



A Handbook on **International** Human Rights Conventions



National Human Rights Commission, India



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NATIONAL HUMAN RIGHTS COMMISSION

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A Handbook on
International
Human Rights Conventions



National Human Rights Commission
India

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CHAIRPERSON NHRC

FOREWORD

This Handbook on International Human Rights Conventions is part of the continuous efforts made by the National Human Rights Commission of the India in fulfillment of its mandate under Section 12(f) of the Protection of Human Rights Act, 1993 (PHRA) to “study treaties and other international instruments on human rights and make recommendations for their effective implementation”.

A succession of international human rights treaties and other instruments adopted by the international community since 1945 have conferred legal status on human rights and made it incumbent on States to assume obligations and duties under international law to respect, protect and promote human rights.

The National Human Rights Commission, India has pursued the case for the signing and ratification of the core International Human Rights Instruments with the Government of India ever since its inception and has also reviewed the domestic laws of the country from time-to-time to ensure the implementation of these International Conventions at the national level and make certain that domestic laws are in conformity with our international human rights obligations.

The present *Handbook* will be of immense interest and value to all the institutions dealing with human rights issues besides students, human rights activists, NGOs, researchers, academics and other stakeholders. The *Handbook* is indeed a significant contribution to the information based on international human rights law. I hope it will be of widespread use to the readers.

Justice K. G. Balakrishnan
(Former Chief Justice of India)

Introduction

Human rights are rights inherent to all human beings, irrespective of their nationality, gender, ethnicity, colour, religion, language, or any other grounds. These rights are inherent to the human person and are inalienable and universal. The principle of the 'universality' of human rights is the cornerstone of international human rights law. This principle, first emphasized in the Universal Declaration on Human Rights, 1948, has been reiterated since in numerous international human rights conventions, declarations, and resolutions. Today, it is widely accepted that it is the duty of States to promote and protect human rights and fundamental freedoms of their populations, irrespective of their political, economic and cultural systems.

Universal human rights are often expressed and guaranteed by law, in the forms of covenants, customary international law, general principles and other sources of international law. International human rights law lays down obligations of Governments to act in certain ways or to refrain from certain acts, in order to promote and protect human rights and fundamental freedoms of individuals or groups.

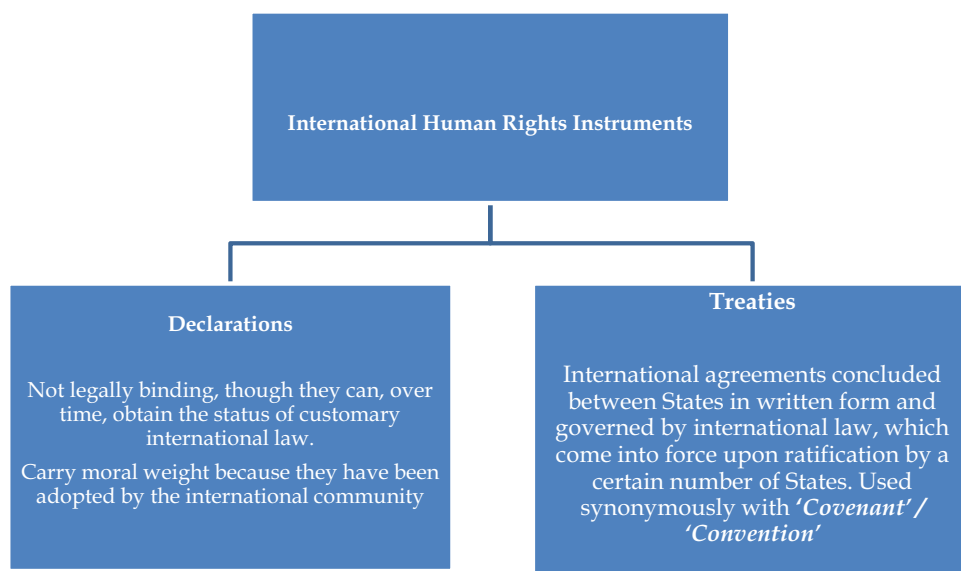
A series of international human rights treaties and other instruments adopted since 1945 have conferred legal form on human rights and have led to the development of the body of international human rights. Other instruments have been adopted at the regional level reflecting the particular human rights concerns of the region and providing for specific mechanisms of protection.

While international treaties and customary law form the backbone of international human rights law, other instruments, such as declarations, guidelines and principles adopted at the international level contribute to its understanding, implementation and development.

International human rights law lays down obligations which States are bound to respect. By becoming parties to international treaties, States assume obligations and duties under international law to respect, protect and promote human rights. The *obligation to respect* means that States must refrain from interfering with or curtailing the enjoyment of human rights. The *obligation to protect* requires States to protect individuals and groups against human rights abuses. The *obligation to promote* means that States must take positive action to facilitate the enjoyment of basic human rights.

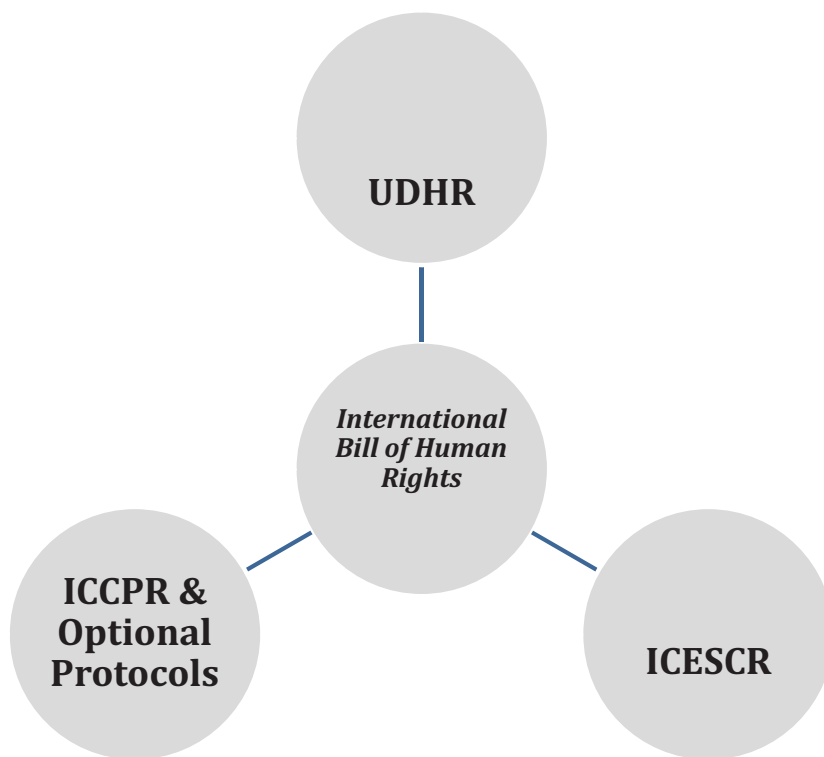
Through the ratification of international human rights treaties, Governments undertake to put into place domestic measures and legislation compatible with their treaty obligations and duties. Where domestic legal proceedings fail to address human rights abuses, mechanisms and procedures for individual complaints or communications are available at the regional and international levels to ensure that international human rights standards are respected, implemented, and enforced at the domestic level.

International human rights instruments or treaties and other international documents relevant to international human rights law and the protection of human rights in general can be classified into two categories:



The international human rights movement was strengthened when the United Nations General Assembly adopted the Universal Declaration of Human Rights (UDHR) on 10 December 1948. Drafted as 'a common standard of achievement for all peoples and nations', the Declaration for the first time in human history, outlined basic civil, political, economic, social and cultural rights that all human beings should enjoy.

The UDHR, together with the International Covenant on Civil and Political Rights and its two Optional Protocols, and the International Covenant on Economic, Social and Cultural Rights, form the *International Bill of Human Rights*.



Core International Human Rights Treaties

The core international human rights treaties set international standards for the protection and promotion of human rights to which States can subscribe by becoming a party to these treaties. Each State party has an obligation to take steps to ensure that everyone within the State can enjoy the rights set out in the treaty.

There are nine core international human rights treaties which address a wide range of economic, social and cultural rights, civil and political rights, the elimination of racial and gender discrimination, protection against torture and forced disappearance and the rights of women, children, migrants, persons with disabilities.

The human rights treaty system has expanded enormously over the past few decades in terms of acceptance and ratification of international human rights treaties by States. Acceptance of the treaties confers concomitant legal duties upon state actors, to protect against, prevent, and remedy human rights violations. The treaty system establishes definitive validity of international supervision and accountability on the implementation of these treaties at the domestic level, with treaty standards serving as the benchmark for assessment.

Core International Human Rights Treaties	Date of Adoption
International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)	21 December 1965
International Covenant on Civil and Political Rights (ICCPR)	16 December 1966
International Covenant on Economic, Social and Cultural Rights (ICESCR)	16 December 1966
Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)	18 December 1979
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)	10 December 1984
Convention on the Rights of the Child (CRC)	20 November 1989

International Convention on Protection of the Rights of All Migrant Workers and Members of Their Families (ICMRW)	18 December 1990
Convention on the Rights of Persons with Disabilities (CRPD)	13 December 2006
International Convention for the Protection of All Persons from Enforced Disappearance (ICPAPED)	20 December 2006

Optional Protocols

Often, human rights treaties are followed by "Optional Protocols" which may either provide for procedures with regard to the principal treaty or address a substantive area related to the treaty. Optional Protocols to human rights treaties are treaties in their own right, and are open to signature, accession or ratification by countries who are party to the main treaty.

An Optional Protocol to a United Nations treaty thus, is an additional document added to an existing treaty, sometimes years after the treaty has come into force. An optional protocol can include more detail about matters that are in the original treaty or it can deal with issues that have come up since the treaty was written. The optional protocol can add rights and obligations that were not in the original treaty and/or provide for procedures related to the principal treaty.

Optional Protocols	Date of Adoption
Optional Protocol to the International Covenant on Civil and Political Rights	16 December 1966
Second Optional Protocol to the International Covenant on Civil and Political Rights, Aiming at the Abolition of the Death Penalty	15 December 1989
Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women	6 October 1999
Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict	25 May 2000
Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography	25 May 2000
Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	18 December 2002
Optional Protocol to the Convention on the Rights of Persons with Disabilities	13 December 2006
Optional Protocol to the International Covenant on Economic, Social and Cultural Rights	10 December 2008

Treaty Bodies

Each of the core international human rights treaties has a monitoring body within the UN human rights system which monitors the implementation of the treaty provisions by its States parties. A United Nations Treaty Body is a group of specialists or experts that is set up/established to monitor the implementation of an international treaty by its states parties. Most treaty bodies also consider individual complaints, where a state party has recognized the competence of the committee to do so.

In addition to its obligation to implement the substantive provisions of the treaties to which it is a party, each State party is required to submit regular reports on how it has implemented a treaty's provisions. The relevant human rights treaty body considers these reports in the presence of a delegation of the State party and in the light of all information, including further written information provided by the State party. The committees also receive information from United Nations agencies, National Human Rights Institutions (NHRIs) and civil society actors, in particular non-governmental organizations (NGOs), professional associations and academic institutions.

All of the treaty bodies are empowered to consider initial and periodic reports of states parties on how they are implementing the provisions of the treaty. The reports that state parties are obliged to submit provide information about legislative and practical measures taken to implement the treaty. The reports are considered through a public dialogue between representatives of the government concerned and members of the treaty body.

The treaty body experts enquire on a series of issues of particular concern and on violations under the treaty to which the concerned government must respond. The treaty body then formulates its concluding observations to the government as a collective assessment of the report, listing positive aspects as well as factors and difficulties

impeding the application of the treaty, principal subjects of concern and recommendations.

UN Treaty Body	International Treaty
Human Rights Committee (HRC)	ICCPR
Committee on Economic, Social and Cultural Rights (CESCR)	ICESCR
Committee on the Elimination of Racial Discrimination (CERD)	ICERD
Committee on the Elimination of Discrimination Against Women (CEDAW)	CEDAW
Committee Against Torture (CAT)	CAT
Committee on the Rights of the Child (CRC)	CRC
Committee on Migrant Workers (CMW)	ICMRW
Committee on the Right of Persons with Disabilities (CRPD)	CRPD
Committee on Enforced Disappearances (CED)	ICPAPED

NHRC, India's Mandate: International Conventions

The National Human Rights Commission (NHRC) of India was established on 12 October 1993 by an Act of Parliament – the *Protection of Human Rights Act (PHRA)*, 1993. The NHRC has contributed significantly to the protection and promotion of human rights in the country through the powers accorded to it by the PHRA Act, 1993.

Section 12(f) of the Protection of Human Rights Act, 1993 (PHRA) mandates the National Human Rights Commission of India to “study treaties and other international instruments on human rights and make recommendations for their effective implementation”.

The NHRC carries out this function primarily through recommendations to and discussions with the concerned Ministries of the Central Government. The NHRC uses this power to ensure that draft bills conform to the international human rights standards that have been accepted by the Government of India. It supplements this through a host of programmes, conferences, workshops and seminars that raise awareness, such as the workshop it organized in 2009 to highlight the problems faced by, and the steps needed to protect human rights defenders in keeping with best international practice.

In addition to pursuing the case for the signing and ratification of International Human Rights Instruments with the Government of India, the Commission also reviews the domestic laws of the country to ensure the implementation of the International Conventions at the national level and to ensure that domestic laws are in line with international human rights standards.

The Government of India usually sends to the NHRC for its comments, all draft legislation with a human rights component. The NHRC examines these drafts, where necessary asking experts in the field for their advice, and sends its recommendations to the

Government. Select Committees of Parliament often refer important legislation on human rights issues to the NHRC for its comments and advice.

Apart from the mandate to study international treaties and make recommendations for their implementation, the PHR Act has accorded the following powers to the National Human Rights Commission of India:

- Enquiring suo motu, or on a petition, into complaints of human rights violations;
- Intervening in any proceeding involving any allegation of violation of human rights pending before a court with the approval of such court;
- Visiting jails or other institutions where persons are detained to study living conditions and make recommendations thereon;
- Reviewing the safeguards provided by the Constitution or laws for the protection of human rights and making recommendations for their effective implementation;
- Reviewing the factors, including acts of terrorism, that inhibit the enjoyment of human rights, and recommending appropriate remedial measures; and, undertaking such other functions as it may consider necessary for the protection of human rights;
- Assessing the functioning of public institutions, ensuring that laws are implemented in practice, and monitoring entitlements, the NHRC monitors situations where very serious violations of human rights have taken place, calling for reports from the Governments concerned, sending its own teams to investigate, framing recommendations, and monitoring compliance.

The PHR Act was amended by Parliament in 2006 to make the NHRC more effective and to give it greater powers. The most significant amendment, to Section 18 of the Act, gave the NHRC the power,

which it now exercises daily, to recommend to the Central or a State Government or any public authority, during and upon completion of an inquiry, that it:

- Make payment of compensation or damages to the complainant or to the victim or the members of his family as the Commission may consider necessary;
- Initiate proceedings for prosecution or such other suitable action as the Commission may deem fit against the concerned person(s);
- Take such further action as it may think fit.

The Commission has also achieved much by way of promoting human rights awareness at the grassroots level, which it does through human rights training programmes, conducted regularly through credible NGOs of various states, throughout the country, on various human rights issues. The Commission regularly meets with SHRCs for better understanding of issues and to collaboratively discharge their roles in the defence of human rights in the country.

It also stays in close touch with NGOs and other civil society actors for better human rights protection. The Core Groups on different human rights concerns that the NHRC has constituted, help tap into the experience and knowledge of experts, academics and civil society on various issues of human rights. Further, it also engages regularly with other National Commissions such as those for Minorities, Scheduled Castes, Scheduled Tribes, and Women, whose respective Chairpersons are also ex-officio Members of the NHRC, India.

AT A GLANCE

**India's Ratification of Core International
Human Rights Treaties,
Optional Protocols
&
Core ILO Conventions**

Core International Human Rights Treaties, Optional Protocols & Core ILO Conventions Ratified by India

CORE INTERNATIONAL HUMAN RIGHTS TREATIES & THEIR OPTIONAL PROTOCOLS RATIFIED BY INDIA	DATE OF ACCESSION / RATIFICATION
International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), 1965	India ratified the Convention on 3 December 1968 with certain reservations
International Covenant on Civil and Political Rights (ICCPR), 1966	India acceded to the Convention on 10 April 1979
International Covenant on Economic, Social and Cultural Rights (ICESCR), 1966	India acceded to the Convention on 10 April 1979
Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 1979	India signed the Convention on 30 July 1980 and ratified it on 9 July 1993 with certain reservations
Convention on the Rights of the Child (CRC), 1989	India acceded to the Convention on 11 December 1992
Convention on the Rights of Persons with Disabilities (CRPD), 2006	India ratified the Convention on 1 October 2007
Optional Protocol to the Convention on the Rights of the Child (CRC) on the Involvement of Children in Armed Conflict, 2000	India ratified the Optional Protocol on 30 November 2005

Optional Protocol to the Convention on the Rights of the Child (CRC) on the Sale of Children, Child Prostitution and Child Pornography, 2000	India ratified the Optional Protocol on 16 August 2005
CORE ILO CONVENTIONS RATIFIED BY INDIA	DATE OF ACCESSION / RATIFICATION
Forced Labour Convention, 1930 (No. 29)	India ratified Convention No. 29 on 30 November 1954
Equal Remuneration Convention, 1951 (No. 100)	India ratified Convention No. 100 on 25 September 1958
Abolition of Forced Labour Convention, 1957 (No. 105)	India ratified Convention No. 105 on 18 May 2000
Discrimination (Employment and Occupation) Convention, 1958 (No. 111)	India ratified Convention No. 111 on 03 June 1960

Core International Human Rights Treaties, Optional Protocols & Core ILO Conventions Not Ratified by India

CORE INTERNATIONAL HUMAN RIGHTS TREATIES & THEIR OPTIONAL PROTOCOLS NOT RATIFIED BY INDIA	STATUS
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), 1984	India signed the Convention on 14 October 1997, but has not ratified it yet
International Convention on Protection of the Rights of All Migrant Workers and Members of Their Families (ICMRW), 1990	India has not signed the Convention
International Convention for the Protection of All Persons from Enforced Disappearance (ICPAPED) 2006	India signed the ICPAPED on 6 February 2007, but has not ratified it yet
First Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR), 1966	India has not signed the ICCPR Optional Protocol I
Second Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR), 1989	India has not signed the ICCPR Optional Protocol II
Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (ICESCR), 2008	India has not signed the ICESCR Optional Protocol

Optional Protocol to Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 1999	India has not signed the Optional Protocol to CEDAW
Optional Protocol to Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), 2002	India has not signed the Optional Protocol to CAT
Optional Protocol to the Convention on the Rights of Persons with Disabilities (CRPD), 2006	India has not signed the CRPD Optional Protocol
CORE ILO CONVENTIONS NOT RATIFIED BY INDIA	STATUS
Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87)	India has not ratified ILO Convention No. 87
Right to Organize and Collective Bargaining Convention, 1949 (No. 98)	India has not ratified ILO Convention No. 98
Minimum Age Convention, 1973 (No. 138)	India has not ratified ILO Convention No. 138
Worst Forms of Child Labour Convention, 1999 (No. 182)	India has not ratified ILO Convention No. 182

NHRC, India's Role in the Ratification of International Conventions

Core International Human Rights Conventions	NHRC, India's Initiatives for Signature / Ratification / Notification of the Convention
International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), 1965	The Commission has written to the Ministry of Home Affairs (MHA) regarding the formal notification of the Convention by the Government of India (GOI) and continues to pursue the matter.
International Covenant on Civil and Political Rights (ICCPR), 1966	The Commission has reviewed and conveyed to the Government its comments on various national laws and draft bills covering the rights enshrined in the ICCPR. These include the Terrorists and Disruptive Activities (Prevention) Act, 1987 (TADA); Prevention of Terrorism Bill, 2000; Freedom of Information Bill, 2000; Prevention of Terrorism Act, 2002 (POTA); Protection from Domestic Violence Bill, 2002; Communal Violence (Prevention, Control and Rehabilitation of Victims) Bill, 2005; Child Marriage Restraint Act, 1929; Prohibition of Child Marriage Act, 2006; Copyright (Amendment) Bill, 2010; and Prevention of Torture Bill, 2009, among others.

<p>International Covenant on Economic, Social and Cultural Rights (ICESCR), 1966</p>	<p>The Commission has reviewed and conveyed to the Government its comments on various national laws and draft bills covering the rights enshrined in the ICESCR including, the <i>National Rural Employment Guarantee Bill, 2004; Food Safety and Standard Bill, 2005; Right to Education Bill, 2005; Land Acquisition (Amendment) Bill, 2007; Rehabilitation and Resettlement Bill, 2007; and National Food Security Bill, 2010</i>, among others.</p>
<p>Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 1979</p>	<p>The Commission wrote to the MHA for the formal notification of the CEDAW by the GOI. The Convention was notified by the GOI on 18 September 2009 via Notification Number 1494 under S.O.2397 (E)</p>
<p>Convention against Torture and Other Cruel, Inhuman and Degrading Punishment or Treatment (CAT), 1984</p>	<p>The Commission has been advocating for the ratification of the Convention Against Torture for the past several years. Pursuant to its efforts, India signed the Convention Against Torture in 1997. The NHRC has since pursued the matter of the ratification of the treaty with the MHA, conveyed its comments on the Draft <i>Prevention of Torture Bill 2009</i> to the MHA, and has also conveyed its views to the Select Committee of the Rajya Sabha which has examined the draft.</p>

<p>Convention on the Rights of the Child (CRC), 1989</p>	<p>The Commission wrote to the MHA for the formal notification of the CRC by the GOI. The Convention was notified by the GOI on 18 September 2009 via Notification Number 1494 under S.O.2397 (E).</p> <p>The persistent efforts of the NHRC contributed to the signing and ratification of both the Optional Protocols to the CRC by the Government of India. While the GOI has ratified both the Optional Protocols to the CRC, it has not notified them. The Commission has written to the MHA regarding their formal notification, and continues to pursue the matter.</p>
<p>International Convention on Protection of the Rights of All Migrant Workers and Members of Their Families (ICMRW), 1990</p>	<p>The Commission has written to the Ministry of Labour, GOI to sign and ratify the ICMRW. The Commission continues to pursue the matter with the GOI.</p>
<p>Convention on the Rights of Persons with Disabilities, 2006</p>	<p>The Commission played an important role in the drafting of the Convention on the Rights of Persons with Disabilities which was adopted by the United Nations General Assembly in December 2006.</p> <p>Following the adoption of the Convention on the Rights of Persons</p>

	<p>with Disabilities, the Commission recommended the ratification of the Convention by the Government of India, which ratified the said Convention on 1 October 2007. The Commission has also advocated to the GOI for the ratification of the Optional Protocol to the Convention on the Rights of Persons with Disabilities.</p> <p>A new Bill is being prepared to replace the 'Persons with Disabilities Act, 1995'. The NHRC has made detailed recommendations to ensure that the new law incorporates the provisions of the UN Convention on the Rights of Persons with Disabilities.</p>
International Convention for the Protection of All Persons from Enforced Disappearance (ICPAPED), 2006	



International Convention on the Elimination of All Forms of Racial Discrimination

The International Convention on the Elimination of All Forms of Racial Discrimination defines and condemns racial discrimination, and commits state parties to change their national laws and policies which create or perpetuate racial discrimination. It is regarded among the most important UN Conventions for it is aimed at the achievement of one of the purposes of the United Nations which is to

ICERD

The Convention was adopted by the UN General Assembly through Resolution 2106 (XX) of 21 December 1965 and is aimed at promoting racial equality.

