of the higher education systems,

Recognizing the decisive role of higher education teaching personnel in the advancement of higher education, and the importance of their contribution to the development of humanity and modern society,

Convinced that higher-education teaching personnel, like all other citizens, are expected to endeavour to enhance the observance in society of the cultural, economic, social, civil and political rights of all peoples,

Aware of the need to reshape higher education to meet social and economic changes and for higher education teaching personnel to participate in this process,

Expressing concern regarding the vulnerability of the academic community to untoward political pressures which could undermine academic freedom,

Considering that the right to education,

teaching and research can only be fully enjoyed in an atmosphere of academic freedom and autonomy for institutions of higher education and that the open communication of findings, hypotheses and opinions lies at the very heart of higher education and provides the strongest guarantee of the accuracy and objectivity of scholarship and research,

Concerned to ensure that higher-education teaching personnel enjoy the status commensurate with this role, Recognizing the diversity of cultures in the world,

Taking into account the great diversity of the laws, regulations, practices and traditions which, in different countries, determine the patterns and organization of higher education,

Mindful of the diversity of arrangements which apply to higher-education teaching personnel in different countries, in particular according to whether the regulations concerning the public service apply to them,

Convinced nevertheless that similar questions arise in all countries with regard to the status of higher education teaching personnel and that these questions call for the adoption of common approaches and so far as practicable the application of common standards which it is the purpose of this Recommendation to set out,

Bearing in mind such instruments as the UNESCO Convention against Discrimination in Education (1960), which recognizes that UNESCO has a duty not only to proscribe any form of discrimination in education, but also to promote equality of opportunity and treatment for all in education at all levels, including the conditions under which it is given, as well as the Recommendation concerning the Status of Teachers (1966) and the UNESCO Recommendation on the Status of Scientific Researchers (1974), as well as the instruments of the International Labour Organization on freedom of association and the right to organize and to collective bargaining and on equality of opportunity and



treatment,

Desiring to complement existing conventions, covenants and recommendations contained in international standards set out in the appendix with provisions relating to problems of particular concern to higher education institutions and their teaching and research personnel,

Adopts the present Recommendation on 11 November 1997

I. Definitions

1. For the purpose of this Recommendation:

- (a) 'higher education' means programmes of study, training or training for research at the post-secondary level provided by universities or other educational establishments that are approved as institutions of higher education by the competent state authorities, and/or through recognized accreditation systems;
- (b) 'research', within the context of higher education, means original scientific, technological and engineering, medical, cultural, social and human science or educational research which implies careful, critical, disciplined inquiry, varying in technique and method according to the nature and conditions of the problems identified, directed towards the clarification and/or resolution of the problems, and when within an institutional framework, supported by an appropriate infrastructure;
- (c) 'scholarship' means the processes by which higher-education teaching personnel keep up to date with their subject, engage in scholarly editing, disseminate their work and improve their pedagogical skills as teachers in their discipline and upgrade their academic credentials;
- (d) 'extension work' means a service by which the resources of an educational institution are extended beyond its confines to serve a widely diversified community within the state or region regarded as the constituent area of the institution, so long as this work does not contradict the mission of the institution. In teaching it may include a wide range of activities such as extramural,

lifelong and distance education delivered through evening classes, short courses, seminars and institutes. In research it may lead to the provision of expertise to the public, private and non-profit sectors, various types of consultation, and participation in applied research and in implementing research results;

- (e) 'institutions of higher education' means universities, other educational establishments, centres and structures of higher education, and centres of research and culture associated with any of the above, public or private, that are approved as such either through recognized accreditation systems or by the competent state authorities;
- (f) 'higher-education teaching personnel' means all those persons in institutions or programmes of higher education who are engaged to teach and/or to undertake scholarship and/or to undertake research and/or to provide educational services to students or to the community at large.

II. Scope

2. This Recommendation applies to all higher education teaching personnel.

III. Guiding principles

- 3. The global objectives of international peace, understanding, co-operation and sustainable development pursued by each Member State and by the United Nations require, inter alia, education for peace and in the culture of peace, as defined by UNESCO, as well as qualified and cultivated graduates of higher education institutions, capable of serving the community as responsible citizens and undertaking effective scholarship and advanced research and, as a consequence, a corps of talented and highly qualified higher-education teaching personnel.
- 4. Institutions of higher education, and more particularly universities, are communities of scholars preserving, disseminating and expressing freely their opinions on traditional knowledge and culture, and pursuing new knowledge without constriction by prescribed doctrines. The pursuit of new knowledge and its application lie at the heart of the mandate



- of such institutions of higher education. In higher education institutions where original research is not required, higher-education teaching personnel should maintain and develop knowledge of their subject through scholarship and improved pedagogical skills.
5. Advances in higher education, scholarship and research depend largely on infrastructure and resources, both human and material, and on the qualifications and expertise of higher-education teaching personnel as well as on their human, pedagogical and technical qualities, underpinned by academic freedom, professional responsibility, collegiality and institutional autonomy.
 6. Teaching in higher education is a profession: it is a form of public service that requires of higher education personnel expert knowledge and specialized skills acquired and maintained through rigorous and lifelong study and research; it also calls for a sense of personal and institutional responsibility for the education and welfare of students and of the community at large and for a commitment to high professional standards in scholarship and research.
 7. Working conditions for higher-education teaching personnel should be such as will best promote effective teaching, scholarship, research and extension work and enable higher-education teaching personnel to carry out their professional tasks.
 8. Organizations which represent higher-education teaching personnel should be considered and recognized as a force which can contribute greatly to educational advancement and which should, therefore, be involved, together with other stakeholders and interested parties, in the determination of higher education policy.
 9. Respect should be shown for the diversity of higher education institution systems in each Member State in accordance with its national laws and practices as well as with international standards.

IV. Educational objectives and policies

10. At all appropriate stages of their national planning in general, and of their planning for higher education in particular, Member States should take all necessary measures to ensure that:
 - (a) higher education is directed to human development and to the progress of society;
 - (b) higher education contributes to the achievement of the goals of lifelong learning and to the development of other forms and levels of education;
 - (c) where public funds are appropriated for higher education institutions, such funds are treated as a public investment, subject to effective public accountability;
 - (d) the funding of higher education is treated as a form of public investment the returns on which are, for the most part, necessarily long term, subject to government and public priorities;
 - (e) the justification for public funding is held constantly before public opinion.
11. Higher-education teaching personnel should have access to libraries which have up-to-date collections reflecting diverse sides of an issue, and whose holdings are not subject to censorship or other forms of intellectual interference. They should also have access, without censorship, to international computer systems, satellite programmes and databases required for their teaching, scholarship or research.
12. The publication and dissemination of the research results obtained by higher-education teaching personnel should be encouraged and facilitated with a view to assisting them to acquire the reputation which they merit, as well as with a view to promoting the advancement of science, technology, education and culture generally. To this end, higher-education teaching personnel should be free to publish the results of research and scholarship in books, journals and databases of their own choice and under their own names, provided they are the authors or co-authors of the above scholarly works. The intellectual property of higher-education teaching personnel should benefit from appropriate



legal protection, and in particular the protection afforded by national and international copyright law.

13. The interplay of ideas and information among higher-education teaching personnel throughout the world is vital to the healthy development of higher education and research and should be actively promoted. To this end higher-education teaching personnel should be enabled throughout their careers to participate in international gatherings on higher education or research, to travel abroad without political restrictions and to use the Internet or video-conferencing for these purposes.
14. Programmes providing for the broadest exchange of higher-education teaching personnel between institutions, both nationally and internationally, including the organization of symposia, seminars and collaborative projects, and the exchange of educational and scholarly information should be developed and encouraged. The extension of communications and direct contacts between universities, research institutions and associations as well as among scientists and research workers should be facilitated, as should access by higher education teaching personnel from other states to open information material in public archives, libraries, research institutes and similar bodies.
15. Member States and higher education institutions should, nevertheless, be conscious of the exodus of higher-education teaching personnel from the developing countries and, in particular, the least developed ones. They should, therefore, encourage aid programmes to the developing countries to help sustain an academic environment which offers satisfactory conditions of work for higher-education teaching personnel in those countries, so that this exodus may be contained and ultimately reversed.
16. Fair, just and reasonable national policies and practices for the recognition of degrees and of credentials for the practice of the higher education profession from other states should be established that are consistent with

the UNESCO Recommendation on the Recognition of Studies and Qualifications in Higher Education of 1993.

V. Institutional rights, duties and responsibilities

A. Institutional autonomy

17. The proper enjoyment of academic freedom and compliance with the duties and responsibilities listed below require the autonomy of institutions of higher education. Autonomy is that degree of self-governance necessary for effective decision making by institutions of higher education regarding their academic work, standards, management and related activities consistent with systems of public accountability, especially in respect of funding provided by the state, and respect for academic freedom and human rights. However, the nature of institutional autonomy may differ according to the type of establishment involved.
18. Autonomy is the institutional form of academic freedom and a necessary precondition to guarantee the proper fulfilment of the functions entrusted to higher-education teaching personnel and institutions.
19. Member States are under an obligation to protect higher education institutions from threats to their autonomy coming from any source.
20. Autonomy should not be used by higher education institutions as a pretext to limit the rights of higher-education teaching personnel provided for in this Recommendation or in other international standards set out in the appendix.
21. Self-governance, collegiality and appropriate academic leadership are essential components of meaningful autonomy for institutions of higher education.

B. Institutional accountability

22. In view of the substantial financial investments made, Member States and higher education institutions should ensure a proper balance between the level of autonomy enjoyed by higher education institutions and their systems



of accountability. Higher education institutions should endeavour to open their governance in order to be accountable. They should be accountable for:

- (a) effective communication to the public concerning the nature of their educational mission;
 - (b) a commitment to quality and excellence in their teaching, scholarship and research functions, and an obligation to protect and ensure the integrity of their teaching, scholarship and research against intrusions inconsistent with their academic missions;
 - (c) effective support of academic freedom and fundamental human rights;
 - (d) ensuring high quality education for as many academically qualified individuals as possible subject to the constraints of the resources available to them;
 - (e) a commitment to the provision of opportunities for lifelong learning, consistent with the mission of the institution and the resources provided;
 - (f) ensuring that students are treated fairly and justly, and without discrimination;
 - (g) adopting policies and procedures to ensure the equitable treatment of women and minorities and to eliminate sexual and racial harassment;
 - (h) ensuring that higher education personnel are not impeded in their work in the classroom or in their research capacity by violence, intimidation or harassment;
 - (i) honest and open accounting;
 - (j) efficient use of resources;
 - (k) the creation, through the collegial process and/or through negotiation with organizations representing higher-education teaching personnel, consistent with the principles of academic freedom and freedom of speech, of statements or codes of ethics to guide higher education personnel in their teaching, scholarship, research and extension work;
 - (l) assistance in the fulfilment of economic, social, cultural and political rights while striving to prevent the use of knowledge, science and technology to the detriment of those rights, or for purposes which run counter to generally accepted academic ethics, human rights and peace;
 - (m) ensuring that they address themselves to the contemporary problems facing society; to this end, their curricula, as well as their activities, should respond, where appropriate, to the current and future needs of the local community and of society at large, and they should play an important role in enhancing the labour market opportunities of their graduates;
 - (n) encouraging, where possible and appropriate, international academic co-operation which transcends national, regional, political, ethnic and other barriers, striving to prevent the scientific and technological exploitation of one state by another, and promoting equal partnership of all the academic communities of the world in the pursuit and use of knowledge and the preservation of cultural heritages;
 - (o) ensuring up-to-date libraries and access, without censorship, to modern teaching, research and information resources providing information required by higher-education teaching personnel or by students for teaching, scholarship or research;
 - (p) ensuring the facilities and equipment necessary for the mission of the institution and their proper upkeep;
 - (q) ensuring that when engaged in classified research it will not contradict the educational mission and objectives of the institutions and will not run counter to the general objectives of peace, human rights, sustainable development and environment.
23. Systems of institutional accountability should be based on a scientific methodology and be clear, realistic, cost-effective and simple. In their operation they should be fair, just and equitable. Both the methodology and the results should be open.
24. Higher education institutions, individually or collectively, should design and implement appropriate systems of accountability, including quality assurance



mechanisms to achieve the above goals, without harming institutional autonomy or academic freedom. The organizations representing higher-education teaching personnel should participate, where possible, in the planning of such systems. Where statemandated structures of accountability are established, their procedures should be negotiated, where applicable, with the institutions of higher education concerned and with the organizations representing higher-education teaching personnel.

VI. Rights and freedoms of higher-education teaching personnel

A. Individual rights and freedoms: civil rights, academic freedom, publication rights, and the international exchange of information

25. Access to the higher education academic profession should be based solely on appropriate academic qualifications, competence and experience and be equal for all members of society without any discrimination.
26. Higher-education teaching personnel, like all other groups and individuals, should enjoy those internationally recognized civil, political, social and cultural rights applicable to all citizens. Therefore, all higher-education teaching personnel should enjoy freedom of thought, conscience, religion, expression, assembly and association as well as the right to liberty and security of the person and liberty of movement. They should not be hindered or impeded in exercising their civil rights as citizens, including the right to contribute to social change through freely expressing their opinion of state policies and of policies affecting higher education. They should not suffer any penalties simply because of the exercise of such rights. Higher-education teaching personnel should not be subject to arbitrary arrest or detention, nor to torture, nor to cruel, inhuman or degrading treatment. In cases of gross violation of their rights, higher-education teaching personnel should have the right to appeal to the relevant national, regional or international bodies such as the agencies of the United Nations, and organizations representing higher-education teaching personnel should extend full support in such cases.
27. The maintaining of the above international standards should be upheld in the interest of higher education internationally and within the country. To do so, the principle of academic freedom should be scrupulously observed. Higher-education teaching personnel are entitled to the maintaining of academic freedom, that is to say, the right, without constriction by prescribed doctrine, to freedom of teaching and discussion, freedom in carrying out research and disseminating and publishing the results thereof, freedom to express freely their opinion about the institution or system in which they work, freedom from institutional censorship and freedom to participate in professional or representative academic bodies. All higher-education teaching personnel should have the right to fulfil their functions without discrimination of any kind and without fear of repression by the state or any other source. Higher-education teaching personnel can effectively do justice to this principle if the environment in which they operate is conducive, which requires a democratic atmosphere; hence the challenge for all of developing a democratic society.
28. Higher-education teaching personnel have the right to teach without any interference, subject to accepted professional principles including professional responsibility and intellectual rigour with regard to standards and methods of teaching. Higher-education teaching personnel should not be forced to instruct against their own best knowledge and conscience or be forced to use curricula and methods contrary to national and international human rights standards. Higher education teaching personnel should play a significant role in determining the curriculum.
29. Higher-education teaching personnel have a right to carry out research work without any interference, or any suppression, in accordance with their professional responsibility and subject to



nationally and internationally recognized professional principles of intellectual rigour, scientific inquiry and research ethics. They should also have the right to publish and communicate the conclusions of the research of which they are authors or co-authors, as stated in paragraph 12 of this Recommendation.

30. Higher-education teaching personnel have a right to undertake professional activities outside of their employment, particularly those that enhance their professional skills or allow for the application of knowledge to the problems of the community, provided such activities do not interfere with their primary commitments to their home institutions in accordance with institutional policies and regulations or national laws and practice where they exist.

B. Self-governance and collegiality

31. Higher-education teaching personnel should have the right and opportunity, without discrimination of any kind, according to their abilities, to take part in the governing bodies and to criticize the functioning of higher education institutions, including their own, while respecting the right of other sections of the academic community to participate, and they should also have the right to elect a majority of representatives to academic bodies within the higher education institution.
32. The principles of collegiality include academic freedom, shared responsibility, the policy of participation of all concerned in internal decision making structures and practices, and the development of consultative mechanisms. Collegial decision-making should encompass decisions regarding the administration and determination of policies of higher education, curricula, research, extension work, the allocation of resources and other related activities, in order to improve academic excellence and quality for the benefit of society at large.

VII. Duties and responsibilities of higher education teaching personnel

33. Higher-education teaching personnel should recognize that the exercise of rights carries with it special duties and responsibilities, including the obligation to respect the academic freedom of other members of the academic community and to ensure the fair discussion of contrary views. Academic freedom carries with it the duty to use that freedom in a manner consistent with the scholarly obligation to base research on an honest search for truth. Teaching, research and scholarship should be conducted in full accordance with ethical and professional standards and should, where appropriate, respond to contemporary problems facing society as well as preserve the historical and cultural heritage of the world.
34. In particular, the individual duties of higher education teaching personnel inherent in their academic freedom are:
 - (a) to teach students effectively within the means provided by the institution and the state, to be fair and equitable to male and female students and treat those of all races and religions, as well as those with disabilities, equally, to encourage the free exchange of ideas between themselves and their students, and to be available to them for guidance in their studies. Higher-education teaching personnel should ensure, where necessary, that the minimum content defined in the syllabus for each subject is covered;
 - (b) to conduct scholarly research and to disseminate the results of such research or, where original research is not required, to maintain and develop their knowledge of their subject through study and research, and through the development of teaching methodology to improve their pedagogical skills;
 - (c) to base their research and scholarship on an honest search for knowledge with due respect for evidence, impartial reasoning and honesty in reporting;
 - (d) to observe the ethics of research involving humans, animals, the heritage or the environment;



- (e) to respect and to acknowledge the scholarly work of academic colleagues and students and, in particular, to ensure that authorship of published works includes all who have materially contributed to, and share responsibility for, the contents of a publication;
 - (f) to refrain from using new information, concepts or data that were originally obtained as a result of access to confidential manuscripts or applications for funds for research or training that may have been seen as the result of processes such as peer review, unless the author has given permission;
 - (g) to ensure that research is conducted according to the laws and regulations of the state in which the research is carried out, that it does not violate international codes of human rights, and that the results of the research and the data on which it is based are effectively made available to scholars and researchers in the host institution, except where this might place respondents in peril or where anonymity has been guaranteed;
 - (h) to avoid conflicts of interest and to resolve them through appropriate disclosure and full consultation with the higher education institution employing them, so that they have the approval of the aforesaid institution;
 - (i) to handle honestly all funds entrusted to their care for higher education institutions for research or for other professional or scientific bodies;
 - (j) to be fair and impartial when presenting a professional appraisal of academic colleagues and students;
 - (k) to be conscious of a responsibility, when speaking or writing outside scholarly channels on matters which are not related to their professional expertise, to avoid misleading the public on the nature of their professional expertise;
 - (l) to undertake such appropriate duties as are required for the collegial governance of institutions of higher education and of professional bodies.
35. Higher-education teaching personnel should seek to achieve the highest possible standards in their professional work, since their status largely depends

on themselves and the quality of their achievements.

36. Higher-education teaching personnel should contribute to the public accountability of higher education institutions without, however, forfeiting the degree of institutional autonomy necessary for their work, for their professional freedom and for the advancement of knowledge.

VIII. Preparation for the profession

37. Policies governing access to preparation for a career in higher education rest on the need to provide society with an adequate supply of higher-education teaching personnel who possess the necessary ethical, intellectual and teaching qualities and who have the required professional knowledge and skills.
38. All aspects of the preparation of higher-education teaching personnel should be free from any form of discrimination.
39. Amongst candidates seeking to prepare for a career in higher education, women and members of minorities with equal academic qualifications and experience should be given equal opportunities and treatment.

IX. Terms and conditions of employment

A. Entry into the academic profession

40. The employers of higher-education teaching personnel should establish such terms and conditions of employment as will be most conducive for effective teaching and/or research and/or scholarship and/or extension work and will be fair and free from discrimination of any kind.
41. Temporary measures aimed at accelerating de facto equality for disadvantaged members of the academic community should not be considered discriminatory, provided that these measures are discontinued when the objectives of equality of opportunity and treatment have been achieved and systems are in place to ensure the continuance of equality of opportunity and treatment.



42. A probationary period on initial entry to teaching and research in higher education is recognized as the opportunity for the encouragement and helpful initiation of the entrant and for the establishment and maintenance of proper professional standards, as well as for the individual's own development of his/her teaching and research proficiency. The normal duration of probation should be known in advance and the conditions for its satisfactory completion should be strictly related to professional competence. If such candidates fail to complete their probation satisfactorily, they should have the right to know the reasons and to receive this information sufficiently in advance of the end of the probationary period to give them a reasonable opportunity to improve their performance. They should also have the right to appeal.
43. Higher-education teaching personnel should enjoy:
 - (a) a just and open system of career development including fair procedures for appointment, tenure where applicable, promotion, dismissal, and other related matters;
 - (b) an effective, fair and just system of labour relations within the institution, consistent with the international standards set out in the appendix.
44. There should be provisions to allow for solidarity with other institutions of higher education and with their higher-education teaching personnel when they are subject to persecution. Such solidarity may be material as well as moral and should, where possible, include refuge and employment or education for victims of persecution.

B. Security of employment

45. Tenure or its functional equivalent, where applicable, constitutes one of the major procedural safeguards of academic freedom and against arbitrary decisions. It also encourages individual responsibility and the retention of talented higher-education teaching personnel.
46. Security of employment in the profession, including tenure or its functional

equivalent, where applicable, should be safeguarded as it is essential to the interests of higher education as well as those of higher-education teaching personnel. It ensures that higher-education teaching personnel who secure continuing employment following rigorous evaluation can only be dismissed on professional grounds and in accordance with due process. They may also be released for bona fide financial reasons, provided that all the financial accounts are open to public inspection, that the institution has taken all reasonable alternative steps to prevent termination of employment, and that there are legal safeguards against bias in any termination of employment procedure. Tenure or its functional equivalent, where applicable, should be safeguarded as far as possible even when changes in the organization of or within a higher education institution or system are made, and should be granted, after a reasonable period of probation, to those who meet stated objective criteria in teaching, and/or scholarship, and/or research to the satisfaction of an academic body, and/or extension work to the satisfaction of the institution of higher education.

C. Appraisal

47. Higher education institutions should ensure that:
 - (a) evaluation and assessment of the work of higher-education teaching personnel are an integral part of the teaching, learning and research process, and that their major function is the development of individuals in accordance with their interests and capacities;
 - (b) evaluation is based only on academic criteria of competence in research, teaching and other academic or professional duties as interpreted by academic peers;
 - (c) evaluation procedures take due account of the difficulty inherent in measuring personal capacity, which seldom manifests itself in a constant and unfluctuating manner;
 - (d) where evaluation involves any kind of direct assessment of the work of



higher-education teaching personnel, by students and/or fellow colleagues and/or administrators, such assessment is objective and the criteria and the results are made known to the individual(s) concerned;

- (e) the results of appraisal of higher-education teaching personnel are also taken into account when establishing the staffing of the institution and considering the renewal of employment;
- (f) higher-education teaching personnel have the right to appeal to an impartial body against assessments which they deem to be unjustified.

D. Discipline and dismissal

- 48. No member of the academic community should be subject to discipline, including dismissal, except for just and sufficient cause demonstrable before an independent third-party hearing of peers, and/or before an impartial body such as arbitrators or the courts.
- 49. All members of higher-education teaching personnel should enjoy equitable safeguards at each stage of any disciplinary procedure, including dismissal, in accordance with the international standards set out in the appendix.
- 50. Dismissal as a disciplinary measure should only be for just and sufficient cause related to professional conduct, for example: persistent neglect of duties, gross incompetence, fabrication or falsification of research results, serious financial irregularities, sexual or other misconduct with students, colleagues, or other members of the academic community or serious threats thereof, or corruption of the educational process such as by falsifying grades, diplomas or degrees in return for money, sexual or other favours or by demanding sexual, financial or other material favours from subordinate employees or colleagues in return for continuing employment.
- 51. Individuals should have the right to appeal against the decision to dismiss them before independent, external bodies such as arbitrators or the courts, with final and binding powers.

E. Negotiation of terms and conditions of employment

- 52. Higher-education teaching personnel should enjoy the right to freedom of association, and this right should be effectively promoted. Collective bargaining or an equivalent procedure should be promoted in accordance with the standards of the International Labour Organization (ILO) set out in the appendix.
- 53. Salaries, working conditions and all matters related to the terms and conditions of employment of higher-education teaching personnel should be determined through a voluntary process of negotiation between organizations representing higher-education teaching personnel and the employers of higher education teaching personnel, except where other equivalent procedures are provided that are consistent with international standards.
- 54. Appropriate machinery, consistent with national laws and international standards, should be established by statute or by agreement whereby the right of higher-education teaching personnel to negotiate through their organizations with their employers, whether public or private, is assured. Such legal and statutory rights should be enforceable through an impartial process without undue delay.
- 55. If the process established for these purposes is exhausted or if there is a breakdown in negotiations between the parties, organizations of higher-education teaching personnel should have the right to take such other steps as are normally open to other organizations in the defence of their legitimate interests.
- 56. Higher-education teaching personnel should have access to a fair grievance and arbitration procedure, or the equivalent, for the settlement of disputes with their employers arising out of terms and conditions of employment.