Entry into force: 4 January 1969

Signatories: 86; **Parties:** 175

Treaty Body: Committee on the Elimination of Racial Discrimination

India ratified the ICERD on 3 December 1968

promote and encourage universal respect for and observance of human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion.

The Convention was the first human rights instrument to establish an international monitoring system. One of the main objectives of the Convention is to promote racial equality, which allows the various racial, ethnic, and national groups to enjoy the same social development.

Furthermore, the Convention recognizes that certain racial or ethnic groups may need special protection or may need to be assisted by special measures to achieve adequate development, and the Convention provides that such special measures shall not be

considered racial discrimination as long as they are not continued after the objectives for which they were taken, have been achieved.

How does the ICERD define “racial discrimination”?

Article 1 of the Convention defines “racial discrimination” as under:

“...any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.”

Other important provisions include imperative stipulations obliging States parties to adopt legislation to criminalize and punish the dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, acts of violence against any race or group of persons of another color or ethnic origin, and assistance in such activities.

The Convention follows the structure of the Universal Declaration of Human Rights, International Covenant on Civil and Political Rights, and International Covenant on Economic, Social and Cultural Rights, with a preamble and twenty-five articles, divided into three parts.

Part I (Articles 1–7) commits parties to the elimination of all forms of racial discrimination and to promoting understanding among all races (Article 2). Parties are obliged to not discriminate on the basis of race, not to sponsor or defend racism, and to prohibit racial discrimination within their jurisdictions. They must also review their laws and policies to ensure that they do not discriminate on the basis of race, and commit to amending or repealing those that do. Specific areas in which discrimination must be eliminated are listed in Article 5.

India’s Declarations/Reservations on the ICERD

“The Government of India declares that for reference of any dispute to the International Court of Justice for decision in terms of Article 22 of the International Convention on the Elimination of all Forms of Racial Discrimination, the consent of all parties to the dispute is necessary in each individual case.”

The Convention imposes a specific commitment on parties to eradicate racial segregation and the crime of apartheid within their jurisdictions (Article 3). Parties are also required to criminalize the incitement of racial hatred (Article 4), to ensure judicial remedies for acts of racial discrimination (Article 6), and to engage in public education to promote understanding and tolerance (Article 7).

**Key rights in the enjoyment of which
'racial discrimination' is prohibited by the
ICERD**

- Right to equal treatment before organs administering justice;
- Right to security of person and protection by State against violence/bodily harm;
- Political rights;

Other civil rights, including:

- Right to freedom of movement, residence and nationality;
- Right to choice of spouse;
- Right to own property and inherit;
- Right to freedom of thought, conscience, religion, opinion and expression;
- Right to freedom of peaceful assembly and association;

Economic, social and cultural rights:

- Right to work;
- Right to form and join trade unions;
- Right to housing, public health, medical care, social security, social services, education and training;
- Right to equal participation in cultural activities;
- Right of access to any place or service intended for use by the general public, such as transport hotels, restaurants, cafes, theatres and parks.
- Prohibition of slavery

Part II (Articles 8–16) governs reporting and monitoring of the Convention and the steps taken by the parties to implement it. It establishes the Committee on the Elimination of Racial Discrimination, and empowers it to make general recommendations to the UN General Assembly. It also establishes a dispute-resolution mechanism between parties (Articles 11–13), and allows parties to recognise the competence of the Committee to hear complaints from individuals about violations of the rights protected by the Convention (Article 14).

Part III (Articles 17–25) governs ratification, entry into force, and amendment of the Convention.

The Convention contains a non-exhaustive long list of rights and freedoms in the enjoyment

of which racial discrimination is prohibited and sought to be eliminated. The list includes certain rights not expressly contained in the Universal Declaration of Human Rights (UDHR), such as the right to inherit and the right of access to any place or service intended for use by the general public. It also includes rights in regard to which racial discrimination is prohibited, such as the right to work, the right to join trade unions and the right to housing.

The principle of non-discrimination, according to Article 1, Paragraph 1, of the Convention, protects the enjoyment on an equal footing of human rights and fundamental freedoms “in the political, economic, social, cultural or any other field of public life”. The list of human rights to which the principle applies under the Convention is not closed and extends to any field of human rights regulated by the public authorities in the State party.

The reference to public life does not limit the scope of the non-discrimination principle to acts of the public administration but should be read in the light of the provisions in the Convention mandating measures by States parties to address racial discrimination “by any persons, group or organization”.

Committee on the Elimination of Racial Discrimination

The Committee on the Elimination of Racial Discrimination (CERD) is the body of independent experts that monitors the implementation of the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) by its State parties.

All States parties are obliged to submit regular reports to the CERD on how the rights contained in the Convention are being implemented. States are initially required to report a year after acceding to the Convention and then every two years. The Committee examines each report and informs the State party of its recommendations and concerns in the “concluding observations”.

In addition to the reporting procedure, the Convention establishes three other mechanisms through which the CERD performs its monitoring functions:

1. Early-warning procedure;
2. Examination of inter-state complaints; and
3. Examination of individual complaints

The Committee has 18 independent experts who are elected for a term of four years by the State parties. Elections for nine of the eighteen members are held every two years ensuring a balance between continuity and change in the composition of the Committee.

The CERD also publishes its interpretation of the content of human rights provisions, known as General Recommendations (or General Comments), on thematic issues, and organizes thematic discussions. The Committee meets in Geneva and normally holds two sessions per year comprising three weeks each.

In the exercise of its supervisory functions under the Convention, the Committee receives:

- Reports on measures adopted by States parties to give effect to their obligations under the Convention;
- Optional individual communications; and
- Optional inter-State complaints

Some of the core functions of the CERD include:

- Considering the periodic reports submitted by the States on how they are implementing the obligations they have assumed by ratifying the Convention. CERD examines each report and addresses its concerns and recommendations to the State party in the form of "concluding observations".
- Receiving and considering individual complaints, also known as "communications", made by individuals who claim violations of their Convention rights by a State party.
- Considering certain complaints made by a State party that another State party is not abiding by the obligations assumed under the Convention.
- Making general recommendations and comments.
- Informing the General Assembly of its activities.

CERD also includes in its regular agenda 'preventive measures', which include early-warning aimed at preventing existing situations escalating into conflicts and urgent procedures to respond to problems requiring immediate attention to prevent or limit the scale or number of serious violations of the Convention.

International Convention on the Elimination of All Forms of Racial Discrimination

COUNTRY-WISE RATIFICATION STATUS

(Source: United Nations Treaty Collection Website
<http://treaties.un.org/>)

Participant	Signature	Ratification, Accession(a), Succession(d)
Afghanistan		6 Jul 1983 a
Albania		11 May 1994 a
Algeria	9 Dec 1966	14 Feb 1972
Andorra	5 Aug 2002	22 Sep 2006
Antigua and Barbuda		25 Oct 1988 d
Argentina	13 Jul 1967	2 Oct 1968
Armenia		23 Jun 1993 a
Australia	13 Oct 1966	30 Sep 1975
Austria	22 Jul 1969	9 May 1972
Azerbaijan		16 Aug 1996 a
Bahamas		5 Aug 1975 d
Bahrain		27 Mar 1990 a
Bangladesh		11 Jun 1979 a
Barbados		8 Nov 1972 a
Belarus	7 Mar 1966	8 Apr 1969
Belgium	17 Aug 1967	7 Aug 1975
Belize	6 Sep 2000	14 Nov 2001
Benin	2 Feb 1967	30 Nov 2001
Bhutan	26 Mar 1973	
Bolivia (Plurinational State of)	7 Jun 1966	22 Sep 1970
Bosnia and Herzegovina		16 Jul 1993 d
Botswana		20 Feb 1974 a
Brazil	7 Mar 1966	27 Mar 1968
Bulgaria	1 Jun 1966	8 Aug 1966

Participant	Signature	Ratification, Accession(a), Succession(d)
Burkina Faso		18 Jul 1974 a
Burundi	1 Feb 1967	27 Oct 1977
Cambodia	12 Apr 1966	28 Nov 1983
Cameroon	12 Dec 1966	24 Jun 1971
Canada	24 Aug 1966	14 Oct 1970
Cape Verde		3 Oct 1979 a
Central African Republic	7 Mar 1966	16 Mar 1971
Chad		17 Aug 1977 a
Chile	3 Oct 1966	20 Oct 1971
China		29 Dec 1981 a
Colombia	23 Mar 1967	2 Sep 1981
Comoros	22 Sep 2000	27 Sep 2004
Congo		11 Jul 1988 a
Costa Rica	14 Mar 1966	16 Jan 1967
Côte d'Ivoire		4 Jan 1973 a
Croatia		12 Oct 1992 d
Cuba	7 Jun 1966	15 Feb 1972
Cyprus	12 Dec 1966	21 Apr 1967
Czech Republic		22 Feb 1993 d
Democratic Republic of the Congo		21 Apr 1976 a
Denmark	21 Jun 1966	9 Dec 1971
Djibouti	14 Jun 2006	30 Sep 2011
Dominican Republic		25 May 1983 a
Ecuador		22 Sep 1966 a
Egypt	28 Sep 1966	1 May 1967

Participant	Signature	Ratification, Accession(a), Succession(d)
El Salvador		30 Nov 1979 a
Equatorial Guinea		8 Oct 2002 a
Eritrea		31 Jul 2001 a
Estonia		21 Oct 1991 a
Ethiopia		23 Jun 1976 a
Fiji		11 Jan 1973 d
Finland	6 Oct 1966	14 Jul 1970
France		28 Jul 1971 a
Gabon	20 Sep 1966	29 Feb 1980
Gambia		29 Dec 1978 a
Georgia		2 Jun 1999 a
Germany	10 Feb 1967	16 May 1969
Ghana	8 Sep 1966	8 Sep 1966
Greece	7 Mar 1966	18 Jun 1970
Grenada	17 Dec 1981	
Guatemala	8 Sep 1967	18 Jan 1983
Guinea	24 Mar 1966	14 Mar 1977
Guinea-Bissau	12 Sep 2000	1 Nov 2010
Guyana	11 Dec 1968	15 Feb 1977
Haiti	30 Oct 1972	19 Dec 1972
Holy See	21 Nov 1966	1 May 1969
Honduras		10 Oct 2002 a
Hungary	15 Sep 1966	4 May 1967
Iceland	14 Nov 1966	13 Mar 1967
India	2 Mar 1967	3 Dec 1968

Participant	Signature	Ratification, Accession(a), Succession(d)
Indonesia		25 Jun 1999 a
Iran (Islamic Republic of)	8 Mar 1967	29 Aug 1968
Iraq	18 Feb 1969	14 Jan 1970
Ireland	21 Mar 1968	29 Dec 2000
Israel	7 Mar 1966	3 Jan 1979
Italy	13 Mar 1968	5 Jan 1976
Jamaica	14 Aug 1966	4 Jun 1971
Japan		15 Dec 1995 a
Jordan		30 May 1974 a
Kazakhstan		26 Aug 1998 a
Kenya		13 Sep 2001 a
Kuwait		15 Oct 1968 a
Kyrgyzstan		5 Sep 1997 a
Lao People's Democratic Republic		22 Feb 1974 a
Latvia		14 Apr 1992 a
Lebanon		12 Nov 1971 a
Lesotho		4 Nov 1971 a
Liberia		5 Nov 1976 a
Libya		3 Jul 1968 a
Liechtenstein		1 Mar 2000 a
Lithuania	8 Jun 1998	10 Dec 1998
Luxembourg	12 Dec 1967	1 May 1978
Madagascar	18 Dec 1967	7 Feb 1969
Malawi		11 Jun 1996 a
Maldives		24 Apr 1984 a
Mali		16 Jul 1974 a
Malta	5 Sep 1968	27 May 1971
Mauritania	21 Dec 1966	13 Dec 1988

Participant	Signature	Ratification, Accession(a), Succession(d)
Mauritius		30 May 1972 a
Mexico	1 Nov 1966	20 Feb 1975
Monaco		27 Sep 1995 a
Mongolia	3 May 1966	6 Aug 1969
Montenegro		23 Oct 2006 d
Morocco	18 Sep 1967	18 Dec 1970
Mozambique		18 Apr 1983 a
Namibia		11 Nov 1982 a
Nauru	12 Nov 2001	
Nepal		30 Jan 1971 a
Netherlands	24 Oct 1966	10 Dec 1971
New Zealand	25 Oct 1966	22 Nov 1972
Nicaragua		15 Feb 1978 a
Niger	14 Mar 1966	27 Apr 1967
Nigeria		16 Oct 1967 a
Norway	21 Nov 1966	6 Aug 1970
Oman		2 Jan 2003 a
Pakistan	19 Sep 1966	21 Sep 1966
Palau	20 Sep 2011	
Panama	8 Dec 1966	16 Aug 1967
Papua New Guinea		27 Jan 1982 a
Paraguay	13 Sep 2000	18 Aug 2003
Peru	22 Jul 1966	29 Sep 1971
Philippines	7 Mar 1966	15 Sep 1967
Poland	7 Mar 1966	5 Dec 1968

Participant	Signature	Ratification, Accession(a), Succession(d)
Portugal		24 Aug 1982 a
Qatar		22 Jul 1976 a
Republic of Korea	8 Aug 1978	5 Dec 1978
Republic of Moldova		26 Jan 1993 a
Romania		15 Sep 1970 a
Russian Federation	7 Mar 1966	4 Feb 1969
Rwanda		16 Apr 1975 a
San Marino	11 Dec 2001	12 Mar 2002
Sao Tome and Principe	6 Sep 2000	
Saudi Arabia		23 Sep 1997 a
Senegal	22 Jul 1968	19 Apr 1972
Serbia		12 Mar 2001 d
Seychelles		7 Mar 1978 a
Sierra Leone	17 Nov 1966	2 Aug 1967
Slovakia		28 May 1993 d
Slovenia		6 Jul 1992 d
Solomon Islands		17 Mar 1982 d
Somalia	26 Jan 1967	26 Aug 1975
South Africa	3 Oct 1994	10 Dec 1998
Spain		13 Sep 1968 a
Sri Lanka		18 Feb 1982 a
St. Kitts and Nevis		13 Oct 2006 a
St. Lucia		14 Feb 1990 d
St. Vincent and the Grenadines		9 Nov 1981 a
Sudan		21 Mar 1977 a
Suriname		15 Mar 1984 d
Swaziland		7 Apr 1969 a
Sweden	5 May 1966	6 Dec 1971
Switzerland		29 Nov 1994 a
Syrian Arab Republic		21 Apr 1969 a
Tajikistan		11 Jan 1995 a

Participant	Signature	Ratification, Accession(a), Succession(d)
Thailand		28 Jan 2003 a
The former Yugoslav Republic of Macedonia		18 Jan 1994 d
Timor-Leste		16 Apr 2003 a
Togo		1 Sep 1972 a
Tonga		16 Feb 1972 a
Trinidad and Tobago	9 Jun 1967	4 Oct 1973
Tunisia	12 Apr 1966	13 Jan 1967
Turkey	13 Oct 1972	16 Sep 2002
Turkmenistan		29 Sep 1994 a
Uganda		21 Nov 1980 a
Ukraine	7 Mar 1966	7 Mar 1969
United Arab Emirates		20 Jun 1974 a
United Kingdom of Great Britain and Northern Ireland	11 Oct 1966	7 Mar 1969
United Republic of Tanzania		27 Oct 1972 a
United States of America	28 Sep 1966	21 Oct 1994
Uruguay	21 Feb 1967	30 Aug 1968
Uzbekistan		28 Sep 1995 a
Venezuela (Bolivarian Republic of)	21 Apr 1967	10 Oct 1967
Viet Nam		9 Jun 1982 a
Yemen		18 Oct 1972 a
Zambia	11 Oct 1968	4 Feb 1972
Zimbabwe		13 May 1991 a



International Covenant on Civil and Political Rights (ICCPR)

The International Covenant on Civil and Political Rights (ICCPR) is a multilateral treaty adopted by the United Nations General Assembly on 16 December 1966 and opened for signature at New York on 19 December 1966. It commits its parties to respect the civil and political rights of individuals, including the right of self-determination, right to life, freedom of religion, freedom of speech, freedom of assembly, electoral rights and rights to due process and a fair trial. The Covenant elaborates further the civil and political rights and freedoms listed in the Universal Declaration of Human Rights.

ICCPR

It commits its member states to defend the right to life and stipulates that no individual can be subjected to torture, enslavement, forced labour and arbitrary detention or be restricted from such freedoms as movement, expression and association.

Entry into force: 23 March 1976

Signatories: 72

Parties: 167

Treaty Body: Human Rights Committee (HRC)

India acceded to the ICCPR on 10 April 1979.

The Covenant is divided into six major Parts.

Part I (Article 1) recognises the right of all people to self-determination, including the right to 'freely determine their political status, pursue their economic, social and cultural goals, and manage and dispose off their own resources. It recognises the right of people not to be deprived of means of subsistence, and imposes an obligation on those parties still responsible for non-self governing and trust territories (colonies) to encourage and respect their self-determination.

Key Civil and Political Rights recognized by ICCPR

- Right to Life
- Protection against Arbitrary Detention/ Arrest, Slavery, Torture and Inhuman Treatment
- Equality before the Law and Non-discriminatory Protection of the Law
- Freedom of Thought, Conscience, Religion, Movement & Association
- Right to participate in the political process
- Minority Rights

Part II (Articles 2 – 5) obliges parties to legislate where necessary to give effect to the rights recognised in the Covenant, and to provide an effective legal remedy for any violation of those rights. It also requires the rights be recognised "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," and to ensure that they are enjoyed equally by women.

The rights can only be limited "in time of public emergency which threatens the life of the nation," and even then no derogation is

permitted from the rights to life, freedom from torture and slavery, the freedom from retrospective law, the right to personhood, and freedom of thought, conscience and religion.

Part III (Articles 6 – 27), often described as the heart of the Covenant, it lists the substantive rights and fundamental freedoms guaranteed by the Convention. These provisions also stipulate the narrow confines within which the death penalty may legitimately be imposed in States parties where that penalty has not been abolished.

Specific prohibitions are set out concerning torture, unauthorized medical experimentation, slavery and forced labour. The rights of a

person in the context of deprivation of liberty, commonly by arrest, and in detention are also covered. These include:

- **Right to physical integrity**, in the form of the right to life and freedom from torture and slavery (Articles 6, 7, and 8);
- **Liberty and security of the person**, in the form of freedom from arbitrary arrest and detention and the right to habeas corpus (Articles 9 – 11);
- **Procedural fairness in law**, in the form of rights to due process, a fair and impartial trial, the presumption of innocence, and recognition as a person before the law (Articles 14, 15, and 16);
- **Individual liberty**, in the form of the freedoms of movement, thought, conscience and religion, speech, association and assembly, family rights, the right to a nationality, and the right to privacy (Articles 12, 13, 17 – 24);
- **Prohibition of any propaganda for war** as well as advocacy of national or religious hatred that constitutes incitement to discrimination, hostility or violence by law (Article 20);
- **Political participation**, including the right to join a political party and the right to vote (Article 25);
- **Non-discrimination, minority rights and equality before the law** (Articles 26 and 27).
- **Part IV** (Articles 28 – 45) governs the establishment and operation of the *Human Rights Committee*, the body of independent experts that monitors implementation of the International Covenant on Civil and Political Rights by its State parties. It also allows parties to recognise the competence of the Committee to resolve disputes between parties on the implementation of the Covenant (Articles 41 and 42).
- **Part V** (Articles 46 – 47) clarifies that “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” or "the inherent right of all peoples to enjoy and utilize fully and freely their natural wealth and resources".

- **Part VI** (Articles 48 – 53) has provisions with regard to the ratification, entry into force, and amendment of the Covenant.

India's Declarations/Reservations on the ICCPR

"I. With reference to article 1 of the International Covenant on Economic, Social and Cultural Rights and article 1 of the International Covenant on Civil and Political Rights, the Government of the Republic of India declares that the words 'the right of self-determination' appearing in [this article] apply only to the peoples under foreign domination and that these words do not apply to sovereign independent States or to a section of a people or nation--which is the essence of national integrity.

"II. With reference to article 9 of the International Covenant on Civil and Political Rights, the Government of the Republic of India takes the position that the provisions of the article shall be so applied as to be in consonance with the provisions of clauses (3) to (7) of article 22 of the Constitution of India. Further under the Indian Legal System, there is no enforceable right to compensation for persons claiming to be victims of unlawful arrest or detention against the State.

"III. With respect to article 13 of the International Covenant on Civil and Political Rights, the Government of the Republic of India reserves its right to apply its law relating to foreigners.

"IV. With reference to articles 4 and 8 of the International Covenant on Economic, Social and Cultural Rights, and articles 12, 19 (3), 21 and 22 of the International Covenant on Civil and Political Rights the Government of the Republic of India declares that the provisions of the said [article] shall be so applied as to be in conformity with the provisions of article 19 of the Constitution of India.

"V. With reference to article 7 (c) of the International Covenant on Economic, Social and Cultural Rights, the Government of the Republic of India declares that the provisions of the said article shall be so applied as to be in conformity with the provisions of article 16(4) of the Constitution of India."

International Covenant on Civil and Political Rights

COUNTRY-WISE RATIFICATION STATUS

(Source: United Nations Treaty Collection Website
<http://treaties.un.org/>)

Participant	Signature	Accession(a), Succession(d), Ratification
Afghanistan		24 Jan 1983 a
Albania		4 Oct 1991 a
Algeria	10 Dec 1968	12 Sep 1989
Andorra	5 Aug 2002	22 Sep 2006
Angola		10 Jan 1992 a
Argentina	19 Feb 1968	8 Aug 1986
Armenia		23 Jun 1993 a
Australia	18 Dec 1972	13 Aug 1980
Austria	10 Dec 1973	10 Sep 1978
Azerbaijan		13 Aug 1992 a
Bahamas	4 Dec 2008	23 Dec 2008
Bahrain		20 Sep 2006 a
Bangladesh		6 Sep 2000 a
Barbados		5 Jan 1973 a
Belarus	19 Mar 1968	12 Nov 1973
Belgium	10 Dec 1968	21 Apr 1983
Belize		10 Jun 1996 a
Benin		12 Mar 1992 a
Bolivia (Plurinational State of)		12 Aug 1982 a
Bosnia and Herzegovina		1 Sep 1993 d
Botswana	8 Sep 2000	8 Sep 2000
Brazil		24 Jan 1992 a
Bulgaria	8 Oct 1968	21 Sep 1970
Burkina Faso		4 Jan 1999 a
Burundi		9 May 1990 a
Cambodia	17 Oct 1980	26 May 1992 a
Cameroon		27 Jun 1984 a
Canada		19 May 1976 a
Cape Verde		6 Aug 1993 a
Central African Republic		8 May 1981 a
Chad		9 Jun 1995 a
Chile	16 Sep 1969	10 Feb 1972
China	5 Oct 1998	

Participant	Signature	Accession(a), Succession(d), Ratification
Colombia	21 Dec 1966	29 Oct 1969
Comoros	25 Sep 2008	
Congo		5 Oct 1983 a
Costa Rica	19 Dec 1966	29 Nov 1968
Côte d'Ivoire		26 Mar 1992 a
Croatia		12 Oct 1992 d
Cuba	28 Feb 2008	
Cyprus	19 Dec 1966	2 Apr 1969
Czech Republic		22 Feb 1993 d
Democratic People's Republic of Korea		14 Sep 1981 a
Democratic Republic of the Congo		1 Nov 1976 a
Denmark	20 Mar 1968	6 Jan 1972
Djibouti		5 Nov 2002 a
Dominica		17 Jun 1993 a
Dominican Republic		4 Jan 1978 a
Ecuador	4 Apr 1968	6 Mar 1969
Egypt	4 Aug 1967	14 Jan 1982
El Salvador	21 Sep 1967	30 Nov 1979
Equatorial Guinea		25 Sep 1987 a
Eritrea		22 Jan 2002 a
Estonia		21 Oct 1991 a
Ethiopia		11 Jun 1993 a
Finland	11 Oct 1967	19 Aug 1975
France		4 Nov 1980 a
Gabon		21 Jan 1983 a
Gambia		22 Mar 1979 a
Georgia		3 May 1994 a
Germany	9 Oct 1968	17 Dec 1973
Ghana	7 Sep 2000	7 Sep 2000
Greece		5 May 1997 a
Grenada		6 Sep 1991 a
Guatemala		5 May 1992 a
Guinea	28 Feb 1967	24 Jan 1978
Guinea-Bissau	12 Sep 2000	1 Nov 2010
Guyana	22 Aug 1968	15 Feb 1977
Haiti		6 Feb 1991 a
Honduras	19 Dec 1966	25 Aug 1997

Participant	Signature	Accession(a), Succession(d), Ratification
Hungary	25 Mar 1969	17 Jan 1974
Iceland	30 Dec 1968	22 Aug 1979
India		10 Apr 1979 a
Indonesia		23 Feb 2006 a
Iran (Islamic Republic of)	4 Apr 1968	24 Jun 1975
Iraq	18 Feb 1969	25 Jan 1971
Ireland	1 Oct 1973	8 Dec 1989
Israel	19 Dec 1966	3 Oct 1991
Italy	18 Jan 1967	15 Sep 1978
Jamaica	19 Dec 1966	3 Oct 1975
Japan	30 May 1978	21 Jun 1979
Jordan	30 Jun 1972	28 May 1975
Kazakhstan	2 Dec 2003	24 Jan 2006
Kenya		1 May 1972 a
Kuwait		21 May 1996 a
Kyrgyzstan		7 Oct 1994 a
Lao People's Democratic Republic	7 Dec 2000	25 Sep 2009
Latvia		14 Apr 1992 a
Lebanon		3 Nov 1972 a
Lesotho		9 Sep 1992 a
Liberia	18 Apr 1967	22 Sep 2004
Libya		15 May 1970 a
Liechtenstein		10 Dec 1998 a
Lithuania		20 Nov 1991 a
Luxembourg	26 Nov 1974	18 Aug 1983
Madagascar	17 Sep 1969	21 Jun 1971
Malawi		22 Dec 1993 a
Maldives		19 Sep 2006 a
Mali		16 Jul 1974 a
Malta		13 Sep 1990 a
Mauritania		17 Nov 2004 a
Mauritius		12 Dec 1973 a
Mexico		23 Mar 1981 a
Monaco	26 Jun 1997	28 Aug 1997
Mongolia	5 Jun 1968	18 Nov 1974
Montenegro		23 Oct 2006 d
Morocco	19 Jan 1977	3 May 1979
Mozambique		21 Jul 1993 a

Participant	Signature	Accession(a), Succession(d), Ratification
Namibia		28 Nov 1994 a
Nauru	12 Nov 2001	
Nepal		14 May 1991 a
Netherlands	25 Jun 1969	11 Dec 1978
New Zealand	12 Nov 1968	28 Dec 1978
Nicaragua		12 Mar 1980 a
Niger		7 Mar 1986 a
Nigeria		29 Jul 1993 a
Norway	20 Mar 1968	13 Sep 1972
Pakistan	17 Apr 2008	23 Jun 2010
Palau	20 Sep 2011	
Panama	27 Jul 1976	8 Mar 1977
Papua New Guinea		21 Jul 2008 a
Paraguay		10 Jun 1992 a
Peru	11 Aug 1977	28 Apr 1978
Philippines	19 Dec 1966	23 Oct 1986
Poland	2 Mar 1967	18 Mar 1977
Portugal	7 Oct 1976	15 Jun 1978
Republic of Korea		10 Apr 1990 a
Republic of Moldova		26 Jan 1993 a
Romania	27 Jun 1968	9 Dec 1974
Russian Federation	18 Mar 1968	16 Oct 1973
Rwanda		16 Apr 1975 a
Samoa		15 Feb 2008 a
San Marino		18 Oct 1985 a
Sao Tome and Principe	31 Oct 1995	
Senegal	6 Jul 1970	13 Feb 1978
Serbia		12 Mar 2001 d
Seychelles		5 May 1992 a
Sierra Leone		23 Aug 1996 a
Slovakia		28 May 1993 d
Slovenia		6 Jul 1992 d
Somalia		24 Jan 1990 a
South Africa	3 Oct 1994	10 Dec 1998
Spain	28 Sep 1976	27 Apr 1977
Sri Lanka		11 Jun 1980 a
St. Lucia	22 Sep 2011	
St. Vincent and the Grenadines		9 Nov 1981 a

Participant	Signature	Accession(a), Succession(d), Ratification
Sudan		18 Mar 1986 a
Suriname		28 Dec 1976 a
Swaziland		26 Mar 2004 a
Sweden	29 Sep 1967	6 Dec 1971
Switzerland		18 Jun 1992 a
Syrian Arab Republic		21 Apr 1969 a
Tajikistan		4 Jan 1999 a
Thailand		29 Oct 1996 a
The former Yugoslav Republic of Macedonia		18 Jan 1994 d
Timor-Leste		18 Sep 2003 a
Togo		24 May 1984 a
Trinidad and Tobago		21 Dec 1978 a
Tunisia	30 Apr 1968	18 Mar 1969
Turkey	15 Aug 2000	23 Sep 2003
Turkmenistan		1 May 1997 a
Uganda		21 Jun 1995 a
Ukraine	20 Mar 1968	12 Nov 1973
United Kingdom of Great Britain and Northern Ireland	16 Sep 1968	20 May 1976
United Republic of Tanzania		11 Jun 1976 a
United States of America	5 Oct 1977	8 Jun 1992
Uruguay	21 Feb 1967	1 Apr 1970
Uzbekistan		28 Sep 1995 a
Vanuatu	29 Nov 2007	21 Nov 2008
Venezuela (Bolivarian Republic of)	24 Jun 1969	10 May 1978
Viet Nam		24 Sep 1982 a
Yemen		9 Feb 1987 a
Zambia		10 Apr 1984 a
Zimbabwe		13 May 1991 a

Human Rights Committee (HRC)

The Human Rights Committee is the body of independent experts that monitors implementation of the International Covenant on Civil and Political Rights by its State parties.

All States parties are obliged to submit regular reports to the Committee on how the rights are being implemented. States must report initially one year after acceding to the Covenant and then whenever the Committee requests (usually every four years). The Committee examines each report and addresses its concerns and recommendations to the State party in the form of "concluding observations".

Human Rights Committee (HRC)

The HRC is the body of independent experts that monitors implementation of the ICCPR by its State parties.

It was established under Article 28 of the ICCPR

In addition to the reporting procedure, Article 41 of the Covenant provides for the Committee to consider inter-state complaints. Furthermore, the First Optional Protocol to the Covenant gives the Committee competence to examine individual complaints with regard to alleged violations of the Covenant by States parties to the Protocol.

The full competence of the Committee extends to the Second Optional Protocol to the Covenant on the abolition of the death penalty with regard to States who have accepted the Protocol. The Committee meets in Geneva or New York and normally holds three sessions per year. The Committee also publishes its interpretation of the content of human rights provisions, known as general comments on thematic issues or its methods of work.

Monitoring Functions of the Committee

The HRC's task is to supervise and monitor the implementation of Covenant obligations by States parties. One of the great strengths of

MONITORING FUNCTIONS OF HRC

- Receiving/examining reports from state parties
- Elaborating general comments
- Receiving/considering individual complaints
- Considering complaints made by a State party against another

the Committee is the moral authority it derives from the fact that its membership represents all parts of the world.

In carrying out its monitoring and supervisory functions, the Committee has four major responsibilities:

First, the Committee receives and examines reports from

the States parties on the steps they have taken to give effect to the rights spelled out in the Covenant.

Second, the Committee elaborates so-called general comments, which are designed to assist States parties to give effect to the provisions of the Covenant by providing greater detail regarding the substantive and procedural obligations of States parties.

Third, the Committee receives and considers individual complaints, also known as "communications", under the Optional Protocol made by individuals who claim violations of their Covenant rights by a State party.

Fourth, the Committee has jurisdiction to consider certain complaints made by a State party that another State party is not abiding by the obligations assumed under the Covenant.

All States that have ratified or acceded to the Covenant undertake to submit reports to the Committee on the measures they have adopted to give effect to the rights the Covenant establishes and on the progress made in the enjoyment of those rights. This obligation is contained in Article 40 of the Covenant.

A State party's initial report is due within one year of the entry into force of the Covenant for the country concerned. Subsequent reports, known as "periodic reports", are now due at a time individually specified by the Committee for each State party.



First Optional Protocol to the International Covenant on Civil and Political Rights

The **First Optional Protocol** is a supplementary treaty to the International Covenant on Civil and Political Rights (ICCPR). It is procedural and provides a mechanism for the Human Rights Committee, set up by the ICCPR, to receive and consider individual complaints against alleged breaches of the Covenant by a state party.

First Optional Protocol to the ICCPR (on individual complaints)

The ICCPR Optional Protocol I is a supplementary treaty to the ICCPR and entered into force in accordance with Article 9 of the Convention.

Entry into force: 23 March 1976

Signatories: 35

Parties: 113

India has not signed the ICCPR Optional Protocol I

Thus, individuals who claim that their rights and freedoms have been violated, may call the State in question to account for its actions, provided it is a party to the Optional Protocol to the ICCPR.

Under Article 1 of the Optional Protocol, a State party to the Covenant that becomes a party to the Protocol “recognizes the competence of the Human Rights Committee to receive and consider communications from individuals subject to its jurisdiction who claim to be victims of a violation by that State Party of any of the rights set forth in the Covenant.” Individuals who make such a claim, and who have exhausted all available domestic remedies, are entitled to submit a written communication to the Committee for its consideration (Article 2).

Key Provisions of the First Optional Protocol to the ICCPR

- Establishes an individual complaints mechanism for the ICCPR;
- Parties agree to recognize the competence of the UN Human Rights Committee to consider complaints from individuals or groups who claim their rights under the ICCPR have been violated.

In addition to Article 2, Articles 3 and 5 (2) lay down conditions for admissibility of complaints / communications by individuals. Complaints admitted by the Committee are then brought to the attention of the State party alleged to have violated a provision of the Covenant. The concerned State is required to submit to the Committee within six months, written explanations or

statements clarifying the matter and indicating the remedy, if any, that it may have applied (Article 4).

Subsequently, the Human Rights Committee considers these individual complaints in the light of all the information made available to it by the individual and the State party concerned. It then forwards its views to the concerned State party and individual(s) (Article 5).

As its name makes clear, the Protocol is not compulsory, but once a State party to the Covenant becomes a party to the Protocol, any person subject to the jurisdiction of the State party may lodge a written complaint with the Human Rights Committee (subject to permissible reservations).

Article 6 requires that the Committee report annually to the General Assembly on its activities concerning complaints, while Articles 7 through 14 largely contain technical provisions on the mechanics of

states becoming party to the Protocol, entry into force, notification, amendment, denunciation and the like.

Article 10, like the parent Covenant, provides that the Protocol extends without exception to all parts of federal States. Article 12 provides for a State party to denounce the Optional Protocol.

First Optional Protocol to the ICCPR

COUNTRY-WISE RATIFICATION STATUS

(Source: United Nations Treaty Collection Website
<http://treaties.un.org/>)

Participant	Signature, Succession to signature(d)	Ratification, Accession(a), Succession(d)
Albania		4 Oct 2007 a
Algeria		12 Sep 1989 a
Andorra	5 Aug 2002	22 Sep 2006
Angola		10 Jan 1992 a
Argentina		8 Aug 1986 a
Armenia		23 Jun 1993 a
Australia		25 Sep 1991 a
Austria	10 Dec 1973	10 Dec 1987
Azerbaijan		27 Nov 2001 a
Barbados		5 Jan 1973 a
Belarus		30 Sep 1992 a
Belgium		17 May 1994 a
Benin		12 Mar 1992 a
Bolivia (Plurinational State of)		12 Aug 1982 a
Bosnia and Herzegovina	1 Mar 1995	1 Mar 1995
Brazil		25 Sep 2009 a
Bulgaria		26 Mar 1992 a
Burkina Faso		4 Jan 1999 a
Cambodia	27 Sep 2004	
Cameroon		27 Jun 1984 a
Canada		19 May 1976 a
Cape Verde		19 May 2000 a
Central African Republic		8 May 1981 a
Chad		9 Jun 1995 a
Chile		27 May 1992 a
Colombia	21 Dec 1966	29 Oct 1969
Congo		5 Oct 1983 a
Costa Rica	19 Dec 1966	29 Nov 1968
Côte d'Ivoire		5 Mar 1997 a

Participant	Signature, Succession to signature(d)	Ratification, Accession(a), Succession(d)
Croatia		12 Oct 1995 a
Cyprus	19 Dec 1966	15 Apr 1992
Czech Republic		22 Feb 1993 d
Democratic Republic of the Congo		1 Nov 1976 a
Denmark	20 Mar 1968	6 Jan 1972
Djibouti		5 Nov 2002 a
Dominican Republic		4 Jan 1978 a
Ecuador	4 Apr 1968	6 Mar 1969
El Salvador	21 Sep 1967	6 Jun 1995
Equatorial Guinea		25 Sep 1987 a
Estonia		21 Oct 1991 a
Finland	11 Dec 1967	19 Aug 1975
France		17 Feb 1984 a
Gambia		9 Jun 1988 a
Georgia		3 May 1994 a
Germany		25 Aug 1993 a
Ghana	7 Sep 2000	7 Sep 2000
Greece		5 May 1997 a
Guatemala		28 Nov 2000 a
Guinea	19 Mar 1975	17 Jun 1993
Guinea-Bissau	12 Sep 2000	
Guyana		5 Jan 1999 a
Honduras	19 Dec 1966	7 Jun 2005
Hungary		7 Sep 1988 a
Iceland		22 Aug 1979 a
Ireland		8 Dec 1989 a
Italy	30 Apr 1976	15 Sep 1978
Jamaica	[19 Dec 1966]	[3 Oct 1975]
Kazakhstan	25 Sep 2007	30 Jun 2009
Kyrgyzstan		7 Oct 1994 a
Latvia		22 Jun 1994 a
Lesotho		6 Sep 2000 a
Liberia	22 Sep 2004	
Libya		16 May 1989 a

Participant	Signature, Succession to signature(d)	Ratification, Accession(a), Succession(d)
Liechtenstein		10 Dec 1998 a
Lithuania		20 Nov 1991 a
Luxembourg		18 Aug 1983 a
Madagascar	17 Sep 1969	21 Jun 1971
Malawi		11 Jun 1996 a
Maldives		19 Sep 2006 a
Mali		24 Oct 2001 a
Malta		13 Sep 1990 a
Mauritius		12 Dec 1973 a
Mexico		15 Mar 2002 a
Mongolia		16 Apr 1991 a
Montenegro		23 Oct 2006 d
Namibia		28 Nov 1994 a
Nauru	12 Nov 2001	
Nepal		14 May 1991 a
Netherlands	25 Jun 1969	11 Dec 1978
New Zealand		26 May 1989 a
Nicaragua		12 Mar 1980 a
Niger		7 Mar 1986 a
Norway	20 Mar 1968	13 Sep 1972
Panama	27 Jul 1976	8 Mar 1977
Paraguay		10 Jan 1995 a
Peru	11 Aug 1977	3 Oct 1980
Philippines	19 Dec 1966	22 Aug 1989
Poland		7 Nov 1991 a
Portugal	1 Aug 1978	3 May 1983
Republic of Korea		10 Apr 1990 a
Republic of Moldova	16 Sep 2005	23 Jan 2008
Romania		20 Jul 1993 a
Russian Federation		1 Oct 1991 a
San Marino		18 Oct 1985 a
Sao Tome and Principe	6 Sep 2000	
Senegal	6 Jul 1970	13 Feb 1978
Serbia	12 Mar 2001 d	6 Sep 2001
Seychelles		5 May 1992 a

Participant	Signature, Succession to signature(d)	Ratification, Accession(a), Succession(d)
Sierra Leone		23 Aug 1996 a
Slovakia		28 May 1993 d
Slovenia		16 Jul 1993 a
Somalia		24 Jan 1990 a
South Africa		28 Aug 2002 a
Spain		25 Jan 1985 a
Sri Lanka		3 Oct 1997 a
St. Vincent and the Grenadines		9 Nov 1981 a
Suriname		28 Dec 1976 a
Sweden	29 Sep 1967	6 Dec 1971
Tajikistan		4 Jan 1999 a
The former Yugoslav Republic of Macedonia	12 Dec 1994 d	12 Dec 1994
Togo		30 Mar 1988 a
Trinidad and Tobago		[14 Nov 1980 a]
Tunisia		29 Jun 2011 a
Turkey	3 Feb 2004	24 Nov 2006
Turkmenistan		1 May 1997 a
Uganda		14 Nov 1995 a
Ukraine		25 Jul 1991 a
Uruguay	21 Feb 1967	1 Apr 1970
Uzbekistan		28 Sep 1995 a
Venezuela (Bolivarian Republic of)	15 Nov 1976	10 May 1978
Zambia		10 Apr 1984 a



Second Optional Protocol to the International Covenant on Civil and Political Rights

The purpose of the Second Optional Protocol is revealed by its full title, “aiming at the abolition of the death penalty”. It was adopted by the General Assembly by its resolution 44/128 of 15 December 1989.

Second Optional Protocol to the ICCPR (aiming at the abolition of the death penalty)

The ICCPR Optional Protocol II was adopted by Resolution 44/128 of 15 December 1989. It entered into force in accordance with article 8(1) of the Convention.

Entry into force: 11 July 1991

Signatories: 35

Parties: 73

India has not signed the ICCPR Optional Protocol II

The Preamble to the Second Optional Protocol reinforces the view that abolition of the death penalty is a desirable and progressive human rights measure that enhances human dignity and enjoyment of the right to life.

The Second Optional Protocol creates an unqualified human right – of an individual not to be executed and prohibits the execution of anyone under the domestic law of a ratifying state. Its single substantive provision, Article 1, states that no person within a State party’s jurisdiction shall be executed, and that each State party shall take all necessary measures to abolish the death penalty. However, it

is subject to any reservations made by a state party under Article 2 of the Protocol.

**Key Provision of the Second
Optional Protocol to the
ICCPR**

- Commits its members to the abolition of the death penalty within their borders, though Article 2.1 allows parties to make a reservation allowing execution for grave crimes in times of war.

Article 2 permits, subject to certain procedural requirements, only one reservation, namely reserving the death penalty in times of war, pursuant to a conviction for the most serious crimes of a military nature committed during wartime.