F. Salaries, workload, social security benefits, health and safety

- 57. All financially feasible measures should be taken to provide higher-education



- teaching personnel with remuneration such that they can devote themselves satisfactorily to their duties and allocate the necessary amount of time for the continuing training and periodic renewal of knowledge and skills that are essential at this level of teaching.
58. The salaries of higher-education teaching personnel should:
- reflect the importance to society of higher education and hence the importance of higher-education teaching personnel as well as the different responsibilities which fall to them from the time of their entry into the profession;
 - be at least comparable to salaries paid in other occupations requiring similar or equivalent qualifications;
 - provide higher-education teaching personnel with the means to ensure a reasonable standard of living for themselves and their families, as well as to invest in further education or in the pursuit of cultural or scientific activities, thus enhancing their professional qualifications;
 - take account of the fact that certain posts require higher qualifications and experience and carry greater responsibilities;
 - be paid regularly and on time;
 - be reviewed periodically to take into account such factors as a rise in the cost of living, increased productivity leading to higher standards of living, or a general upward movement in wage or salary levels.
59. Salary differentials should be based on objective criteria.
60. Higher-education teaching personnel should be paid on the basis of salary scales established in agreement with organizations representing higher-education teaching personnel, except where other equivalent procedures consistent with international standards are provided. During a probationary period or if employed on a temporary basis qualified higher-education teaching personnel should not be paid on a lower scale than that laid down for established higher education teaching personnel at the same level.
61. A fair and impartial merit-rating system could be a means of enhancing quality assurance and quality control. Where introduced and applied for purposes of salary determination it should involve prior consultation with organizations representing higher-education teaching personnel.
62. The workload of higher-education teaching personnel should be fair and equitable, should permit such personnel to carry out effectively their duties and responsibilities to their students as well as their obligations in regard to scholarship, research and/or academic administration, should provide due consideration in terms of salary for those who are required to teach beyond their regular workload, and should be negotiated with the organizations representing higher-education teaching personnel, except where other equivalent procedures consistent with international standards are provided.
63. Higher-education teaching personnel should be provided with a work environment that does not have a negative impact on or affect their health and safety and they should be protected by social security measures, including those concerning sickness and disability and pension entitlements, and measures for the protection of health and safety in respect of all contingencies included in the conventions and recommendations of ILO. The standards should be at least as favourable as those set out in the relevant conventions and recommendations of ILO. Social security benefits for higher-education teaching personnel should be granted as a matter of right.
64. The pension rights earned by higher-education teaching personnel should be transferable nationally and internationally, subject to national, bilateral and multilateral taxation laws and agreements, should the individual transfer to employment with another institution of higher education. Organizations representing higher education teaching personnel should have the right to



choose representatives to take part in the governance and administration of pension plans designed for higher-education teaching personnel where applicable, particularly those which are private and contributory.

G. Study and research leave and annual holidays

65. Higher-education teaching personnel should be granted study and research leave, such as sabbatical leave, on full or partial pay, where applicable, at regular intervals.
66. The period of study or research leave should be counted as service for seniority and pension purposes, subject to the provisions of the pension plan.
67. Higher-education teaching personnel should be granted occasional leave with full or partial pay to enable them to participate in professional activities.
68. Leave granted to higher-education teaching personnel within the framework of bilateral and multilateral cultural and scientific exchanges or technical assistance programmes abroad should be considered as service, and their seniority and eligibility for promotion and pension rights in their home institutions should be safeguarded. In addition, special arrangements should be made to cover their extra expenses.
69. Higher-education teaching personnel should enjoy the right to adequate annual vacation with full pay.

H. Terms and conditions of employment of women higher-education teaching personnel

70. All necessary measures should be taken to promote equality of opportunity and treatment of women higher-education teaching personnel in order to ensure, on the basis of equality between men and women, the rights recognized by the international standards set out in the appendix.

I. Terms and conditions of employment of disabled higher-education teaching personnel

71. All necessary measures should be taken to ensure that the standards set with regard to the conditions of work of higher-education teaching personnel who are disabled are, as a minimum, consistent with the relevant provisions of the international standards set out in the appendix.

J. Terms and conditions of employment of part-time higher-education teaching personnel

72. The value of the service provided by qualified part-time higher-education teaching personnel should be recognized. Higher-education teaching personnel employed regularly on a part-time basis should:
 - (a) receive proportionately the same remuneration as higher-education teaching personnel employed on a full-time basis and enjoy equivalent basic conditions of employment;
 - (b) benefit from conditions equivalent to those of higher-education teaching personnel employed on a full-time basis as regards holidays with pay, sick leave and maternity leave; the relevant pecuniary entitlements should be determined in proportion to hours of work or earnings;
 - (c) be entitled to adequate and appropriate social security protection, including, where applicable, coverage under employers' pension schemes.

X. Utilization and implementation

73. Member States and higher education institutions should take all feasible steps to extend and complement their own action in respect of the status of higher-education teaching personnel by encouraging co-operation with and among all national and international governmental and nongovernmental organizations whose activities fall within the scope and objectives of this Recommendation.
74. Member States and higher education institutions should take all feasible steps



to apply the provisions spelled out above to give effect, within their respective territories, to the principles set forth in this Recommendation.

75. The Director-General will prepare a comprehensive report on the world situation with regard to academic freedom and to respect for the human rights of higher-education teaching personnel on the basis of the information supplied by Member States and of any other information supported by reliable evidence which he/she may have gathered by such methods as he/she may deem appropriate.
76. In the case of a higher education institution in the territory of a state not under the direct or indirect authority of that state but under separate and independent authorities, the relevant authorities should transmit the text of this Recommendation to institutions, so that such institutions can put its provisions into practice.

XI. Final provision

77. Where higher-education teaching personnel enjoy a status which is, in certain respects, more favourable than that provided for in this Recommendation, the terms of this Recommendation should not be invoked to diminish the status already recognized.



Regional Human Rights Instruments

African Charter on Human and Peoples' Rights (Banjul Charter)

<https://www.achpr.org/legalinstruments/detail?id=49>

PREAMBLE

The African States members of the Organisation of African Unity, parties to the present Convention entitled "African Charter on Human and Peoples' Rights

Recalling Decision 115 (XVI) of the Assembly of Heads of State and Government at its Sixteenth Ordinary Session held in Monrovia, Liberia, from 17 to 20 July 1979 on the preparation of "a preliminary draft on an African Charter on Human and Peoples' Rights, providing inter alia for the establishment of bodies to promote and protect human and peoples' rights";

Considering the Charter of the Organisation of African Unity, which stipulates that "freedom, equality, justice and dignity are essential objectives for the achievement of the legitimate aspirations of the African peoples";

Reaffirming the pledge they solemnly made in Article 2 of the said Charter to eradicate all forms of colonialism from Africa, to coordinate and intensify their cooperation and efforts to achieve a better life for the peoples of Africa and to promote international cooperation having due regard to the Charter of the United Nations and the Universal Declaration of Human Rights;

Taking into consideration the virtues of their historical tradition and the values of African civilization which should inspire and characterize their reflection on the concept of human and peoples' rights;

Recognizing on the one hand, that fundamental human rights stem from the attitudes of human beings, which justifies their international protection and on the other hand that the reality and respect of peoples' rights should necessarily guarantee human rights;

Considering that the enjoyment of rights and freedoms also implies the performance of duties on the part of everyone;

Convinced that it is henceforth essential to pay particular attention to the right to development and that civil and political rights cannot be dissociated from economic, social and cultural rights in their conception as well as universality and that the satisfaction of economic, social and cultural rights is a guarantee for the enjoyment of civil and political rights;

Conscious of their duty to achieve the total liberation of Africa, the peoples of which are still struggling for their dignity and genuine independence, and undertaking to eliminate colonialism, neo-colonialism, apartheid, zionism and to dismantle aggressive foreign military bases and all forms of discrimination, language, religion or political opinions;

Reaffirming their adherence to the principles of human and peoples' rights and freedoms contained in the declarations, conventions and other instruments adopted by the Organisation of African Unity, the Movement of Non-Aligned Countries and the United Nations;

Firmly convinced of their duty to promote and protect human and peoples' rights and freedoms and taking into account the importance traditionally attached to these rights and freedoms in Africa;

HAVE AGREED AS FOLLOWS :

PART I

RIGHTS AND DUTIES

CHAPTER 1

HUMAN AND PEOPLES' RIGHTS

ARTICLE 1

The Member States of the Organisation of African Unity, parties to the present Charter shall recognise the rights, duties and freedoms enshrined in the Charter and shall undertake to adopt legislative or other



measures to give effect to them.

ARTICLE 2

Every individual shall be entitled to the enjoyment of the rights and freedoms recognised and guaranteed in the present Charter without distinction of any kind such as race, ethnic group, colour, sex, language, religion, political or any other opinion, national and social origin, fortune, birth or any status.

ARTICLE 3

1. Every individual shall be equal before the law
2. Every individual shall be entitled to equal protection of the law

ARTICLE 4

Human beings are inviolable. Every human being shall be entitled to respect for his life and the integrity of his person. No one may be arbitrarily deprived of this right.

ARTICLE 5

Every individual shall have the right to the respect of the dignity inherent in a human being and to the recognition of his legal status. All forms of exploitation and degradation of man, particularly slavery, slave trade, torture, cruel, inhuman or degrading punishment and treatment shall be prohibited.

ARTICLE 6

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.

ARTICLE 7

1. Every individual shall have the right to have his cause heard. This comprises:
 - a) The right to an appeal to competent national organs against acts of violating his fundamental rights as recognized and guaranteed by conventions, laws, regulations and customs in force;
 - b) The right to be presumed innocent until proved guilty by a competent court or tribunal;

- c) The right to defence, including the right to be defended by counsel of his choice;
 - d) The right to be tried within a reasonable time by an impartial court or tribunal.
2. No one may be condemned for an act or omission which did not constitute a legally punishable offence at the time it was committed. No penalty may be inflicted for an offence for which no provision was made at the time it was committed. Punishment is personal and can be imposed only on the offender.

ARTICLE 8

Freedom of conscience, the profession and free practice of religion shall be guaranteed. No one may, subject to law and order, be submitted to measures restricting the exercise of these freedoms.

ARTICLE 9

1. Every individual shall have the right to receive information.
2. Every individual shall have the right to express and disseminate his opinions within the law.

ARTICLE 10

1. Every individual shall have the right to free association provided that he abides by the law.
2. Subject to the obligation of solidarity provided for in Article 29, no one may be compelled to join an association.

ARTICLE 11

Every individual shall have the right to assemble freely with others. The exercise of this right shall be subject only to necessary restrictions provided for by law, in particular those enacted in the interest of national security, the safety, health, ethics and rights and freedoms of others.

ARTICLE 12

1. Every individual shall have the right to freedom of movement and residence within the borders of a State provided he abides by the law.
2. Every individual shall have the right to leave any country including his own, and to return to his country.



This right may only be subject to restrictions, provided for by law for the protection of national security, law and order, public health or morality.

3. Every individual shall have the right, when persecuted, to seek and obtain asylum in other countries in accordance with the law of those countries and international conventions.
4. A non-national legally admitted in a territory of a State Party to the present Charter, may only be expelled from it by virtue of a decision taken in accordance with the law.
5. The mass expulsion of non-nationals shall be prohibited. Mass expulsion shall be that which is aimed at national, racial, ethnic or religious groups.

ARTICLE 13

1. Every citizen shall have the right to participate freely in the government of his country, either directly or through freely chosen representatives in accordance with the provisions of the law.
2. Every citizen shall have the right of equal access to the public service of the country.
3. Every individual shall have the right of access to public property and services in strict equality of all persons before the law.

ARTICLE 14

The right to property shall be guaranteed. It may only be encroached upon in the interest of public need or in the general interest of the community and in accordance with the provisions of appropriate laws.

ARTICLE 15

Every individual shall have the right to work under equitable and satisfactory conditions, and shall receive equal pay for equal work.

ARTICLE 16

1. Every individual shall have the right to enjoy the best attainable state of physical and mental health.
2. State Parties to the present Charter 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 17

1. Every individual shall have the right to education
2. Every individual may freely take part in the cultural life of his community.
3. The promotion and protection of morals and traditional values recognized by the community shall be the duty of the State.

ARTICLE 18

1. The family shall be the natural unit and basis of society. It shall be protected by the State which shall take care of its physical health and moral.
2. The State shall have the duty to assist the family which is the custodian of morals and traditional values recognized by the community.
3. The State shall ensure the elimination of every discrimination against women and also ensure the protection of the rights of women and the child as stipulated in international declarations and conventions.
4. The aged and the disabled shall also have the right to special measures of protection in keeping with their physical or moral needs.

ARTICLE 19

All peoples shall be equal; they shall enjoy the same respect and shall have the same rights. Nothing shall justify the domination of a people by another.

ARTICLE 20

1. All peoples shall have the right to existence. They shall have the unquestionable and inalienable right to self-determination. They shall freely determine their political status and shall pursue their economic and social development according to the policy they have freely chosen.
2. Colonized or oppressed peoples shall have the right to free themselves from the bonds of domination by resorting to any means recognized by the international community.



3. All peoples shall have the right to the assistance of the State Parties to the present Charter in their liberation struggle against foreign domination, be it political, economic or cultural.

ARTICLE 21

1. 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.
2. In case of spoliation, the dispossessed people shall have the right to the lawful recovery of its property as well as to an adequate compensation.
3. The free disposal of wealth and natural resources shall be exercised without prejudice to the obligation of promoting international economic cooperation based on mutual respect, equitable exchange and the principles of international law.
4. State Parties to the present Charter shall individually and collectively exercise the right to free disposal of their wealth and natural resources with a view to strengthening African Unity and solidarity.
5. State Parties to the present Charter shall undertake to eliminate all forms of foreign exploitation particularly that practised by international monopolies so as to enable their peoples to fully benefit from the advantages derived from their national resources.

Article 22

1. All peoples shall have the right to their economic, social and cultural development with due regard to their freedom and identity and in the equal enjoyment of the common heritage of mankind.
2. States shall have the duty, individually or collectively, to ensure the exercise of the right to development.

ARTICLE 23

1. All peoples shall have the right to national and international peace and security. The principles of solidarity and friendly relations implicitly affirmed by the Charter of the United Nations and reaffirmed by that of the Organisation of African Unity

shall govern relations between States.

2. For the purpose of strengthening peace, solidarity and friendly relations, State Parties to the present Charter shall ensure that:
 - a) any individual enjoying the right of asylum under Article 12 of the present Charter shall not engage in subversive activities against his country of origin or any other State Party to the present Charter;
 - b) their territories shall not be used as bases for subversive or terrorist activities against the people of any other State Party to the present Charter.

ARTICLE 24

All peoples shall have the right to a general satisfactory environment favourable to their development.

ARTICLE 25

State Parties to the present Charter shall have the duty to promote and ensure through teaching, education and publication, the respect of the rights and freedoms contained in the present Charter and to see to it that these freedoms and rights as well as corresponding obligations and duties are understood.

ARTICLE 26

State Parties to the present Charter shall have the duty to guarantee the independence of the Courts and shall allow the establishment and improvement of appropriate national institutions entrusted with the promotion and protection of the rights and freedoms guaranteed by the present Charter.

CHAPTER 2

DUTIES

ARTICLE 27

1. Every individual shall have duties towards his family and society, the State and other legally recognised communities and the international community.
2. The rights and freedoms of each individual shall be exercised with due regard to the rights of others, collective security, morality and common interest.



ARTICLE 28

Every individual shall have the duty to respect and consider his fellow beings without discrimination, and to maintain relations aimed at promoting, safeguarding and reinforcing mutual respect and tolerance.

ARTICLE 29

The individual shall also have the duty:

1. To preserve the harmonious development of the family and to work for the cohesion and respect of the family; to respect his parents at all times, to maintain them in case of need.
2. To serve his national community by placing his physical and intellectual abilities at its service;
3. Not to compromise the security of the State whose national or resident he is;
4. To preserve and strengthen social and national solidarity, particularly when the latter is strengthened;
5. To preserve and strengthen the national independence and the territorial integrity of his country and to contribute to his defence in accordance with the law;
6. To work to the best of his abilities and competence, and to pay taxes imposed by law in the interest of the society;
7. To preserve and strengthen positive African cultural values in his relations with other members of the society, in the spirit of tolerance, dialogue and consultation and, in general, to contribute to the promotion of the moral well being of society;
8. To contribute to the best of his abilities, at all times and at all levels, to the promotion and achievement of African unity.

PART II

MEASURES OF SAFEGUARD

CHAPTER 1

ESTABLISHMENT AND ORGANISATION OF THE AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS

ARTICLE 30

An African Commission on Human and Peoples' Rights, hereinafter called "the

Commission", shall be established within the Organisation of African Unity to promote human and peoples' rights and ensure their protection in Africa.

ARTICLE 31

1. The Commission shall consist of eleven members chosen from amongst African personalities of the highest reputation, known for their high morality, integrity, impartiality and competence in matters of human and peoples' rights; particular consideration being given to persons having legal experience.
2. The members of the Commission shall serve in their personal capacity.

ARTICLE 32

The Commission shall not include more than one national of the same State.

ARTICLE 33

The members of the Commission shall be elected by secret ballot by the Assembly of Heads of State and Government, from a list of persons nominated by the State Parties to the present Charter.

ARTICLE 34

Each State Party to the present Charter may not nominate more than two candidates. The candidates must have the nationality of one of the State Parties to the present Charter. When two candidates are nominated by a State, one of them may not be a national of that State.

ARTICLE 35

1. The Secretary General of the Organisation of African Unity shall invite State Parties to the present Charter at least four months before the elections to nominate candidates;
2. The Secretary General of the Organisation of African Unity shall make an alphabetical list of the persons thus nominated and communicate it to the Heads of State and Government at least one month before the elections;

**ARTICLE 36**

The members of the Commission shall be elected for a six year period and shall be eligible for re-election. However, the term of office of four of the members elected at the first election shall terminate after two years and the term of office of three others, at the end of four years.

ARTICLE 37

Immediately after the first election, the Chairman of the Assembly of Heads of State and Government of the Organisation of African Unity shall draw lots to decide the names of those members referred to in Article 36.

ARTICLE 38

After their election, the members of the Commission shall make a solemn declaration to discharge their duties impartially and faithfully.

ARTICLE 39

1. In case of death or resignation of a member of the Commission, the Chairman of the Commission shall immediately inform the Secretary General of the Organisation of African Unity, who shall declare the seat vacant from the date of death or from the date on which the resignation takes effect.
2. If, in the unanimous opinion of other members of the Commission, a member has stopped discharging his duties for any reason other than a temporary absence, the Chairman of the Commission shall inform the Secretary General of the Organisation of African Unity, who shall then declare the seat vacant.
3. In each of the cases anticipated above, the Assembly of Heads of State and Government shall replace the member whose seat became vacant for the remaining period of his term, unless the period is less than six months.

ARTICLE 40

Every member of the Commission shall be in office until the date his successor assumes office.

ARTICLE 41

The Secretary General of the Organisation of African Unity shall appoint the Secretary of the Commission. He shall provide the staff and services necessary for the effective discharge of the duties of the Commission. The Organisation of African Unity shall bear cost of the staff and services.

ARTICLE 42

1. The Commission shall elect its Chairman and Vice Chairman for a two-year period. They shall be eligible for re-election.
2. The Commission shall lay down its rules of procedure.
3. Seven members shall form the quorum.
4. In case of an equality of votes, the Chairman shall have a casting vote.
5. The Secretary General may attend the meetings of the Commission. He shall neither participate in deliberations nor shall he be entitled to vote. The Chairman of the Commission may, however, invite him to speak.

ARTICLE 43

In discharging their duties, members of the Commission shall enjoy diplomatic privileges and immunities provided for in the General Convention on the Privileges and Immunities of the Organisation of African Unity.

ARTICLE 44

Provision shall be made for the emoluments and allowances of the members of the Commission in the Regular Budget of the Organisation of African Unity.

CHAPTER 2

MANDATE OF THE COMMISSION

ARTICLE 45***The functions of the Commission shall be:***

1. To promote human and peoples' rights and in particular:
 - a) to collect documents, undertake studies and researches on African problems in the field of human and peoples'



rights, organise seminars, symposia and conferences, disseminate information, encourage national and local institutions concerned with human and peoples' rights and, should the case arise, give its views or make recommendations to Governments.

- b) to formulate and lay down, principles and rules aimed at solving legal problems relating to human and peoples' rights and fundamental freedoms upon which African Governments may base their legislation.
 - c) cooperate with other African and international institutions concerned with the promotion and protection of human and peoples' rights.
2. Ensure the protection of human and peoples' rights under conditions laid down by the present Charter.
 3. Interpret all the provisions of the present Charter at the request of a State Party, an institution of the OAU or an African Organisation recognised by the OAU.
 4. Perform any other tasks which may be entrusted to it by the Assembly of Heads of State and Government.

CHAPTER 3

PROCEDURE OF THE COMMISSION

ARTICLE 46

The Commission may resort to any appropriate method of investigation; it may hear from the Secretary General of the Organisation of African Unity or any other person capable of enlightening it.

COMMUNICATION FROM STATES

ARTICLE 47

If a State Party to the present Charter has good reasons to believe that another State Party to this Charter has violated the provisions of the Charter, it may draw, by written communication, the attention of that State to the matter. This Communication shall also be addressed to the Secretary General of the OAU and to the Chairman of the Commission. Within three months of the receipt of the Communication, the State to which the Communication is addressed shall

give the enquiring State, written explanation or statement elucidating the matter. This should include as much as possible, relevant information relating to the laws and rules of procedure applied and applicable and the redress already given or course of action available.

ARTICLE 48

If within three months from the date on which the original communication is received by the State to which it is addressed, the issue is not settled to the satisfaction of the two States involved through bilateral negotiation or by any other peaceful procedure, either State shall have the right to submit the matter to the Commission through the Chairman and shall notify the other States involved.

ARTICLE 49

Notwithstanding the provisions of Article 47, if a State Party to the present Charter considers that another State Party has violated the provisions of the Charter, it may refer the matter directly to the Commission by addressing a communication to the Chairman, to the Secretary General of the Organisation of African unity and the State concerned.

ARTICLE 50

The Commission can only deal with a matter submitted to it after making sure that all local remedies, if they exist, have been exhausted, unless it is obvious to the Commission that the procedure of achieving these remedies would be unduly prolonged.

ARTICLE 51

1. The Commission may ask the State concerned to provide it with all relevant information.
2. When the Commission is considering the matter, States concerned may be represented before it and submit written or oral representation.

ARTICLE 52

After having obtained from the States concerned and from other sources all the information it deems necessary and after having tried all appropriate means to reach an amicable solution based on the respect of



human and peoples' rights, the Commission shall prepare, within a reasonable period of time from the notification referred to in Article 48, a report to the States concerned and communicated to the Assembly of Heads of State and Government.

ARTICLE 53

While transmitting its report, the Commission may make to the Assembly of Heads of State and Government such recommendations as it deems useful.

ARTICLE 54

The Commission shall submit to each Ordinary Session of the Assembly of Heads of State and Government a report on its activities.

ARTICLE 55

1. Before each Session, the Secretary of the Commission shall make a list of the Communications other than those of State Parties to the present Charter and transmit them to Members of the Commission, who shall indicate which Communications should be considered by the Commission.
2. A Communication shall be considered by the Commission if a simple majority of its members so decide.

ARTICLE 56

Communications relating to Human and Peoples' rights referred to in Article 55 received by the Commission, shall be considered if they:

1. Indicate their authors even if the latter requests anonymity,
2. Are compatible with the Charter of the Organisation of African Unity or with the present Charter,
3. Are not written in disparaging or insulting language directed against the State concerned and its institutions or to the Organisation of African Unity,
4. Are not based exclusively on news disseminated through the mass media,
5. Are sent after exhausting local remedies, if any, unless it is obvious that this

procedure is unduly prolonged,

6. Are submitted within a reasonable period from the time local remedies are exhausted or from the date the Commission is seized with the matter, and
7. Do not deal with cases which have been settled by those States involved in accordance with the principles of the Charter of the United Nations, or the Charter of the Organisation of African Unity or the provisions of the present Charter.

ARTICLE 57

Prior to any substantive consideration, all communications shall be brought to the knowledge of the State concerned by the Chairman of the Commission.

ARTICLE 58

1. When it appears after deliberations of the Commission that one or more Communications apparently relate to special cases which reveal the existence of a series of serious or massive violations of human and peoples' rights, the Commission shall draw the attention of the Assembly of Heads of State and Government to these special cases.
2. The Assembly of Heads of State and Government may then request the Commission to undertake an in-depth study of these cases and make a factual report, accompanied by its finding and recommendations.
3. A case of emergency duly noticed by the Commission shall be submitted by the latter to the Chairman of the Assembly of Heads of State and Government who may request an in-depth study.

ARTICLE 59

1. All measures taken within the provisions of the present Chapter shall remain confidential until the Assembly of Heads of State and Government shall otherwise decide.
2. However the report shall be published by the Chairman of the Commission upon the decision of the Assembly of Heads of State and Government.



3. The report on the activities of the Commission shall be published by its Chairman after it has been considered by the Assembly of Heads of State and Government.

CHAPTER 4

APPLICABLE PRINCIPLES

ARTICLE 60

The Commission shall draw inspiration from international law on human and peoples' rights, particularly from the provisions of various African instruments on Human and Peoples' Rights, the Charter of the United Nations, the Charter of the Organisation of African Unity, the Universal Declaration of Human Rights, other instruments adopted by the United Nations and by African countries in the field of Human and Peoples' Rights, as well as from the provisions of various instruments adopted within the Specialised Agencies of the United Nations of which the Parties to the present Charter are members.

ARTICLE 61

The Commission shall also take into consideration, as subsidiary measures to determine the principles of law, other general or special international conventions, laying down rules expressly recognised by Member States of the Organisation of African Unity, African practices consistent with international norms on Human and Peoples' Rights, customs generally accepted as law, general principles of law recognised by African States as well as legal precedents and doctrine.

ARTICLE 62

Each State Party shall undertake to submit every two years, from the date the present Charter comes into force, a report on the legislative or other measures taken, with a view to giving effect to the rights and freedoms recognised and guaranteed by the present Charter.

ARTICLE 63

1. The present Charter shall be open to signature, ratification or adherence of the Member States of the Organisation of African Unity.

2. The instruments of ratification or adherence to the present Charter shall be deposited with the Secretary General of the Organisation of African Unity.
3. The present Charter shall come into force three months after the reception by the Secretary General of the instruments of ratification or adherence of a simple majority of the Member States of the Organisation of African Unity.

PART III

GENERAL PROVISIONS

ARTICLE 64

1. After the coming into force of the present Charter, members of the Commission shall be elected in accordance with the relevant Articles of the present Charter.
2. The Secretary General of the Organisation of African Unity shall convene the first meeting of the Commission at the Headquarters of the Organisation within three months of the constitution of the Commission. Thereafter, the Commission shall be convened by its Chairman whenever necessary but at least once a year.

ARTICLE 65

For each of the States that will ratify or adhere to the present Charter after its coming into force, the Charter shall take effect three months after the date of the deposit by that State of the instrument of ratification or adherence.

ARTICLE 66

Special protocols or agreements may, if necessary, supplement the provisions of the present Charter.

ARTICLE 67

The Secretary General of the Organisation of African Unity shall inform members of the Organisation of the deposit of each instrument of ratification or adherence.

ARTICLE 68

The present Charter may be amended if a State Party makes a written request to



that effect to the Secretary General of the Organisation of African Unity. The Assembly of Heads of State and Government may only consider the draft amendment after all the State Parties have been duly informed of it and the Commission has given its opinion on it at the request of the sponsoring State. The amendment shall be approved by a simple majority of the State Parties. It shall come into force for each State which has accepted it in accordance with its constitutional procedure

three months after the Secretary General has received notice of the acceptance.

Adopted by the eighteenth Assembly of Heads of State and Government,

June 1981 - Nairobi, Kenya

European Social Charter

<https://www.coe.int/en/web/european-social-charter>

European Treaty Series - No. 163

EUROPEAN SOCIAL CHARTER

(REVISED)

Strasbourg, 3.V.1996

Preamble

The governments signatory hereto, being members of the Council of Europe,

Considering that the aim of the Council of Europe is the achievement of greater unity between its members for the purpose of safeguarding and realising the ideals and principles which are their common heritage and of facilitating their economic and social progress, in particular by the maintenance and further realisation of human rights and fundamental freedoms;

Considering that in the European Convention for the Protection of Human Rights and Fundamental Freedoms signed at Rome on 4 November 1950, and the Protocols thereto, the member States of the Council of Europe agreed to secure to their populations the civil and political rights and freedoms therein specified;

Considering that in the European Social Charter opened for signature in Turin on 18 October 1961 and the Protocols thereto, the member States of the Council of Europe agreed to secure to their populations the social rights specified therein in order to improve their standard of living and their

social well-being;

Recalling that the Ministerial Conference on Human Rights held in Rome on 5 November 1990 stressed the need, on the one hand, to preserve the indivisible nature of all human rights, be they civil, political, economic, social or cultural and, on the other hand, to give the European Social Charter fresh impetus;

Resolved, as was decided during the Ministerial Conference held in Turin on 21 and 22 October 1991, to update and adapt the substantive contents of the Charter in order to take account in particular of the fundamental social changes which have occurred since the text was adopted;

Recognising the advantage of embodying in a Revised Charter, designed progressively to take the place of the European Social Charter, the rights guaranteed by the Charter as amended, the rights guaranteed by the Additional Protocol of 1988 and to add new rights,

Have agreed as follows:

Part I

The Parties accept as the aim of their policy, to be pursued by all appropriate means both national and international in character, the attainment of conditions in which the following rights and principles may be effectively realised:

1. Everyone shall have the opportunity to earn his living in an occupation freely



- entered upon.
2. All workers have the right to just conditions of work.
3. All workers have the right to safe and healthy working conditions.
4. All workers have the right to a fair remuneration sufficient for a decent standard of living for themselves and their families.
5. All workers and employers have the right to freedom of association in national or international organisations for the protection of their economic and social interests.
6. All workers and employers have the right to bargain collectively.
7. Children and young persons have the right to a special protection against the physical and moral hazards to which they are exposed.
8. Employed women, in case of maternity, have the right to a special protection.
9. Everyone has the right to appropriate facilities for vocational guidance with a view to helping him choose an occupation suited to his personal aptitude and interests.
10. Everyone has the right to appropriate facilities for vocational training.
11. Everyone has the right to benefit from any measures enabling him to enjoy the highest possible standard of health attainable.
12. All workers and their dependents have the right to social security.
13. Anyone without adequate resources has the right to social and medical assistance.
14. Everyone has the right to benefit from social welfare services.
15. Disabled persons have the right to independence, social integration and participation in the life of the community.
16. The family as a fundamental unit of society has the right to appropriate social, legal and economic protection to ensure its full development.
17. Children and young persons have the right to appropriate social, legal and economic protection.
18. The nationals of any one of the Parties have the right to engage in any gainful occupation in the territory of any one of the others on a footing of equality with the nationals of the latter, subject to restrictions based on cogent economic or social reasons.
19. Migrant workers who are nationals of a Party and their families have the right to protection and assistance in the territory of any other Party.
20. All workers have the right to equal opportunities and equal treatment in matters of employment and occupation without discrimination on the grounds of sex.
21. Workers have the right to be informed and to be consulted within the undertaking.
22. Workers have the right to take part in the determination and improvement of the working conditions and working environment in the undertaking.
23. Every elderly person has the right to social protection.
24. All workers have the right to protection in cases of termination of employment.
25. All workers have the right to protection of their claims in the event of the insolvency of their employer.
26. All workers have the right to dignity at work.
27. All persons with family responsibilities and who are engaged or wish to engage in employment have a right to do so without being subject to discrimination and as far as possible without conflict between their employment and family responsibilities.
28. Workers' representatives in undertakings have the right to protection against acts prejudicial to them and should be afforded appropriate facilities to carry out their functions.
29. All workers have the right to be informed and consulted in collective redundancy procedures.
30. Everyone has the right to protection against poverty and social exclusion.
31. Everyone has the right to housing.



Part II

The Parties undertake, as provided for in Part III, to consider themselves bound by the obligations laid down in the following articles and paragraphs.

Article 1 – The right to work

With a view to ensuring the effective exercise of the right to work, the Parties undertake:

1. to accept as one of their primary aims and responsibilities the achievement and maintenance of as high and stable a level of employment as possible, with a view to the attainment of full employment;
2. to protect effectively the right of the worker to earn his living in an occupation freely entered upon;
3. to establish or maintain free employment services for all workers;
4. to provide or promote appropriate vocational guidance, training and rehabilitation.

Article 2 – The right to just conditions of work

With a view to ensuring the effective exercise of the right to just conditions of work, the Parties undertake:

1. to provide for reasonable daily and weekly working hours, the working week to be progressively reduced to the extent that the increase of productivity and other relevant factors permit;
2. to provide for public holidays with pay;
3. to provide for a minimum of four weeks' annual holiday with pay;
4. to eliminate risks in inherently dangerous or unhealthy occupations, and where it has not yet been possible to eliminate or reduce sufficiently these risks, to provide for either a reduction of working hours or additional paid holidays for workers engaged in such occupations;
5. to ensure a weekly rest period which shall, as far as possible, coincide with the day recognised by tradition or custom in the

country or region concerned as a day of rest;

6. to ensure that workers are informed in written form, as soon as possible, and in any event not later than two months after the date of commencing their employment, of the essential aspects of the contract or employment relationship;
7. to ensure that workers performing night work benefit from measures which take account of the special nature of the work.

Article 3 – The right to safe and healthy working conditions

With a view to ensuring the effective exercise of the right to safe and healthy working conditions, the Parties undertake, in consultation with employers' and workers' organisations:

1. to formulate, implement and periodically review a coherent national policy on occupational safety, occupational health and the working environment. The primary aim of this policy shall be to improve occupational safety and health and to prevent accidents and injury to health arising out of, linked with or occurring in the course of work, particularly by minimising the causes of hazards inherent in the working environment;
2. to issue safety and health regulations;
3. to provide for the enforcement of such regulations by measures of supervision;
4. to promote the progressive development of occupational health services for all workers with essentially preventive and advisory functions.

Article 4 – The right to a fair remuneration

With a view to ensuring the effective exercise of the right to a fair remuneration, the Parties undertake:

1. to recognise the right of workers to a remuneration such as will give them and their families a decent standard of living;
2. to recognise the right of workers to an increased rate of remuneration for overtime work, subject to exceptions in particular cases;



3. to recognise the right of men and women workers to equal pay for work of equal value;
4. to recognise the right of all workers to a reasonable period of notice for termination of employment;
5. to permit deductions from wages only under conditions and to the extent prescribed by national laws or regulations or fixed by collective agreements or arbitration awards.

The exercise of these rights shall be achieved by freely concluded collective agreements, by statutory wage fixing machinery, or by other means appropriate to national conditions.

Article 5 – The right to organise

With a view to ensuring or promoting the freedom of workers and employers to form local, national or international organisations for the protection of their economic and social interests and to join those organisations, the Parties undertake that national law shall not be such as to impair, nor shall it be so applied as to impair, this freedom. The extent to which the guarantees provided for in this article shall apply to the police shall be determined by national laws or regulations. The principle governing the application to the members of the armed forces of these guarantees and the extent to which they shall apply to persons in this category shall equally be determined by national laws or regulations.

Article 6 – The right to bargain collectively

With a view to ensuring the effective exercise of the right to bargain collectively, the Parties undertake:

1. to promote joint consultation between workers and employers;
2. to promote, where necessary and appropriate, machinery for voluntary negotiations between employers or employers' organisations and workers' organisations, with a view to the regulation of terms and conditions of employment by means of collective agreements;
3. to promote the establishment and use of appropriate machinery for conciliation and voluntary arbitration for the settlement of labour disputes;

and recognise:

4. 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 7 – The right of children and young persons to protection

With a view to ensuring the effective exercise of the right of children and young persons to protection, the Parties undertake:

1. to provide that the minimum age of admission to employment shall be 15 years, subject to exceptions for children employed in prescribed light work without harm to their health, morals or education;
2. to provide that the minimum age of admission to employment shall be 18 years with respect to prescribed occupations regarded as dangerous or unhealthy;
3. to provide that persons who are still subject to compulsory education shall not be employed in such work as would deprive them of the full benefit of their education;
4. to provide that the working hours of persons under 18 years of age shall be limited in accordance with the needs of their development, and particularly with their need for vocational training;
5. to recognise the right of young workers and apprentices to a fair wage or other appropriate allowances;
6. to provide that the time spent by young persons in vocational training during the normal working hours with the consent of the employer shall be treated as forming part of the working day;
7. to provide that employed persons of under 18 years of age shall be entitled to a minimum of four weeks' annual holiday with pay;
8. to provide that persons under 18 years of age shall not be employed in night work with the exception of certain occupations provided for by national laws or regulations;



9. to provide that persons under 18 years of age employed in occupations prescribed by national laws or regulations shall be subject to regular medical control;
10. to ensure special protection against physical and moral dangers to which children and young persons are exposed, and particularly against those resulting directly or indirectly from their work.

Article 8 – The right of employed women to protection of maternity

With a view to ensuring the effective exercise of the right of employed women to the protection of maternity, the Parties undertake:

1. to provide either by paid leave, by adequate social security benefits or by benefits from public funds for employed women to take leave before and after childbirth up to a total of at least fourteen weeks;
2. to consider it as unlawful for an employer to give a woman notice of dismissal during the period from the time she notifies her employer that she is pregnant until the end of her maternity leave, or to give her notice of dismissal at such a time that the notice would expire during such a period;
3. to provide that mothers who are nursing their infants shall be entitled to sufficient time off for this purpose;
4. to regulate the employment in night work of pregnant women, women who have recently given birth and women nursing their infants;
5. to prohibit the employment of pregnant women, women who have recently given birth or who are nursing their infants in underground mining and all other work which is unsuitable by reason of its dangerous, unhealthy or arduous nature and to take appropriate measures to protect the employment rights of these women.

Article 9 – The right to vocational guidance

With a view to ensuring the effective exercise of the right to vocational guidance, the Parties undertake to provide or promote, as necessary, a service which will assist all per-

sons, including the handicapped, to solve problems related to occupational choice and progress, with due regard to the individual's characteristics and their relation to occupational opportunity: this assistance should be available free of charge, both to young persons, including schoolchildren, and to adults.

Article 10 – The right to vocational training

With a view to ensuring the effective exercise of the right to vocational training, the Parties undertake:

1. to provide or promote, as necessary, the technical and vocational training of all persons, including the handicapped, in consultation with employers' and workers' organisations, and to grant facilities for access to higher technical and university education, based solely on individual aptitude;
2. to provide or promote a system of apprenticeship and other systematic arrangements for training young boys and girls in their various employments;
3. to provide or promote, as necessary:
 - a. adequate and readily available training facilities for adult workers;
 - b. special facilities for the retraining of adult workers needed as a result of technological development or new trends in employment;
4. to provide or promote, as necessary, special measures for the retraining and reintegration of the long-term unemployed;
5. to encourage the full utilisation of the facilities provided by appropriate measures such as:
 - a. reducing or abolishing any fees or charges;
 - b. granting financial assistance in appropriate cases;
 - c. including in the normal working hours time spent on supplementary training taken by the worker, at the request of his employer, during employment;
 - d. ensuring, through adequate supervision, in consultation with the employers' and



workers' organisations, the efficiency of apprenticeship and other training arrangements for young workers, and the adequate protection of young workers generally.

Article 11 – The right to protection of health

With a view to ensuring the effective exercise of the right to protection of health, the Parties undertake, either directly or in co operation with public or private organisations, to take appropriate measures designed inter alia:

1. to remove as far as possible the causes of ill health;
2. to provide advisory and educational facilities for the promotion of health and the encouragement of individual responsibility in matters of health;
3. to prevent as far as possible epidemic, endemic and other diseases, as well as accidents.

Article 12 – The right to social security

With a view to ensuring the effective exercise of the right to social security, the Parties undertake:

1. to establish or maintain a system of social security;
2. to maintain the social security system at a satisfactory level at least equal to that necessary for the ratification of the European Code of Social Security;
3. to endeavour to raise progressively the system of social security to a higher level;
4. to take steps, by the conclusion of appropriate bilateral and multilateral agreements or by other means, and subject to the conditions laid down in such agreements, in order to ensure:
 - a. equal treatment with their own nationals of the nationals of other Parties in respect of social security rights, including the retention of benefits arising out of social security legislation, whatever movements the persons protected may undertake between the territories of the Parties;
 - b. the granting, maintenance and resumption of social security rights

by such means as the accumulation of insurance or employment periods completed under the legislation of each of the Parties.

Article 13 – The right to social and medical assistance

With a view to ensuring the effective exercise of the right to social and medical assistance, the Parties undertake:

1. to ensure that any person who is without adequate resources and who is unable to secure such resources either by his own efforts or from other sources, in particular by benefits under a social security scheme, be granted adequate assistance, and, in case of sickness, the care necessitated by his condition;
2. to ensure that persons receiving such assistance shall not, for that reason, suffer from a diminution of their political or social rights;
3. to provide that everyone may receive by appropriate public or private services such advice and personal help as may be required to prevent, to remove, or to alleviate personal or family want;
4. to apply the provisions referred to in paragraphs 1, 2 and 3 of this article on an equal footing with their nationals to nationals of other Parties lawfully within their territories, in accordance with their obligations under the European Convention on Social and Medical Assistance, signed at Paris on 11 December 1953.

Article 14 – The right to benefit from social welfare services

With a view to ensuring the effective exercise of the right to benefit from social welfare services, the Parties undertake:

1. to promote or provide services which, by using methods of social work, would contribute to the welfare and development of both individuals and groups in the community, and to their adjustment to the social environment;
2. to encourage the participation of individuals and voluntary or other organisations in the establishment and



maintenance of such services.

Article 15 – The right of persons with disabilities to independence, social integration and participation in the life of the community

With a view to ensuring to persons with disabilities, irrespective of age and the nature and origin of their disabilities, the effective exercise of the right to independence, social integration and participation in the life of the community, the Parties undertake, in particular:

1. to take the necessary measures to provide persons with disabilities with guidance, education and vocational training in the framework of general schemes wherever possible or, where this is not possible, through specialised bodies, public or private;
2. to promote their access to employment through all measures tending to encourage employers to hire and keep in employment persons with disabilities in the ordinary working environment and to adjust the working conditions to the needs of the disabled or, where this is not possible by reason of the disability, by arranging for or creating sheltered employment according to the level of disability. In certain cases, such measures may require recourse to specialised placement and support services;
3. to promote their full social integration and participation in the life of the community in particular through measures, including technical aids, aiming to overcome barriers to communication and mobility and enabling access to transport, housing, cultural activities and leisure.

Article 16 – The right of the family to social, legal and economic protection

With a view to ensuring the necessary conditions for the full development of the family, which is a fundamental unit of society, the Parties undertake to promote the economic, legal and social protection of family life by such means as social and family benefits, fiscal arrangements, provision of family housing, benefits for the newly married and other appropriate means.

Article 17 – The right of children and young persons to social, legal and economic protection

With a view to ensuring the effective exercise of the right of children and young persons to grow up in an environment which encourages the full development of their personality and of their physical and mental capacities, the Parties undertake, either directly or in co-operation with public and private organisations, to take all appropriate and necessary measures designed:

1.
 - a. to ensure that children and young persons, taking account of the rights and duties of their parents, have the care, the assistance, the education and the training they need, in particular by providing for the establishment or maintenance of institutions and services sufficient and adequate for this purpose;
 - b. to protect children and young persons against negligence, violence or exploitation;
 - c. to provide protection and special aid from the state for children and young persons temporarily or definitively deprived of their family's support;
2. to provide to children and young persons a free primary and secondary education as well as to encourage regular attendance at schools.

Article 18 – The right to engage in a gainful occupation in the territory of other Parties

With a view to ensuring the effective exercise of the right to engage in a gainful occupation in the territory of any other Party, the Parties undertake:

1. to apply existing regulations in a spirit of liberality;
2. to simplify existing formalities and to reduce or abolish chancery dues and other charges payable by foreign workers or their employers;
3. to liberalise, individually or collectively, regulations governing the employment of foreign workers;

and recognise:



4. the right of their nationals to leave the country to engage in a gainful occupation in the territories of the other Parties.

Article 19 – The right of migrant workers and their families to protection and assistance

With a view to ensuring the effective exercise of the right of migrant workers and their families to protection and assistance in the territory of any other Party, the Parties undertake:

1. to maintain or to satisfy themselves that there are maintained adequate and free services to assist such workers, particularly in obtaining accurate information, and to take all appropriate steps, so far as national laws and regulations permit, against misleading propaganda relating to emigration and immigration;
2. to adopt appropriate measures within their own jurisdiction to facilitate the departure, journey and reception of such workers and their families, and to provide, within their own jurisdiction, appropriate services for health, medical attention and good hygienic conditions during the journey;
3. to promote co operation, as appropriate, between social services, public and private, in emigration and immigration countries;
4. to secure for such workers lawfully within their territories, insofar as such matters are regulated by law or regulations or are subject to the control of administrative authorities, treatment not less favourable than that of their own nationals in respect of the following matters:
 - a. remuneration and other employment and working conditions;
 - b. membership of trade unions and enjoyment of the benefits of collective bargaining;
 - c. accommodation;
5. to secure for such workers lawfully within their territories treatment not less favourable than that of their own nationals with regard to employment taxes, dues or contributions payable in respect of employed persons;

6. to facilitate as far as possible the reunion of the family of a foreign worker permitted to establish himself in the territory;
7. to secure for such workers lawfully within their territories treatment not less favourable than that of their own nationals in respect of legal proceedings relating to matters referred to in this article;
8. to secure that such workers lawfully residing within their territories are not expelled unless they endanger national security or offend against public interest or morality;
9. to permit, within legal limits, the transfer of such parts of the earnings and savings of such workers as they may desire;
10. to extend the protection and assistance provided for in this article to self employed migrants insofar as such measures apply;
11. to promote and facilitate the teaching of the national language of the receiving state or, if there are several, one of these languages, to migrant workers and members of their families;
12. to promote and facilitate, as far as practicable, the teaching of the migrant worker's mother tongue to the children of the migrant worker.

Article 20 – The right to equal opportunities and equal treatment in matters of employment and occupation without discrimination on the grounds of sex

With a view to ensuring the effective exercise of the right to equal opportunities and equal treatment in matters of employment and occupation without discrimination on the grounds of sex, the Parties undertake to recognise that right and to take appropriate measures to ensure or promote its application in the following fields:

- a. access to employment, protection against dismissal and occupational reintegration;
- b. vocational guidance, training, retraining and rehabilitation;
- c. terms of employment and working conditions, including remuneration;
- d. career development, including promotion.



Article 21 – The right to information and consultation

With a view to ensuring the effective exercise of the right of workers to be informed and consulted within the undertaking, the Parties undertake to adopt or encourage measures enabling workers or their representatives, in accordance with national legislation and practice:

- a. to be informed regularly or at the appropriate time and in a comprehensible way about the economic and financial situation of the undertaking employing them, on the understanding that the disclosure of certain information which could be prejudicial to the undertaking may be refused or subject to confidentiality; and
- b. to be consulted in good time on proposed decisions which could substantially affect the interests of workers, particularly on those decisions which could have an important impact on the employment situation in the undertaking.

Article 22 – The right to take part in the determination and improvement of the working conditions and working environment

With a view to ensuring the effective exercise of the right of workers to take part in the determination and improvement of the working conditions and working environment in the undertaking, the Parties undertake to adopt or encourage measures enabling workers or their representatives, in accordance with national legislation and practice, to contribute:

- a. to the determination and the improvement of the working conditions, work organisation and working environment;
- b. to the protection of health and safety within the undertaking;
- c. to the organisation of social and socio-cultural services and facilities within the undertaking;
- d. to the supervision of the observance of regulations on these matters.

Article 23 – The right of elderly persons to social protection

With a view to ensuring the effective exercise of the right of elderly persons to social protection, the Parties undertake to adopt or encourage, either directly or in co-operation with public or private organisations, appropriate measures designed in particular:

- to enable elderly persons to remain full members of society for as long as possible, by means of:
 - a. adequate resources enabling them to lead a decent life and play an active part in public, social and cultural life;
 - b. provision of information about services and facilities available for elderly persons and their opportunities to make use of them;
- to enable elderly persons to choose their life style freely and to lead independent lives in their familiar surroundings for as long as they wish and are able, by means of:
 - a. provision of housing suited to their needs and their state of health or of adequate support for adapting their housing;
 - b. the health care and the services necessitated by their state;
- to guarantee elderly persons living in institutions appropriate support, while respecting their privacy, and participation in decisions concerning living conditions in the institution.

Article 24 – The right to protection in cases of termination of employment

With a view to ensuring the effective exercise of the right of workers to protection in cases of termination of employment, the Parties undertake to recognise:

- a. the right of all workers not to have their employment terminated without valid reasons for such termination connected with their capacity or conduct or based on the operational requirements of the undertaking, establishment or service;
- b. the right of workers whose employment is terminated without a valid reason



to adequate compensation or other appropriate relief.

To this end the Parties undertake to ensure that a worker who considers that his employment has been terminated without a valid reason shall have the right to appeal to an impartial body.

Article 25 – The right of workers to the protection of their claims in the event of the insolvency of their employer

With a view to ensuring the effective exercise of the right of workers to the protection of their claims in the event of the insolvency of their employer, the Parties undertake to provide that workers' claims arising from contracts of employment or employment relationships be guaranteed by a guarantee institution or by any other effective form of protection.

Article 26 – The right to dignity at work

With a view to ensuring the effective exercise of the right of all workers to protection of their dignity at work, the Parties undertake, in consultation with employers' and workers' organisations:

1. to promote awareness, information and prevention of sexual harassment in the workplace or in relation to work and to take all appropriate measures to protect workers from such conduct;
2. to promote awareness, information and prevention of recurrent reprehensible or distinctly negative and offensive actions directed against individual workers in the workplace or in relation to work and to take all appropriate measures to protect workers from such conduct.

Article 27 – The right of workers with family responsibilities to equal opportunities and equal treatment

With a view to ensuring the exercise of the right to equality of opportunity and treatment for men and women workers with family responsibilities and between such workers and other workers, the Parties undertake:

1. to take appropriate measures:
 - a. to enable workers with family

responsibilities to enter and remain in employment, as well as to re-enter employment after an absence due to those responsibilities, including measures in the field of vocational guidance and training;

- b. to take account of their needs in terms of conditions of employment and social security;
 - c. to develop or promote services, public or private, in particular child daycare services and other childcare arrangements;
2. to provide a possibility for either parent to obtain, during a period after maternity leave, parental leave to take care of a child, the duration and conditions of which should be determined by national legislation, collective agreements or practice;
 3. to ensure that family responsibilities shall not, as such, constitute a valid reason for termination of employment.