This is the only exception to the rule of abolition of the death penalty under the Protocol. A State Party can only make a reservation at the time of ratifying the Protocol, otherwise it is bound to total abolition with no exceptions. Articles 2.2 & 2.3 set out the procedure for a State Party to make a reservation and to notify the UN of its exercise of the reservation. **Article 3** of the Optional Protocol places reporting obligations on the state parties (in accordance with Article 40 of the ICCPR), to inform the Human Rights Committee on the measures adopted to give effect to the Second Optional Protocol.

Article 4 provides for a State Party to make a complaint to the UN Human Rights Committee against another State Party which it believes is violating the Protocol. **Article 5** provides for individuals to make complaints to the Human Rights Committee against a State Party. However, it only applies to nations that have ratified the First Optional Protocol to the ICCPR. At the time of signing the Protocol, a State Party can opt-out of this complaints procedure.

Article 6.2 provides that the right of the individual not to be executed cannot be revoked/suspended in case of a “public emergency which threatens the life of the nation”, as outlined in Article 4 of the ICCPR. An exception can only be made in case a State Party has made a reservation under Article 2 of the Second Optional Protocol at the time of ratifying the Optional Protocol.

Articles 7 and 8 contain provisions regarding the Protocol’s entry into force, ratification, amendment and so on. **Article 9** places a positive obligation upon the State Party to ensure that the death penalty is abolished across all its constituent states and territories. Thus, federal governments are responsible to ensure that the provisions of the Optional Protocol are applied by their constituent States. **Article 10** outlines the duties of the Secretary-General of the United Nations in relation to the State Parties to the Protocol, while Article 11 provides for the Protocol to be translated into the six official languages of the UN and sent to the government of every UN member state.

Second Optional Protocol to the ICCPR

COUNTRY-WISE RATIFICATION STATUS

(Source: United Nations Treaty Collection Website

<http://treaties.un.org/>)

Participant	Signature	Ratification, Accession(a), Succession(d)
Albania		17 Oct 2007 a
Andorra	5 Aug 2002	22 Sep 2006
Argentina	20 Dec 2006	2 Sep 2008
Australia		2 Oct 1990 a
Austria	8 Apr 1991	2 Mar 1993
Azerbaijan		22 Jan 1999 a
Belgium	12 Jul 1990	8 Dec 1998
Bosnia and Herzegovina	7 Sep 2000	16 Mar 2001
Brazil		25 Sep 2009 a
Bulgaria	11 Mar 1999	10 Aug 1999
Canada		25 Nov 2005 a
Cape Verde		19 May 2000 a
Chile	15 Nov 2001	26 Sep 2008
Colombia		5 Aug 1997 a
Costa Rica	14 Feb 1990	5 Jun 1998
Croatia		12 Oct 1995 a
Cyprus		10 Sep 1999 a
Czech Republic		15 Jun 2004 a
Denmark	13 Feb 1990	24 Feb 1994
Djibouti		5 Nov 2002 a
Ecuador		23 Feb 1993 a
Estonia		30 Jan 2004 a
Finland	13 Feb 1990	4 Apr 1991
France		2 Oct 2007 a
Georgia		22 Mar 1999 a
Germany	13 Feb 1990	18 Aug 1992
Greece		5 May 1997 a
Guinea-Bissau	12 Sep 2000	
Honduras	10 May 1990	1 Apr 2008
Hungary		24 Feb 1994 a

Participant	Signature	Ratification, Accession(a), Succession(d)
Iceland	30 Jan 1991	2 Apr 1991
Ireland		18 Jun 1993 a
Italy	13 Feb 1990	14 Feb 1995
Kyrgyzstan		6 Dec 2010 a
Liberia		16 Sep 2005 a
Liechtenstein		10 Dec 1998 a
Lithuania	8 Sep 2000	27 Mar 2002
Luxembourg	13 Feb 1990	12 Feb 1992
Malta		29 Dec 1994 a
Mexico		26 Sep 2007 a
Monaco		28 Mar 2000 a
Mongolia		13 Mar 2012 a
Montenegro		23 Oct 2006 d
Mozambique		21 Jul 1993 a
Namibia		28 Nov 1994 a
Nepal		4 Mar 1998 a
Netherlands	9 Aug 1990	26 Mar 1991
New Zealand	22 Feb 1990	22 Feb 1990
Nicaragua	21 Feb 1990	25 Feb 2009
Norway	13 Feb 1990	5 Sep 1991
Panama		21 Jan 1993 a
Paraguay		18 Aug 2003 a
Philippines	20 Sep 2006	20 Nov 2007
Poland	21 Mar 2000	
Portugal	13 Feb 1990	17 Oct 1990
Republic of Moldova		20 Sep 2006 a
Romania	15 Mar 1990	27 Feb 1991
Rwanda		15 Dec 2008 a
San Marino	26 Sep 2003	17 Aug 2004
Sao Tome and Principe	6 Sep 2000	
Serbia		6 Sep 2001 a
Seychelles		15 Dec 1994 a
Slovakia	22 Sep 1998	22 Jun 1999
Slovenia	14 Sep 1993	10 Mar 1994
South Africa		28 Aug 2002 a
Spain	23 Feb 1990	11 Apr 1991
Sweden	13 Feb 1990	11 May 1990

Participant	Signature	Ratification, Accession(a), Succession(d)
Switzerland		16 Jun 1994 a
The former Yugoslav Republic of Macedonia		26 Jan 1995 a
Timor-Leste		18 Sep 2003 a
Turkey	6 Apr 2004	2 Mar 2006
Turkmenistan		11 Jan 2000 a
Ukraine		25 Jul 2007 a
United Kingdom of Great Britain and Northern Ireland	31 Mar 1999	10 Dec 1999
Uruguay	13 Feb 1990	21 Jan 1993
Uzbekistan		23 Dec 2008 a
Venezuela (Bolivarian Republic of)	7 Jun 1990	22 Feb 1993



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

The ICESCR is a multilateral treaty adopted opened for signature, ratification and accession by the United Nations General Assembly on 16 December 1966 and in force since 3 January 1976. Like the ICCPR, it develops the corresponding rights in the UDHR in considerable detail, specifying the steps required for their full realization.

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

ICESCR

It was adopted and opened for signature by General Assembly resolution 2200A (XXI) of December 16, 1966. It is designed to ensure the protection of people as full persons, wherein people can enjoy rights, freedoms and social justice simultaneously.

Entry into force: 3 January 1976

Signatories: 70

Parties: 160

Treaty Body: Committee on Economic, Social and Cultural Rights (CESCR)

India acceded to the ICESCR on 10 April 1979.

The Covenant follows the structure of the Universal Declaration of Human Rights (UDHR) and ICCPR, with a preamble and thirty-one articles, divided into five parts.

Part I (Article 1) recognises the right of all peoples to self-determination, including the right to "freely determine their political status", pursue their economic, social and cultural goals, and manage and dispose of their own resources. It recognizes a negative right of a people not to be deprived of its means of subsistence, and imposes an obligation on those parties still responsible for non-self governing and trust territories (colonies) to encourage and respect their self-determination.

Key Social, Cultural & Economic Rights recognized by ICESCR

- Right to non-discrimination
- Right to just & favourable conditions of work
- Right to food
- Trade union rights
- Right to social security
- Right to housing & adequate standard of living
- Right to health
- Right to education
- Right to participate in cultural life

Part II (Articles 2 - 5) establishes the principle of "progressive realisation", which acknowledges that some of the rights (for instance, the Right to Health) may be difficult in practice to achieve in a short period of time, and that states may be subject to resource constraints, but requires them to act as best they can within their means. It also requires the rights be recognized "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". The rights can only be limited by law, in a manner compatible with the nature of the rights, and only for the purpose of "promoting the general welfare in a democratic society".

Part III (Articles 6 - 15) lists the rights themselves. These include the rights to:

- Work, under "just and favourable conditions", with the right to form and join trade unions (Articles 6, 7, and 8)
- Social security, including social insurance (Article 9)
- Family life, including paid parental leave and the protection of children (Article 10)
- An adequate standard of living, including adequate food, clothing and housing, and the "continuous improvement of living conditions" (Article 11)
- Health, specifically "the highest attainable standard of physical and mental health" (Article 12)
- Education, including free universal primary education, generally available secondary education and equally accessible higher education. This should be directed to "the full development of the human personality and the sense of its dignity", and enable all persons to participate effectively in society (Articles 13 and 14)
- Participation in cultural life (Article 15)

Part IV (Articles 16 - 25) requires all States parties to report regularly to the Economic and Social Council. In 1985, the Council created the Committee on Economic, Social and Cultural Rights to carry out the functions of monitoring implementation of the Covenant's provisions (ECOSOC Res. 1985/17). It also allows the monitoring body to make general recommendations to the UN General Assembly on appropriate measures to realise the rights (Article 21).

Part V (Articles 26 - 31) governs ratification, entry into force, and amendment of the Covenant.

The fundamental obligation of States under the ICESCR is to "take steps ... with a view to achieving progressively the full realization of the rights" [Article 2(1)]. This concept was clarified by the *Committee on Economic Social and Cultural Rights* in its General Comment 3 – "the concept of progressive realization constitutes a recognition of the fact that full realization of all economic, social and cultural rights will

generally not be able to be achieved in a short period of time. ... Nevertheless, the fact that realization over time, or in other words progressively, is foreseen under the Covenant should not be misinterpreted as depriving the obligation of all meaningful content ... (The Covenant) imposes an obligation to move as expeditiously and effectively as possible towards that goal.

The *obligation to protect* requires measures by the State to ensure that third parties (individuals, armed groups, enterprises, etc.) do not deprive right-holders of their rights. Under the obligation to protect, the State could be held liable for violations of the rights outlined in the ICESCR, committed by non-State actors. Indeed, several judgments and reports issued by international human rights bodies (with regard to human rights) held States responsible “because of the lack of due diligence to prevent the violation [committed by non-State actors] or to respond to it”.

The obligation to facilitate requires States to adopt measures aimed at improving right-holders’ access to and utilization of resources and means to ensure their livelihood. This is exemplified by article 11(2) of the ICESCR, which reads: “the States Parties to the present Covenant [...] shall take [...] the measures [...] which are needed [...] 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 [...]”. The obligation to facilitate also applies in natural and man-made emergency situations, for instance with regard to the facilitation of transit of humanitarian consignments. In armed conflicts, international humanitarian law explicitly affirms that States have an obligation to grant free passage to humanitarian relief and to facilitate the work of the humanitarian agencies and the distribution of food aid.

The *obligation to provide* entails that the State, as a last resort, must provide food “whenever an individual or group is unable, for reasons

India’s Declarations/Reservations on the ICESCR

"I. With reference to article 1 of the International Covenant on Economic, Social and Cultural Rights and article 1 of the International Covenant on Civil and Political Rights, the Government of the Republic of India declares that the words ‘the right of self-determination’ appearing in [this article] apply only to the peoples under foreign domination and that these words do not apply to sovereign independent States or to a section of a people or nation--which is the essence of national integrity.

"II. With reference to article 9 of the International Covenant on Civil and Political Rights, the Government of the Republic of India takes the position that the provisions of the article shall be so applied as to be in consonance with the provisions of clauses (3) to (7) of article 22 of the Constitution of India. Further under the Indian Legal System, there is no enforceable right to compensation for persons claiming to be victims of unlawful arrest or detention against the State.

"III. With respect to article 13 of the International Covenant on Civil and Political Rights, the Government of the Republic of India reserves its right to apply its law relating to foreigners.

"IV. With reference to articles 4 and 8 of the International Covenant on Economic, Social and Cultural Rights, and articles 12, 19 (3), 21 and 22 of the International Covenant on Civil and Political Rights the Government of the Republic of India declares that the provisions of the said [article] shall be so applied as to be in conformity with the provisions of article 19 of the Constitution of India.

"V. With reference to article 7 (c) of the International Covenant on Economic, Social and Cultural Rights, the Government of the Republic of India declares that the provisions of the said article shall be so applied as to be in conformity with the provisions of article 16(4) of the Constitution of India."

beyond their control, to enjoy the right to adequate food by the means at their disposal” (General Comment 12, Para. 15). Emergency situations, because of their very nature, often entail a shift from the obligation to facilitate to the obligation to provide. The State may of course delegate the implementation of the obligation to provide to the local level, but it remains ultimately responsible for such provisions taking place.

International Covenant on Economic, Social and Cultural Rights

COUNTRY-WISE RATIFICATION STATUS

(Source: United Nations Treaty Collection Website
<http://treaties.un.org/>)

Participant	Signature	Ratification, Accession(a), Succession(d)
Afghanistan		24 Jan 1983 a
Albania		4 Oct 1991 a
Algeria	10 Dec 1968	12 Sep 1989
Angola		10 Jan 1992 a
Argentina	19 Feb 1968	8 Aug 1986
Armenia		13 Sep 1993 a
Australia	18 Dec 1972	10 Dec 1975
Austria	10 Dec 1973	10 Sep 1978
Azerbaijan		13 Aug 1992 a
Bahamas	4 Dec 2008	23 Dec 2008
Bahrain		27 Sep 2007 a
Bangladesh		5 Oct 1998 a
Barbados		5 Jan 1973 a
Belarus	19 Mar 1968	12 Nov 1973
Belgium	10 Dec 1968	21 Apr 1983
Belize	6 Sep 2000	
Benin		12 Mar 1992 a
Bolivia (Plurinational State of)		12 Aug 1982 a
Bosnia and Herzegovina		1 Sep 1993 d
Brazil		24 Jan 1992 a
Bulgaria	8 Oct 1968	21 Sep 1970
Burkina Faso		4 Jan 1999 a
Burundi		9 May 1990 a
Cambodia	17 Oct 1980	26 May 1992 a
Cameroon		27 Jun 1984 a
Canada		19 May 1976 a
Cape Verde		6 Aug 1993 a
Central African Republic		8 May 1981 a
Chad		9 Jun 1995 a
Chile	16 Sep 1969	10 Feb 1972

Participant	Signature	Ratification, Accession(a), Succession(d)
China	27 Oct 1997	27 Mar 2001
Colombia	21 Dec 1966	29 Oct 1969
Comoros	25 Sep 2008	
Congo		5 Oct 1983 a
Costa Rica	19 Dec 1966	29 Nov 1968
Côte d'Ivoire		26 Mar 1992 a
Croatia		12 Oct 1992 d
Cuba	28 Feb 2008	
Cyprus	9 Jan 1967	2 Apr 1969
Czech Republic		22 Feb 1993 d
Democratic People's Republic of Korea		14 Sep 1981 a
Democratic Republic of the Congo		1 Nov 1976 a
Denmark	20 Mar 1968	6 Jan 1972
Djibouti		5 Nov 2002 a
Dominica		17 Jun 1993 a
Dominican Republic		4 Jan 1978 a
Ecuador	29 Sep 1967	6 Mar 1969
Egypt	4 Aug 1967	14 Jan 1982
El Salvador	21 Sep 1967	30 Nov 1979
Equatorial Guinea		25 Sep 1987 a
Eritrea		17 Apr 2001 a
Estonia		21 Oct 1991 a
Ethiopia		11 Jun 1993 a
Finland	11 Oct 1967	19 Aug 1975
France		4 Nov 1980 a
Gabon		21 Jan 1983 a
Gambia		29 Dec 1978 a
Georgia		3 May 1994 a
Germany	9 Oct 1968	17 Dec 1973
Ghana	7 Sep 2000	7 Sep 2000
Greece		16 May 1985 a
Grenada		6 Sep 1991 a
Guatemala		19 May 1988 a
Guinea	28 Feb 1967	24 Jan 1978
Guinea-Bissau		2 Jul 1992 a

Participant	Signature	Ratification, Accession(a), Succession(d)
Guyana	22 Aug 1968	15 Feb 1977
Honduras	19 Dec 1966	17 Feb 1981
Hungary	25 Mar 1969	17 Jan 1974
Iceland	30 Dec 1968	22 Aug 1979
India		10 Apr 1979 a
Indonesia		23 Feb 2006 a
Iran (Islamic Republic of)	4 Apr 1968	24 Jun 1975
Iraq	18 Feb 1969	25 Jan 1971
Ireland	1 Oct 1973	8 Dec 1989
Israel	19 Dec 1966	3 Oct 1991
Italy	18 Jan 1967	15 Sep 1978
Jamaica	19 Dec 1966	3 Oct 1975
Japan	30 May 1978	21 Jun 1979
Jordan	30 Jun 1972	28 May 1975
Kazakhstan	2 Dec 2003	24 Jan 2006
Kenya		1 May 1972 a
Kuwait		21 May 1996 a
Kyrgyzstan		7 Oct 1994 a
Lao People's Democratic Republic	7 Dec 2000	13 Feb 2007
Latvia		14 Apr 1992 a
Lebanon		3 Nov 1972 a
Lesotho		9 Sep 1992 a
Liberia	18 Apr 1967	22 Sep 2004
Libya		15 May 1970 a
Liechtenstein		10 Dec 1998 a
Lithuania		20 Nov 1991 a
Luxembourg	26 Nov 1974	18 Aug 1983
Madagascar	14 Apr 1970	22 Sep 1971
Malawi		22 Dec 1993 a
Maldives		19 Sep 2006 a
Mali		16 Jul 1974 a
Malta	22 Oct 1968	13 Sep 1990
Mauritania		17 Nov 2004 a
Mauritius		12 Dec 1973 a
Mexico		23 Mar 1981 a
Monaco	26 Jun 1997	28 Aug 1997

Participant	Signature	Ratification, Accession(a), Succession(d)
Mongolia	5 Jun 1968	18 Nov 1974
Montenegro		23 Oct 2006 d
Morocco	19 Jan 1977	3 May 1979
Namibia		28 Nov 1994 a
Nepal		14 May 1991 a
Netherlands	25 Jun 1969	11 Dec 1978
New Zealand	12 Nov 1968	28 Dec 1978
Nicaragua		12 Mar 1980 a
Niger		7 Mar 1986 a
Nigeria		29 Jul 1993 a
Norway	20 Mar 1968	13 Sep 1972
Pakistan	3 Nov 2004	17 Apr 2008
Palau	20 Sep 2011	
Panama	27 Jul 1976	8 Mar 1977
Papua New Guinea		21 Jul 2008 a
Paraguay		10 Jun 1992 a
Peru	11 Aug 1977	28 Apr 1978
Philippines	19 Dec 1966	7 Jun 1974
Poland	2 Mar 1967	18 Mar 1977
Portugal	7 Oct 1976	31 Jul 1978
Republic of Korea		10 Apr 1990 a
Republic of Moldova		26 Jan 1993 a
Romania	27 Jun 1968	9 Dec 1974
Russian Federation	18 Mar 1968	16 Oct 1973
Rwanda		16 Apr 1975 a
San Marino		18 Oct 1985 a
Sao Tome and Principe	31 Oct 1995	
Senegal	6 Jul 1970	13 Feb 1978
Serbia		12 Mar 2001 d
Seychelles		5 May 1992 a
Sierra Leone		23 Aug 1996 a
Slovakia		28 May 1993 d
Slovenia		6 Jul 1992 d
Solomon Islands		17 Mar 1982 d
Somalia		24 Jan 1990 a
South Africa	3 Oct 1994	
Spain	28 Sep 1976	27 Apr 1977

Participant	Signature	Ratification, Accession(a), Succession(d)
Sri Lanka		11 Jun 1980 a
St. Vincent and the Grenadines		9 Nov 1981 a
Sudan		18 Mar 1986 a
Suriname		28 Dec 1976 a
Swaziland		26 Mar 2004 a
Sweden	29 Sep 1967	6 Dec 1971
Switzerland		18 Jun 1992 a
Syrian Arab Republic		21 Apr 1969 a
Tajikistan		4 Jan 1999 a
Thailand		5 Sep 1999 a
The former Yugoslav Republic of Macedonia		18 Jan 1994 d
Timor-Leste		16 Apr 2003 a
Togo		24 May 1984 a
Trinidad and Tobago		8 Dec 1978 a
Tunisia	30 Apr 1968	18 Mar 1969
Turkey	15 Aug 2000	23 Sep 2003
Turkmenistan		1 May 1997 a
Uganda		21 Jan 1987 a
Ukraine	20 Mar 1968	12 Nov 1973
United Kingdom of Great Britain and Northern Ireland	16 Sep 1968	20 May 1976
United Republic of Tanzania		11 Jun 1976 a
United States of America	5 Oct 1977	
Uruguay	21 Feb 1967	1 Apr 1970
Uzbekistan		28 Sep 1995 a
Venezuela (Bolivarian Republic of)	24 Jun 1969	10 May 1978
Viet Nam		24 Sep 1982 a
Yemen		9 Feb 1987 a
Zambia		10 Apr 1984 a
Zimbabwe		13 May 1991 a



Committee on Economic, Social and Cultural Rights

The Committee on Economic, Social and Cultural Rights is a body of human rights experts tasked with monitoring the implementation of the International Convention on Economic, Social and Cultural Rights (ICESCR). Unlike the other human rights treaty bodies, the Committee on Economic, Social and Cultural Rights was not established by its corresponding instrument. Rather, the Economic and Social Council (ECOSOC) created the Committee under ECOSOC Resolution 1985/17 to carry out the monitoring functions originally assigned to the Council under Part IV of the Covenant.

It consists of 18 members with recognized competence in the field of

Committee on Economic, Social & Cultural Rights (CESCR)

- The CESCR is the body of independent experts that monitors implementation of the ICESCR by its State parties.
- It was established under ECOSOC Resolution 1985/17 of 28 May 1985

human rights, who are elected for four-year terms, with half the members elected every two years.

The Members are elected by ECOSOC and are eligible for re-election if re-nominated. The Committee is thus a subsidiary organ of ECOSOC and derives its formal authority from that body.

Elections take place in a secret ballot from a list of nominees proposed by States parties to the Covenant.

Under Articles 16 and 17 of the Covenant, States parties undertake to submit periodic reports to the Committee, within two years of the entry into force of the Covenant for a particular State party, and thereafter, once every five years, outlining the legislative, judicial, policy and other measures which they have taken to ensure the enjoyment of the rights contained in the Covenant, as also difficulties faced in this respect.