Article 28 – The right of workers' representatives to protection in the undertaking and facilities to be accorded to them

With a view to ensuring the effective exercise of the right of workers' representatives to carry out their functions, the Parties undertake to ensure that in the undertaking:

- a. they enjoy effective protection against acts prejudicial to them, including dismissal, based on their status or activities as workers' representatives within the undertaking;
- b. they are afforded such facilities as may be appropriate in order to enable them to carry out their functions promptly and efficiently, account being taken of the industrial relations system of the country and the needs, size and capabilities of the undertaking concerned.

Article 29 – The right to information and consultation in collective redundancy procedures

With a view to ensuring the effective exercise of the right of workers to be informed and consulted in situations of collective redundancies, the Parties undertake to ensure



that employers shall inform and consult workers' representatives, in good time prior to such collective redundancies, on ways and means of avoiding collective redundancies or limiting their occurrence and mitigating their consequences, for example by recourse to accompanying social measures aimed, in particular, at aid for the redeployment or retraining of the workers concerned.

Article 30 – The right to protection against poverty and social exclusion

With a view to ensuring the effective exercise of the right to protection against poverty and social exclusion, the Parties undertake:

- a. to take measures within the framework of an overall and co-ordinated approach to promote the effective access of persons who live or risk living in a situation of social exclusion or poverty, as well as their families, to, in particular, employment, housing, training, education, culture and social and medical assistance;
- b. to review these measures with a view to their adaptation if necessary.

Article 31 – The right to housing

With a view to ensuring the effective exercise of the right to housing, the Parties undertake to take measures designed:

1. to promote access to housing of an adequate standard;
2. to prevent and reduce homelessness with a view to its gradual elimination;
3. to make the price of housing accessible to those without adequate resources.

Part III

Article A – Undertakings

1. Subject to the provisions of Article B below, each of the Parties undertakes:
 - a. to consider Part I of this Charter as a declaration of the aims which it will pursue by all appropriate means, as stated in the introductory paragraph of that part;

- b. to consider itself bound by at least six of the following nine articles of Part II of this Charter: Articles 1, 5, 6, 7, 12, 13, 16, 19 and 20;
 - c. to consider itself bound by an additional number of articles or numbered paragraphs of Part II of the Charter which it may select, provided that the total number of articles or numbered paragraphs by which it is bound is not less than sixteen articles or sixty-three numbered paragraphs.
2. The articles or paragraphs selected in accordance with sub paragraphs b and c of paragraph 1 of this article shall be notified to the Secretary General of the Council of Europe at the time when the instrument of ratification, acceptance or approval is deposited.
3. Any Party may, at a later date, declare by notification addressed to the Secretary General that it considers itself bound by any articles or any numbered paragraphs of Part II of the Charter which it has not already accepted under the terms of paragraph 1 of this article. Such undertakings subsequently given shall be deemed to be an integral part of the ratification, acceptance or approval and shall have the same effect as from the first day of the month following the expiration of a period of one month after the date of the notification.
4. Each Party shall maintain a system of labour inspection appropriate to national conditions.

Article B – Links with the European Social Charter and the 1988 Additional Protocol

1. No Contracting Party to the European Social Charter or Party to the Additional Protocol of 5 May 1988 may ratify, accept or approve this Charter without considering itself bound by at least the provisions corresponding to the provisions of the European Social Charter and, where appropriate, of the Additional Protocol, to which it was bound.
2. Acceptance of the obligations of any provision of this Charter shall, from the date of entry into force of those obligations for the Party concerned,



result in the corresponding provision of the European Social Charter and, where appropriate, of its Additional Protocol of 1988 ceasing to apply to the Party concerned in the event of that Party being bound by the first of those instruments or by both instruments.

Part IV

Article C – Supervision of the implementation of the undertakings contained in this Charter

The implementation of the legal obligations contained in this Charter shall be submitted to the same supervision as the European Social Charter.

Article D – Collective complaints

1. The provisions of the Additional Protocol to the European Social Charter providing for a system of collective complaints shall apply to the undertakings given in this Charter for the States which have ratified the said Protocol.
2. Any State which is not bound by the Additional Protocol to the European Social Charter providing for a system of collective complaints may when depositing its instrument of ratification, acceptance or approval of this Charter or at any time thereafter, declare by notification addressed to the Secretary General of the Council of Europe, that it accepts the supervision of its obligations under this Charter following the procedure provided for in the said Protocol.

Part V

Article E – Non-discrimination

The enjoyment of the rights set forth in this Charter shall be secured without discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national extraction or social origin, health, association with a national minority, birth or other status.

Article F – Derogations in time of war or public emergency

1. In time of war or other public emergency threatening the life of the nation any Party may take measures derogating from its obligations under this Charter to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with its other obligations under international law.
2. Any Party which has availed itself of this right of derogation shall, within a reasonable lapse of time, keep the Secretary General of the Council of Europe fully informed of the measures taken and of the reasons therefor. It shall likewise inform the Secretary General when such measures have ceased to operate and the provisions of the Charter which it has accepted are again being fully executed.

Article G – Restrictions

1. The rights and principles set forth in Part I when effectively realised, and their effective exercise as provided for in Part II, shall not be subject to any restrictions or limitations not specified in those parts, except such as are prescribed by law and are necessary in a democratic society for the protection of the rights and freedoms of others or for the protection of public interest, national security, public health, or morals.
2. The restrictions permitted under this Charter to the rights and obligations set forth herein shall not be applied for any purpose other than that for which they have been prescribed.

Article H – Relations between the Charter and domestic law or international agreements

The provisions of this Charter shall not prejudice the provisions of domestic law or of any bilateral or multilateral treaties, conventions or agreements which are already in force, or may come into force, under which more favourable treatment would be accorded to the persons protected.



Article I – Implementation of the undertakings given

1. Without prejudice to the methods of implementation foreseen in these articles the relevant provisions of Articles 1 to 31 of Part II of this Charter shall be implemented by:
 - a. laws or regulations;
 - b. agreements between employers or employers' organisations and workers' organisations;
 - c. a combination of those two methods;
 - d. other appropriate means.
2. Compliance with the undertakings deriving from the provisions of paragraphs 1, 2, 3, 4, 5 and 7 of Article 2, paragraphs 4, 6 and 7 of Article 7, paragraphs 1, 2, 3 and 5 of Article 10 and Articles 21 and 22 of Part II of this Charter shall be regarded as effective if the provisions are applied, in accordance with paragraph 1 of this article, to the great majority of the workers concerned.

Article J – Amendments

1. Any amendment to Parts I and II of this Charter with the purpose of extending the rights guaranteed in this Charter as well as any amendment to Parts III to VI, proposed by a Party or by the Governmental Committee, shall be communicated to the Secretary General of the Council of Europe and forwarded by the Secretary General to the Parties to this Charter.
2. Any amendment proposed in accordance with the provisions of the preceding paragraph shall be examined by the Governmental Committee which shall submit the text adopted to the Committee of Ministers for approval after consultation with the Parliamentary Assembly. After its approval by the Committee of Ministers this text shall be forwarded to the Parties for acceptance.
3. Any amendment to Part I and to Part II of this Charter shall enter into force, in respect of those Parties which have accepted it, on the first day of the month following the expiration of a period of one month after the date on which three Parties have informed the Secretary

General that they have accepted it.

In respect of any Party which subsequently accepts it, the amendment shall enter into force on the first day of the month following the expiration of a period of one month after the date on which that Party has informed the Secretary General of its acceptance.

4. Any amendment to Parts III to VI of this Charter shall enter into force on the first day of the month following the expiration of a period of one month after the date on which all Parties have informed the Secretary General that they have accepted it.

Part VI

Article K – Signature, ratification and entry into force

1. This Charter shall be open for signature by the member States of the Council of Europe. It shall be subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Secretary General of the Council of Europe.
2. This Charter shall enter into force on the first day of the month following the expiration of a period of one month after the date on which three member States of the Council of Europe have expressed their consent to be bound by this Charter in accordance with the preceding paragraph.
3. In respect of any member State which subsequently expresses its consent to be bound by this Charter, it shall enter into force on the first day of the month following the expiration of a period of one month after the date of the deposit of the instrument of ratification, acceptance or approval.

Article L – Territorial application

1. This Charter shall apply to the metropolitan territory of each Party. Each signatory may, at the time of signature or of the deposit of its instrument of ratification, acceptance or approval, specify, by declaration addressed to



the Secretary General of the Council of Europe, the territory which shall be considered to be its metropolitan territory for this purpose.

2. Any signatory may, at the time of signature or of the deposit of its instrument of ratification, acceptance or approval, or at any time thereafter, declare by notification addressed to the Secretary General of the Council of Europe, that the Charter shall extend in whole or in part to a non metropolitan territory or territories specified in the said declaration for whose international relations it is responsible or for which it assumes international responsibility. It shall specify in the declaration the articles or paragraphs of Part II of the Charter which it accepts as binding in respect of the territories named in the declaration.
3. The Charter shall extend its application to the territory or territories named in the aforesaid declaration as from the first day of the month following the expiration of a period of one month after the date of receipt of the notification of such declaration by the Secretary General.
4. Any Party may declare at a later date by notification addressed to the Secretary General of the Council of Europe that, in respect of one or more of the territories to which the Charter has been applied in accordance with paragraph 2 of this article, it accepts as binding any articles or any numbered paragraphs which it has not already accepted in respect of that territory or territories. Such undertakings subsequently given shall be deemed to be an integral part of the original declaration in respect of the territory concerned, and shall have the same effect as from the first day of the month following the expiration of a period of one month after the date of receipt of such notification by the Secretary General.

Article M – Denunciation

1. Any Party may denounce this Charter only at the end of a period of five years from the date on which the Charter entered into force for it, or at the end of any subsequent period of two years, and in either case after giving six months' notice

to the Secretary General of the Council of Europe who shall inform the other Parties accordingly.

2. Any Party may, in accordance with the provisions set out in the preceding paragraph, denounce any article or paragraph of Part II of the Charter accepted by it provided that the number of articles or paragraphs by which this Party is bound shall never be less than sixteen in the former case and sixty-three in the latter and that this number of articles or paragraphs shall continue to include the articles selected by the Party among those to which special reference is made in Article A, paragraph 1, sub paragraph b.
3. Any Party may denounce the present Charter or any of the articles or paragraphs of Part II of the Charter under the conditions specified in paragraph 1 of this article in respect of any territory to which the said Charter is applicable, by virtue of a declaration made in accordance with paragraph 2 of Article L.

Article N – Appendix

The appendix to this Charter shall form an integral part of it.

Article O – Notifications

The Secretary General of the Council of Europe shall notify the member States of the Council and the Director General of the International Labour Office of:

- a . any signature;
- b. the deposit of any instrument of ratification, acceptance or approval;
- c. any date of entry into force of this Charter in accordance with Article K;
- d. any declaration made in application of Articles A, paragraphs 2 and 3, D, paragraphs 1 and 2, F, paragraph 2, L, paragraphs 1, 2, 3 and 4;
- e. any amendment in accordance with Article J;
- f. any denunciation in accordance with Article M;
- g. any other act, notification or communication relating to this Charter.



In witness whereof, the undersigned, being duly authorised thereto, have signed this revised Charter.

Done at Strasbourg, this 3rd day of May 1996, in English and French, both texts being equally authentic, in a single copy which shall be deposited in the archives of the Council of Europe. The Secretary General of the Council of Europe shall transmit certified copies to each member State of the Council of Europe and to the Director General of the International Labour Office.

Appendix to the Revised European Social Charter

Scope of the Revised European Social Charter in terms of persons protected

1. Without prejudice to Article 12, paragraph 4, and Article 13, paragraph 4, the persons covered by Articles 1 to 17 and 20 to 31 include foreigners only in so far as they are nationals of other Parties lawfully resident or working regularly within the territory of the Party concerned, subject to the understanding that these articles are to be interpreted in the light of the provisions of Articles 18 and 19.

This interpretation would not prejudice the extension of similar facilities to other persons by any of the Parties.

2. Each Party will grant to refugees as defined in the Convention relating to the Status of Refugees, signed in Geneva on 28 July 1951 and in the Protocol of 31 January 1967, and lawfully staying in its territory, treatment as favourable as possible, and in any case not less favourable than under the obligations accepted by the Party under the said convention and under any other existing international instruments applicable to those refugees.
3. Each Party will grant to stateless persons as defined in the Convention on the Status of Stateless Persons done in New York on 28 September 1954 and lawfully staying in its territory, treatment as favourable as possible and in any case not less favourable than under the obligations accepted by the Party under the said instrument and under any other existing international instruments applicable to those stateless persons.

Part I, paragraph 18, and Part II, Article 18, paragraph 1

It is understood that these provisions are not concerned with the question of entry into the territories of the Parties and do not prejudice the provisions of the European Convention on Establishment, signed in Paris on 13 December 1955.

Part II,

Article 1, paragraph 2

This provision shall not be interpreted as prohibiting or authorising any union security clause or practice.

Article 2, paragraph 6

Parties may provide that this provision shall not apply:

- a. to workers having a contract or employment relationship with a total duration not exceeding one month and/or with a working week not exceeding eight hours;
- b. where the contract or employment relationship is of a casual and/or specific nature, provided, in these cases, that its non-application is justified by objective considerations.

Article 3, paragraph 4

It is understood that for the purposes of this provision the functions, organisation and conditions of operation of these services shall be determined by national laws or regulations, collective agreements or other means appropriate to national conditions.

Article 4, paragraph 4

This provision shall be so understood as not to prohibit immediate dismissal for any serious offence.

Article 4, paragraph 5

It is understood that a Party may give the undertaking required in this paragraph if the great majority of workers are not permitted to suffer deductions from wages either by law or through collective agreements or arbitration awards, the exceptions being those persons not so covered.



Article 6, paragraph 4

It is understood that each Party may, insofar as it is concerned, regulate the exercise of the right to strike by law, provided that any further restriction that this might place on the right can be justified under the terms of Article G.

Article 7, paragraph 2

This provision does not prevent Parties from providing in their legislation that young persons not having reached the minimum age laid down may perform work in so far as it is absolutely necessary for their vocational training where such work is carried out in accordance with conditions prescribed by the competent authority and measures are taken to protect the health and safety of these young persons.

Article 7, paragraph 8

It is understood that a Party may give the undertaking required in this paragraph if it fulfils the spirit of the undertaking by providing by law that the great majority of persons under eighteen years of age shall not be employed in night work.

Article 8, paragraph 2

This provision shall not be interpreted as laying down an absolute prohibition. Exceptions could be made, for instance, in the following cases:

- a. if an employed woman has been guilty of misconduct which justifies breaking off the employment relationship;
- b. if the undertaking concerned ceases to operate;
- c. if the period prescribed in the employment contract has expired.

Article 12, paragraph 4

The words “and subject to the conditions laid down in such agreements” in the introduction to this paragraph are taken to imply inter alia that with regard to benefits which are available independently of any insurance contribution, a Party may require the completion of a prescribed period of residence before granting such benefits to nationals of other Parties.

Article 13, paragraph 4

Governments not Parties to the European Convention on Social and Medical Assistance may ratify the Charter in respect of this paragraph provided that they grant to nationals of other Parties a treatment which is in conformity with the provisions of the said convention.

Article 16

It is understood that the protection afforded in this provision covers single parent families.

Article 17

It is understood that this provision covers all persons below the age of 18 years, unless under the law applicable to the child majority is attained earlier, without prejudice to the other specific provisions provided by the Charter, particularly Article 7.

This does not imply an obligation to provide compulsory education up to the above-mentioned age.

Article 19, paragraph 6

For the purpose of applying this provision, the term “family of a foreign worker” is understood to mean at least the worker’s spouse and unmarried children, as long as the latter are considered to be minors by the receiving State and are dependent on the migrant worker.

Article 20

1. It is understood that social security matters, as well as other provisions relating to unemployment benefit, old age benefit and survivor’s benefit, may be excluded from the scope of this article.
2. Provisions concerning the protection of women, particularly as regards pregnancy, confinement and the post natal period, shall not be deemed to be discrimination as referred to in this article.
3. This article shall not prevent the adoption of specific measures aimed at removing de facto inequalities.
4. Occupational activities which, by reason of their nature or the context in which they are carried out, can be entrusted only to persons of a particular sex may be excluded from the scope of this article or



some of its provisions. This provision is not to be interpreted as requiring the Parties to embody in laws or regulations a list of occupations which, by reason of their nature or the context in which they are carried out, may be reserved to persons of a particular sex.

Articles 21 and 22

1. For the purpose of the application of these articles, the term “workers’ representatives” means persons who are recognised as such under national legislation or practice.
2. The terms “national legislation and practice” embrace as the case may be, in addition to laws and regulations, collective agreements, other agreements between employers and workers’ representatives, customs as well as relevant case law.
3. For the purpose of the application of these articles, the term “undertaking” is understood as referring to a set of tangible and intangible components, with or without legal personality, formed to produce goods or provide services for financial gain and with power to determine its own market policy.
4. It is understood that religious communities and their institutions may be excluded from the application of these articles, even if these institutions are “undertakings” within the meaning of paragraph 3. Establishments pursuing activities which are inspired by certain ideals or guided by certain moral concepts, ideals and concepts which are protected by national legislation, may be excluded from the application of these articles to such an extent as is necessary to protect the orientation of the undertaking.
5. It is understood that where in a state the rights set out in these articles are exercised in the various establishments of the undertaking, the Party concerned is to be considered as fulfilling the obligations deriving from these provisions.
6. The Parties may exclude from the field of application of these articles, those undertakings employing less than a certain number of workers, to be determined by national legislation or practice.

Article 22

1. This provision affects neither the powers and obligations of states as regards the adoption of health and safety regulations for workplaces, nor the powers and responsibilities of the bodies in charge of monitoring their application.
2. The terms “social and socio cultural services and facilities” are understood as referring to the social and/or cultural facilities for workers provided by some undertakings such as welfare assistance, sports fields, rooms for nursing mothers, libraries, children’s holiday camps, etc.

Article 23, paragraph 1

For the purpose of the application of this paragraph, the term “for as long as possible” refers to the elderly person’s physical, psychological and intellectual capacities.

Article 24

1. It is understood that for the purposes of this article the terms “termination of employment” and “terminated” mean termination of employment at the initiative of the employer.
2. It is understood that this article covers all workers but that a Party may exclude from some or all of its protection the following categories of employed persons:
 - a. workers engaged under a contract of employment for a specified period of time or a specified task;
 - b. workers undergoing a period of probation or a qualifying period of employment, provided that this is determined in advance and is of a reasonable duration;
 - c. workers engaged on a casual basis for a short period.
3. For the purpose of this article the following, in particular, shall not constitute valid reasons for termination of employment:
 - a. trade union membership or participation in union activities outside working hours, or, with the consent of the employer, within working hours;
 - b. seeking office as, acting or having acted in the capacity of a workers’ representative;



- c. the filing of a complaint or the participation in proceedings against an employer involving alleged violation of laws or regulations or recourse to competent administrative authorities;
 - d. race, colour, sex, marital status, family responsibilities, pregnancy, religion, political opinion, national extraction or social origin;
 - e. maternity or parental leave;
 - f. temporary absence from work due to illness or injury.
4. It is understood that compensation or other appropriate relief in case of termination of employment without valid reasons shall be determined by national laws or regulations, collective agreements or other means appropriate to national conditions.

Article 25

1. It is understood that the competent national authority may, by way of exemption and after consulting organisations of employers and workers, exclude certain categories of workers from the protection provided in this provision by reason of the special nature of their employment relationship.
2. It is understood that the definition of the term “insolvency” must be determined by national law and practice.
3. The workers’ claims covered by this provision shall include at least:
 - a. the workers’ claims for wages relating to a prescribed period, which shall not be less than three months under a privilege system and eight weeks under a guarantee system, prior to the insolvency or to the termination of employment;
 - b. the workers’ claims for holiday pay due as a result of work performed during the year in which the insolvency or the termination of employment occurred;
 - c. the workers’ claims for amounts due in respect of other types of paid absence relating to a prescribed period, which shall not be less than three months under a privilege system and eight weeks under a guarantee system, prior

to the insolvency or the termination of the employment.

4. National laws or regulations may limit the protection of workers’ claims to a prescribed amount, which shall be of a socially acceptable level.

Article 26

It is understood that this article does not require that legislation be enacted by the Parties.

It is understood that paragraph 2 does not cover sexual harassment.

Article 27

It is understood that this article applies to men and women workers with family responsibilities in relation to their dependent children as well as in relation to other members of their immediate family who clearly need their care or support where such responsibilities restrict their possibilities of preparing for, entering, participating in or advancing in economic activity. The terms “dependent children” and “other members of their immediate family who clearly need their care and support” mean persons defined as such by the national legislation of the Party concerned.

Articles 28 and 29

For the purpose of the application of this article, the term “workers’ representatives” means persons who are recognised as such under national legislation or practice.

Part III

It is understood that the Charter contains legal obligations of an international character, the application of which is submitted solely to the supervision provided for in Part IV thereof.

Article A, paragraph 1

It is understood that the numbered paragraphs may include articles consisting of only one paragraph.

Article B, paragraph 2

For the purpose of paragraph 2 of Article B, the provisions of the revised Charter



correspond to the provisions of the Charter with the same article or paragraph number with the exception of:

- a. Article 3, paragraph 2, of the revised Charter which corresponds to Article 3, paragraphs 1 and 3, of the Charter;
- b. Article 3, paragraph 3, of the revised Charter which corresponds to Article 3, paragraphs 2 and 3, of the Charter;
- c. Article 10, paragraph 5, of the revised Charter which corresponds to Article 10, paragraph 4, of the Charter;
- d. Article 17, paragraph 1, of the revised Charter which corresponds to Article 17 of the Charter.

Part V

Article E

A differential treatment based on an objective and reasonable justification shall not be deemed discriminatory.

Article F

The terms “in time of war or other public emergency” shall be so understood as to cover also the threat of war.

Article I

It is understood that workers excluded in accordance with the appendix to Articles 21 and 22 are not taken into account in establishing the number of workers concerned.

Article J

The term “amendment” shall be extended so as to cover also the addition of new articles to the Charter.

European Convention for the Protection of Human Rights and Fundamental Freedoms

https://www.echr.coe.int/Documents/Convention_ENG.pdf

As amended by Protocol No. 11

The governments signatory hereto, being members of the Council of Europe,

Considering the Universal Declaration of Human Rights proclaimed by the General Assembly of the United Nations on 10th December 1948;

Considering that this Declaration aims at securing the universal and effective recognition and observance of the Rights therein declared;

Considering that the aim of the Council of Europe is the achievement of greater unity between its members and that one of the methods by which that aim is to be pursued is the maintenance and further realisation of

human rights and fundamental freedoms;

Reaffirming their profound belief in those fundamental freedoms which are the foundation of justice and peace in the world and are best maintained on the one hand by an effective political democracy and on the other by a common understanding and observance of the human rights upon which they depend;

Being resolved, as the governments of European countries which are like minded and have a common heritage of political traditions, ideals, freedom and the rule of law, to take the first steps for the collective enforcement of certain of the rights stated in the Universal Declaration,

Have agreed as follows:



Article 1 – Obligation to respect human rights

The High Contracting Parties shall secure to everyone within their jurisdiction the rights and freedoms defined in Section I of this Convention.

Section I – Rights and freedoms

Article 2 – Right to life

1. Everyone's right to life shall be protected by law. No one shall be deprived of his life intentionally save in the execution of a sentence of a court following his conviction of a crime for which this penalty is provided by law.
2. Deprivation of life shall not be regarded as inflicted in contravention of this article when it results from the use of force which is no more than absolutely necessary:
 - a. in defence of any person from unlawful violence;
 - b. in order to effect a lawful arrest or to prevent the escape of a person lawfully detained;
 - c. in action lawfully taken for the purpose of quelling a riot or insurrection.

Article 3 – Prohibition of torture

No one shall be subjected to torture or to inhuman or degrading treatment or punishment.

Article 4 – Prohibition of slavery and forced labour

1. No one shall be held in slavery or servitude.
2. No one shall be required to perform forced or compulsory labour.
3. For the purpose of this article the term "forced or compulsory labour" shall not include:
 - a. any work required to be done in the ordinary course of detention imposed according to the provisions of Article 5 of this Convention or during conditional release from such detention;

- b. any service of a military character or, in case of conscientious objectors in countries where they are recognised, service exacted instead of compulsory military service;
- c. any service exacted in case of an emergency or calamity threatening the life or well being of the community;
- d. any work or service which forms part of normal civic obligations.

Article 5 – Right to liberty and security

1. Everyone has the right to liberty and security of person. No one shall be deprived of his liberty save in the following cases and in accordance with a procedure prescribed by law:
 - a. the lawful detention of a person after conviction by a competent court;
 - b. the lawful arrest or detention of a person for non compliance with the lawful order of a court or in order to secure the fulfilment of any obligation prescribed by law;
 - c. the lawful arrest or detention of a person effected for the purpose of bringing him before the competent legal authority on reasonable suspicion of having committed an offence or when it is reasonably considered necessary to prevent his committing an offence or fleeing after having done so;
 - d. the detention of a minor by lawful order for the purpose of educational supervision or his lawful detention for the purpose of bringing him before the competent legal authority;
 - e. the lawful detention of persons for the prevention of the spreading of infectious diseases, of persons of unsound mind, alcoholics or drug addicts or vagrants;
 - f. the lawful arrest or detention of a person to prevent his effecting an unauthorised entry into the country or of a person against whom action is being taken with a view to deportation or extradition.
2. Everyone who is arrested shall be informed promptly, in a language which he understands, of the reasons for his arrest and of any charge against him.
3. Everyone arrested or detained in accordance with the provisions of



paragraph 1.c of this article shall be brought promptly before a judge or other officer authorised by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release pending trial. Release may be conditioned by guarantees to appear for trial.

4. Everyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings by which the lawfulness of his detention shall be decided speedily by a court and his release ordered if the detention is not lawful.
5. Everyone who has been the victim of arrest or detention in contravention of the provisions of this article shall have an enforceable right to compensation.

Article 6 – Right to a fair trial

1. 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. Judgment shall be pronounced publicly but the press and public may be excluded from all or part of the trial in the interests of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice.
2. Everyone charged with a criminal offence shall be presumed innocent until proved guilty according to law.
3. Everyone charged with a criminal offence has the following minimum rights:
 - a. to be informed promptly, in a language which he understands and in detail, of the nature and cause of the accusation against him;
 - b. to have adequate time and facilities for the preparation of his defence;
 - c. to defend himself in person or through legal assistance of his own choosing or, if he has not sufficient means to pay for legal assistance, to be given it free when the interests of justice so require;

- d. to examine or have examined witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;
- e. to have the free assistance of an interpreter if he cannot understand or speak the language used in court.

Article 7 – No punishment without law

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 the criminal offence was committed.
2. This article shall not 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 recognised by civilised nations.

Article 8 – Right to respect for private and family life

1. Everyone has the right to respect for his private and family life, his home and his correspondence.
2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

Article 9 – Freedom of thought, conscience and religion

1. 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 worship, teaching, practice and observance.
2. Freedom to manifest one's religion or beliefs shall be subject only to such



limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others.

Article 10 – Freedom of expression

1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.
2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

Article 11 – Freedom of assembly and association

1. Everyone has the right to freedom of peaceful assembly and to freedom of association with others, including the right to form and to join trade unions for the protection of his interests.
2. No restrictions shall be placed on the exercise of these rights other than such as are prescribed by law and are necessary in a democratic society in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others. This article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces, of the police or of the administration of the State.

Article 12 – Right to marry

Men and women of marriageable age have the right to marry and to found a family, according to the national laws governing the exercise of this right.

Article 13 – Right to an effective remedy

Everyone whose rights and freedoms as set forth in this Convention are violated shall have an effective remedy before a national authority notwithstanding that the violation has been committed by persons acting in an official capacity.

Article 14 – Prohibition of discrimination

The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

Article 15 – Derogation in time of emergency

1. In time of war or other public emergency threatening the life of the nation any High Contracting Party may take measures derogating from its obligations under this Convention to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with its other obligations under international law.
2. No derogation from Article 2, except in respect of deaths resulting from lawful acts of war, or from Articles 3, 4 (paragraph 1) and 7 shall be made under this provision.
3. Any High Contracting Party availing itself of this right of derogation shall keep the Secretary General of the Council of Europe fully informed of the measures which it has taken and the reasons therefor. It shall also inform the Secretary General of the Council of Europe when such measures have ceased to operate and the provisions of the Convention are again being fully executed.



Article 16 – Restrictions on political activity of aliens

Nothing in Articles 10, 11 and 14 shall be regarded as preventing the High Contracting Parties from imposing restrictions on the political activity of aliens.

Article 17 – Prohibition of abuse of rights

Nothing in this Convention 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 set forth herein or at their limitation to a greater extent than is provided for in the Convention.

Article 18 – Limitation on use of restrictions on rights

The restrictions permitted under this Convention to the said rights and freedoms shall not be applied for any purpose other than those for which they have been prescribed.

Section II – European Court of Human Rights

Article 19 – Establishment of the Court

To ensure the observance of the engagements undertaken by the High Contracting Parties in the Convention and the Protocols thereto, there shall be set up a European Court of Human Rights, hereinafter referred to as “the Court”. It shall function on a permanent basis.

Article 20 – Number of judges

The Court shall consist of a number of judges equal to that of the High Contracting Parties.

Article 21 – Criteria for office

1. The judges shall be of high moral character and must either possess the qualifications required for appointment to high judicial office or be jurisconsults of recognised competence.
2. The judges shall sit on the Court in their individual capacity.

3. During their term of office the judges shall not engage in any activity which is incompatible with their independence, impartiality or with the demands of a full-time office; all questions arising from the application of this paragraph shall be decided by the Court.

Article 22 – Election of judges

1. The judges shall be elected by the Parliamentary Assembly with respect to each High Contracting Party by a majority of votes cast from a list of three candidates nominated by the High Contracting Party.
2. The same procedure shall be followed to complete the Court in the event of the accession of new High Contracting Parties and in filling casual vacancies.

Article 23 – Terms of office

1. The judges shall be elected for a period of six years. They may be re-elected. However, the terms of office of one-half of the judges elected at the first election shall expire at the end of three years.
2. The judges whose terms of office are to expire at the end of the initial period of three years shall be chosen by lot by the Secretary General of the Council of Europe immediately after their election.
3. In order to ensure that, as far as possible, the terms of office of one-half of the judges are renewed every three years, the Parliamentary Assembly may decide, before proceeding to any subsequent election, that the term or terms of office of one or more judges to be elected shall be for a period other than six years but not more than nine and not less than three years.
4. In cases where more than one term of office is involved and where the Parliamentary Assembly applies the preceding paragraph, the allocation of the terms of office shall be effected by a drawing of lots by the Secretary General of the Council of Europe immediately after the election.
5. A judge elected to replace a judge whose term of office has not expired shall hold office for the remainder of his predecessor's term.
6. The terms of office of judges shall expire when they reach the age of 70.



7. The judges shall hold office until replaced. They shall, however, continue to deal with such cases as they already have under consideration.

Article 24 – Dismissal

No judge may be dismissed from his office unless the other judges decide by a majority of two-thirds that he has ceased to fulfil the required conditions.

Article 25 – Registry and legal secretaries

The Court shall have a registry, the functions and organisation of which shall be laid down in the rules of the Court. The Court shall be assisted by legal secretaries.

Article 26 – Plenary Court

The plenary Court shall

- a. elect its President and one or two Vice-Presidents for a period of three years; they may be re-elected;
- b. set up Chambers, constituted for a fixed period of time;
- c. elect the Presidents of the Chambers of the Court; they may be re-elected;
- d. adopt the rules of the Court, and
- e. elect the Registrar and one or more Deputy Registrars.

Article 27 – Committees, Chambers and Grand Chamber

1. To consider cases brought before it, the Court shall sit in committees of three judges, in Chambers of seven judges and in a Grand Chamber of seventeen judges. The Court's Chambers shall set up committees for a fixed period of time.
2. There shall sit as an ex officio member of the Chamber and the Grand Chamber the judge elected in respect of the State Party concerned or, if there is none or if he is unable to sit, a person of its choice who shall sit in the capacity of judge.
3. The Grand Chamber shall also include the President of the Court, the Vice-Presidents, the Presidents of the Chambers and other judges chosen in accordance with the rules of the Court. When a case is referred to the Grand Chamber under

Article 43, no judge from the Chamber which rendered the judgment shall sit in the Grand Chamber, with the exception of the President of the Chamber and the judge who sat in respect of the State Party concerned.

Article 28 – Declarations of inadmissibility by committees

A committee may, by a unanimous vote, declare inadmissible or strike out of its list of cases an application submitted under Article 34 where such a decision can be taken without further examination. The decision shall be final.

Article 29 – Decisions by Chambers on admissibility and merits

1. If no decision is taken under Article 28, a Chamber shall decide on the admissibility and merits of individual applications submitted under Article 34.
2. A Chamber shall decide on the admissibility and merits of inter-State applications submitted under Article 33.
3. The decision on admissibility shall be taken separately unless the Court, in exceptional cases, decides otherwise.

Article 30 – Relinquishment of jurisdiction to the Grand Chamber

Where a case pending before a Chamber raises a serious question affecting the interpretation of the Convention or the protocols thereto, or where the resolution of a question before the Chamber might have a result inconsistent with a judgment previously delivered by the Court, the Chamber may, at any time before it has rendered its judgment, relinquish jurisdiction in favour of the Grand Chamber, unless one of the parties to the case objects.

Article 31 – Powers of the Grand Chamber

The Grand Chamber shall

- a. determine applications submitted either under Article 33 or Article 34 when a Chamber has relinquished jurisdiction under Article 30 or when the case has been referred to it under Article 43; and
- b. consider requests for advisory opinions submitted under Article 47.



Article 32 – Jurisdiction of the Court

1. The jurisdiction of the Court shall extend to all matters concerning the interpretation and application of the Convention and the protocols thereto which are referred to it as provided in Articles 33, 34 and 47.
2. In the event of dispute as to whether the Court has jurisdiction, the Court shall decide.

Article 33 – Inter-State cases

Any High Contracting Party may refer to the Court any alleged breach of the provisions of the Convention and the protocols thereto by another High Contracting Party.

Article 34 – Individual applications

The Court may receive applications from any person, non-governmental organisation or group of individuals claiming to be the victim of a violation by one of the High Contracting Parties of the rights set forth in the Convention or the protocols thereto. The High Contracting Parties undertake not to hinder in any way the effective exercise of this right.

Article 35 – Admissibility criteria

1. The Court may only deal with the matter after all domestic remedies have been exhausted, according to the generally recognised rules of international law, and within a period of six months from the date on which the final decision was taken.
2. The Court shall not deal with any application submitted under Article 34 that
 - a. is anonymous; or
 - b. is substantially the same as a matter that has already been examined by the Court or has already been submitted to another procedure of international investigation or settlement and contains no relevant new information.
3. The Court shall declare inadmissible any individual application submitted under Article 34 which it considers incompatible with the provisions of the Convention or the protocols thereto, manifestly ill-founded, or an abuse of the right of application.
4. The Court shall reject any application which it considers inadmissible under this

Article. It may do so at any stage of the proceedings.

Article 36 – Third party intervention

1. In all cases before a Chamber or the Grand Chamber, a High Contracting Party one of whose nationals is an applicant shall have the right to submit written comments and to take part in hearings.
2. The President of the Court may, in the interest of the proper administration of justice, invite any High Contracting Party which is not a party to the proceedings or any person concerned who is not the applicant to submit written comments or take part in hearings.

Article 37 – Striking out applications

1. The Court may at any stage of the proceedings decide to strike an application out of its list of cases where the circumstances lead to the conclusion that
 - a. the applicant does not intend to pursue his application; or
 - b. the matter has been resolved; or
 - c. for any other reason established by the Court, it is no longer justified to continue the examination of the application. However, the Court shall continue the examination of the application if respect for human rights as defined in the Convention and the protocols thereto so requires.
2. The Court may decide to restore an application to its list of cases if it considers that the circumstances justify such a course.

Article 38 – Examination of the case and friendly settlement proceedings

1. If the Court declares the application admissible, it shall
 - a. pursue the examination of the case, together with the representatives of the parties, and if need be, undertake an investigation, for the effective conduct of which the States concerned shall furnish all necessary facilities;
 - b. place itself at the disposal of the parties concerned with a view to securing a friendly settlement of the matter on



the basis of respect for human rights as defined in the Convention and the protocols thereto.

2. Proceedings conducted under paragraph 1.b shall be confidential.

Article 39 – Finding of a friendly settlement

If a friendly settlement is effected, the Court shall strike the case out of its list by means of a decision which shall be confined to a brief statement of the facts and of the solution reached.

Article 40 – Public hearings and access to documents

1. Hearings shall be in public unless the Court in exceptional circumstances decides otherwise.
2. Documents deposited with the Registrar shall be accessible to the public unless the President of the Court decides otherwise.

Article 41 – Just satisfaction

If the Court finds that there has been a violation of the Convention or the protocols thereto, and if the internal law of the High Contracting Party concerned allows only partial reparation to be made, the Court shall, if necessary, afford just satisfaction to the injured party.

Article 42 – Judgments of Chambers

Judgments of Chambers shall become final in accordance with the provisions of Article 44, paragraph 2.

Article 43 – Referral to the Grand Chamber

1. Within a period of three months from the date of the judgment of the Chamber, any party to the case may, in exceptional cases, request that the case be referred to the Grand Chamber.
2. A panel of five judges of the Grand Chamber shall accept the request if the case raises a serious question affecting the interpretation or application of the Convention or the protocols thereto, or a serious issue of general importance.
3. If the panel accepts the request, the Grand

Chamber shall decide the case by means of a judgment.

Article 44 – Final judgments

1. The judgment of the Grand Chamber shall be final.
2. The judgment of a Chamber shall become final
 - a. when the parties declare that they will not request that the case be referred to the Grand Chamber; or
 - b. three months after the date of the judgment, if reference of the case to the Grand Chamber has not been requested; or
 - c. when the panel of the Grand Chamber rejects the request to refer under Article 43.
3. The final judgment shall be published.

Article 45 – Reasons for judgments and decisions

1. Reasons shall be given for judgments as well as for decisions declaring applications admissible or inadmissible.
2. If a judgment does not represent, in whole or in part, the unanimous opinion of the judges, any judge shall be entitled to deliver a separate opinion.

Article 46 – Binding force and execution of judgments

1. The High Contracting Parties undertake to abide by the final judgment of the Court in any case to which they are parties.
2. The final judgment of the Court shall be transmitted to the Committee of Ministers, which shall supervise its execution.

Article 47 – Advisory opinions

1. The Court may, at the request of the Committee of Ministers, give advisory opinions on legal questions concerning the interpretation of the Convention and the protocols thereto.
2. Such opinions shall not deal with any question relating to the content or scope of the rights or freedoms defined in Section I of the Convention and the protocols thereto, or with any



other question which the Court or the Committee of Ministers might have to consider in consequence of any such proceedings as could be instituted in accordance with the Convention.

3. Decisions of the Committee of Ministers to request an advisory opinion of the Court shall require a majority vote of the representatives entitled to sit on the Committee.

Article 48 – Advisory jurisdiction of the Court

The Court shall decide whether a request for an advisory opinion submitted by the Committee of Ministers is within its competence as defined in Article 47.

Article 49 – Reasons for advisory opinions

1. Reasons shall be given for advisory opinions of the Court.
2. If the advisory opinion does not represent, in whole or in part, the unanimous opinion of the judges, any judge shall be entitled to deliver a separate opinion.
3. Advisory opinions of the Court shall be communicated to the Committee of Ministers.

Article 50 – Expenditure on the Court

The expenditure on the Court shall be borne by the Council of Europe.

Article 51 – Privileges and immunities of judges

The judges shall be entitled, during the exercise of their functions, to the privileges and immunities provided for in Article 40 of the Statute of the Council of Europe and in the agreements made thereunder.

Section III – Miscellaneous provisions

Article 52 – Inquiries by the Secretary General

On receipt of a request from the Secretary General of the Council of Europe any High Contracting Party shall furnish an explanation

of the manner in which its internal law ensures the effective implementation of any of the provisions of the Convention.

Article 53 – Safeguard for existing human rights

Nothing in this Convention shall be construed as limiting or derogating from any of the human rights and fundamental freedoms which may be ensured under the laws of any High Contracting Party or under any other agreement to which it is a Party.

Article 54 – Powers of the Committee of Ministers

Nothing in this Convention shall prejudice the powers conferred on the Committee of Ministers by the Statute of the Council of Europe.

Article 55 – Exclusion of other means of dispute settlement

The High Contracting Parties agree that, except by special agreement, they will not avail themselves of treaties, conventions or declarations in force between them for the purpose of submitting, by way of petition, a dispute arising out of the interpretation or application of this Convention to a means of settlement other than those provided for in this Convention.

Article 56 – Territorial application

1. Any State may at the time of its ratification or at any time thereafter declare by notification addressed to the Secretary General of the Council of Europe that the present Convention shall, subject to paragraph 4 of this Article, extend to all or any of the territories for whose international relations it is responsible.
2. The Convention shall extend to the territory or territories named in the notification as from the thirtieth day after the receipt of this notification by the Secretary General of the Council of Europe.
3. The provisions of this Convention shall be applied in such territories with due regard, however, to local requirements.
4. Any State which has made a declaration in accordance with paragraph 1 of this



article may at any time thereafter declare on behalf of one or more of the territories to which the declaration relates that it accepts the competence of the Court to receive applications from individuals, non-governmental organisations or groups of individuals as provided by Article 34 of the Convention.

Article 57 – Reservations

1. Any State may, when signing this Convention or when depositing its instrument of ratification, make a reservation in respect of any particular provision of the Convention to the extent that any law then in force in its territory is not in conformity with the provision. Reservations of a general character shall not be permitted under this article.
2. Any reservation made under this article shall contain a brief statement of the law concerned.

Article 58 – Denunciation

1. A High Contracting Party may denounce the present Convention only after the expiry of five years from the date on which it became a party to it and after six months' notice contained in a notification addressed to the Secretary General of the Council of Europe, who shall inform the other High Contracting Parties.
2. Such a denunciation shall not have the effect of releasing the High Contracting Party concerned from its obligations under this Convention in respect of any act which, being capable of constituting a violation of such obligations, may have been performed by it before the date at which the denunciation became effective.
3. Any High Contracting Party which shall cease to be a member of the Council of Europe shall cease to be a Party to this Convention under the same conditions.
4. The Convention may be denounced in accordance with the provisions of the preceding paragraphs in respect of any territory to which it has been declared to extend under the terms of Article 56.

Article 59 – Signature and ratification

1. This Convention shall be open to the signature of the members of the Council of Europe. It shall be ratified. Ratifications shall be deposited with the Secretary General of the Council of Europe.
2. The present Convention shall come into force after the deposit of ten instruments of ratification.
3. As regards any signatory ratifying subsequently, the Convention shall come into force at the date of the deposit of its instrument of ratification.
4. The Secretary General of the Council of Europe shall notify all the members of the Council of Europe of the entry into force of the Convention, the names of the High Contracting Parties who have ratified it, and the deposit of all instruments of ratification which may be effected subsequently.

Done at Rome this 4th day of November 1950, in English and French, both texts being equally authentic, in a single copy which shall remain deposited in the archives of the Council of Europe. The Secretary General shall transmit certified copies to each of the signatories.



American Convention on Human Rights

https://www.cidh.oas.org/basicos/english/basic3.american_convention.htm

Preamble

The American states signatory to the present Convention,

Reaffirming their intention 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;

Recognizing that the essential rights of man are not derived from one's being a national of a certain state, but are based upon attributes of the human personality, and that they therefore justify international protection in the form of a convention reinforcing or complementing the protection provided by the domestic law of the American states;

Considering that these principles have been set forth in the Charter of the Organization of American States, in the American Declaration of the Rights and Duties of Man, and in the Universal Declaration of Human Rights, and that they have been reaffirmed and refined in other international instruments, worldwide as well as regional in scope;

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

Considering that the Third Special Inter-American Conference (Buenos Aires, 1967) approved the incorporation into the Charter of the Organization itself of broader standards with respect to economic, social, and educational rights and resolved that an inter-American convention on human rights should determine the structure, competence, and procedure of the organs responsible for these matters,

Have agreed upon the following:

PART I: STATE OBLIGATIONS AND RIGHTS PROTECTED

CHAPTER I: GENERAL OBLIGATIONS

Article 1. Obligation to Respect Rights

1. The 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 for reasons of race, color, sex, language, religion, political or other opinion, national or social origin, economic status, birth, or any other social condition.
2. For the purposes of this Convention, "person" means every human being.

Article 2. Domestic Legal Effects

Where the exercise of any of the rights or freedoms referred to in Article 1 is not already ensured by legislative or other provisions, the States Parties undertake to adopt, in accordance with their constitutional processes and the provisions of this Convention, such legislative or other measures as may be necessary to give effect to those rights or freedoms.

CHAPTER II: CIVIL AND POLITICAL RIGHTS

Article 3. Right to Juridical Personality

Every person has the right to recognition as a person before the law.

Article 4. Right to Life

1. Every person has the right to have his life respected. This right shall be protected by law and, in general, from the moment of conception. No one shall be arbitrarily deprived of his life.



2. In countries that have not abolished the death penalty, it may be imposed only for the most serious crimes and pursuant to a final judgment rendered by a competent court and in accordance with a law establishing such punishment, enacted prior to the commission of the crime. The application of such punishment shall not be extended to crimes to which it does not presently apply.
3. The death penalty shall not be reestablished in states that have abolished it.
4. In no case shall capital punishment be inflicted for political offenses or related common crimes.
5. Capital punishment shall not be imposed upon persons who, at the time the crime was committed, were under 18 years of age or over 70 years of age; nor shall it be applied to pregnant women.
6. Every person condemned to death shall have the right to apply for amnesty, pardon, or commutation of sentence, which may be granted in all cases. Capital punishment shall not be imposed while such a petition is pending decision by the competent authority.

Article 5. Right to Humane Treatment

1. Every person has the right to have his physical, mental, and moral integrity respected.
2. No one shall be subjected to torture or to cruel, inhuman, or degrading punishment or treatment. All persons deprived of their liberty shall be treated with respect for the inherent dignity of the human person.
3. Punishment shall not be extended to any person other than the criminal.
4. 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.
5. Minors while subject to criminal proceedings shall be separated from adults and brought before specialized tribunals, as speedily as possible, so that they may be treated in accordance with their status as minors.

6. Punishments consisting of deprivation of liberty shall have as an essential aim the reform and social readaptation of the prisoners.

Article 6. Freedom from Slavery

1. No one shall be subject to slavery or to involuntary servitude, which are prohibited in all their forms, as are the slave trade and traffic in women.
2. No one shall be required to perform forced or compulsory labor. This provision shall not be interpreted to mean that, in those countries in which the penalty established for certain crimes is deprivation of liberty at forced labor, the carrying out of such a sentence imposed by a competent court is prohibited. Forced labor shall not adversely affect the dignity or the physical or intellectual capacity of the prisoner.
3. For the purposes of this article, the following do not constitute forced or compulsory labor:
 1. work or service normally required of a person imprisoned in execution of a sentence or formal decision passed by the competent judicial authority. Such work or service shall be carried out under the supervision and control of public authorities, and any persons performing such work or service shall not be placed at the disposal of any private party, company, or juridical person;
 2. military service and, in countries in which conscientious objectors are recognized, national service that the law may provide for in lieu of military service;
 3. service exacted in time of danger or calamity that threatens the existence or the well being of the community; or
 4. work or service that forms part of normal civic obligations.

Article 7. Right to Personal Liberty

1. Every person has the right to personal liberty and security.
2. No one shall be deprived of his physical liberty except for the reasons and under the conditions established beforehand by the constitution of the State Party



concerned or by a law established pursuant thereto.

3. No one shall be subject to arbitrary arrest or imprisonment.
4. Anyone who is detained shall be informed of the reasons for his detention and shall be promptly notified of the charge or charges against him.
5. Any person detained 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 be released without prejudice to the continuation of the proceedings. His release may be subject to guarantees to assure his appearance for trial.
6. Anyone who is deprived of his liberty shall be entitled to recourse to a competent court, in order that the court may decide without delay on the lawfulness of his arrest or detention and order his release if the arrest or detention is unlawful. In States Parties whose laws provide that anyone who believes himself to be threatened with deprivation of his liberty is entitled to recourse to a competent court in order that it may decide on the lawfulness of such threat, this remedy may not be restricted or abolished. The interested party or another person in his behalf is entitled to seek these remedies.
7. No one shall be detained for debt. This principle shall not limit the orders of a competent judicial authority issued for nonfulfillment of duties of support.

Article 8. Right to a Fair Trial

1. Every person has the right to a hearing, with due guarantees and within a reasonable time, by a competent, independent, and impartial tribunal, previously established by law, in the substantiation of any accusation 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.
2. Every person accused of a criminal offense has the right to be presumed innocent so long as his guilt has not been proven according to law. During the proceedings,

every person is entitled, with full equality, to the following minimum guarantees:

1. the right of the accused to be assisted without charge by a translator or interpreter, if he does not understand or does not speak the language of the tribunal or court;
 2. prior notification in detail to the accused of the charges against him;
 3. adequate time and means for the preparation of his defense;
 4. the right of the accused to defend himself personally or to be assisted by legal counsel of his own choosing, and to communicate freely and privately with his counsel;
 5. the inalienable right to be assisted by counsel provided by the state, paid or not as the domestic law provides, if the accused does not defend himself personally or engage his own counsel within the time period established by law;
 6. the right of the defense to examine witnesses present in the court and to obtain the appearance, as witnesses, of experts or other persons who may throw light on the facts;
 7. the right not to be compelled to be a witness against himself or to plead guilty; and
 8. the right to appeal the judgment to a higher court.
3. A confession of guilt by the accused shall be valid only if it is made without coercion of any kind.
 4. An accused person acquitted by a nonappealable judgment shall not be subjected to a new trial for the same cause.
 5. Criminal proceedings shall be public, except insofar as may be necessary to protect the interests of justice.

Article 9. Freedom from Ex Post Facto Laws

No one shall be convicted of any act or omission that did not constitute a criminal offense, under the applicable law, at the time it was committed. A heavier penalty shall not be imposed than the one that was



applicable at the time the criminal offense was committed. If subsequent to the commission of the offense the law provides for the imposition of a lighter punishment, the guilty person shall benefit therefrom.

Article 10. Right to Compensation

Every person has the right to be compensated in accordance with the law in the event he has been sentenced by a final judgment through a miscarriage of justice.

Article 11. Right to Privacy

1. Everyone has the right to have his honor respected and his dignity recognized.
2. No one may be the object of arbitrary or abusive interference with his private life, his family, his home, or his correspondence, or of unlawful attacks on his honor or reputation.
3. Everyone has the right to the protection of the law against such interference or attacks.

Article 12. Freedom of Conscience and Religion

1. Everyone has the right to freedom of conscience and of religion. This right includes freedom to maintain or to change one's religion or beliefs, and freedom to profess or disseminate one's religion or beliefs, either individually or together with others, in public or in private.
2. No one shall be subject to restrictions that might impair his freedom to maintain or to change his religion or beliefs.
3. Freedom to manifest one's religion and beliefs may be subject only to the limitations prescribed by law that are necessary to protect public safety, order, health, or morals, or the rights or freedoms of others.
4. Parents or guardians, as the case may be, have the right to provide for the religious and moral education of their children or wards that is in accord with their own convictions.

Article 13. Freedom of Thought and Expression

1. Everyone has the right to freedom of thought and expression. This right includes freedom to seek, receive, and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing, in print, in the form of art, or through any other medium of one's choice.
2. The exercise of the right provided for in the foregoing paragraph shall not be subject to prior censorship but shall be subject to subsequent imposition of liability, which shall be expressly established by law to the extent necessary to ensure:
 1. respect for the rights or reputations of others; or
 2. the protection of national security, public order, or public health or morals.
3. The right of expression may not be restricted by indirect methods or means, such as the abuse of government or private controls over newsprint, radio broadcasting frequencies, or equipment used in the dissemination of information, or by any other means tending to impede the communication and circulation of ideas and opinions.
4. Notwithstanding the provisions of paragraph 2 above, public entertainments may be subject by law to prior censorship for the sole purpose of regulating access to them for the moral protection of childhood and adolescence.
5. Any propaganda for war and any advocacy of national, racial, or religious hatred that constitute incitements to lawless violence or to any other similar action against any person or group of persons on any grounds including those of race, color, religion, language, or national origin shall be considered as offenses punishable by law.

Article 14. Right of Reply

1. Anyone injured by inaccurate or offensive statements or ideas disseminated to the public in general by a legally regulated medium of communication has the right to reply or to make a correction using the same communications outlet, under such conditions as the law may establish.



2. The correction or reply shall not in any case remit other legal liabilities that may have been incurred.
3. For the effective protection of honor and reputation, every publisher, and every newspaper, motion picture, radio, and television company, shall have a person responsible who is not protected by immunities or special privileges.

Article 15. Right of Assembly

The right of peaceful assembly, without arms, is recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and necessary in a democratic society in the interest of national security, public safety or public order, or to protect public health or morals or the rights or freedom of others.

Article 16. Freedom of Association

1. Everyone has the right to associate freely for ideological, religious, political, economic, labor, social, cultural, sports, or other purposes.
2. The exercise of this right shall be subject only to such restrictions established by law as may be necessary in a democratic society, in the interest of national security, public safety or public order, or to protect public health or morals or the rights and freedoms of others.
3. The provisions of this article do not bar the imposition of legal restrictions, including even deprivation of the exercise of the right of association, on members of the armed forces and the police.

Article 17. Rights of the Family

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 raise a family shall be recognized, if they meet the conditions required by domestic laws, insofar as such conditions do not affect the principle of nondiscrimination established in this Convention.
3. No marriage shall be entered into without the free and full consent of the intending spouses.

4. The States Parties shall take appropriate steps to ensure the equality of rights and the adequate balancing of responsibilities of the spouses as to marriage, during marriage, and in the event of its dissolution. In case of dissolution, provision shall be made for the necessary protection of any children solely on the basis of their own best interests.
5. The law shall recognize equal rights for children born out of wedlock and those born in wedlock.

Article 18. Right to a Name

Every person has the right to a given name and to the surnames of his parents or that of one of them. The law shall regulate the manner in which this right shall be ensured for all, by the use of assumed names if necessary.

Article 19. Rights of the Child

Every minor child has the right to the measures of protection required by his condition as a minor on the part of his family, society, and the state.

Article 20. Right to Nationality

1. Every person has the right to a nationality.
2. Every person has the right to the nationality of the state in whose territory he was born if he does not have the right to any other nationality.
3. No one shall be arbitrarily deprived of his nationality or of the right to change it.

Article 21. Right to Property

1. Everyone has the right to the use and enjoyment of his property. The law may subordinate such use and enjoyment to the interest of society.
2. No one shall be deprived of his property except upon payment of just compensation, for reasons of public utility or social interest, and in the cases and according to the forms established by law.
3. Usury and any other form of exploitation of man by man shall be prohibited by law.



Article 22. Freedom of Movement and Residence

1. Every person lawfully in the territory of a State Party has the right to move about in it, and to reside in it subject to the provisions of the law.
2. Every person has the right to leave any country freely, including his own.
3. The exercise of the foregoing rights may be restricted only pursuant to a law to the extent necessary in a democratic society to prevent crime or to protect national security, public safety, public order, public morals, public health, or the rights or freedoms of others.
4. The exercise of the rights recognized in paragraph 1 may also be restricted by law in designated zones for reasons of public interest.
5. No one can be expelled from the territory of the state of which he is a national or be deprived of the right to enter it.
6. An alien lawfully in the territory of a State Party to this Convention may be expelled from it only pursuant to a decision reached in accordance with law.
7. Every person has the right to seek and be granted asylum in a foreign territory, in accordance with the legislation of the state and international conventions, in the event he is being pursued for political offenses or related common crimes.
8. In no case may an alien be deported or returned to a country, regardless of whether or not it is his country of origin, if in that country his right to life or personal freedom is in danger of being violated because of his race, nationality, religion, social status, or political opinions.
9. The collective expulsion of aliens is prohibited.

Article 23. Right to Participate in Government

1. Every citizen shall enjoy the following rights and opportunities:
 1. to take part in the conduct of public affairs, directly or through freely chosen representatives;
 2. to vote and to be elected in genuine

- periodic elections, which shall be by universal and equal suffrage and by secret ballot that guarantees the free expression of the will of the voters; and
3. to have access, under general conditions of equality, to the public service of his country.
2. The law may regulate the exercise of the rights and opportunities referred to in the preceding paragraph only on the basis of age, nationality, residence, language, education, civil and mental capacity, or sentencing by a competent court in criminal proceedings.

Article 24. Right to Equal Protection

All persons are equal before the law. Consequently, they are entitled, without discrimination, to equal protection of the law.

Article 25. Right to Judicial Protection

1. Everyone has the right to simple and prompt recourse, or any other effective recourse, to a competent court or tribunal for protection against acts that violate his fundamental rights recognized by the constitution or laws of the state concerned or by this Convention, even though such violation may have been committed by persons acting in the course of their official duties.
2. The States Parties undertake:
 1. to ensure that any person claiming such remedy shall have his rights determined by the competent authority provided for by the legal system of the state;
 2. to develop the possibilities of judicial remedy; and
 3. to ensure that the competent authorities shall enforce such remedies when granted.

CHAPTER III: ECONOMIC, SOCIAL, AND CULTURAL RIGHTS

Article 26. Progressive Development

The States Parties undertake to adopt measures, both internally and through international cooperation, especially those of an economic and technical nature, with a view



to achieving progressively, by legislation or other appropriate means, the full realization of the rights implicit in the economic, social, educational, scientific, and cultural standards set forth in the Charter of the Organization of American States as amended by the Protocol of Buenos Aires.

CHAPTER IV: SUSPENSION OF GUARANTEES, INTERPRETATION, AND APPLICATION

Article 27. Suspension of Guarantees

1. In time of war, public danger, or other emergency that threatens the independence or security of a State Party, it may take measures derogating from its obligations under the present Convention to the extent and for the period of time strictly required by the exigencies of the situation, provided that such measures are not inconsistent with its other obligations under international law and do not involve discrimination on the ground of race, color, sex, language, religion, or social origin.
2. The foregoing provision does not authorize any suspension of the following articles: Article 3 (Right to Juridical Personality), Article 4 (Right to Life), Article 5 (Right to Humane Treatment), Article 6 (Freedom from Slavery), Article 9 (Freedom from Ex Post Facto Laws), Article 12 (Freedom of Conscience and Religion), Article 17 (Rights of the Family), Article 18 (Right to a Name), Article 19 (Rights of the Child), Article 20 (Right to Nationality), and Article 23 (Right to Participate in Government), or of the judicial guarantees essential for the protection of such rights.
3. Any State Party availing itself of the right of suspension shall immediately inform the other States Parties, through the Secretary General of the Organization of American States, of the provisions the application of which it has suspended, the reasons that gave rise to the suspension, and the date set for the termination of such suspension.

Article 28. Federal Clause

1. Where a State Party is constituted as a federal state, the national government of

such State Party shall implement all the provisions of the Convention over whose subject matter it exercises legislative and judicial jurisdiction.

2. With respect to the provisions over whose subject matter the constituent units of the federal state have jurisdiction, the national government shall immediately take suitable measures, in accordance with its constitution and its laws, to the end that the competent authorities of the constituent units may adopt appropriate provisions for the fulfillment of this Convention.
3. Whenever two or more States Parties agree to form a federation or other type of association, they shall take care that the resulting federal or other compact contains the provisions necessary for continuing and rendering effective the standards of this Convention in the new state that is organized.

Article 29. Restrictions Regarding Interpretation

No provision of this Convention shall be interpreted as:

1. permitting any State Party, group, or person to suppress the enjoyment or exercise of the rights and freedoms recognized in this Convention or to restrict them to a greater extent than is provided for herein;
2. restricting the enjoyment or exercise of any right or freedom recognized by virtue of the laws of any State Party or by virtue of another convention to which one of the said states is a party;
3. precluding other rights or guarantees that are inherent in the human personality or derived from representative democracy as a form of government; or
4. excluding or limiting the effect that the American Declaration of the Rights and Duties of Man and other international acts of the same nature may have.

Article 30. Scope of Restrictions

The restrictions that, pursuant to this Convention, may be placed on the enjoyment or exercise of the rights or freedoms recognized herein may not be applied except



in accordance with laws enacted for reasons of general interest and in accordance with the purpose for which such restrictions have been established.

Article 31. Recognition of Other Rights

Other rights and freedoms recognized in accordance with the procedures established in Articles 76 and 77 may be included in the system of protection of this Convention.

CHAPTER V: PERSONAL RESPONSIBILITIES

Article 32. Relationship between Duties and Rights

1. Every person has responsibilities to his family, his community, and mankind.
2. The rights of each person are limited by the rights of others, by the security of all, and by the just demands of the general welfare, in a democratic society.

PART II: MEANS OF PROTECTION

CHAPTER VI: COMPETENT ORGANS

Article 33

The following organs shall have competence with respect to matters relating to the fulfillment of the commitments made by the States Parties to this Convention:

1. the Inter-American Commission on Human Rights, referred to as "The Commission;" and
2. the Inter-American Court of Human Rights, referred to as "The Court."

CHAPTER VII: INTER AMERICAN COMMISSION ON HUMAN RIGHTS

Section 1. Organization

Article 34

The Inter-American Commission on Human Rights shall be composed of seven members, who shall be persons of high moral character and recognized competence in the field of human rights.

Article 35

The Commission shall represent all the member countries of the Organization of American States.

Article 36

1. The members of the Commission shall be elected in a personal capacity by the General Assembly of the Organization from a list of candidates proposed by the governments of the member states.
2. Each of those governments may propose up to three candidates, who may be nationals of the states proposing them or of any other member state of the Organization of American States. When a slate of three is proposed, at least one of the candidates shall be a national of a state other than the one proposing the slate.

Article 37

1. The members of the Commission shall be elected for a term of four years and may be reelected only once, but the terms of three of the members chosen in the first election shall expire at the end of two years. Immediately following that election the General Assembly shall determine the names of those three members by lot.
2. No two nationals of the same state may be members of the Commission.

Article 38

Vacancies that may occur on the Commission for reasons other than the normal expiration of a term shall be filled by the Permanent Council of the Organization in accordance with the provisions of the Statute of the Commission.

Article 39

The Commission shall prepare its Statute, which it shall submit to the General Assembly for approval. It shall establish its own Regulations.

Article 40

Secretariat services for the Commission shall be furnished by the appropriate specialized unit of the General Secretariat of the Organization. This unit shall be provided with



the resources required to accomplish the tasks assigned to it by the Commission.

Section 2. Functions

Article 41

The main function of the Commission shall be to promote respect for and defense of human rights. In the exercise of its mandate, it shall have the following functions and powers:

1. to develop an awareness of human rights among the peoples of America;
2. to make recommendations to the governments of the member states, when it considers such action advisable, for the adoption of progressive measures in favor of human rights within the framework of their domestic law and constitutional provisions as well as appropriate measures to further the observance of those rights;
3. to prepare such studies or reports as it considers advisable in the performance of its duties;
4. to request the governments of the member states to supply it with information on the measures adopted by them in matters of human rights;
5. to respond, through the General Secretariat of the Organization of American States, to inquiries made by the member states on matters related to human rights and, within the limits of its possibilities, to provide those states with the advisory services they request;
6. to take action on petitions and other communications pursuant to its authority under the provisions of Articles 44 through 51 of this Convention; and
7. to submit an annual report to the General Assembly of the Organization of American States.

Article 42

The States Parties shall transmit to the Commission a copy of each of the reports and studies that they submit annually to the Executive Committees of the Inter American Economic and Social Council and the Inter American Council for Education, Science, and

Culture, in their respective fields, so that the Commission may watch over the promotion of the rights implicit in the economic, social, educational, scientific, and cultural standards set forth in the Charter of the Organization of American States as amended by the Protocol of Buenos Aires.

Article 43

The States Parties undertake to provide the Commission with such information as it may request of them as to the manner in which their domestic law ensures the effective application of any provisions of this Convention.

Section 3. Competence

Article 44

Any person or group of persons, or any nongovernmental entity legally recognized in one or more member states of the Organization, may lodge petitions with the Commission containing denunciations or complaints of violation of this Convention by a State Party.

Article 45

1. Any State Party may, when it deposits its instrument of ratification of or adherence to this Convention, or at any later time, declare that it recognizes the competence of the Commission to receive and examine communications in which a State Party alleges that another State Party has committed a violation of a human right set forth in this Convention.
2. Communications presented by virtue of this article may be admitted and examined only if they are presented by a State Party that has made a declaration recognizing the aforementioned competence of the Commission. The Commission shall not admit any communication against a State Party that has not made such a declaration.
3. A declaration concerning recognition of competence may be made to be valid for an indefinite time, for a specified period, or for a specific case.
4. Declarations shall be deposited with the General Secretariat of the Organization



of American States, which shall transmit copies thereof to the member states of that Organization.

Article 46

1. Admission by the Commission of a petition or communication lodged in accordance with Articles 44 or 45 shall be subject to the following requirements:
 1. that the remedies under domestic law have been pursued and exhausted in accordance with generally recognized principles of international law;
 2. that the petition or communication is lodged within a period of six months from the date on which the party alleging violation of his rights was notified of the final judgment;
 3. that the subject of the petition or communication is not pending in another international proceeding for settlement; and
 4. that, in the case of Article 44, the petition contains the name, nationality, profession, domicile, and signature of the person or persons or of the legal representative of the entity lodging the petition.
2. The provisions of paragraphs 1.a and 1.b of this article shall not be applicable when:
 1. the domestic legislation of the state concerned does not afford due process of law for the protection of the right or rights that have allegedly been violated;
 2. the party alleging violation of his rights has been denied access to the remedies under domestic law or has been prevented from exhausting them; or
 3. there has been unwarranted delay in rendering a final judgment under the aforementioned remedies.

Article 47

The Commission shall consider inadmissible any petition or communication submitted under Articles 44 or 45 if:

1. any of the requirements indicated in Article 46 has not been met;
2. the petition or communication does not state facts that tend to establish a

violation of the rights guaranteed by this Convention;

3. the statements of the petitioner or of the state indicate that the petition or communication is manifestly groundless or obviously out of order; or
4. the petition or communication is substantially the same as one previously studied by the Commission or by another international organization.

Section 4. Procedure

Article 48

1. When the Commission receives a petition or communication alleging violation of any of the rights protected by this Convention, it shall proceed as follows:
 1. If it considers the petition or communication admissible, it shall request information from the government of the state indicated as being responsible for the alleged violations and shall furnish that government a transcript of the pertinent portions of the petition or communication. This information shall be submitted within a reasonable period to be determined by the Commission in accordance with the circumstances of each case.
 2. After the information has been received, or after the period established has elapsed and the information has not been received, the Commission shall ascertain whether the grounds for the petition or communication still exist. If they do not, the Commission shall order the record to be closed.
 3. The Commission may also declare the petition or communication inadmissible or out of order on the basis of information or evidence subsequently received.
 4. If the record has not been closed, the Commission shall, with the knowledge of the parties, examine the matter set forth in the petition or communication in order to verify the facts. If necessary and advisable, the Commission shall carry out an investigation, for the effective



conduct of which it shall request, and the states concerned shall furnish to it, all necessary facilities.

5. The Commission may request the states concerned to furnish any pertinent information and, if so requested, shall hear oral statements or receive written statements from the parties concerned.
6. The Commission shall place itself at the disposal of the parties concerned with a view to reaching a friendly settlement of the matter on the basis of respect for the human rights recognized in this Convention.
2. However, in serious and urgent cases, only the presentation of a petition or communication that fulfills all the formal requirements of admissibility shall be necessary in order for the Commission to conduct an investigation with the prior consent of the state in whose territory a violation has allegedly been committed.

Article 49

If a friendly settlement has been reached in accordance with paragraph 1.f of Article 48, the Commission shall draw up a report, which shall be transmitted to the petitioner and to the States Parties to this Convention, and shall then be communicated to the Secretary General of the Organization of American States for publication. This report shall contain a brief statement of the facts and of the solution reached. If any party in the case so requests, the fullest possible information shall be provided to it.

Article 50

1. If a settlement is not reached, the Commission shall, within the time limit established by its Statute, draw up a report setting forth the facts and stating its conclusions. If the report, in whole or in part, does not represent the unanimous agreement of the members of the Commission, any member may attach to it a separate opinion. The written and oral statements made by the parties in accordance with paragraph 1.e of Article 48 shall also be attached to the report.
2. The report shall be transmitted to the states concerned, which shall not be at liberty to publish it.

3. In transmitting the report, the Commission may make such proposals and recommendations as it sees fit.

Article 51

1. If, within a period of three months from the date of the transmittal of the report of the Commission to the states concerned, the matter has not either been settled or submitted by the Commission or by the state concerned to the Court and its jurisdiction accepted, the Commission may, by the vote of an absolute majority of its members, set forth its opinion and conclusions concerning the question submitted for its consideration.
2. Where appropriate, the Commission shall make pertinent recommendations and shall prescribe a period within which the state is to take the measures that are incumbent upon it to remedy the situation examined.
3. When the prescribed period has expired, the Commission shall decide by the vote of an absolute majority of its members whether the state has taken adequate measures and whether to publish its report.

CHAPTER VIII: INTER AMERICAN COURT OF HUMAN RIGHTS

Section 1. Organization

Article 52

1. The Court shall consist of seven judges, nationals of the member states of the Organization, elected in an individual capacity from among jurists of the highest moral authority and of recognized competence in the field of human rights, who possess the qualifications required for the exercise of the highest judicial functions in conformity with the law of the state of which they are nationals or of the state that proposes them as candidates.
2. No two judges may be nationals of the same state.



Article 53

1. The judges of the Court shall be elected by secret ballot by an absolute majority vote of the States Parties to the Convention, in the General Assembly of the Organization, from a panel of candidates proposed by those states.
2. Each of the States Parties may propose up to three candidates, nationals of the state that proposes them or of any other member state of the Organization of American States. When a slate of three is proposed, at least one of the candidates shall be a national of a state other than the one proposing the slate.

Article 54

1. The judges of the Court shall be elected for a term of six years and may be reelected only once. The term of three of the judges chosen in the first election shall expire at the end of three years. Immediately after the election, the names of the three judges shall be determined by lot in the General Assembly.
2. A judge elected to replace a judge whose term has not expired shall complete the term of the latter.
3. The judges shall continue in office until the expiration of their term. However, they shall continue to serve with regard to cases that they have begun to hear and that are still pending, for which purposes they shall not be replaced by the newly elected judges.

Article 55

1. If a judge is a national of any of the States Parties to a case submitted to the Court, he shall retain his right to hear that case.
2. If one of the judges called upon to hear a case should be a national of one of the States Parties to the case, any other State Party in the case may appoint a person of its choice to serve on the Court as an ad hoc judge.
3. If among the judges called upon to hear a case none is a national of any of the States Parties to the case, each of the latter may appoint an ad hoc judge.
4. An ad hoc judge shall possess the qualifications indicated in Article 52.

5. If several States Parties to the Convention should have the same interest in a case, they shall be considered as a single party for purposes of the above provisions. In case of doubt, the Court shall decide.

Article 56

Five judges shall constitute a quorum for the transaction of business by the Court.

Article 57

The Commission shall appear in all cases before the Court.

Article 58

1. The Court shall have its seat at the place determined by the States Parties to the Convention in the General Assembly of the Organization; however, it may convene in the territory of any member state of the Organization of American States when a majority of the Court considers it desirable, and with the prior consent of the state concerned. The seat of the Court may be changed by the States Parties to the Convention in the General Assembly by a two-thirds vote.
2. The Court shall appoint its own Secretary.
3. The Secretary shall have his office at the place where the Court has its seat and shall attend the meetings that the Court may hold away from its seat.

Article 59

The Court shall establish its Secretariat, which shall function under the direction of the Secretary of the Court, in accordance with the administrative standards of the General Secretariat of the Organization in all respects not incompatible with the independence of the Court. The staff of the Court's Secretariat shall be appointed by the Secretary General of the Organization, in consultation with the Secretary of the Court.

Article 60

The Court shall draw up its Statute which it shall submit to the General Assembly for approval. It shall adopt its own Rules of Procedure.



Section 2. Jurisdiction and Functions

Article 61

1. Only the States Parties and the Commission shall have the right to submit a case to the Court.
2. In order for the Court to hear a case, it is necessary that the procedures set forth in Articles 48 and 50 shall have been completed.

Article 62

1. A State Party may, upon depositing its instrument of ratification or adherence to this Convention, or at any subsequent time, declare that it recognizes as binding, ipso facto, and not requiring special agreement, the jurisdiction of the Court on all matters relating to the interpretation or application of this Convention.
2. Such declaration may be made unconditionally, on the condition of reciprocity, for a specified period, or for specific cases. It shall be presented to the Secretary General of the Organization, who shall transmit copies thereof to the other member states of the Organization and to the Secretary of the Court.
3. The jurisdiction of the Court shall comprise all cases concerning the interpretation and application of the provisions of this Convention that are submitted to it, provided that the States Parties to the case recognize or have recognized such jurisdiction, whether by special declaration pursuant to the preceding paragraphs, or by a special agreement.

Article 63

1. If the Court finds that there has been a violation of a right or freedom protected by this Convention, the Court shall rule that the injured party be ensured the enjoyment of his right or freedom that was violated. It shall also rule, if appropriate, that the consequences of the measure or situation that constituted the breach of such right or freedom be remedied and that fair compensation be paid to the injured party.
2. In cases of extreme gravity and urgency, and when necessary to avoid irreparable

damage to persons, the Court shall adopt such provisional measures as it deems pertinent in matters it has under consideration. With respect to a case not yet submitted to the Court, it may act at the request of the Commission.

Article 64

1. The member states of the Organization may consult the Court regarding the interpretation of this Convention or of other treaties concerning the protection of human rights in the American states. Within their spheres of competence, the organs listed in Chapter X of the Charter of the Organization of American States, as amended by the Protocol of Buenos Aires, may in like manner consult the Court.
2. The Court, at the request of a member state of the Organization, may provide that state with opinions regarding the compatibility of any of its domestic laws with the aforesaid international instruments.

Article 65

To each regular session of the General Assembly of the Organization of American States the Court shall submit, for the Assembly's consideration, a report on its work during the previous year. It shall specify, in particular, the cases in which a state has not complied with its judgments, making any pertinent recommendations.

Section 3. Procedure

Article 66

1. Reasons shall be given for the judgment of the Court.
2. If the judgment does not represent in whole or in part the unanimous opinion of the judges, any judge shall be entitled to have his dissenting or separate opinion attached to the judgment.

Article 67

The judgment of the Court shall be final and not subject to appeal. In case of disagreement as to the meaning or scope of the judgment, the Court shall interpret it at the request of any of the parties, provided the request is made within ninety days from the date of notification of the judgment.



Article 68

1. The States Parties to the Convention undertake to comply with the judgment of the Court in any case to which they are parties.
2. That part of a judgment that stipulates compensatory damages may be executed in the country concerned in accordance with domestic procedure governing the execution of judgments against the state.

Article 69

The parties to the case shall be notified of the judgment of the Court and it shall be transmitted to the States Parties to the Convention.

CHAPTER IX : COMMON PROVISIONS

Article 70

1. The judges of the Court and the members of the Commission shall enjoy, from the moment of their election and throughout their term of office, the immunities extended to diplomatic agents in accordance with international law. During the exercise of their official function they shall, in addition, enjoy the diplomatic privileges necessary for the performance of their duties.
2. At no time shall the judges of the Court or the members of the Commission be held liable for any decisions or opinions issued in the exercise of their functions.