The Committee has emphasized that reporting obligations under the Covenant fulfill seven key objectives. In its General Comment No. 1 (1989), the Committee outlined these objectives as follows:

1. To ensure that a State party undertakes a comprehensive review of national legislation, administrative rules and procedures, and practices in order to assure the fullest possible conformity with the Covenant;
2. To ensure that the State party regularly monitors the actual situation with respect to each of the enumerated rights in order to assess the extent to which the various rights are being enjoyed by all individuals within the country;
3. To provide a basis for government elaboration of clearly stated and carefully targeted policies for implementing the Covenant;
4. To facilitate public scrutiny of government policies with respect to the Covenant's implementation, and to encourage the involvement of the various sectors of society in the formulation, implementation and review of relevant policies;
5. To provide a basis on which both the State party and the Committee can effectively evaluate progress towards the realization of the obligations contained in the Covenant;
6. To enable the State party to develop a better understanding of problems and shortcomings impeding the realization of economic, social and cultural rights; and,
7. To facilitate the exchange of information among States parties and to help develop a fuller appreciation of both common problems and possible solutions in the realization of each of the rights contained in the Covenant.

The Committee decided in 1988 to begin preparing "general comments" on the rights and provisions contained in the ICESCR

with a view to assisting States parties in fulfilling their reporting obligations and to provide greater interpretative clarity as to the intent, meaning and content of the Covenant. General comments are a crucial means of generating jurisprudence, providing a method by which members of the Committee may come to an agreement by consensus regarding the interpretation of norms embodied in the Covenant.

The Committee examines each State Party report and addresses its concerns and recommendations to the concerned State in the form of “concluding observations”.

Optional Protocol to ICESCR

The Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, adopted in December 2008, is an international treaty establishing complaint and inquiry mechanisms for the International Covenant on Economic, Social and Cultural Rights. It enables victims to complain about violations of the rights enshrined in the Covenant at the international level.

Optional Protocol to the ICESCR

The ICESCR Optional Protocol is an international treaty establishing complaint and inquiry mechanisms for the ICESCR. It was adopted by the UNGA on 10 December 2008, and opened for signature on 24 September 2009. According to Article 18, it will enter into force when ratified by 10 parties.

Entry into force: Not yet in Force

Signatories: 39

Parties: 7

India has not signed the ICESCR Optional Protocol

The Optional Protocol reiterates the equal importance of economic, social and cultural rights with civil and political rights. It is designed to enable victims to seek justice for violations of their economic, social and cultural rights at the international level through the submission of communications before the Committee on Economic, Social and Cultural Rights, which is the Treaty Body that governs the implementation of the Covenant by State Parties.

The Optional Protocol provides for a “communications procedure” (that is, a complaints mechanism), in the same way that the Optional Protocols to the International Covenant on Civil and Political Rights and the Convention on the Elimination of All Forms of Discrimination against Women do. The communications procedure

allows victims of violations of their economic, social, and cultural rights to present complaints before the Committee, which can in turn, review individual complaints in a way similar to that of traditional human rights courts.

Optional Protocol to the ICESCR

Key Provisions:

- The Optional Protocol establishes an individual complaints mechanism for the Covenant;
- It also includes an inquiry mechanism whereby Parties may permit the Committee on Economic, Social and Cultural Rights to investigate, report on and make recommendations on "grave or systematic violations" of the Convention.

The procedure provides for the possibility of a friendly settlement and of so-called 'interim measures' which the State may be requested to take to avoid possible irreparable damage to the victims of the alleged violations. The Optional Protocol also provides for an "inquiry procedure," allowing the Committee to initiate an investigation if it receives reliable information indicating grave or systematic violations of the ICESCR by a State Party. The inquiry procedure only comes into operation if States make a specific declaration to be bound by it ('opt in' clause).

Any individual or group of individuals (including communities, NGOs, trade unions, etc.) can lodge a complaint alleging a violation of all or any ESCR, provided their government has ratified the OP-ICESCR. Authors of the communication (usually victims, or those acting on their behalf) must first exhaust all available domestic remedies, present the communication within a year of that exhaustion, and ensure that the same case has not been presented before a similar international mechanism.

Violations of economic, social, cultural rights can occur when States interfere unduly with their enjoyment; fail to adopt steps towards their full realization; when they provide for or deny rights in a discriminatory manner; when they fail to comply with the minimum core obligations set out by the Convention; or adopt deliberately retrogressive measures without a proper justification.

Optional Protocol to the International Covenant on Economic, Social and Cultural Rights

COUNTRY-WISE RATIFICATION STATUS

(Source: United Nations Treaty Collection Website
<http://treaties.un.org/>)

Participant	Signature	Accession(a), Ratification
Argentina	24 Sep 2009	24 Oct 2011
Armenia	29 Sep 2009	
Azerbaijan	25 Sep 2009	
Belgium	24 Sep 2009	
Bolivia (Plurinational State of)	12 Feb 2010	13 Jan 2012
Bosnia and Herzegovina	12 Jul 2010	18 Jan 2012
Cape Verde	26 Sep 2011	
Chile	24 Sep 2009	
Congo	25 Sep 2009	
Costa Rica	28 Apr 2011	
Democratic Republic of the Congo	23 Sep 2010	
Ecuador	24 Sep 2009	11 Jun 2010
El Salvador	25 Sep 2009	20 Sep 2011
Finland	24 Sep 2009	
Gabon	24 Sep 2009	
Ghana	24 Sep 2009	
Guatemala	24 Sep 2009	
Guinea-Bissau	25 Sep 2009	
Ireland	23 Mar 2012	
Italy	28 Sep 2009	
Kazakhstan	23 Sep 2010	
Luxembourg	24 Sep 2009	
Madagascar	25 Sep 2009	
Maldives	21 Sep 2011	
Mali	24 Sep 2009	
Mongolia	23 Dec 2009	1 Jul 2010
Montenegro	24 Sep 2009	
Netherlands	24 Sep 2009	
Paraguay	6 Oct 2009	

Participant	Signature	Accession(a), Ratification
Portugal	24 Sep 2009	
Senegal	24 Sep 2009	
Slovakia	24 Sep 2009	7 Mar 2012
Slovenia	24 Sep 2009	
Solomon Islands	24 Sep 2009	
Spain	24 Sep 2009	23 Sep 2010
Timor-Leste	28 Sep 2009	
Togo	25 Sep 2009	
Ukraine	24 Sep 2009	
Uruguay	24 Sep 2009	
Venezuela (Bolivarian Republic of)	4 Oct 2011	

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

In 1979, the international community adopted a new treaty which addressed a specific phenomenon: discrimination against women on the basis of sex. Sex discrimination, like racial discrimination, is proscribed under the two covenants (ICCPR and ICESCR) in general terms. However, the CEDAW sets out in more detail what is meant by the prohibition of sex discrimination from the perspective of equality between men and women. It addresses a range of programmatic and policy aspects of the specific problem.

CEDAW

It sets out internationally accepted principles on the rights of women. The basic legal norm of the Convention is the prohibition of all forms of discrimination against women.

Entry into force: 3 September 1981

Signatories: 99

Parties: 187

Treaty Body: Committee on the Elimination of Discrimination against Women (CEDAW)

India ratified the Convention on 9 July 1993

Consisting of a Preamble and 30 articles, it defines what constitutes discrimination against women and sets up an agenda for national action to end such discrimination. By accepting the Convention, States commit themselves to undertake a series of measures to end discrimination against women in all forms, including:

- Incorporating the principle of equality of men and women in their legal system, abolish all discriminatory laws and adopt appropriate ones prohibiting discrimination against women;

- Establishing tribunals and other public institutions to ensure the effective protection of women against discrimination; and
- Ensuring elimination of all acts of discrimination against women by persons, organizations or enterprises.

The Convention provides the basis for realizing equality between women and men through ensuring women's equal access to, and equal opportunities in, political and public life – including the right to vote and to stand for election – as well as education, health and

How does CEDAW define discrimination against women?

"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."

employment. States parties agree to take all appropriate measures, including legislation and temporary special measures, so that women

can enjoy all their human rights and fundamental freedoms.

Aside from civil rights issues, the Convention also devotes major attention to a most vital concern of women, namely their reproductive rights; it is perhaps the only human rights treaty which affirms the reproductive rights of women and the impact of

culture and tradition as influential forces in the shaping of gender roles and family relations. It affirms women's rights to acquire, change or retain their nationality and the nationality of their children. The Convention also obligates State parties to take appropriate measures against all forms of trafficking in women and exploitation of women.

The Convention begins by defining discrimination on the basis of sex. The initial articles oblige States

both to refrain from sex-based discrimination in their own dealings and take measures towards achieving factual as well as legal equality in all spheres of life, including by breaking down discriminatory attitudes, customs and practices in society.

Article 6 explicitly requires States to suppress all forms of trafficking

Productive Rights

- The **Preamble** states that "the role of women in procreation should not be a basis for discrimination".
- 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.
- "The Convention also affirms women's right to reproductive choice. It guarantees 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 16e**).

in women and exploitation of prostitution, even though these phenomena may implicitly fall within the prohibitions of slavery and forced labour contained in other instruments. While Articles 7 and 8 detail obligations to ensure equal participation of women with men in public and political life, Articles 9 and 10 expand on equality in nationality and education.

Articles 11, 12, and 13 elaborate on women's rights to employment, health and other areas of economic and social life. Applying general principles to a particular phenomenon, Article 14 is the only provision in the treaties to address the particular problems faced by women in rural areas. Articles 15 and 16 expand upon rights to equality before the law and in the area of marriage and family relations.

India's Declarations/Reservations on the CEDAW

Declarations:

"i) With regard to articles 5 (a) and 16 (1) of the Convention on the Elimination of All Forms of Discrimination Against Women, the Government of the Republic of India declares that it shall abide by and ensure these provisions in conformity with its policy of non-interference in the personal affairs of any Community without its initiative and consent.

"ii) With regard to article 16 (2) of the Convention on the Elimination of All Forms of Discrimination Against Women, the Government of the Republic of India declares that though in principle it fully supports the principle of compulsory registration of marriages, it is not practical in a vast country like India with its variety of customs, religions and level of literacy."

Reservation:

"With regard to article 29 of the Convention on the Elimination of All Forms of Discrimination Against Women, the Government of the Republic of India declares that it does not consider itself bound by paragraph 1 of this article."

The Convention, in Part V, requires all States parties to report regularly to the *Committee on the Elimination of Discrimination against Women*, established to monitor implementation of the Treaty's provisions. Countries that have ratified or acceded to the Convention are legally bound to put its provisions into practice. They are also committed to submit national reports, at least every four years, on measures they have taken to comply with their treaty obligations.

States are also required to establish Tribunals and public institutions to guarantee women effective protection against discrimination and take steps to eliminate all forms of discrimination practiced against women by individuals, organizations, and enterprises.

Convention on the Elimination of All Forms of Discrimination against Women

COUNTRY-WISE RATIFICATION STATUS

(Source: United Nations Treaty Collection Website

<http://treaties.un.org/>)

Participant	Signature	Ratification, Accession(a), Succession(d)
Afghanistan	14 Aug 1980	5 Mar 2003
Albania		11 May 1994 a
Algeria		22 May 1996 a
Andorra		15 Jan 1997 a
Angola		17 Sep 1986 a
Antigua and Barbuda		1 Aug 1989 a
Argentina	17 Jul 1980	15 Jul 1985
Armenia		13 Sep 1993 a
Australia	17 Jul 1980	28 Jul 1983
Austria	17 Jul 1980	31 Mar 1982
Azerbaijan		10 Jul 1995 a
Bahamas		6 Oct 1993 a
Bahrain		18 Jun 2002 a
Bangladesh		6 Nov 1984 a
Barbados	24 Jul 1980	16 Oct 1980
Belarus	17 Jul 1980	4 Feb 1981
Belgium	17 Jul 1980	10 Jul 1985
Belize	7 Mar 1990	16 May 1990
Benin	11 Nov 1981	12 Mar 1992
Bhutan	17 Jul 1980	31 Aug 1981
Bolivia (Plurinational State of)	30 May 1980	8 Jun 1990
Bosnia and Herzegovina		1 Sep 1993 d
Botswana		13 Aug 1996 a
Brazil	31 Mar 1981	1 Feb 1984
Brunei Darussalam		24 May 2006 a
Bulgaria	17 Jul 1980	8 Feb 1982
Burkina Faso		14 Oct 1987 a
Burundi	17 Jul 1980	8 Jan 1992
Cambodia	17 Oct 1980	15 Oct 1992 a
Cameroon	6 Jun 1983	23 Aug 1994

Participant	Signature	Ratification, Accession(a), Succession(d)
Canada	17 Jul 1980	10 Dec 1981
Cape Verde		5 Dec 1980 a
Central African Republic		21 Jun 1991 a
Chad		9 Jun 1995 a
Chile	17 Jul 1980	7 Dec 1989
China	17 Jul 1980	4 Nov 1980
Colombia	17 Jul 1980	19 Jan 1982
Comoros		31 Oct 1994 a
Congo	29 Jul 1980	26 Jul 1982
Cook Islands		11 Aug 2006 a
Costa Rica	17 Jul 1980	4 Apr 1986
Côte d'Ivoire	17 Jul 1980	18 Dec 1995
Croatia		9 Sep 1992 d
Cuba	6 Mar 1980	17 Jul 1980
Cyprus		23 Jul 1985 a
Czech Republic		22 Feb 1993 d
Democratic People's Republic of Korea		27 Feb 2001 a
Democratic Republic of the Congo	17 Jul 1980	17 Oct 1986
Denmark	17 Jul 1980	21 Apr 1983
Djibouti		2 Dec 1998 a
Dominica	15 Sep 1980	15 Sep 1980
Dominican Republic	17 Jul 1980	2 Sep 1982
Ecuador	17 Jul 1980	9 Nov 1981
Egypt	16 Jul 1980	18 Sep 1981
El Salvador	14 Nov 1980	19 Aug 1981
Equatorial Guinea		23 Oct 1984 a
Eritrea		5 Sep 1995 a
Estonia		21 Oct 1991 a
Ethiopia	8 Jul 1980	10 Sep 1981
Fiji		28 Aug 1995 a
Finland	17 Jul 1980	4 Sep 1986
France	17 Jul 1980	14 Dec 1983
Gabon	17 Jul 1980	21 Jan 1983
Gambia	29 Jul 1980	16 Apr 1993

Participant	Signature	Ratification, Accession(a), Succession(d)
Georgia		26 Oct 1994 a
Germany	17 Jul 1980	10 Jul 1985
Ghana	17 Jul 1980	2 Jan 1986
Greece	2 Mar 1982	7 Jun 1983
Grenada	17 Jul 1980	30 Aug 1990
Guatemala	8 Jun 1981	12 Aug 1982
Guinea	17 Jul 1980	9 Aug 1982
Guinea-Bissau	17 Jul 1980	23 Aug 1985
Guyana	17 Jul 1980	17 Jul 1980
Haiti	17 Jul 1980	20 Jul 1981
Honduras	11 Jun 1980	3 Mar 1983
Hungary	6 Jun 1980	22 Dec 1980
Iceland	24 Jul 1980	18 Jun 1985
India	30 Jul 1980	9 Jul 1993
Indonesia	29 Jul 1980	13 Sep 1984
Iraq		13 Aug 1986 a
Ireland		23 Dec 1985 a
Israel	17 Jul 1980	3 Oct 1991
Italy	17 Jul 1980	10 Jun 1985
Jamaica	17 Jul 1980	19 Oct 1984
Japan	17 Jul 1980	25 Jun 1985
Jordan	3 Dec 1980	1 Jul 1992
Kazakhstan		26 Aug 1998 a
Kenya		9 Mar 1984 a
Kiribati		17 Mar 2004 a
Kuwait		2 Sep 1994 a
Kyrgyzstan		10 Feb 1997 a
Lao People's Democratic Republic	17 Jul 1980	14 Aug 1981
Latvia		14 Apr 1992 a
Lebanon		16 Apr 1997 a
Lesotho	17 Jul 1980	22 Aug 1995
Liberia		17 Jul 1984 a
Libya		16 May 1989 a
Liechtenstein		22 Dec 1995 a
Lithuania		18 Jan 1994 a

Participant	Signature	Ratification, Accession(a), Succession(d)
Luxembourg	17 Jul 1980	2 Feb 1989
Madagascar	17 Jul 1980	17 Mar 1989
Malawi		12 Mar 1987 a
Malaysia		5 Jul 1995 a
Maldives		1 Jul 1993 a
Mali	5 Feb 1985	10 Sep 1985
Malta		8 Mar 1991 a
Marshall Islands		2 Mar 2006 a
Mauritania		10 May 2001 a
Mauritius		9 Jul 1984 a
Mexico	17 Jul 1980	23 Mar 1981
Micronesia (Federated States of)		1 Sep 2004 a
Monaco		18 Mar 2005 a
Mongolia	17 Jul 1980	20 Jul 1981
Montenegro		23 Oct 2006 d
Morocco		21 Jun 1993 a
Mozambique		21 Apr 1997 a
Myanmar		22 Jul 1997 a
Namibia		23 Nov 1992 a
Nauru		23 Jun 2011 a
Nepal	5 Feb 1991	22 Apr 1991
Netherlands	17 Jul 1980	23 Jul 1991
New Zealand	17 Jul 1980	10 Jan 1985
Nicaragua	17 Jul 1980	27 Oct 1981
Niger		8 Oct 1999 a
Nigeria	23 Apr 1984	13 Jun 1985
Norway	17 Jul 1980	21 May 1981
Oman		7 Feb 2006 a
Pakistan		12 Mar 1996 a
Palau	20 Sep 2011	
Panama	26 Jun 1980	29 Oct 1981
Papua New Guinea		12 Jan 1995 a
Paraguay		6 Apr 1987 a
Peru	23 Jul 1981	13 Sep 1982
Philippines	15 Jul 1980	5 Aug 1981
Poland	29 May 1980	30 Jul 1980

Participant	Signature	Ratification, Accession(a), Succession(d)
Portugal	24 Apr 1980	30 Jul 1980
Qatar		29 Apr 2009 a
Republic of Korea	25 May 1983	27 Dec 1984
Republic of Moldova		1 Jul 1994 a
Romania	4 Sep 1980	7 Jan 1982
Russian Federation	17 Jul 1980	23 Jan 1981
Rwanda	1 May 1980	2 Mar 1981
Samoa		25 Sep 1992 a
San Marino	26 Sep 2003	10 Dec 2003
Sao Tome and Principe	31 Oct 1995	3 Jun 2003
Saudi Arabia	7 Sep 2000	7 Sep 2000
Senegal	29 Jul 1980	5 Feb 1985
Serbia		12 Mar 2001 d
Seychelles		5 May 1992 a
Sierra Leone	21 Sep 1988	11 Nov 1988
Singapore		5 Oct 1995 a
Slovakia		28 May 1993 d
Slovenia		6 Jul 1992 d
Solomon Islands		6 May 2002 a
South Africa	29 Jan 1993	15 Dec 1995
Spain	17 Jul 1980	5 Jan 1984
Sri Lanka	17 Jul 1980	5 Oct 1981
St. Kitts and Nevis		25 Apr 1985 a
St. Lucia		8 Oct 1982 a
St. Vincent and the Grenadines		4 Aug 1981 a
Suriname		1 Mar 1993 a
Swaziland		26 Mar 2004 a
Sweden	7 Mar 1980	2 Jul 1980
Switzerland	23 Jan 1987	27 Mar 1997
Syrian Arab Republic		28 Mar 2003 a
Tajikistan		26 Oct 1993 a
Thailand		9 Aug 1985 a
The former Yugoslav Republic of Macedonia		18 Jan 1994 d
Timor-Leste		16 Apr 2003 a
Togo		26 Sep 1983 a

Participant	Signature	Ratification, Accession(a), Succession(d)
Trinidad and Tobago	27 Jun 1985	12 Jan 1990
Tunisia	24 Jul 1980	20 Sep 1985
Turkey		20 Dec 1985 a
Turkmenistan		1 May 1997 a
Tuvalu		6 Oct 1999 a
Uganda	30 Jul 1980	22 Jul 1985
Ukraine	17 Jul 1980	12 Mar 1981
United Arab Emirates		6 Oct 2004 a
United Kingdom of Great Britain and Northern Ireland	22 Jul 1981	7 Apr 1986
United Republic of Tanzania	17 Jul 1980	20 Aug 1985
United States of America	17 Jul 1980	
Uruguay	30 Mar 1981	9 Oct 1981
Uzbekistan		19 Jul 1995 a
Vanuatu		8 Sep 1995 a
Venezuela (Bolivarian Republic of)	17 Jul 1980	2 May 1983
Viet Nam	29 Jul 1980	17 Feb 1982
Yemen		30 May 1984 a
Zambia	17 Jul 1980	21 Jun 1985
Zimbabwe		13 May 1991 a



Committee on the Elimination of Discrimination Against Women

The United Nations Committee on the Elimination of Discrimination Against Women, an expert body established in 1982, is composed of 23 experts on women's issues from around the world. The Committee's mandate is very specific: it watches over the progress for women made in those countries that are states parties to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and monitors the implementation of national measures to fulfill this obligation.

Committee on the Elimination of Discrimination against Women (CEDAW)

The CEDAW is the body of independent experts that monitors implementation of the Convention on the Elimination of All Forms of Discrimination against Women by State parties.

The Committee has certain responsibilities as the body of experts charged with the consideration of periodic reports submitted to it. The Committee, in its examination of States' reports, enters into constructive dialogue with the State party and makes concluding comments, routinely expressing concern at the entry of

reservations, in particular to Articles 2 and 16, or the failure of States parties to withdraw or modify them.

Countries which have become party to the treaty (States Parties) are obliged to submit regular reports to the Committee on how the rights of the Convention are being implemented. During its sessions the Committee considers each State party report and addresses its concerns and recommendations to the State party in the form of concluding observations.

The Committee also makes recommendations on any issue affecting women to which it believes the states parties should devote more

attention. For example, at the 1989 session, the Committee discussed the high incidence of violence against women, requesting information on this problem from all countries.

In 1992, the Committee adopted general recommendation 19, which required the national reports to the Committee to include statistical data on the incidence of violence against women, information on the provision of services for victims, and legislative and other measures taken to protect women against violence in their everyday lives, such as harassment at the workplace, abuse in the family and sexual violence.

The 23 members of CEDAW, acknowledged as experts "of high moral standing and competence in the field covered by the Convention", are elected by the States parties. These elections have to meet the Convention's demands for equitable geographical distribution in membership and the requirement that CEDAW members represent "different forms of civilization as well as principal legal systems". Their terms last four years, with only half of the Committee members replaced each time elections take place. The meeting of States parties is convened every other year by the Secretary-General at UN Headquarters in New York.

In accordance with the Optional Protocol to the Convention, the Committee is mandated to: (1) receive communications from individuals or groups of individuals submitting claims of violations of rights protected under the Convention to the Committee and (2) initiate inquiries into situations of grave or systematic violations of women's rights. These procedures are optional and are only available where the State concerned has accepted them.

The Committee also formulates general recommendations and suggestions. General recommendations are directed to States and concern articles or themes in the Convention.

Reporting guidelines

The Committee has adopted guidelines to help states prepare their reports. According to these guidelines, the initial report is intended to be a detailed and comprehensive description of the position of women in that country at the time of submission; it is meant to provide a benchmark against which subsequent progress can be measured. The subsequent national reports are intended to update the previous report, detailing significant developments that have occurred over the last four years, noting key trends, and identifying obstacles to the full achievement of the Convention.

General Recommendations

Article 21 of the Convention on the Elimination of All Forms of Discrimination against Women empowers the Committee on the Elimination of Discrimination Against Women to make suggestions and general recommendations based on the examination of reports and information received from States parties. These, as well as comments from States parties, are included in the session reports of the Committee. Suggestions are usually directed at United Nations entities, while general recommendations are addressed to States parties and usually elaborate the Committee's view of the obligations assumed under the Convention.

Country Reports

Countries that have ratified or acceded to the Convention are legally bound to put its provisions into practice. They are also committed to submit national reports, at least every four years, on measures they have taken to comply with their treaty obligations.



Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women

The Convention on the Elimination of All Forms of Discrimination against Women outlaws discrimination on the basis of gender, and obliges its parties to repeal discriminatory laws and guarantee equality in the fields of health, employment, and education. The *Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women* is a subsidiary agreement to the Convention. It does not establish any new rights, but allows the rights guaranteed in the Convention to be enforced.

By ratifying the Optional Protocol, a State recognizes the competence of the *Committee on the Elimination of Discrimination against Women* – the body that monitors States parties' compliance with the Convention – to receive and consider complaints from individuals or groups within its jurisdiction.

The Protocol contains two procedures:

- (1) A **communications procedure** which allows individual women, or groups of women, to submit claims of violations of rights protected under the Convention to the Committee. The Protocol establishes that in order for individual communications to be admitted for consideration by the Committee, a number of criteria must be met, including that domestic remedies must have been exhausted before approaching the Committee.
- (2) The Protocol also creates an **inquiry procedure** enabling the Committee to initiate inquiries into situations of grave or systematic violations of women's rights. In either case, States must be party to the Convention and the Protocol. The Protocol includes an "opt-out clause", allowing States, upon ratification or accession, to declare that they do not accept the inquiry procedure. Article 17 of the Protocol explicitly provides that no reservations may be entered to its terms.

**Optional Protocol to the Convention on the
Elimination of All Forms of Discrimination against
Women**

Entry into force: 22 December 2000

Signatories: 79

Parties: 104

India has not signed the Optional Protocol

The Optional Protocol entered into force on 22 December 2000, following the ratification of the tenth State party to the Convention. The entry into force of the Optional Protocol puts the CEDAW on an equal footing with the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Racial Discrimination, and the Convention against Torture and other Forms of Cruel, Inhuman or Degrading Treatment or Punishment, which all have communications procedures. The inquiry procedure is the equivalent of that under the Convention against Torture.

Articles 1 - 7 create an individual complaints mechanism similar to those of the First Optional Protocol to the International Covenant on Civil and Political Rights, Optional Protocol to the Convention on the Rights of Persons with Disabilities and Article 14 of the Convention on the Elimination of All Forms of Racial Discrimination. Parties agree to recognise the competence of the Committee on the Elimination of Discrimination against Women to consider complaints "by or on behalf of" individuals or groups who claim their rights under the Convention have been violated.

If a complaint is submitted on behalf of a victim, then this requires their consent, unless the submitter can justify acting without it. What constitutes "justification" in such a case is up to the Committee. The ability for complaints to be submitted on behalf of victims is seen as

vital in allowing NGOs such as women's organizations and human rights groups to use the Protocol to enforce the Convention.

Complainants must have exhausted all domestic remedies. Further, anonymous complaints and complaints referring to events which occurred before the country concerned joined the Optional Protocol are not permitted. The Committee can request information from and make recommendations to a party, though these are not binding.

Articles 8 - 10 create an inquiry mechanism. Parties may permit the Committee to investigate, report on and make recommendations on "grave or systematic violations" of the Convention. The Committee may invite the relevant party to respond and inform it of any measures taken as a result of such an inquiry, either directly or through the normal reporting process under the Convention. Parties may opt out of this obligation on signature or ratification. So far, Bangladesh, Belize and Colombia have exercised this option.

Article 11 requires parties to ensure that those submitting complaints under the Optional Protocol are not subjected to ill-treatment or intimidation. **Article 13** requires parties to inform their citizens about the Convention, the Optional Protocol, and the rulings of the Committee, so as to facilitate complaints. **Articles 12 and 14** govern the procedure and reporting of the Committee in handling complaints.

Articles 15 - 21 govern ratification, entry into force, and amendment of the Optional Protocol.

Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women

COUNTRY-WISE RATIFICATION STATUS

(Source: United Nations Treaty Collection Website
<http://treaties.un.org/>)

Participant	Signature	Ratification, Accession(a), Succession(d)
Albania		23 Jun 2003 a
Andorra	9 Jul 2001	14 Oct 2002
Angola		1 Nov 2007 a
Antigua and Barbuda		5 Jun 2006 a
Argentina	28 Feb 2000	20 Mar 2007
Armenia		14 Sep 2006 a
Australia		4 Dec 2008 a
Austria	10 Dec 1999	6 Sep 2000
Azerbaijan	6 Jun 2000	1 Jun 2001
Bangladesh	6 Sep 2000	6 Sep 2000
Belarus	29 Apr 2002	3 Feb 2004
Belgium	10 Dec 1999	17 Jun 2004
Belize		9 Dec 2002 a
Benin	25 May 2000	
Bolivia (Plurinational State of)	10 Dec 1999	27 Sep 2000
Bosnia and Herzegovina	7 Sep 2000	4 Sep 2002
Botswana		21 Feb 2007 a
Brazil	13 Mar 2001	28 Jun 2002
Bulgaria	6 Jun 2000	20 Sep 2006
Burkina Faso	16 Nov 2001	10 Oct 2005
Burundi	13 Nov 2001	
Cambodia	11 Nov 2001	13 Oct 2010
Cameroon		7 Jan 2005 a
Canada		18 Oct 2002 a
Cape Verde		10 Oct 2011 a
Chile	10 Dec 1999	
Colombia	10 Dec 1999	23 Jan 2007
Congo	29 Sep 2008	

Participant	Signature	Ratification, Accession(a), Succession(d)
Cook Islands		27 Nov 2007 a
Costa Rica	10 Dec 1999	20 Sep 2001
Côte d'Ivoire		20 Jan 2012 a
Croatia	5 Jun 2000	7 Mar 2001
Cuba	17 Mar 2000	
Cyprus	8 Feb 2001	26 Apr 2002
Czech Republic	10 Dec 1999	26 Feb 2001
Denmark	10 Dec 1999	31 May 2000
Dominican Republic	14 Mar 2000	10 Aug 2001
Ecuador	10 Dec 1999	5 Feb 2002
El Salvador	4 Apr 2001	
Equatorial Guinea		16 Oct 2009 a
Finland	10 Dec 1999	29 Dec 2000
France	10 Dec 1999	9 Jun 2000
Gabon		5 Nov 2004 a
Georgia		1 Aug 2002 a
Germany	10 Dec 1999	15 Jan 2002
Ghana	24 Feb 2000	3 Feb 2011
Greece	10 Dec 1999	24 Jan 2002
Guatemala	7 Sep 2000	9 May 2002
Guinea-Bissau	12 Sep 2000	5 Aug 2009
Hungary		22 Dec 2000 a
Iceland	10 Dec 1999	6 Mar 2001
Indonesia	28 Feb 2000	
Ireland	7 Sep 2000	7 Sep 2000
Italy	10 Dec 1999	22 Sep 2000
Kazakhstan	6 Sep 2000	24 Aug 2001
Kyrgyzstan		22 Jul 2002 a
Lesotho	6 Sep 2000	24 Sep 2004
Liberia	22 Sep 2004	
Libya		18 Jun 2004 a
Liechtenstein	10 Dec 1999	24 Oct 2001
Lithuania	8 Sep 2000	5 Aug 2004
Luxembourg	10 Dec 1999	1 Jul 2003
Madagascar	7 Sep 2000	
Malawi	7 Sep 2000	

Participant	Signature	Ratification, Accession(a), Succession(d)
Maldives		13 Mar 2006 a
Mali		5 Dec 2000 a
Mauritius	11 Nov 2001	31 Oct 2008
Mexico	10 Dec 1999	15 Mar 2002
Mongolia	7 Sep 2000	28 Mar 2002
Montenegro		23 Oct 2006 d
Mozambique		4 Nov 2008 a
Namibia	19 May 2000	26 May 2000
Nepal	18 Dec 2001	15 Jun 2007
Netherlands	10 Dec 1999	22 May 2002
New Zealand	7 Sep 2000	7 Sep 2000
Niger		30 Sep 2004 a
Nigeria	8 Sep 2000	22 Nov 2004
Norway	10 Dec 1999	5 Mar 2002
Panama	9 Jun 2000	9 May 2001
Paraguay	28 Dec 1999	14 May 2001
Peru	22 Dec 2000	9 Apr 2001
Philippines	21 Mar 2000	12 Nov 2003
Poland		22 Dec 2003 a
Portugal	16 Feb 2000	26 Apr 2002
Republic of Korea		18 Oct 2006 a
Republic of Moldova		28 Feb 2006 a
Romania	6 Sep 2000	25 Aug 2003
Russian Federation	8 May 2001	28 Jul 2004
Rwanda		15 Dec 2008 a
San Marino		15 Sep 2005 a
Sao Tome and Principe	6 Sep 2000	
Senegal	10 Dec 1999	26 May 2000
Serbia		31 Jul 2003 a
Seychelles	22 Jul 2002	1 Mar 2011
Sierra Leone	8 Sep 2000	
Slovakia	5 Jun 2000	17 Nov 2000
Slovenia	10 Dec 1999	23 Sep 2004
Solomon Islands		6 May 2002 a
South Africa		18 Oct 2005 a
Spain	14 Mar 2000	6 Jul 2001

Participant	Signature	Ratification, Accession(a), Succession(d)
Sri Lanka		15 Oct 2002 a
St. Kitts and Nevis		20 Jan 2006 a
Sweden	10 Dec 1999	24 Apr 2003
Switzerland	15 Feb 2007	29 Sep 2008
Tajikistan	7 Sep 2000	
Thailand	14 Jun 2000	14 Jun 2000
The former Yugoslav Republic of Macedonia	3 Apr 2000	17 Oct 2003
Timor-Leste		16 Apr 2003 a
Tunisia		23 Sep 2008 a
Turkey	8 Sep 2000	29 Oct 2002
Turkmenistan		20 May 2009 a
Ukraine	7 Sep 2000	26 Sep 2003
United Kingdom of Great Britain and Northern Ireland		17 Dec 2004 a
United Republic of Tanzania		12 Jan 2006 a
Uruguay	9 May 2000	26 Jul 2001
Vanuatu		17 May 2007 a
Venezuela (Bolivarian Republic of)	17 Mar 2000	13 May 2002
Zambia	29 Sep 2008	

Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)

The Convention provides for each State to take effective measures to prevent torture and other similar treatment or punishment from being practised within its jurisdiction; criminalize all acts of torture or those which constitute participation, complicity, incitement or an attempt to commit torture; recognize rights of persons who allege that they have been subjected to torture or similar treatment to complain to, and to have their cases impartially examined by the competent authorities of the State concerned; redress and compensate victims of torture; and prohibition of using as evidence any statement made as a result of torture or of other cruel, inhuman or degrading treatment or punishment.

CAT

It was adopted by resolution 39/46 of 10 December 1984. The Convention requires states to take effective measures to prevent torture within their borders, and forbids states to return people to their home country if there is reason to believe they will be tortured.

Entry into force: 26 June 1987

Signatories: 78; **Parties:** 149

Treaty Body: Committee against Torture (CAT)

India signed the CAT on 14 Oct 1997. It is yet to ratify the Convention

The CAT contains a range of obligations for States Parties aimed at prohibiting and preventing torture. It is important first and foremost because it contains an internationally recognized definition of torture and requires States Parties to ensure that acts of torture are made a criminal offence under their national law.

What is 'Torture'?

Article 1.1 of the Convention Against Torture defines 'torture' as under:

“Any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.

It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.”

Part I (Articles 1–16) defines torture (Article 1), and commits parties to taking effective measures to prevent any act of torture in any territory under their jurisdiction (Article 2). These include ensuring that torture is made a criminal offense (Article 4), establishing jurisdiction over acts of torture committed by or against a party's citizens (Article 5), ensuring that torture is an extraditable offense (Article 8), and establishing [universal jurisdiction] to try cases of torture where an alleged torturer cannot be extradited (Article 5).

Parties must promptly investigate any allegation of torture (Articles 12 and 13), and victims of torture must have an enforceable right to compensation (Article 14).

Parties must also ban the use of evidence produced by torture in their courts (Article 15), and are barred from deporting, extraditing or refouling people where there are substantial grounds for believing they will be tortured (Article 3).

Key Provisions of the Convention

- Definition of torture (Article 1)
- Ban on torture and cruel and degrading treatment (Article 2)
- Ban on refoulement, returning, or extraditing any person to a state "where there are substantial grounds for believing that he would be in danger of being subjected to torture" (Article 3)

Parties are also obliged to prevent other acts of cruel, inhuman or degrading treatment or punishment, and to investigate any allegation of such treatment within their jurisdiction (Article 16).

Part II (Articles 17 – 24) governs reporting and monitoring of the Convention and the steps taken by the parties to implement it. It establishes the **Committee Against Torture** (Article 17), and empowers it to investigate allegations of systematic torture (Article 20).

It also establishes an optional dispute-resolution mechanism between parties (Articles 21) and allows parties to recognize the competence of the Committee to hear complaints from individuals about violations of the Convention by a party (Article 22).

Part III (Articles 25 – 33) governs ratification, entry into force, and amendment of the Convention. It also includes an optional arbitration mechanism for disputes between parties (Article 30).

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

COUNTRY-WISE RATIFICATION STATUS

(Source: United Nations Treaty Collection Website
<http://treaties.un.org/>)

Participant	Signature	Ratification, Accession(a), Succession(d)
Afghanistan	4 Feb 1985	1 Apr 1987
Albania		11 May 1994 a
Algeria	26 Nov 1985	12 Sep 1989
Andorra	5 Aug 2002	22 Sep 2006
Antigua and Barbuda		19 Jul 1993 a
Argentina	4 Feb 1985	24 Sep 1986
Armenia		13 Sep 1993 a
Australia	10 Dec 1985	8 Aug 1989
Austria	14 Mar 1985	29 Jul 1987
Azerbaijan		16 Aug 1996 a
Bahamas	16 Dec 2008	
Bahrain		6 Mar 1998 a
Bangladesh		5 Oct 1998 a
Belarus	19 Dec 1985	13 Mar 1987
Belgium	4 Feb 1985	25 Jun 1999
Belize		17 Mar 1986 a
Benin		12 Mar 1992 a
Bolivia (Plurinational State of)	4 Feb 1985	12 Apr 1999
Bosnia and Herzegovina		1 Sep 1993 d
Botswana	8 Sep 2000	8 Sep 2000
Brazil	23 Sep 1985	28 Sep 1989
Bulgaria	10 Jun 1986	16 Dec 1986
Burkina Faso		4 Jan 1999 a
Burundi		18 Feb 1993 a
Cambodia		15 Oct 1992 a
Cameroon		19 Dec 1986 a
Canada	23 Aug 1985	24 Jun 1987
Cape Verde		4 Jun 1992 a
Chad		9 Jun 1995 a

Participant	Signature	Ratification, Accession(a), Succession(d)
Chile	23 Sep 1987	30 Sep 1988
China	12 Dec 1986	4 Oct 1988
Colombia	10 Apr 1985	8 Dec 1987
Comoros	22 Sep 2000	
Congo		30 Jul 2003 a
Costa Rica	4 Feb 1985	11 Nov 1993
Côte d'Ivoire		18 Dec 1995 a
Croatia		12 Oct 1992 d
Cuba	27 Jan 1986	17 May 1995
Cyprus	9 Oct 1985	18 Jul 1991
Czech Republic		22 Feb 1993 d
Democratic Republic of the Congo		18 Mar 1996 a
Denmark	4 Feb 1985	27 May 1987
Djibouti		5 Nov 2002 a
Dominican Republic	4 Feb 1985	24 Jan 2012
Ecuador	4 Feb 1985	30 Mar 1988
Egypt		25 Jun 1986 a
El Salvador		17 Jun 1996 a
Equatorial Guinea		8 Oct 2002 a
Estonia		21 Oct 1991 a
Ethiopia		14 Mar 1994 a
Finland	4 Feb 1985	30 Aug 1989
France	4 Feb 1985	18 Feb 1986
Gabon	21 Jan 1986	8 Sep 2000
Gambia	23 Oct 1985	
Georgia		26 Oct 1994 a
Germany	13 Oct 1986	1 Oct 1990
Ghana	7 Sep 2000	7 Sep 2000
Greece	4 Feb 1985	6 Oct 1988
Guatemala		5 Jan 1990 a
Guinea	30 May 1986	10 Oct 1989
Guinea-Bissau	12 Sep 2000	
Guyana	25 Jan 1988	19 May 1988
Holy See		26 Jun 2002 a
Honduras		5 Dec 1996 a

Participant	Signature	Ratification, Accession(a), Succession(d)
Hungary	28 Nov 1986	15 Apr 1987
Iceland	4 Feb 1985	23 Oct 1996
India	14 Oct 1997	
Indonesia	23 Oct 1985	28 Oct 1998
Iraq		7 Jul 2011 a
Ireland	28 Sep 1992	11 Apr 2002
Israel	22 Oct 1986	3 Oct 1991
Italy	4 Feb 1985	12 Jan 1989
Japan		29 Jun 1999 a
Jordan		13 Nov 1991 a
Kazakhstan		26 Aug 1998 a
Kenya		21 Feb 1997 a
Kuwait		8 Mar 1996 a
Kyrgyzstan		5 Sep 1997 a
Lao People's Democratic Republic	21 Sep 2010	
Latvia		14 Apr 1992 a
Lebanon		5 Oct 2000 a
Lesotho		12 Nov 2001 a
Liberia		22 Sep 2004 a
Libya		16 May 1989 a
Liechtenstein	27 Jun 1985	2 Nov 1990
Lithuania		1 Feb 1996 a
Luxembourg	22 Feb 1985	29 Sep 1987
Madagascar	1 Oct 2001	13 Dec 2005
Malawi		11 Jun 1996 a
Maldives		20 Apr 2004 a
Mali		26 Feb 1999 a
Malta		13 Sep 1990 a
Mauritania		17 Nov 2004 a
Mauritius		9 Dec 1992 a
Mexico	18 Mar 1985	23 Jan 1986
Monaco		6 Dec 1991 a
Mongolia		24 Jan 2002 a
Montenegro		23 Oct 2006 d
Morocco	8 Jan 1986	21 Jun 1993

Participant	Signature	Ratification, Accession(a), Succession(d)
Mozambique		14 Sep 1999 a
Namibia		28 Nov 1994 a
Nauru	12 Nov 2001	
Nepal		14 May 1991 a
Netherlands	4 Feb 1985	21 Dec 1988
New Zealand	14 Jan 1986	10 Dec 1989
Nicaragua	15 Apr 1985	5 Jul 2005
Niger		5 Oct 1998 a
Nigeria	28 Jul 1988	28 Jun 2001
Norway	4 Feb 1985	9 Jul 1986
Pakistan	17 Apr 2008	23 Jun 2010
Palau	20 Sep 2011	
Panama	22 Feb 1985	24 Aug 1987
Paraguay	23 Oct 1989	12 Mar 1990
Peru	29 May 1985	7 Jul 1988
Philippines		18 Jun 1986 a
Poland	13 Jan 1986	26 Jul 1989
Portugal	4 Feb 1985	9 Feb 1989
Qatar		11 Jan 2000 a
Republic of Korea		9 Jan 1995 a
Republic of Moldova		28 Nov 1995 a
Romania		18 Dec 1990 a
Russian Federation	10 Dec 1985	3 Mar 1987
Rwanda		15 Dec 2008 a
San Marino	18 Sep 2002	27 Nov 2006
Sao Tome and Principe	6 Sep 2000	
Saudi Arabia		23 Sep 1997 a
Senegal	4 Feb 1985	21 Aug 1986
Serbia		12 Mar 2001 d
Seychelles		5 May 1992 a
Sierra Leone	18 Mar 1985	25 Apr 2001
Slovakia		28 May 1993 d
Slovenia		16 Jul 1993 a
Somalia		24 Jan 1990 a
South Africa	29 Jan 1993	10 Dec 1998
Spain	4 Feb 1985	21 Oct 1987

Participant	Signature	Ratification, Accession(a), Succession(d)
Sri Lanka		3 Jan 1994 a
St. Vincent and the Grenadines		1 Aug 2001 a
Sudan	4 Jun 1986	
Swaziland		26 Mar 2004 a
Sweden	4 Feb 1985	8 Jan 1986
Switzerland	4 Feb 1985	2 Dec 1986
Syrian Arab Republic		19 Aug 2004 a
Tajikistan		11 Jan 1995 a
Thailand		2 Oct 2007 a
The former Yugoslav Republic of Macedonia		12 Dec 1994 d
Timor-Leste		16 Apr 2003 a
Togo	25 Mar 1987	18 Nov 1987
Tunisia	26 Aug 1987	23 Sep 1988
Turkey	25 Jan 1988	2 Aug 1988
Turkmenistan		25 Jun 1999 a
Uganda		3 Nov 1986 a
Ukraine	27 Feb 1986	24 Feb 1987
United Kingdom of Great Britain and Northern Ireland	15 Mar 1985	8 Dec 1988
United States of America	18 Apr 1988	21 Oct 1994
Uruguay	4 Feb 1985	24 Oct 1986
Uzbekistan		28 Sep 1995 a
Vanuatu		12 Jul 2011 a
Venezuela (Bolivarian Republic of)	15 Feb 1985	29 Jul 1991
Yemen		5 Nov 1991 a
Zambia		7 Oct 1998 a

Committee against Torture

The UN Committee against Torture (hereafter “the CAT” or “the Committee”) is the body created by the UN Convention against Torture to monitor the observance of the specific obligations established under the Convention. The Committee was established pursuant to Article 17 of the Convention and began to function on 1 January 1988.