Article 71

The position of judge of the Court or member of the Commission is incompatible with any other activity that might affect the independence or impartiality of such judge or member, as determined in the respective statutes.

Article 72

The judges of the Court and the members of the Commission shall receive emoluments and travel allowances in the form and under the conditions set forth in their statutes, with due regard for the importance and independence of their office. Such emoluments and travel

allowances shall be determined in the budget of the Organization of American States, which shall also include the expenses of the Court and its Secretariat. To this end, the Court shall draw up its own budget and submit it for approval to the General Assembly through the General Secretariat. The latter may not introduce any changes in it.

Article 73

The General Assembly may, only at the request of the Commission or the Court, as the case may be, determine sanctions to be applied against members of the Commission or judges of the Court when there are justifiable grounds for such action as set forth in the respective statutes. A vote of a two-thirds majority of the member states of the Organization shall be required for a decision in the case of members of the Commission and, in the case of judges of the Court, a two-thirds majority vote of the States Parties to the Convention shall also be required.

PART III: GENERAL AND TRANSITORY PROVISIONS

CHAPTER X: SIGNATURE, RATIFICATION, RESERVATIONS, AMENDMENTS, PROTOCOLS, AND DENUNCIATION

Article 74

1. This Convention shall be open for signature and ratification by or adherence of any member state of the Organization of American States.
2. Ratification of or adherence to this Convention shall be made by the deposit of an instrument of ratification or adherence with the General Secretariat of the Organization of American States. As soon as eleven states have deposited their instruments of ratification or adherence, the Convention shall enter into force. With respect to any state that ratifies or adheres thereafter, the Convention shall enter into force on the date of the deposit of its instrument of ratification or adherence. Ratification of or adherence to this Convention shall be made by the deposit of an instrument of ratification or adherence with the General Secretariat of



the Organization of American States. As soon as eleven states have deposited their instruments of ratification or adherence, the Convention shall enter into force. With respect to any state that ratifies or adheres thereafter, the Convention shall enter into force on the date of the deposit of its instrument of ratification or adherence.

3. The Secretary General shall inform all member states of the Organization of the entry into force of the Convention.

Article 75

This Convention shall be subject to reservations only in conformity with the provisions of the Vienna Convention on the Law of Treaties signed on May 23, 1969.

Article 76

1. Proposals to amend this Convention may be submitted to the General Assembly for the action it deems appropriate by any State Party directly, and by the Commission or the Court through the Secretary General.
2. Amendments shall enter into force for the States ratifying them on the date when two-thirds of the States Parties to this Convention have deposited their respective instruments of ratification. With respect to the other States Parties, the amendments shall enter into force on the dates on which they deposit their respective instruments of ratification.

Article 77

1. In accordance with Article 31, any State Party and the Commission may submit proposed protocols to this Convention for consideration by the States Parties at the General Assembly with a view to gradually including other rights and freedoms within its system of protection.
2. Each protocol shall determine the manner of its entry into force and shall be applied only among the States Parties to it.

Article 78

1. The States Parties may denounce this Convention at the expiration of a five-year period from the date of its entry into force

and by means of notice given one year in advance. Notice of the denunciation shall be addressed to the Secretary General of the Organization, who shall inform the other States Parties.

2. Such a denunciation shall not have the effect of releasing the State Party concerned from the obligations contained in this Convention with respect to any act that may constitute a violation of those obligations and that has been taken by that state prior to the effective date of denunciation.

CHAPTER XI: TRANSITORY PROVISIONS

Section 1. Inter-American Commission on Human Rights

Article 79

Upon the entry into force of this Convention, the Secretary General shall, in writing, request each member state of the Organization to present, within ninety days, its candidates for membership on the Inter-American Commission on Human Rights. The Secretary General shall prepare a list in alphabetical order of the candidates presented, and transmit it to the member states of the Organization at least thirty days prior to the next session of the General Assembly.

Article 80

The members of the Commission shall be elected by secret ballot of the General Assembly from the list of candidates referred to in Article 79. The candidates who obtain the largest number of votes and an absolute majority of the votes of the representatives of the member states shall be declared elected. Should it become necessary to have several ballots in order to elect all the members of the Commission, the candidates who receive the smallest number of votes shall be eliminated successively, in the manner determined by the General Assembly.



Section 2. Inter-American Court of Human Rights

Article 81

Upon the entry into force of this Convention, the Secretary General shall, in writing, request each State Party to present, within ninety days, its candidates for membership on the Inter-American Court of Human Rights. The Secretary General shall prepare a list in alphabetical order of the candidates presented and transmit it to the States Parties at least thirty days prior to the next session of the General Assembly.

Article 82

The judges of the Court shall be elected from the list of candidates referred to in Article 81, by secret ballot of the States Parties to the Convention in the General Assembly. The candidates who obtain the largest number of votes and an absolute majority of the votes of the representatives of the States Parties shall be declared elected. Should it become necessary to have several ballots in order to elect all the judges of the Court, the candidates who receive the smallest number of votes shall be eliminated successively, in the manner determined by the States Parties.

Charter of the Association of Southeast Asian Nations

<https://asean.org/asean-charter/translations-of-the-asean-charter/>

PREAMBLE

WE, THE PEOPLES of the Member States of the Association of Southeast Asian Nations (ASEAN), as represented by the Heads of State or Government of Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao People's Democratic Republic, Malaysia, the Union of Myanmar, the Republic of the Philippines, the Republic of Singapore, the Kingdom of Thailand and the Socialist Republic of Viet Nam:

NOTING with satisfaction the significant achievements and expansion of ASEAN since its establishment in Bangkok through the promulgation of The ASEAN Declaration;

RECALLING the decisions to establish an ASEAN Charter in the Vientiane Action Programme, the Kuala Lumpur Declaration on the Establishment of the ASEAN Charter and the Cebu Declaration on the Blueprint of the ASEAN Charter;

MINDFUL of the existence of mutual interests and interdependence among the peoples and Member States of ASEAN which are bound by geography, common objectives and shared destiny;

INSPIRED by and united under One Vision, One Identity and One Caring and Sharing

Community;

UNITED by a common desire and collective will to live in a region of lasting peace, security and stability, sustained economic growth, shared prosperity and social progress, and to promote our vital interests, ideals and aspirations;

RESPECTING the fundamental importance of amity and cooperation, and the principles of sovereignty, equality, territorial integrity, non-interference, consensus and unity in diversity;

ADHERING to the principles of democracy, the rule of law and good governance, respect for and protection of human rights and fundamental freedoms;

RESOLVED to ensure sustainable development for the benefit of present and future generations and to place the well-being, livelihood and welfare of the peoples at the centre of the ASEAN community building process;

CONVINCED of the need to strengthen existing bonds of regional solidarity to realise an ASEAN Community that is politically cohesive, economically integrated and socially responsible in order to effectively respond to current and future challenges and opportunities;

COMMITTED to intensifying community



building through enhanced regional cooperation and integration, in particular by establishing an ASEAN Community comprising the ASEAN Security Community, the ASEAN Economic Community and the ASEAN Socio-Cultural Community, as provided for in the Bali Declaration of ASEAN Concord II;

HEREBY DECIDE to establish, through this Charter, the legal and institutional framework for ASEAN,

AND TO THIS END, the Heads of State or Government of the Member States of ASEAN, assembled in Singapore on the historic occasion of the 40th anniversary of the founding of ASEAN, have agreed to this Charter.

CHAPTER I PURPOSES AND PRINCIPLES

ARTICLE 1 PURPOSES

The Purposes of ASEAN are:

1. To maintain and enhance peace, security and stability and further strengthen peace-oriented values in the region;
2. To enhance regional resilience by promoting greater political, security, economic and socio-cultural cooperation;
3. To preserve Southeast Asia as a Nuclear Weapon-Free Zone and free of all other weapons of mass destruction;
4. To ensure that the peoples and Member States of ASEAN live in peace with the world at large in a just, democratic and harmonious environment;
5. To create a single market and production base which is stable, prosperous, highly competitive and economically integrated with effective facilitation for trade and investment in which there is free flow of goods, services and investment; facilitated movement of business persons, professionals, talents and labour; and freer flow of capital;
6. To alleviate poverty and narrow the development gap within ASEAN through mutual assistance and cooperation;

7. To strengthen democracy, enhance good governance and the rule of law, and to promote and protect human rights and fundamental freedoms, with due regard to the rights and responsibilities of the Member States of ASEAN;
8. To respond effectively, in accordance with the principle of comprehensive security, to all forms of threats, transnational crimes and transboundary challenges;
9. To promote sustainable development so as to ensure the protection of the region's environment, the sustainability of its natural resources, the preservation of its cultural heritage and the high quality of life of its peoples;
10. To develop human resources through closer cooperation in education and life-long learning, and in science and technology, for the empowerment of the peoples of ASEAN and for the strengthening of the ASEAN Community;
11. To enhance the well-being and livelihood of the peoples of ASEAN by providing them with equitable access to opportunities for human development, social welfare and justice;
12. To strengthen cooperation in building a safe, secure and drug-free environment for the peoples of ASEAN;
13. To promote a people-oriented ASEAN in which all sectors of society are encouraged to participate in, and benefit from, the process of ASEAN integration and community building;
14. To promote an ASEAN identity through the fostering of greater awareness of the diverse culture and heritage of the region; and
15. To maintain the centrality and proactive role of ASEAN as the primary driving force in its relations and cooperation with its external partners in a regional architecture that is open, transparent and inclusive.

ARTICLE 2 PRINCIPLES

1. In pursuit of the Purposes stated in Article 1, ASEAN and its Member States reaffirm and adhere to the fundamental principles contained in the declarations, agreements, conventions, concords, treaties and other



instruments of ASEAN.

2. ASEAN and its Member States shall act in accordance with the following Principles:
- (a) respect for the independence, sovereignty, equality, territorial integrity and national identity of all ASEAN Member States;
 - (b) shared commitment and collective responsibility in enhancing regional peace, security and prosperity;
 - (c) renunciation of aggression and of the threat or use of force or other actions in any manner inconsistent with international law;
 - (d) reliance on peaceful settlement of disputes;
 - (e) non-interference in the internal affairs of ASEAN Member States;
 - (f) respect for the right of every Member State to lead its national existence free from external interference, subversion and coercion;
 - (g) enhanced consultations on matters seriously affecting the common interest of ASEAN;
 - (h) adherence to the rule of law, good governance, the principles of democracy and constitutional government;
 - (i) respect for fundamental freedoms, the promotion and protection of human rights, and the promotion of social justice;
 - (j) upholding the United Nations Charter and international law, including international humanitarian law, subscribed to by ASEAN Member States;
 - (k) abstention from participation in any policy or activity, including the use of its territory, pursued by any ASEAN Member State or non-ASEAN State or any non-State actor, which threatens the sovereignty, territorial integrity or political and economic stability of ASEAN Member States;
 - (l) respect for the different cultures, languages and religions of the peoples of ASEAN, while emphasising their common values in the spirit of unity in diversity;
 - (m) the centrality of ASEAN in external political, economic, social and cultural relations while remaining actively engaged, outward-

looking, inclusive and non-discriminatory; and

- (n) adherence to multilateral trade rules and ASEAN's rules-based regimes for effective implementation of economic commitments and progressive reduction towards elimination of all barriers to regional economic integration, in a market-driven economy.

CHAPTER II LEGAL PERSONALITY

ARTICLE 3 LEGAL PERSONALITY OF ASEAN

ASEAN, as an inter-governmental organisation, is hereby conferred legal personality.

CHAPTER III MEMBERSHIP

ARTICLE 4 MEMBER STATES

The Member States of ASEAN are Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao People's Democratic Republic, Malaysia, the Union of Myanmar, the Republic of the Philippines, the Republic of Singapore, the Kingdom of Thailand and the Socialist Republic of Viet Nam.

ARTICLE 5 RIGHTS AND OBLIGATIONS

1. Member States shall have equal rights and obligations under this Charter.
2. Member States shall take all necessary measures, including the enactment of appropriate domestic legislation, to effectively implement the provisions of this Charter and to comply with all obligations of membership.
3. In the case of a serious breach of the Charter or noncompliance, the matter shall be referred to Article 20.

ARTICLE 6 ADMISSION OF NEW MEMBERS

1. The procedure for application and admission to ASEAN shall be prescribed by the ASEAN Coordinating Council.



2. Admission shall be based on the following criteria:
 - (a) location in the recognised geographical region of Southeast Asia;
 - (b) recognition by all ASEAN Member States;
 - (c) agreement to be bound and to abide by the Charter; and
 - (d) ability and willingness to carry out the obligations of Membership.
3. Admission shall be decided by consensus by the ASEAN Summit, upon the recommendation of the ASEAN Coordinating Council.
4. An applicant State shall be admitted to ASEAN upon signing an Instrument of Accession to the Charter.

CHAPTER IV ORGANS

ARTICLE 7 ASEAN SUMMIT

1. The ASEAN Summit shall comprise the Heads of State or Government of the Member States.
2. The ASEAN Summit shall:
 - (a) be the supreme policy-making body of ASEAN;
 - (b) deliberate, provide policy guidance and take decisions on key issues pertaining to the realisation of the objectives of ASEAN, important matters of interest to Member States and all issues referred to it by the ASEAN Coordinating Council, the ASEAN Community Councils and ASEAN Sectoral Ministerial Bodies;
 - (c) instruct the relevant Ministers in each of the Councils concerned to hold ad hoc inter-Ministerial meetings, and address important issues concerning ASEAN that cut across the Community Councils. Rules of procedure for such meetings shall be adopted by the ASEAN Coordinating Council;
 - (d) address emergency situations affecting ASEAN by taking appropriate actions;
 - (e) decide on matters referred to it under Chapters VII and VIII;
 - (f) authorise the establishment and the dissolution of Sectoral Ministerial Bodies

and other ASEAN institutions; and

- (g) appoint the Secretary-General of ASEAN, with the rank and status of Minister, who will serve with the confidence and at the pleasure of the Heads of State or Government upon the recommendation of the ASEAN Foreign Ministers Meeting.
3. ASEAN Summit Meetings shall be:
 - (a) held twice annually, and be hosted by the Member State holding the ASEAN Chairmanship; and
 - (b) convened, whenever necessary, as special or ad hoc meetings to be chaired by the Member State holding the ASEAN Chairmanship, at venues to be agreed upon by ASEAN Member States.

ARTICLE 8 ASEAN COORDINATING COUNCIL

1. The ASEAN Coordinating Council shall comprise the ASEAN Foreign Ministers and meet at least twice a year.
2. The ASEAN Coordinating Council shall:
 - (a) prepare the meetings of the ASEAN Summit;
 - (b) coordinate the implementation of agreements and decisions of the ASEAN Summit;
 - (c) coordinate with the ASEAN Community Councils to enhance policy coherence, efficiency and cooperation among them;
 - (d) coordinate the reports of the ASEAN Community Councils to the ASEAN Summit;
 - (e) consider the annual report of the Secretary-General on the work of ASEAN;
 - (f) consider the report of the Secretary-General on the functions and operations of the ASEAN Secretariat and other relevant bodies;
 - (g) approve the appointment and termination of the Deputy Secretaries-General upon the recommendation of the Secretary-General; and
 - (h) undertake other tasks provided for in this Charter or such other functions as may be assigned by the ASEAN Summit.
3. The ASEAN Coordinating Council shall be supported by the relevant senior officials.



ARTICLE 9 ASEAN COMMUNITY COUNCILS

1. The ASEAN Community Councils shall comprise the ASEAN Political-Security Community Council, ASEAN Economic Community Council, and ASEAN Socio-Cultural Community Council.
2. Each ASEAN Community Council shall have under its purview the relevant ASEAN Sectoral Ministerial Bodies.
3. Each Member State shall designate its national representation for each ASEAN Community Council meeting.
4. In order to realise the objectives of each of the three pillars of the ASEAN Community, each ASEAN Community Council shall:
 - (a) ensure the implementation of the relevant decisions of the ASEAN Summit;
 - (b) coordinate the work of the different sectors under its purview, and on issues which cut across the other Community Councils; and
 - (c) submit reports and recommendations to the ASEAN Summit on matters under its purview.
5. Each ASEAN Community Council shall meet at least twice a year and shall be chaired by the appropriate Minister from the Member State holding the ASEAN Chairmanship. 6. Each ASEAN Community Council shall be supported by the relevant senior officials.

ARTICLE 10 ASEAN SECTORAL MINISTERIAL BODIES

1. ASEAN Sectoral Ministerial Bodies shall:
 - (a) function in accordance with their respective established mandates;
 - (b) implement the agreements and decisions of the ASEAN Summit under their respective purview;
 - (c) strengthen cooperation in their respective fields in support of ASEAN integration and community building; and
 - (d) submit reports and recommendations to their respective Community Councils.
2. Each ASEAN Sectoral Ministerial Body may have under its purview the relevant senior officials and subsidiary bodies to undertake its functions as contained in

Annex 1. The Annex may be updated by the Secretary-General of ASEAN upon the recommendation of the Committee of Permanent Representatives without recourse to the provision on Amendments under this Charter.

ARTICLE 11 SECRETARY-GENERAL OF ASEAN AND ASEAN SECRETARIAT

1. The Secretary-General of ASEAN shall be appointed by the ASEAN Summit for a non-renewable term of office of five years, selected from among nationals of the ASEAN Member States based on alphabetical rotation, with due consideration to integrity, capability and professional experience, and gender equality.
2. The Secretary-General shall:
 - (a) carry out the duties and responsibilities of this high office in accordance with the provisions of this Charter and relevant ASEAN instruments, protocols and established practices;
 - (b) facilitate and monitor progress in the implementation of ASEAN agreements and decisions, and submit an annual report on the work of ASEAN to the ASEAN Summit;
 - (c) participate in meetings of the ASEAN Summit, the ASEAN Community Councils, the ASEAN Coordinating Council, and ASEAN Sectoral Ministerial Bodies and other relevant ASEAN meetings;
 - (d) present the views of ASEAN and participate in meetings with external parties in accordance with approved policy guidelines and mandate given to the Secretary-General; and (e) recommend the appointment and termination of the Deputy Secretaries-General to the ASEAN Coordinating Council for approval.
3. The Secretary-General shall also be the Chief Administrative Officer of ASEAN.
4. The Secretary-General shall be assisted by four Deputy Secretaries-General with the rank and status of Deputy Ministers. The Deputy Secretaries-General shall be accountable to the Secretary-General in carrying out their functions.



5. The four Deputy Secretaries-General shall be of different nationalities from the Secretary-General and shall come from four different ASEAN Member States.
6. The four Deputy Secretaries-General shall comprise:
 - (a) two Deputy Secretaries-General who will serve a non-renewable term of three years, selected from among nationals of the ASEAN Member States based on alphabetical rotation, with due consideration to integrity, qualifications, competence, experience and gender equality; and
 - (b) two Deputy Secretaries-General who will serve a term of three years, which may be renewed for another three years. These two Deputy Secretaries-General shall be openly recruited based on merit.
7. The ASEAN Secretariat shall comprise the Secretary-General and such staff as may be required.
8. The Secretary-General and the staff shall:
 - (a) uphold the highest standards of integrity, efficiency, and competence in the performance of their duties;
 - (b) not seek or receive instructions from any government or external party outside of ASEAN; and
 - (c) refrain from any action which might reflect on their position as ASEAN Secretariat officials responsible only to ASEAN.
9. Each ASEAN Member State undertakes to respect the exclusively ASEAN character of the responsibilities of the Secretary-General and the staff, and not to seek to influence them in the discharge of their responsibilities.

ARTICLE 12 COMMITTEE OF PERMANENT REPRESENTATIVES TO ASEAN

1. Each ASEAN Member State shall appoint a Permanent Representative to ASEAN with the rank of Ambassador based in Jakarta.
2. The Permanent Representatives collectively constitute a Committee of Permanent Representatives, which shall:
 - (a) support the work of the ASEAN

Community Councils and ASEAN Sectoral Ministerial Bodies;

- (b) coordinate with ASEAN National Secretariats and other ASEAN Sectoral Ministerial Bodies;
- (c) liaise with the Secretary-General of ASEAN and the ASEAN Secretariat on all subjects relevant to its work;
- (d) facilitate ASEAN cooperation with external partners; and (e) perform such other functions as may be determined by the ASEAN Coordinating Council.

ARTICLE 13 ASEAN NATIONAL SECRETARIATS

Each ASEAN Member State shall establish an ASEAN National Secretariat which shall:

- (a) serve as the national focal point;
- (b) be the repository of information on all ASEAN matters at the national level;
- (c) coordinate the implementation of ASEAN decisions at the national level;
- (d) coordinate and support the national preparations of ASEAN meetings;
- (e) promote ASEAN identity and awareness at the national level; and
- (f) contribute to ASEAN community building.

ARTICLE 14 ASEAN HUMAN RIGHTS BODY

1. In conformity with the purposes and principles of the ASEAN Charter relating to the promotion and protection of human rights and fundamental freedoms, ASEAN shall establish an ASEAN human rights body.
2. This ASEAN human rights body shall operate in accordance with the terms of reference to be determined by the ASEAN Foreign Ministers Meeting.

ARTICLE 15 ASEAN FOUNDATION

1. The ASEAN Foundation shall support the Secretary-General of ASEAN and collaborate with the relevant ASEAN bodies to support ASEAN community building by promoting greater awareness of the ASEAN identity, people-to-people interaction, and close collaboration among the business sector, civil society, academia



and other stakeholders in ASEAN.

2. The ASEAN Foundation shall be accountable to the Secretary-General of ASEAN, who shall submit its report to the ASEAN Summit through the ASEAN Coordinating Council.

CHAPTER V ENTITIES ASSOCIATED WITH ASEAN

ARTICLE 16 ENTITIES ASSOCIATED WITH ASEAN

1. ASEAN may engage with entities which support the ASEAN Charter, in particular its purposes and principles. These associated entities are listed in Annex 2.
2. Rules of procedure and criteria for engagement shall be prescribed by the Committee of Permanent Representatives upon the recommendation of the Secretary-General of ASEAN.
3. Annex 2 may be updated by the Secretary-General of ASEAN upon the recommendation of the Committee of Permanent Representatives without recourse to the provision on Amendments under this Charter.

CHAPTER VI IMMUNITIES AND PRIVILEGES

ARTICLE 17 IMMUNITIES AND PRIVILEGES OF ASEAN

1. ASEAN shall enjoy in the territories of the Member States such immunities and privileges as are necessary for the fulfilment of its purposes.
2. The immunities and privileges shall be laid down in separate agreements between ASEAN and the host Member State.

ARTICLE 18 IMMUNITIES AND PRIVILEGES OF THE SECRETARYGENERAL OF ASEAN AND STAFF OF THE ASEAN SECRETARIAT

1. The Secretary-General of ASEAN and staff of the ASEAN Secretariat participating in official ASEAN activities or representing ASEAN in the Member States shall enjoy

such immunities and privileges as are necessary for the independent exercise of their functions.

2. The immunities and privileges under this Article shall be laid down in a separate ASEAN agreement.

ARTICLE 19 IMMUNITIES AND PRIVILEGES OF THE PERMANENT REPRESENTATIVES AND OFFICIALS ON ASEAN DUTIES

1. The Permanent Representatives of the Member States to ASEAN and officials of the Member States participating in official ASEAN activities or representing ASEAN in the Member 21 States shall enjoy such immunities and privileges as are necessary for the exercise of their functions.
2. The immunities and privileges of the Permanent Representatives and officials on ASEAN duties shall be governed by the 1961 Vienna Convention on Diplomatic Relations or in accordance with the national law of the ASEAN Member State concerned.

CHAPTER VII DECISION-MAKING

ARTICLE 20 CONSULTATION AND CONSENSUS

1. As a basic principle, decision-making in ASEAN shall be based on consultation and consensus.
2. Where consensus cannot be achieved, the ASEAN Summit may decide how a specific decision can be made.
3. Nothing in paragraphs 1 and 2 of this Article shall affect the modes of decision-making as contained in the relevant ASEAN legal instruments.
4. In the case of a serious breach of the Charter or noncompliance, the matter shall be referred to the ASEAN Summit for decision.

ARTICLE 21 IMPLEMENTATION AND PROCEDURE

1. Each ASEAN Community Council shall prescribe its own rules of procedure.



2. In the implementation of economic commitments, a formula for flexible participation, including the ASEAN Minus X formula, may be applied where there is a consensus to do so.

CHAPTER VIII SETTLEMENT OF DISPUTES

ARTICLE 22 GENERAL PRINCIPLES

1. Member States shall endeavour to resolve peacefully all disputes in a timely manner through dialogue, consultation and negotiation.
2. ASEAN shall maintain and establish dispute settlement mechanisms in all fields of ASEAN cooperation.

ARTICLE 23 GOOD OFFICES, CONCILIATION AND MEDIATION

1. Member States which are parties to a dispute may at any time agree to resort to good offices, conciliation or mediation in order to resolve the dispute within an agreed time limit.
2. Parties to the dispute may request the Chairman of ASEAN or the Secretary-General of ASEAN, acting in an ex officio capacity, to provide good offices, conciliation or mediation.