The Committee consists of 10 experts of “high moral standing” and recognized competence in the field of human rights. The experts, who must be nationals of States Parties, are elected by those States by means of a secret ballot. They are elected for a term of four years and are eligible for re-election.

The Committee is entrusted with the specific supervision of a multilateral instrument for protection against torture and other forms of inhuman treatment. The Convention sets out a number of obligations designed to strengthen the sphere of protection of human rights and fundamental freedoms, while conferring upon the Committee Against Torture broad powers of examination and investigation to ensure its effectiveness in practice. At their initial meeting held at Geneva in April 1988, the members of the Committee against Torture adopted rules of procedure and defined the Committee's working methods, in conformity with the provisions of the Convention.

All state parties are obliged under the Convention to submit regular reports to the CAT on how rights are being implemented. Upon ratifying the Convention, states must submit a report within one year, after which they are obliged to report every four years. The Committee examines each report and addresses its concerns and recommendations to the State party in the form of “concluding observations.” Under certain circumstances, the CAT may consider complaints or communications from individuals claiming that their rights under the Convention have been violated.

The Committee normally holds two regular sessions each year. Special sessions, however, may be convened by decision of the Committee itself at the request of a majority of its members or of a

Committee against Torture (CAT)

- The CAT is the body of independent experts that monitors implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment by its State parties.
- CAT was established pursuant to Article 17 of the Convention.

State Party to the Convention.

The Committee elects from among its members, a Chairman, three Vice-Chairmen and a Rapporteur. These officers are elected for a term of two years and are eligible for re-election. The Committee may invite specialized agencies, United Nations bodies concerned, regional intergovernmental organizations and non-governmental organizations in consultative status with the Economic and Social Council to submit to it information, documentation and written

statements, as appropriate, relevant to the Committee's activities under the Convention. It submits an annual report on its activities to the States Parties and to the General Assembly of the United Nations.

By virtue of Article 20 of the Convention, the Committee is empowered to receive information and to institute inquiries concerning allegations of systematic practice of torture in the States Parties. The procedure set out in Article 20 of the Convention, is marked by two features: its confidential character, and the pursuit of cooperation with the States Parties concerned.

The competence conferred upon the Committee by this Article is optional, which means that, at the time of ratifying or acceding to the Convention, a State may declare that it does not recognize it. In that case, and so long as that reservation has not been withdrawn, the Committee may not exercise the powers conferred upon it under Article 20 in respect of that State Party.



Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

The Optional Protocol is an addition to the Convention against Torture. It was drafted to strengthen the “protection of people deprived of their liberty” on the background “that further measures are necessary to achieve the purposes of the Convention against Torture”.

Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

The Optional Protocol is an international treaty establishing preventive mechanisms for the Convention Against Torture and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment (CAT). The Optional Protocol to the Convention against Torture entered into force in accordance with Article 28(1) when the critical number of 20 ratifications was reached.

Entry into force: 22 June 2006

Signatories: 71

Parties: 62

India has not signed the OPCAT

Like the CAT itself, it is only binding for States that accede to it. The UN Convention against Torture provides a legal framework to combat the practice of torture, while the UN Committee against Torture is a competent body to oversee that States Parties respect their obligations to prohibit, prevent and punish torture. In addition, various norms and mechanisms against torture and ill-treatment also exist at a regional level. Nonetheless, these practices still persist and

are widespread throughout the world. For this reason, an entirely new approach was needed to effectively prevent these violations.

This new approach, enshrined in the Optional Protocol to the UN Convention against Torture, is based on the premise that the more open and transparent places of detention are, the less abuse will take place.

Since places of detention are by definition closed to the outside world, persons deprived of their liberty are vulnerable and particularly at risk of torture and other forms of ill-treatment as well as other human rights violations. Furthermore, respect for their fundamental rights depends exclusively upon the authorities in charge of the place of detention and they are dependent upon others for the satisfaction of their most basic needs. Violations of the rights of people deprived of liberty can arise from a policy of repression as well as inadequate systems of oversight.

Opening up places of detention to external control mechanisms, as the Optional Protocol does, is therefore, one of the most effective means to prevent abusive practices and to improve conditions of detention.

The novelty of the Optional Protocol to the UN Convention against Torture, compared to existing human rights mechanisms, lies in two factors. Firstly, the system to be established by the Optional Protocol places emphasis on preventing violations rather than reacting to them once they have already occurred. The preventive approach foreseen in the Optional Protocol is based on the regular and periodic monitoring of places of detention through visits to these facilities conducted by expert bodies in order to prevent abuses. In contrast, most existing human rights mechanisms, including the UN

Committee Against Torture, monitor the situation *a posteriori*, once they receive allegations of abuse.

The other novelty of the Optional Protocol is that it is based on a premise of collaboration with the States Parties to prevent violations, rather than on public condemnation of States Parties for violations already committed. While existing human rights mechanisms, including the CAT, also seek constructive dialogue, they are based on the public examination of States' compliance to its obligations through the reporting or individual communications system described above. The system foreseen in the Protocol is based more on a process of long-term sustained cooperation and dialogue in order to assist States Parties to implement any necessary changes to prevent torture and ill-treatment in the long term.

It obliges the State Party to set up at the domestic level one or several National Preventive Mechanisms (NPM), under which the inspection of "any place under its [the State Party's] jurisdiction and control where persons are or may be deprived of their liberty," can be undertaken. The underlying thought of the whole exercise is that national and international monitoring – in form of visits of places of detention – are the most effective instruments for the prevention of torture and other forms of cruel, inhuman or degrading treatment or punishment.

Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

COUNTRY-WISE RATIFICATION STATUS

(Source: United Nations Treaty Collection Website
<http://treaties.un.org/>)

Participant	Signature, Succession to signature(d)	Accession(a), Succession(d), Ratification
Albania		1 Oct 2003 a
Argentina	30 Apr 2003	15 Nov 2004
Armenia		14 Sep 2006 a
Australia	19 May 2009	
Austria	25 Sep 2003	
Azerbaijan	15 Sep 2005	28 Jan 2009
Belgium	24 Oct 2005	
Benin	24 Feb 2005	20 Sep 2006
Bolivia (Plurinational State of)	22 May 2006	23 May 2006
Bosnia and Herzegovina	7 Dec 2007	24 Oct 2008
Brazil	13 Oct 2003	12 Jan 2007
Bulgaria	22 Sep 2010	1 Jun 2011
Burkina Faso	21 Sep 2005	7 Jul 2010
Cambodia	14 Sep 2005	30 Mar 2007
Cameroon	15 Dec 2009	
Cape Verde	26 Sep 2011	
Chile	6 Jun 2005	12 Dec 2008
Congo	29 Sep 2008	
Costa Rica	4 Feb 2003	1 Dec 2005
Croatia	23 Sep 2003	25 Apr 2005
Cyprus	26 Jul 2004	29 Apr 2009
Czech Republic	13 Sep 2004	10 Jul 2006
Democratic Republic of the Congo		23 Sep 2010 a
Denmark	26 Jun 2003	25 Jun 2004
Ecuador	24 May 2007	20 Jul 2010
Estonia	21 Sep 2004	18 Dec 2006

Participant	Signature, Succession to signature(d)	Accession(a), Succession(d), Ratification
Finland	23 Sep 2003	
France	16 Sep 2005	11 Nov 2008
Gabon	15 Dec 2004	22 Sep 2010
Georgia		9 Aug 2005 a
Germany	20 Sep 2006	4 Dec 2008
Ghana	6 Nov 2006	
Greece	3 Mar 2011	
Guatemala	25 Sep 2003	9 Jun 2008
Guinea	16 Sep 2005	
Honduras	8 Dec 2004	23 May 2006
Hungary		12 Jan 2012 a
Iceland	24 Sep 2003	
Ireland	2 Oct 2007	
Italy	20 Aug 2003	
Kazakhstan	25 Sep 2007	22 Oct 2008
Kyrgyzstan		29 Dec 2008 a
Lebanon		22 Dec 2008 a
Liberia		22 Sep 2004 a
Liechtenstein	24 Jun 2005	3 Nov 2006
Luxembourg	13 Jan 2005	19 May 2010
Madagascar	24 Sep 2003	
Maldives	14 Sep 2005	15 Feb 2006
Mali	19 Jan 2004	12 May 2005
Malta	24 Sep 2003	24 Sep 2003
Mauritania	27 Sep 2011	
Mauritius		21 Jun 2005 a
Mexico	23 Sep 2003	11 Apr 2005
Montenegro	23 Oct 2006 d	6 Mar 2009
Netherlands	3 Jun 2005	28 Sep 2010
New Zealand	23 Sep 2003	14 Mar 2007
Nicaragua	14 Mar 2007	25 Feb 2009
Nigeria		27 Jul 2009 a
Norway	24 Sep 2003	
Panama	22 Sep 2010	2 Jun 2011
Paraguay	22 Sep 2004	2 Dec 2005

Participant	Signature, Succession to signature(d)	Accession(a), Succession(d), Ratification
Peru		14 Sep 2006 a
Poland	5 Apr 2004	14 Sep 2005
Portugal	15 Feb 2006	
Republic of Moldova	16 Sep 2005	24 Jul 2006
Romania	24 Sep 2003	2 Jul 2009
Senegal	4 Feb 2003	18 Oct 2006
Serbia	25 Sep 2003	26 Sep 2006
Sierra Leone	26 Sep 2003	
Slovenia		23 Jan 2007 a
South Africa	20 Sep 2006	
Spain	13 Apr 2005	4 Apr 2006
Sweden	26 Jun 2003	14 Sep 2005
Switzerland	25 Jun 2004	24 Sep 2009
The former Yugoslav Republic of Macedonia	1 Sep 2006	13 Feb 2009
Timor-Leste	16 Sep 2005	
Togo	15 Sep 2005	20 Jul 2010
Tunisia		29 Jun 2011 a
Turkey	14 Sep 2005	27 Sep 2011
Ukraine	23 Sep 2005	19 Sep 2006
United Kingdom of Great Britain and Northern Ireland	26 Jun 2003	10 Dec 2003
Uruguay	12 Jan 2004	8 Dec 2005
Venezuela (Bolivarian Republic of)	1 Jul 2011	
Zambia	27 Sep 2010	

Convention on the Rights of the Child (CRC)

The United Nations Convention on the Rights of the Child is a human rights treaty setting out the civil, political, economic, social, health and cultural rights of children. The Convention generally defines a child as any human being under the age of eighteen, unless an earlier age of majority is recognized by a country's law.

CRC

It was adopted by resolution 44/25 of 20 November 1989.

The Convention is the principal children's treaty encompassing a full range of civil, political, economic, social and cultural rights.

Entry into force: 2 September 1990

Signatories: 140

Parties: 193

Treaty Body: Committee on the Rights of the Child (CRC)

India acceded to the CRC on 11 Dec 1992

The Convention on the Rights of the Child is the main international instrument for the protection of children's rights, including from all forms of abuse, violence, neglect and exploitation.

Definition of the Child

Article 1 of the Convention defines a 'child' as a person below the age of 18, unless the laws of a particular country set the legal age for adulthood younger.

The Articles of the Convention may be grouped into three categories of rights and a set of guiding principles. Additional provisions of the Convention (articles 43 to 54) discuss implementation measures for

the Convention, explaining how governments and international organizations like UNICEF will work to ensure children are protected in their rights.

Guiding Principles: The guiding principles of the Convention on the Rights of the Child represent the underlying requirements for any and all rights outlined in the Convention to be realized.

Guiding Principles

- Non-discrimination (Article 2)
- Best interests of the child (Article 3)
- Right to life, survival and development (Article 6)
- Respect for the views of the child (Article 12)

Survival and Development Rights:

These are rights to the resources, skills and contributions necessary for the survival and full development of the child. They include rights to adequate food, shelter, clean water, formal education, primary health care, leisure and

recreation, cultural activities and information about their rights. These rights require not only the existence of the means to fulfil the rights but also access to them. Specific articles address the needs of child refugees, children

with disabilities and children of minority or indigenous groups.

The basic rights to life, survival and development of one's full potential under this category include Freedom of thought, conscience and religion (Article 14); Social security (Article 26); Right to Education (Article 28); Leisure, Play and Culture (Article 31); Adequate Standard of Living (Article 27); Health and Health Services (Article 24); Rights of Children with Disabilities (Article 23), Refugee Children (Article 22), and Children Deprived of Family Environment (Article 20); Preservation of Identity (Article 8); and the Right to Survival and Development (Article 6), among others.

Protection Rights: These rights include protection from all forms of child abuse, neglect, exploitation and cruelty, including the right to special protection in times of war and protection from abuse in the criminal justice system. The CRC is the first international treaty to place a comprehensive legal obligation on States Parties to protect children from all forms of sexual exploitation and abuse. This obligation is an important landmark because it implicitly recognizes that sexual exploitation of children is likely to occur in every country in the world.

The rights under this category include protection against Kidnapping (Article 11); Protection from all forms of violence (Article 19); Child labour (Article 32); Drug abuse (Article 33); Sexual exploitation (Article 34); Abduction, sale and trafficking (Article 35); Detention and punishment (Article 37); and War and armed conflicts (Article 38), among others.

India's Declaration on the CRC

Declaration:

"While fully subscribing to the objectives and purposes of the Convention, realising that certain of the rights of child, namely those pertaining to the economic, social and cultural rights can only be progressively implemented in the developing countries, subject to the extent of available resources and within the framework of international co-operation; recognising that the child has to be protected from exploitation of all forms including economic exploitation; noting that for several reasons children of different ages do work in India; having prescribed minimum ages for employment in hazardous occupations and in certain other areas; having made regulatory provisions regarding hours and conditions of employment; and being aware that it is not practical immediately to prescribe minimum ages for admission to each and every area of employment in India - the Government of India undertakes to take measures to progressively implement the provisions of article 32, particularly paragraph 2 (a), in accordance with its national legislation and relevant international instruments to which it is a State Party."

Participation Rights: Children are entitled to the freedom to express opinions and to have a say in matters affecting their social, economic, religious, cultural and political life. Participation rights include the right to express opinions and be heard, the right to information and freedom of association. Engaging these rights as they mature helps children bring about the realization of all their rights and prepares them for an active role in society.

The rights under this category include Respect for the views of the child or the Right to be heard (Article 12); Freedom of expression (Article 13); Freedom of association (Article 15); Right to privacy (Article 16); Access to information and mass media (Article 17); and Freedom of thought, conscience and religion (Article 14), among others.

The equality and interconnection of rights are stressed in the Convention. In addition to governments' obligations, children and parents are responsible for respecting the rights of others—particularly each other. Children's understanding of rights will vary depending on age and parents in particular should tailor the issues they discuss, the way in which they answer questions and discipline methods to the age and maturity of the individual child.

Convention on the Rights of the Child

COUNTRY-WISE RATIFICATION STATUS

(Source: United Nations Treaty Collection Website

<http://treaties.un.org/>)

Participant	Signature	Ratification, Acceptance(A), Accession(a), Succession(d)
Afghanistan	27 Sep 1990	28 Mar 1994
Albania	26 Jan 1990	27 Feb 1992
Algeria	26 Jan 1990	16 Apr 1993
Andorra	2 Oct 1995	2 Jan 1996
Angola	14 Feb 1990	5 Dec 1990
Antigua and Barbuda	12 Mar 1991	5 Oct 1993
Argentina	29 Jun 1990	4 Dec 1990
Armenia		23 Jun 1993 a
Australia	22 Aug 1990	17 Dec 1990
Austria	26 Aug 1990	6 Aug 1992
Azerbaijan		13 Aug 1992 a
Bahamas	30 Oct 1990	20 Feb 1991
Bahrain		13 Feb 1992 a
Bangladesh	26 Jan 1990	3 Aug 1990
Barbados	19 Apr 1990	9 Oct 1990
Belarus	26 Jan 1990	1 Oct 1990
Belgium	26 Jan 1990	16 Dec 1991
Belize	2 Mar 1990	2 May 1990
Benin	25 Apr 1990	3 Aug 1990
Bhutan	4 Jun 1990	1 Aug 1990
Bolivia (Plurinational State of)	8 Mar 1990	26 Jun 1990
Bosnia and Herzegovina		1 Sep 1993 d
Botswana		14 Mar 1995 a
Brazil	26 Jan 1990	24 Sep 1990
Brunei Darussalam		27 Dec 1995 a
Bulgaria	31 May 1990	3 Jun 1991
Burkina Faso	26 Jan 1990	31 Aug 1990
Burundi	8 May 1990	19 Oct 1990
Cambodia		15 Oct 1992 a
Cameroon	25 Sep 1990	11 Jan 1993

Participant	Signature	Ratification, Acceptance(A), Accession(a), Succession(d)
Canada	28 May 1990	13 Dec 1991
Cape Verde		4 Jun 1992 a
Central African Republic	30 Jul 1990	23 Apr 1992
Chad	30 Sep 1990	2 Oct 1990
Chile	26 Jan 1990	13 Aug 1990
China	29 Aug 1990	2 Mar 1992
Colombia	26 Jan 1990	28 Jan 1991
Comoros	30 Sep 1990	22 Jun 1993
Congo		14 Oct 1993 a
Cook Islands		6 Jun 1997 a
Costa Rica	26 Jan 1990	21 Aug 1990
Côte d'Ivoire	26 Jan 1990	4 Feb 1991
Croatia		12 Oct 1992 d
Cuba	26 Jan 1990	21 Aug 1991
Cyprus	5 Oct 1990	7 Feb 1991
Czech Republic		22 Feb 1993 d
Democratic People's Republic of Korea	23 Aug 1990	21 Sep 1990
Democratic Republic of the Congo	20 Mar 1990	27 Sep 1990
Denmark	26 Jan 1990	19 Jul 1991
Djibouti	30 Sep 1990	6 Dec 1990
Dominica	26 Jan 1990	13 Mar 1991
Dominican Republic	8 Aug 1990	11 Jun 1991
Ecuador	26 Jan 1990	23 Mar 1990
Egypt	5 Feb 1990	6 Jul 1990
El Salvador	26 Jan 1990	10 Jul 1990
Equatorial Guinea		15 Jun 1992 a
Eritrea	20 Dec 1993	3 Aug 1994
Estonia		21 Oct 1991 a
Ethiopia		14 May 1991 a
Fiji	2 Jul 1993	13 Aug 1993
Finland	26 Jan 1990	20 Jun 1991
France	26 Jan 1990	7 Aug 1990
Gabon	26 Jan 1990	9 Feb 1994
Gambia	5 Feb 1990	8 Aug 1990

Participant	Signature	Ratification, Acceptance(A), Accession(a), Succession(d)
Georgia		2 Jun 1994 a
Germany	26 Jan 1990	6 Mar 1992
Ghana	29 Jan 1990	5 Feb 1990
Greece	26 Jan 1990	11 May 1993
Grenada	21 Feb 1990	5 Nov 1990
Guatemala	26 Jan 1990	6 Jun 1990
Guinea		13 Jul 1990 a
Guinea-Bissau	26 Jan 1990	20 Aug 1990
Guyana	30 Sep 1990	14 Jan 1991
Haiti	26 Jan 1990	8 Jun 1995
Holy See	20 Apr 1990	20 Apr 1990
Honduras	31 May 1990	10 Aug 1990
Hungary	14 Mar 1990	7 Oct 1991
Iceland	26 Jan 1990	28 Oct 1992
India		11 Dec 1992 a
Indonesia	26 Jan 1990	5 Sep 1990
Iran (Islamic Republic of)	5 Sep 1991	13 Jul 1994
Iraq		15 Jun 1994 a
Ireland	30 Sep 1990	28 Sep 1992
Israel	3 Jul 1990	3 Oct 1991
Italy	26 Jan 1990	5 Sep 1991
Jamaica	26 Jan 1990	14 May 1991
Japan	21 Sep 1990	22 Apr 1994
Jordan	29 Aug 1990	24 May 1991
Kazakhstan	16 Feb 1994	12 Aug 1994
Kenya	26 Jan 1990	30 Jul 1990
Kiribati		11 Dec 1995 a
Kuwait	7 Jun 1990	21 Oct 1991
Kyrgyzstan		7 Oct 1994 a
Lao People's Democratic Republic		8 May 1991 a
Latvia		14 Apr 1992 a
Lebanon	26 Jan 1990	14 May 1991
Lesotho	21 Aug 1990	10 Mar 1992
Liberia	26 Apr 1990	4 Jun 1993
Libya		15 Apr 1993 a