ARTICLE 24 DISPUTE SETTLEMENT MECHANISMS IN SPECIFIC INSTRUMENTS

1. Disputes relating to specific ASEAN instruments shall be settled through the mechanisms and procedures provided for in such instruments.
2. Disputes which do not concern the interpretation or application of any ASEAN instrument shall be resolved peacefully in accordance with the Treaty of Amity and Cooperation in Southeast Asia and its rules of procedure.
3. Where not otherwise specifically provided, disputes which concern the interpretation or application of ASEAN economic agreements shall be settled in accordance with the ASEAN Protocol on Enhanced Dispute Settlement Mechanism.

ARTICLE 25 ESTABLISHMENT OF DISPUTE SETTLEMENT MECHANISMS

Where not otherwise specifically provided, appropriate dispute settlement mechanisms, including arbitration, shall be established for disputes which concern the interpretation or application of this Charter and other ASEAN instruments.

ARTICLE 26 UNRESOLVED DISPUTES

When a dispute remains unresolved, after the application of the preceding provisions of this Chapter, this dispute shall be referred to the ASEAN Summit, for its decision.

ARTICLE 27 COMPLIANCE

1. The Secretary-General of ASEAN, assisted by the ASEAN Secretariat or any other designated ASEAN body, shall monitor the compliance with the findings, recommendations or decisions resulting from an ASEAN dispute settlement mechanism, and submit a report to the ASEAN Summit.
2. Any Member State affected by non-compliance with the findings, recommendations or decisions resulting from an ASEAN dispute settlement mechanism, may refer the matter to the ASEAN Summit for a decision.

ARTICLE 28 UNITED NATIONS CHARTER PROVISIONS AND OTHER RELEVANT INTERNATIONAL PROCEDURES

Unless otherwise provided for in this Charter, Member States have the right of recourse to the modes of peaceful settlement contained in Article 33(1) of the Charter of the United Nations or any other international legal instruments to which the disputing Member States are parties.

26 CHAPTER IX BUDGET AND FINANCE ARTICLE 29 GENERAL PRINCIPLES

1. ASEAN shall establish financial rules and procedures in accordance with international standards.
2. ASEAN shall observe sound financial management policies and practices and budgetary discipline. 3. Financial accounts shall be subject to internal and external audits.



ARTICLE 30 OPERATIONAL BUDGET AND FINANCES OF THE ASEAN SECRETARIAT

1. The ASEAN Secretariat shall be provided with the necessary financial resources to perform its functions effectively.
2. The operational budget of the ASEAN Secretariat shall be met by ASEAN Member States through equal annual contributions which shall be remitted in a timely manner.
3. The Secretary-General shall prepare the annual operational budget of the ASEAN Secretariat for approval by the ASEAN Coordinating Council upon the recommendation of the Committee of Permanent Representatives.
4. The ASEAN Secretariat shall operate in accordance with the financial rules and procedures determined by the ASEAN Coordinating Council upon the recommendation of the Committee of Permanent Representatives.

CHAPTER X ADMINISTRATION AND PROCEDURE

ARTICLE 31 CHAIRMAN OF ASEAN

1. The Chairmanship of ASEAN shall rotate annually, based on the alphabetical order of the English names of Member States.
2. ASEAN shall have, in a calendar year, a single Chairmanship by which the Member State assuming the Chairmanship shall chair:
 - (a) the ASEAN Summit and related summits;
 - (b) the ASEAN Coordinating Council;
 - (c) the three ASEAN Community Councils;
 - (d) where appropriate, the relevant ASEAN Sectoral Ministerial Bodies and senior officials; and
 - (e) the Committee of Permanent Representatives.

ARTICLE 32 ROLE OF THE CHAIRMAN OF ASEAN

The Member State holding the Chairmanship of ASEAN shall:

- (a) actively promote and enhance the interests and wellbeing of ASEAN, including

efforts to build an ASEAN Community through policy initiatives, coordination, consensus and cooperation;

- (b) ensure the centrality of ASEAN; 28
- (c) ensure an effective and timely response to urgent issues or crisis situations affecting ASEAN, including providing its good offices and such other arrangements to immediately address these concerns;
- (d) represent ASEAN in strengthening and promoting closer relations with external partners; and
- (e) carry out such other tasks and functions as may be mandated.

ARTICLE 33 DIPLOMATIC PROTOCOL AND PRACTICES

ASEAN and its Member States shall adhere to existing diplomatic protocol and practices in the conduct of all activities relating to ASEAN. Any changes shall be approved by the ASEAN Coordinating Council upon the recommendation of the Committee of Permanent Representatives.

ARTICLE 34 WORKING LANGUAGE OF ASEAN

The working language of ASEAN shall be English.

CHAPTER XI IDENTITY AND SYMBOLS

ARTICLE 35 ASEAN IDENTITY

ASEAN shall promote its common ASEAN identity and a sense of belonging among its peoples in order to achieve its shared destiny, goals and values.

ARTICLE 36 ASEAN MOTTO

The ASEAN motto shall be: "One Vision, One Identity, One Community"

ARTICLE 37 ASEAN FLAG

The ASEAN flag shall be as shown in Annex 3.

ARTICLE 38 ASEAN EMBLEM

The ASEAN emblem shall be as shown in Annex 4.



ARTICLE 39 ASEAN DAY

The eighth of August shall be observed as ASEAN Day.

ARTICLE 40 ASEAN ANTHEM

ASEAN shall have an anthem.

CHAPTER XII EXTERNAL RELATIONS

ARTICLE 41 CONDUCT OF EXTERNAL RELATIONS

1. ASEAN shall develop friendly relations and mutually beneficial dialogue, cooperation and partnerships with countries and sub-regional, regional and international organisations and institutions.
2. The external relations of ASEAN shall adhere to the purposes and principles set forth in this Charter.
3. ASEAN shall be the primary driving force in regional arrangements that it initiates and maintain its centrality in regional cooperation and community building.
4. In the conduct of external relations of ASEAN, Member States shall, on the basis of unity and solidarity, coordinate and endeavour to develop common positions and pursue joint actions.
5. The strategic policy directions of ASEAN's external relations shall be set by the ASEAN Summit upon the recommendation of the ASEAN Foreign Ministers Meeting.
6. The ASEAN Foreign Ministers Meeting shall ensure consistency and coherence in the conduct of ASEAN's external relations.
7. ASEAN may conclude agreements with countries or subregional, regional and international organisations and institutions. The procedures for concluding such agreements shall be prescribed by the ASEAN Coordinating Council in consultation with the ASEAN Community Councils.

ARTICLE 42 DIALOGUE COORDINATOR

1. Member States, acting as Country Coordinators, shall take turns to take overall responsibility in coordinating

and promoting the interests of ASEAN in its relations with the relevant Dialogue Partners, regional and international organisations and institutions.

2. In relations with the external partners, the Country Coordinators shall, inter alia:
 - (a) represent ASEAN and enhance relations on the basis of mutual respect and equality, in conformity with ASEAN's principles;
 - (b) co-chair relevant meetings between ASEAN and external partners; and
 - (c) be supported by the relevant ASEAN Committees in Third Countries and International Organisations.

ARTICLE 43 ASEAN COMMITTEES IN THIRD COUNTRIES AND INTERNATIONAL ORGANISATIONS

1. ASEAN Committees in Third Countries may be established in non-ASEAN countries comprising heads of diplomatic missions of ASEAN Member States. Similar Committees may be established relating to international organisations. Such Committees shall promote ASEAN's interests and identity in the host countries and international organisations.
2. The ASEAN Foreign Ministers Meeting shall determine the rules of procedure of such Committees.

ARTICLE 44 STATUS OF EXTERNAL PARTIES

1. In conducting ASEAN's external relations, the ASEAN Foreign Ministers Meeting may confer on an external party the formal status of Dialogue Partner, Sectoral Dialogue Partner, Development Partner, Special Observer, Guest, or other status that may be established henceforth.
2. External parties may be invited to ASEAN meetings or cooperative activities without being conferred any formal status, in accordance with the rules of procedure.

ARTICLE 45 RELATIONS WITH THE UNITED NATIONS SYSTEM AND OTHER INTERNATIONAL ORGANISATIONS AND INSTITUTIONS

1. ASEAN may seek an appropriate status with the United Nations system as well



as with other sub-regional, regional, international organisations and institutions.

2. The ASEAN Coordinating Council shall decide on the participation of ASEAN in other sub-regional, regional, international organisations and institutions.

ARTICLE 46 ACCREDITATION OF NON-ASEAN MEMBER STATES TO ASEAN

Non-ASEAN Member States and relevant inter-governmental organisations may appoint and accredit Ambassadors to ASEAN. The ASEAN Foreign Ministers Meeting shall decide on such accreditation.

CHAPTER XIII GENERAL AND FINAL PROVISIONS

ARTICLE 47 SIGNATURE, RATIFICATION, DEPOSITORY AND ENTRY INTO FORCE

1. This Charter shall be signed by all ASEAN Member States.
2. This Charter shall be subject to ratification by all ASEAN Member States in accordance with their respective internal procedures.
3. Instruments of ratification shall be deposited with the Secretary-General of ASEAN who shall promptly notify all Member States of each deposit.
4. This Charter shall enter into force on the thirtieth day following the date of deposit of the tenth instrument of ratification with the Secretary-General of ASEAN.

ARTICLE 48 AMENDMENTS

1. Any Member State may propose amendments to the Charter.
2. Proposed amendments to the Charter shall be submitted by the ASEAN Coordinating Council by consensus to the ASEAN Summit for its decision.
3. Amendments to the Charter agreed to by consensus by the ASEAN Summit shall be ratified by all Member States in accordance with Article 47.
4. An amendment shall enter into force on the thirtieth day following the date of deposit of the last instrument of ratification with the Secretary-General of ASEAN.

ARTICLE 49 TERMS OF REFERENCE AND RULES OF PROCEDURE

Unless otherwise provided for in this Charter, the ASEAN Coordinating Council shall determine the terms of reference and rules of procedure and shall ensure their consistency.

ARTICLE 50 REVIEW

This Charter may be reviewed five years after its entry into force or as otherwise determined by the ASEAN Summit.

ARTICLE 51 INTERPRETATION OF THE CHARTER

1. Upon the request of any Member State, the interpretation of the Charter shall be undertaken by the ASEAN Secretariat in accordance with the rules of procedure determined by the ASEAN Coordinating Council.
2. Any dispute arising from the interpretation of the Charter shall be settled in accordance with the relevant provisions in Chapter VIII.
3. Headings and titles used throughout the Charter shall only be for the purpose of reference.

ARTICLE 52 LEGAL CONTINUITY

1. All treaties, conventions, agreements, concords, declarations, protocols and other ASEAN instruments which have been in effect before the entry into force of this Charter shall continue to be valid.
2. In case of inconsistency between the rights and obligations of ASEAN Member States under such instruments and this Charter, the Charter shall prevail.

ARTICLE 53 ORIGINAL TEXT

The signed original text of this Charter in English shall be deposited with the Secretary-General of ASEAN, who shall provide a certified copy to each Member State.

ARTICLE 54 REGISTRATION OF THE ASEAN CHARTER

This Charter shall be registered by the Secretary-General of ASEAN with the Secretariat of the United Nations, pursuant to Article 102, paragraph 1 of the Charter of the United Nations.



ARTICLE 55 ASEAN ASSETS

The assets and funds of the Organisation shall be vested in the name of ASEAN.

Done in Singapore on the Twentieth Day of November in the Year Two Thousand and Seven, in a single original in the English language.

For Brunei Darussalam: HAJI HASSANAL BOLKIAH Sultan of Brunei Darussalam

For the Kingdom of Cambodia: SAMDECH HUN SEN Prime Minister

For the Republic of Indonesia: DR. SUSILO BAMBANG YUDHOYONO President

For the Lao People's Democratic Republic: BOUASONE BOUPHAVANH Prime Minister

For Malaysia: DATO' SERI ABDULLAH AHMAD BADAWI Prime Minister

For the Union of Myanmar: GENERAL THEIN SEIN Prime Minister

For the Republic of the Philippines: GLORIA MACAPAGAL-ARROYO President

For the Republic of Singapore: LEE HSIEN LOONG Prime Minister

For the Kingdom of Thailand: GENERAL SURAYUD CHULANONT (RET.) Prime Minister

For the Socialist Republic of Viet Nam: NGUYEN TAN DUNG Prime Minister

ASEAN Human Rights Declaration

<https://asean.org/asean-human-rights-declaration/>

WE, the Heads of State/Government of the Member States of the Association of Southeast Asian Nations (hereinafter referred to as "ASEAN"), namely Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao People's Democratic Republic, Malaysia, the Republic of the Union of Myanmar, the Republic of the Philippines, the Republic of Singapore, the Kingdom of Thailand and the Socialist Republic of Viet Nam, on the occasion of the 21st ASEAN Summit in Phnom Penh, Cambodia.

REAFFIRMING our adherence to the purposes and principles of ASEAN as enshrined in the ASEAN Charter, in particular the respect for and promotion and protection of human rights and fundamental freedoms, as well as the principles of democracy, the rule of law and good governance;

REAFFIRMING FURTHER our commitment to the Universal Declaration of Human Rights, the Charter of the United Nations, the Vienna Declaration and Programme of Action, and other international human rights instruments to which ASEAN Member States are parties;

REAFFIRMING ALSO the importance of ASEAN's efforts in promoting human rights,

including the Declaration of the Advancement of Women in the ASEAN Region and the Declaration on the Elimination of Violence against Women in the ASEAN Region;

CONVINCED that this Declaration will help establish a framework for human rights cooperation in the region and contribute to the ASEAN community building process;

HEREBY DECLARE AS FOLLOWS:

GENERAL PRINCIPLES

1. All persons 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 humanity.
2. Every person is entitled to the rights and freedoms set forth herein, without distinction of any kind, such as race, gender, age, language, religion, political or other opinion, national or social origin, economic status, birth, disability or other status.
3. Every person has the right of recognition everywhere as a person before the law. Every person is equal before the law. Every



person is entitled without discrimination to equal protection of the law.

4. The rights of women, children, the elderly, persons with disabilities, migrant workers, and vulnerable and marginalised groups are an inalienable, integral and indivisible part of human rights and fundamental freedoms.
5. Every person has the right to an effective and enforceable remedy, to be determined by a court or other competent authorities, for acts violating the rights granted to that person by the constitution or by law.
6. The enjoyment of human rights and fundamental freedoms must be balanced with the performance of corresponding duties as every person has responsibilities to all other individuals, the community and the society where one lives. It is ultimately the primary responsibility of all ASEAN Member States to promote and protect all human rights and fundamental freedoms.
7. All human rights are universal, indivisible, interdependent and interrelated. All human rights and fundamental freedoms in this Declaration must be treated in a fair and equal manner, on the same footing and with the same emphasis. At the same time, the realisation of human rights must be considered in the regional and national context bearing in mind different political, economic, legal, social, cultural, historical and religious backgrounds.
8. The human rights and fundamental freedoms of every person shall be exercised with due regard to the human rights and fundamental freedoms of others. The exercise of human rights and fundamental freedoms shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition for the human rights and fundamental freedoms of others, and to meet the just requirements of national security, public order, public health, public safety, public morality, as well as the general welfare of the peoples in a democratic society.
9. In the realisation of the human rights and freedoms contained in this Declaration, the principles of impartiality, objectivity, non-selectivity, non-discrimination, non-

confrontation and avoidance of double standards and politicisation, should always be upheld. The process of such realisation shall take into account peoples' participation, inclusivity and the need for accountability.

CIVIL AND POLITICAL RIGHTS

10. ASEAN Member States affirm all the civil and political rights in the Universal Declaration of Human Rights. Specifically, ASEAN Member States affirm the following rights and fundamental freedoms:
11. Every person has an inherent right to life which shall be protected by law. No person shall be deprived of life save in accordance with law.
12. Every person has the right to personal liberty and security. No person shall be subject to arbitrary arrest, search, detention, abduction or any other form of deprivation of liberty.
13. No person shall be held in servitude or slavery in any of its forms, or be subject to human smuggling or trafficking in persons, including for the purpose of trafficking in human organs.
14. No person shall be subject to torture or to cruel, inhuman or degrading treatment or punishment.
15. Every person has the right to freedom of movement and residence within the borders of each State. Every person has the right to leave any country including his or her own, and to return to his or her country.
16. Every person has the right to seek and receive asylum in another State in accordance with the laws of such State and applicable international agreements.
17. Every person has the right to own, use, dispose of and give that person's lawfully acquired possessions alone or in association with others. No person shall be arbitrarily deprived of such property.
18. Every person has the right to a nationality as prescribed by law. No person shall be arbitrarily deprived of such nationality nor denied the right to change that nationality.
19. The family as the natural and fundamental



unit of society is entitled to protection by society and each ASEAN Member State. Men and women of full age have the right to marry on the basis of their free and full consent, to found a family and to dissolve a marriage, as prescribed by law.

20.

- (1) Every person charged with a criminal offence shall be presumed innocent until proved guilty according to law in a fair and public trial, by a competent, independent and impartial tribunal, at which the accused is guaranteed the right to defence.
- (2) No person 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 and no person shall suffer greater punishment for an offence than was prescribed by law at the time it was committed.
- (3) No person shall be liable to be tried or punished again for an offence for which he or she has already been finally convicted or acquitted in accordance with the law and penal procedure of each ASEAN Member State.

21. Every person has the right to be free from arbitrary interference with his or her privacy, family, home or correspondence including personal data, or to attacks upon that person's honour and reputation. Every person has the right to the protection of the law against such interference or attacks.

22. Every person has the right to freedom of thought, conscience and religion. All forms of intolerance, discrimination and incitement of hatred based on religion and beliefs shall be eliminated.

23. Every person has the right to freedom of opinion and expression, including freedom to hold opinions without interference and to seek, receive and impart information, whether orally, in writing or through any other medium of that person's choice.

24. Every person has the right to freedom of peaceful assembly.

25.

- (1) Every person who is a citizen of his or her country has the right to participate in the government of his or her country, either directly or indirectly through democratically elected representatives, in accordance with national law.
- (2) Every citizen has the right to vote in periodic and genuine elections, which should be by universal and equal suffrage and by secret ballot, guaranteeing the free expression of the will of the electors, in accordance with national law.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

26. ASEAN Member States affirm all the economic, social and cultural rights in the Universal Declaration of Human Rights. Specifically, ASEAN Member States affirm the following:

27.

- (1) Every person has the right to work, to the free choice of employment, to enjoy just, decent and favourable conditions of work and to have access to assistance schemes for the unemployed.
- (2) Every person has the right to form trade unions and join the trade union of his or her choice for the protection of his or her interests, in accordance with national laws and regulations.
- (3) No child or any young person shall be subjected to economic and social exploitation. Those who employ children and young people in work harmful to their morals or health, dangerous to life, or likely to hamper their normal development, including their education should be punished by law. ASEAN Member States should also set age limits below which the paid employment of child labour should be prohibited and punished by law.

28. Every person has the right to an adequate standard of living for himself or herself and his or her family including:

- a. The right to adequate and affordable food, freedom from hunger and access to safe and nutritious food;
- b. The right to clothing;



- c. The right to adequate and affordable housing;
 - d. The right to medical care and necessary social services;
 - e. The right to safe drinking water and sanitation;
 - f. The right to a safe, clean and sustainable environment.
- 29.
- (1) Every person has the right to the enjoyment of the highest attainable standard of physical, mental and reproductive health, to basic and affordable health-care services, and to have access to medical facilities.
 - (2) The ASEAN Member States shall create a positive environment in overcoming stigma, silence, denial and discrimination in the prevention, treatment, care and support of people suffering from communicable diseases, including HIV/AIDS.
- 30.
- (1) Every person shall have the right to social security, including social insurance where available, which assists him or her to secure the means for a dignified and decent existence.
 - (2) Special protection should be accorded to mothers during a reasonable period as determined by national laws and regulations before and after childbirth. During such period, working mothers should be accorded paid leave or leave with adequate social security benefits.
 - (3) Motherhood and childhood are entitled to special care and assistance. Every child, whether born in or out of wedlock, shall enjoy the same social protection.
- 31.
- (1) Every person has the right to education.
 - (2) Primary education shall be compulsory and made available free to all. Secondary education in its different forms shall be available and accessible to all through every appropriate means. Technical and vocational education shall be made generally available. Higher education shall be equally accessible to all on the basis of merit.
 - (3) Education shall be directed to the full development of the human personality and the sense of his or her dignity. Education shall strengthen the respect for human rights and fundamental freedoms in ASEAN Member States. Furthermore, education shall enable all persons to participate effectively in their respective societies, promote understanding, tolerance and friendship among all nations, racial and religious groups, and enhance the activities of ASEAN for the maintenance of peace.
32. Every person has the right, individually or in association with others, to freely take part in cultural life, to enjoy the arts and the benefits of scientific progress and its applications and to benefit from the protection of the moral and material interests resulting from any scientific, literary or appropriate artistic production of which one is the author.
33. ASEAN Member States should take steps, individually and through regional and international assistance and cooperation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realisation of economic, social and cultural rights recognised in this Declaration.
34. ASEAN Member States may determine the extent to which they would guarantee the economic and social rights found in this Declaration to non-nationals, with due regard to human rights and the organisation and resources of their respective national economies.

RIGHT TO DEVELOPMENT

35. The right to development is an inalienable human right by virtue of which every human person and the peoples of ASEAN are entitled to participate in, contribute to, enjoy and benefit equitably and sustainably from economic, social, cultural and political development. The right to development should be fulfilled so as to meet equitably the developmental and environmental needs of present and future generations. While development facilitates and is necessary for the enjoyment of all human rights, the lack of development may not be invoked to justify the violations of internationally recognised human rights.



36. ASEAN Member States should adopt meaningful people-oriented and gender responsive development programmes aimed at poverty alleviation, the creation of conditions including the protection and sustainability of the environment for the peoples of ASEAN to enjoy all human rights recognised in this Declaration on an equitable basis, and the progressive narrowing of the development gap within ASEAN.
37. ASEAN Member States recognise that the implementation of the right to development requires effective development policies at the national level as well as equitable economic relations, international cooperation and a favourable international economic environment. ASEAN Member States should mainstream the multidimensional aspects of the right to development into the relevant areas of ASEAN community building and beyond, and shall work with the international community to promote equitable and sustainable development, fair trade practices and effective international cooperation.

RIGHT TO PEACE

38. Every person and the peoples of ASEAN have the right to enjoy peace within an ASEAN framework of security and stability, neutrality and freedom, such that the rights set forth in this Declaration can be fully realised. To this end, ASEAN Member States should continue to enhance friendship and cooperation in the furtherance of peace, harmony and stability in the region.

COOPERATION IN THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

39. ASEAN Member States share a common interest in and commitment to the promotion and protection of human rights and fundamental freedoms which shall be achieved through, inter alia, cooperation with one another as well as with relevant national, regional and international institutions/organisations, in accordance with the ASEAN Charter.
40. Nothing in this Declaration may be interpreted as implying for any State,

group or person any right to perform any act aimed at undermining the purposes and principles of ASEAN, or at the destruction of any of the rights and fundamental freedoms set forth in this Declaration and international human rights instruments to which ASEAN Member States are parties.

Adopted by the Heads of State/Government of ASEAN Member States at Phnom Penh, Cambodia, this Eighteenth Day of November in the Year Two Thousand and Twelve, in one single original copy in the English Language.

November 19th, 2012













Education International
Internationale de l'Éducation
Internacional de la Educación
Bildungsinternationale



[This work is licensed under a Creative Commons Attribution-NonCommercial-ShareAlike 4.0 International License.](#)
(CC BY-NC-SA 4.0)

You are free to:

Share — copy and redistribute the material in any medium or format.

Adapt — remix, transform, and build upon the material.

Under the following terms:

Attribution — You must give appropriate credit, provide a link to the license, and indicate if changes were made. You may do so in any reasonable manner, but not in any way that suggests the licensor endorses you or your use.

NonCommercial — You may not use the material for commercial purposes.

ShareAlike — If you remix, transform, or build upon the material, you must distribute your contributions under the same license as the original.

Education International Toolkit



Education International **Trade Union Rights Toolkit** 2023

Trade union rights are an integral part of human rights and essential for democracy. Trade union history shows that strong and independent trade unions are essential for strong, and healthy democracies.

To support education unions everywhere in their struggle to defend and promote their members' rights, Education International has developed this Trade Union Rights Toolkit.

The toolkit provides practical guidance on how unions can represent education workers and submit complaints to international and regional bodies when States seek to obstruct education unions from working on behalf of their members and violate their rights.

The toolkit includes basic information for affiliates about their rights; the international and regional mechanisms available to put pressure on States to guarantee the exercise of those rights; and the role of Education International both in supporting members' actions and as the leading international advocate for the rights of education workers.



Education International
Internationale de l'Éducation
Internacional de la Educación
Bildungsinternationale

Head office

15 Boulevard Bischoffsheim
1000 Brussels, Belgium
Tel +32-2 224 0611
headoffice@ei-ie.org
www.ei-ie.org
[#unite4ed](https://twitter.com/unite4ed)

Education International represents organisations of teachers and other education employees across the globe. It is the world's largest federation of unions and associations, representing 30 million education employees in about 390 organisations in 180 countries and territories, across the globe. Education International unites teachers and education employees.



This work is licensed under a Creative Commons Attribution-NonCommercial-ShareAlike 4.0 International License.
[\(CC BY-NC-SA 4.0\)](https://creativecommons.org/licenses/by-nc-sa/4.0/)

Published by Education International - December 2022
ISBN 978-92-95120-63-1 (PDF)