Participant	Signature	Ratification, Acceptance(A), Accession(a), Succession(d)
Liechtenstein	30 Sep 1990	22 Dec 1995
Lithuania		31 Jan 1992 a
Luxembourg	21 Mar 1990	7 Mar 1994
Madagascar	19 Apr 1990	19 Mar 1991
Malawi		2 Jan 1991 a
Malaysia		17 Feb 1995 a
Maldives	21 Aug 1990	11 Feb 1991
Mali	26 Jan 1990	20 Sep 1990
Malta	26 Jan 1990	30 Sep 1990
Marshall Islands	14 Apr 1993	4 Oct 1993
Mauritania	26 Jan 1990	16 May 1991
Mauritius		26 Jul 1990 a
Mexico	26 Jan 1990	21 Sep 1990
Micronesia (Federated States of)		5 May 1993 a
Monaco		21 Jun 1993 a
Mongolia	26 Jan 1990	5 Jul 1990
Montenegro		23 Oct 2006 d
Morocco	26 Jan 1990	21 Jun 1993
Mozambique	30 Sep 1990	26 Apr 1994
Myanmar		15 Jul 1991 a
Namibia	26 Sep 1990	30 Sep 1990
Nauru		27 Jul 1994 a
Nepal	26 Jan 1990	14 Sep 1990
Netherlands	26 Jan 1990	6 Feb 1995 A
New Zealand	1 Oct 1990	6 Apr 1993
Nicaragua	6 Feb 1990	5 Oct 1990
Niger	26 Jan 1990	30 Sep 1990
Nigeria	26 Jan 1990	19 Apr 1991
Niue		20 Dec 1995 a
Norway	26 Jan 1990	8 Jan 1991
Oman		9 Dec 1996 a
Pakistan	20 Sep 1990	12 Nov 1990
Palau		4 Aug 1995 a
Panama	26 Jan 1990	12 Dec 1990
Papua New Guinea	30 Sep 1990	2 Mar 1993
Paraguay	4 Apr 1990	25 Sep 1990

Participant	Signature	Ratification, Acceptance(A), Accession(a), Succession(d)
Peru	26 Jan 1990	4 Sep 1990
Philippines	26 Jan 1990	21 Aug 1990
Poland	26 Jan 1990	7 Jun 1991
Portugal	26 Jan 1990	21 Sep 1990
Qatar	8 Dec 1992	3 Apr 1995
Republic of Korea	25 Sep 1990	20 Nov 1991
Republic of Moldova		26 Jan 1993 a
Romania	26 Jan 1990	28 Sep 1990
Russian Federation	26 Jan 1990	16 Aug 1990
Rwanda	26 Jan 1990	24 Jan 1991
Samoa	30 Sep 1990	29 Nov 1994
San Marino		25 Nov 1991 a
Sao Tome and Principe		14 May 1991 a
Saudi Arabia		26 Jan 1996 a
Senegal	26 Jan 1990	31 Jul 1990
Serbia		12 Mar 2001 d
Seychelles		7 Sep 1990 a
Sierra Leone	13 Feb 1990	18 Jun 1990
Singapore		5 Oct 1995 a
Slovakia		28 May 1993 d
Slovenia		6 Jul 1992 d
Solomon Islands		10 Apr 1995 a
Somalia	9 May 2002	
South Africa	29 Jan 1993	16 Jun 1995
Spain	26 Jan 1990	6 Dec 1990
Sri Lanka	26 Jan 1990	12 Jul 1991
St. Kitts and Nevis	26 Jan 1990	24 Jul 1990
St. Lucia	30 Sep 1990	16 Jun 1993
St. Vincent and the Grenadines	20 Sep 1993	26 Oct 1993
Sudan	24 Jul 1990	3 Aug 1990
Suriname	26 Jan 1990	1 Mar 1993
Swaziland	22 Aug 1990	7 Sep 1995
Sweden	26 Jan 1990	29 Jun 1990
Switzerland	1 May 1991	24 Feb 1997
Syrian Arab Republic	18 Sep 1990	15 Jul 1993
Tajikistan		26 Oct 1993 a

Participant	Signature	Ratification, Acceptance(A), Accession(a), Succession(d)
Thailand		27 Mar 1992 a
The former Yugoslav Republic of Macedonia		2 Dec 1993 d
Timor-Leste		16 Apr 2003 a
Togo	26 Jan 1990	1 Aug 1990
Tonga		6 Nov 1995 a
Trinidad and Tobago	30 Sep 1990	5 Dec 1991
Tunisia	26 Feb 1990	30 Jan 1992
Turkey	14 Sep 1990	4 Apr 1995
Turkmenistan		20 Sep 1993 a
Tuvalu		22 Sep 1995 a
Uganda	17 Aug 1990	17 Aug 1990
Ukraine	21 Feb 1990	28 Aug 1991
United Arab Emirates		3 Jan 1997 a
United Kingdom of Great Britain and Northern Ireland	19 Apr 1990	16 Dec 1991
United Republic of Tanzania	1 Jun 1990	10 Jun 1991
United States of America	16 Feb 1995	
Uruguay	26 Jan 1990	20 Nov 1990
Uzbekistan		29 Jun 1994 a
Vanuatu	30 Sep 1990	7 Jul 1993
Venezuela (Bolivarian Republic of)	26 Jan 1990	13 Sep 1990
Viet Nam	26 Jan 1990	28 Feb 1990
Yemen	13 Feb 1990	1 May 1991
Zambia	30 Sep 1990	6 Dec 1991
Zimbabwe	8 Mar 1990	11 Sep 1990



Committee on the Rights of the Child

The Committee on the Rights of the Child (CRC) is a body of independent experts that monitors and reports on implementation of the *United Nations Convention on the Rights of the Child* by governments that ratify the Convention. The Committee also monitors implementation of the Optional Protocol on the Involvement of Children in Armed Conflict and the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography.

Committee on the Rights of the Child (CRC)

The CRC is the body of independent experts that monitors implementation of the Convention on the Rights of the Child by State parties.

It was established pursuant to Article 43 of the Convention.

States that have ratified the Convention are required to submit initial and periodic reports on the national situation of children's rights to the Committee for examination. The Committee examines each report and raises concerns or makes recommendations to the State party. It also issues occasional 'General

Comments' on the interpretation of particular CRC obligations. The Committee cannot consider individual complaints, although child rights may be raised before other committees with competence to consider individual complaints.

The Committee is made up of 18 members from different countries who are experts in the field of human rights. Although members are nominated and elected by state parties to the Convention, Committee members act in a personal capacity. They do not represent their countries' governments or any other organization to which they might belong. Members are elected to a four-year term and can be re-elected if nominated.

In fulfilling its role, the Committee examines reports submitted by the States Parties, also taking into account information from other

sources, including information provided by the United Nations (UN) agencies, non-governmental organizations (NGOs, which sometimes submit alternative reports) and occasionally by ombudsmen, human rights commissions and other competent bodies.

Governments of countries that have ratified the Convention are required to report to, and appear before, the United Nations Committee on the Rights of the Child periodically to be examined on their progress with regards to the advancement of the implementation of the Convention and the status of child rights in their country.



Optional Protocol on the Involvement of Children in Armed Conflict

According to UNICEF, worldwide, an estimated 300,000 children are engaged in armed conflicts. They are often forcibly recruited or abducted to join armies, some under the age of 10. Many of them have witnessed or taken part in acts of unbelievable violence, often against their own families or communities. With a view to strengthen implementation of the *Convention on the Rights of the Child* and increase the protection of children during armed conflicts, the

Who is a 'child soldier'?

A child soldier is defined as "any person under 18 years of age who is part of any kind of regular or irregular armed force or armed group in any capacity, including but not limited to cooks, porters, messengers, and anyone accompanying such groups, other than family members. The definition includes girls recruited for sexual purposes and forced marriage."

Optional Protocol on the Involvement of Children in Armed Conflict was adopted by Resolution A/RES/54/263 of 25 May 2000 at the fifty-fourth session of the General Assembly of the United Nations.

The Protocol requires governments to ensure that children under the age of eighteen are not recruited compulsorily into their armed forces, and calls on governments to

do everything feasible to ensure that members of their armed forces who are under eighteen years of age do not take part in hostilities.

The protocol requires that ratifying governments ensure that while their armed forces can accept volunteers below the age of 18, they can not be conscripted and "State Parties shall take all feasible measures to ensure that members of their armed forces who have not attained the age of 18 years do not take a direct part in hostilities". Non-state actors and guerrilla forces are also forbidden from recruiting anyone under the age of 18 for any purpose. Accordingly, States parties are also required to take legal measures to prohibit independent armed

groups from recruiting and using children under the age of 18 in conflicts.

Optional Protocol on the Involvement of Children in Armed Conflict

Entry into force:
12 February 2002

Signatories: 129;
Parties: 143

India ratified the Optional Protocol on 30 Nov 2005

Key Provisions

- Article 1 raises the minimum age of direct participation in hostilities from 15 years (as set by Protocols I & II to the Geneva Conventions, 1949) to 18 years.
- It raises the standard for voluntary recruitment by government forces beyond the age of 15 and outlaws recruitment below 18 years for non-state groups.

The Optional Protocol obligates states to "take all feasible measures to prevent such recruitment and use, including the adoption of legal measures necessary to prohibit and criminalize such practices" (Article 4).

Likewise, the Optional Protocol requires states to demobilize children within their jurisdiction who have been recruited or used in hostilities, and to provide assistance for their physical and psychological recovery and social reintegration (Article 6(3)).

The Optional Protocol thus, represents a leap forward in international law to protect children from the harmful effects of recruitment and use in hostilities.

When ratifying the Protocol, States are required to make a

declaration regarding the age at which national armed forces permit voluntary recruitment, as well as the steps that States will take to ensure that such recruitment is never forced or coerced. This requirement is particularly important because the Optional Protocol does not establish age 18 as a minimum for voluntary recruitment

into the armed forces, but only for direct participation in armed conflict.

India's Declaration on the Optional Protocol on the Involvement of Children in Armed Conflict

Declarations:

"Pursuant to Article 3 (2) of the Optional Protocol to the Convention on the Rights of the Child on the involvement of Children in Armed Conflict, the Government of the Republic of India declare that:

- (i) The minimum age for recruitment of prospective recruits into Armed Forces of India (Army, Air Force and Navy) is 16 years. After enrollment and requisite training period, the attested Armed Forces personnel is sent to the operational area only after he attains 18 years of age;
- (ii) The recruitment into the Armed Forces of India is purely voluntary and conducted through open rally system/open competitive examinations. There is no forced or coerced recruitment into the Armed Forces."

Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict

COUNTRY-WISE RATIFICATION STATUS

(Source: United Nations Treaty Collection Website
<http://treaties.un.org/>)

Participant	Signature	Ratification, Accession(a), Succession(d)
Afghanistan		24 Sep 2003 a
Albania		9 Dec 2008 a
Algeria		6 May 2009 a
Andorra	7 Sep 2000	30 Apr 2001
Angola		11 Oct 2007 a
Argentina	15 Jun 2000	10 Sep 2002
Armenia	24 Sep 2003	30 Sep 2005
Australia	21 Oct 2002	26 Sep 2006
Austria	6 Sep 2000	1 Feb 2002
Azerbaijan	8 Sep 2000	3 Jul 2002
Bahrain		21 Sep 2004 a
Bangladesh	6 Sep 2000	6 Sep 2000
Belarus		25 Jan 2006 a
Belgium	6 Sep 2000	6 May 2002
Belize	6 Sep 2000	1 Dec 2003
Benin	22 Feb 2001	31 Jan 2005
Bhutan	15 Sep 2005	9 Dec 2009
Bolivia (Plurinational State of)		22 Dec 2004 a
Bosnia and Herzegovina	7 Sep 2000	10 Oct 2003
Botswana	24 Sep 2003	4 Oct 2004
Brazil	6 Sep 2000	27 Jan 2004
Bulgaria	8 Jun 2001	12 Feb 2002
Burkina Faso	16 Nov 2001	6 Jul 2007
Burundi	13 Nov 2001	24 Jun 2008
Cambodia	27 Jun 2000	16 Jul 2004
Cameroon	5 Oct 2001	
Canada	5 Jun 2000	7 Jul 2000
Cape Verde		10 May 2002 a
Central African Republic	27 Sep 2010	

Participant	Signature	Ratification, Accession(a), Succession(d)
Chad	3 May 2002	28 Aug 2002
Chile	15 Nov 2001	31 Jul 2003
China	15 Mar 2001	20 Feb 2008
Colombia	6 Sep 2000	25 May 2005
Congo		24 Sep 2010 a
Costa Rica	7 Sep 2000	24 Jan 2003
Côte d'Ivoire		12 Mar 2012 a
Croatia	8 May 2002	1 Nov 2002
Cuba	13 Oct 2000	9 Feb 2007
Cyprus	1 Jul 2008	2 Jul 2010
Czech Republic	6 Sep 2000	30 Nov 2001
Democratic Republic of the Congo	8 Sep 2000	11 Nov 2001
Denmark	7 Sep 2000	27 Aug 2002
Djibouti	14 Jun 2006	27 Apr 2011
Dominica		20 Sep 2002 a
Dominican Republic	9 May 2002	
Ecuador	6 Sep 2000	7 Jun 2004
Egypt		6 Feb 2007 a
El Salvador	18 Sep 2000	18 Apr 2002
Eritrea		16 Feb 2005 a
Estonia	24 Sep 2003	
Ethiopia	28 Sep 2010	
Fiji	16 Sep 2005	
Finland	7 Sep 2000	10 Apr 2002
France	6 Sep 2000	5 Feb 2003
Gabon	8 Sep 2000	21 Sep 2010
Gambia	21 Dec 2000	
Georgia		3 Aug 2010 a
Germany	6 Sep 2000	13 Dec 2004
Ghana	24 Sep 2003	
Greece	7 Sep 2000	22 Oct 2003
Grenada		6 Feb 2012 a
Guatemala	7 Sep 2000	9 May 2002
Guinea-Bissau	8 Sep 2000	
Guyana		11 Aug 2010 a

Participant	Signature	Ratification, Accession(a), Succession(d)
Haiti	15 Aug 2002	
Holy See	10 Oct 2000	24 Oct 2001
Honduras		14 Aug 2002 a
Hungary	11 Mar 2002	24 Feb 2010
Iceland	7 Sep 2000	1 Oct 2001
India	15 Nov 2004	30 Nov 2005
Indonesia	24 Sep 2001	
Iran (Islamic Republic of)	21 Sep 2010	
Iraq		24 Jun 2008 a
Ireland	7 Sep 2000	18 Nov 2002
Israel	14 Nov 2001	18 Jul 2005
Italy	6 Sep 2000	9 May 2002
Jamaica	8 Sep 2000	9 May 2002
Japan	10 May 2002	2 Aug 2004
Jordan	6 Sep 2000	23 May 2007
Kazakhstan	6 Sep 2000	10 Apr 2003
Kenya	8 Sep 2000	28 Jan 2002
Kuwait		26 Aug 2004 a
Kyrgyzstan		13 Aug 2003 a
Lao People's Democratic Republic		20 Sep 2006 a
Latvia	1 Feb 2002	19 Dec 2005
Lebanon	11 Feb 2002	
Lesotho	6 Sep 2000	24 Sep 2003
Liberia	22 Sep 2004	
Libya		29 Oct 2004 a
Liechtenstein	8 Sep 2000	4 Feb 2005
Lithuania	13 Feb 2002	20 Feb 2003
Luxembourg	8 Sep 2000	4 Aug 2004
Madagascar	7 Sep 2000	22 Sep 2004
Malawi	7 Sep 2000	21 Sep 2010
Maldives	10 May 2002	29 Dec 2004
Mali	8 Sep 2000	16 May 2002
Malta	7 Sep 2000	9 May 2002
Mauritius	11 Nov 2001	12 Feb 2009
Mexico	7 Sep 2000	15 Mar 2002
Micronesia (Federated States of)	8 May 2002	

Participant	Signature	Ratification, Accession(a), Succession(d)
Monaco	26 Jun 2000	13 Nov 2001
Mongolia	12 Nov 2001	6 Oct 2004
Montenegro		2 May 2007 d
Morocco	8 Sep 2000	22 May 2002
Mozambique		19 Oct 2004 a
Namibia	8 Sep 2000	16 Apr 2002
Nauru	8 Sep 2000	
Nepal	8 Sep 2000	3 Jan 2007
Netherlands	7 Sep 2000	24 Sep 2009
New Zealand	7 Sep 2000	12 Nov 2001
Nicaragua		17 Mar 2005 a
Niger		13 Mar 2012 a
Nigeria	8 Sep 2000	
Norway	13 Jun 2000	23 Sep 2003
Oman		17 Sep 2004 a
Pakistan	26 Sep 2001	
Panama	31 Oct 2000	8 Aug 2001
Paraguay	13 Sep 2000	27 Sep 2002
Peru	1 Nov 2000	8 May 2002
Philippines	8 Sep 2000	26 Aug 2003
Poland	13 Feb 2002	7 Apr 2005
Portugal	6 Sep 2000	19 Aug 2003
Qatar		25 Jul 2002 a
Republic of Korea	6 Sep 2000	24 Sep 2004
Republic of Moldova	8 Feb 2002	7 Apr 2004
Romania	6 Sep 2000	10 Nov 2001
Russian Federation	15 Feb 2001	24 Sep 2008
Rwanda		23 Apr 2002 a
San Marino	5 Jun 2000	26 Sep 2011
Saudi Arabia		10 Jun 2011 a
Senegal	8 Sep 2000	3 Mar 2004
Serbia	8 Oct 2001	31 Jan 2003
Seychelles	23 Jan 2001	10 Aug 2010
Sierra Leone	8 Sep 2000	15 May 2002
Singapore	7 Sep 2000	11 Dec 2008
Slovakia	30 Nov 2001	7 Jul 2006
Slovenia	8 Sep 2000	23 Sep 2004

Participant	Signature	Ratification, Accession(a), Succession(d)
Solomon Islands	24 Sep 2009	
Somalia	16 Sep 2005	
South Africa	8 Feb 2002	24 Sep 2009
Spain	6 Sep 2000	8 Mar 2002
Sri Lanka	21 Aug 2000	8 Sep 2000
St. Lucia	22 Sep 2011	
St. Vincent and the Grenadines		29 Mar 2011 a
Sudan	9 May 2002	26 Jul 2005
Suriname	10 May 2002	
Sweden	8 Jun 2000	20 Feb 2003
Switzerland	7 Sep 2000	26 Jun 2002
Syrian Arab Republic		17 Oct 2003 a
Tajikistan		5 Aug 2002 a
Thailand		27 Feb 2006 a
The former Yugoslav Republic of Macedonia	17 Jul 2001	12 Jan 2004
Timor-Leste		2 Aug 2004 a
Togo	15 Nov 2001	28 Nov 2005
Tunisia	22 Apr 2002	2 Jan 2003
Turkey	8 Sep 2000	4 May 2004
Turkmenistan		29 Apr 2005 a
Uganda		6 May 2002 a
Ukraine	7 Sep 2000	11 Jul 2005
United Kingdom of Great Britain and Northern Ireland	7 Sep 2000	24 Jun 2003
United Republic of Tanzania		11 Nov 2004 a
United States of America	5 Jul 2000	23 Dec 2002
Uruguay	7 Sep 2000	9 Sep 2003
Uzbekistan		23 Dec 2008 a
Vanuatu	16 Sep 2005	26 Sep 2007
Venezuela (Bolivarian Republic of)	7 Sep 2000	23 Sep 2003
Viet Nam	8 Sep 2000	20 Dec 2001
Yemen		2 Mar 2007 a
Zambia	29 Sep 2008	



Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography

The Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography is a Protocol to the Convention on the Rights of the Child and criminalizes specific acts relating to the sale of children, child prostitution and child pornography, including attempt to engage in and complicity in such acts. It lays down minimum standards for protecting child victims in criminal justice processes and recognizes the right of victims to seek compensation.

Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography

Entry into force: 18 January 2002

Signatories: 119

Parties: 153

India ratified the Optional Protocol on 16 August 2005

The main premises of the Protocol are that all children must be protected, that such exploitation is criminal in nature, and that the perpetrators must be identified and punished. It encourages strengthening of international cooperation and assistance and the adoption of extra-territorial legislation, but does not provide for exemption from the dual criminality principle.

Since the Optional Protocol applies to specific forms of sexual exploitation, it is important to bear in mind that Article 34 of the Convention on the Rights of the Child (CRC) gives children the right to protection from all forms of sexual exploitation and abuse including the right to recovery and social reintegration under Article 39.

Key Definitions

The Protocol requires states to prohibit the sale of children, child prostitution and child pornography.

Article 2 of the Optional Protocol defines these terms as under:

- **Sale of children** is any act or transaction whereby a child is transferred by any person or group of persons to another for remuneration or any other consideration
- **Child prostitution** is the use of a child in sexual activities for remuneration or any other form of consideration
- **Child pornography** is any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes.

Article 1 of the Optional Protocol declares that states must protect the rights and interests of child victims of trafficking, child prostitution and child pornography, child labour and especially, the worst forms of child labour.

The remaining articles in the protocol outline the standards for international law enforcement covering diverse issues such as jurisdictional factors, extradition, mutual assistance in investigations, criminal or extradition proceedings and seizure and confiscation of assets.

The Protocol builds on and enhances both the general principles of the CRC and its specific rights, such as those dealing with separation of

children from parents, illicit transfer of children and the issue of non-return. It also obliges nations to pass laws within their own territories against these practices "punishable by appropriate penalties that take into account their grave nature."

Article 8 of the Protocol requires that States Parties “adopt appropriate measures to protect the rights and interests of child victims of the practices prohibited under the present Protocol at all stages of the criminal justice process.” This detailed Article contains provisions on the treatment to which child victims are entitled and the rights of those who work with child victims. There is also a final paragraph safeguarding the rights of accused persons to a fair and impartial trial.

Article 8 contains specific rights for children and duties for States. It gives children the right to:

- Procedures that recognize children’s vulnerability and special needs, as witnesses and in general (Article 8.1(a));
- Be informed of their rights, their role, the scope, timing and progress of the proceedings and of the disposition of their cases (Article 8.1(b));
- Have their views, needs and concerns presented and considered in proceedings where their personal interests are affected in a manner consistent with the procedural rules of national law (for child victims) (Article 8.1(c));
- Appropriate support services throughout the legal process (Article 8.1(d));
- Privacy and the confidentiality of information concerning their identity (Article 8.1(e));
- Safety and protection against intimidation and retaliation (Article 8.1(f));
- Procedures free from unnecessary delays (Article 8.1(g)).

In addition, Article 8 assigns States the duty to:

- Investigate, even when the age of the victim needs to be clarified (article 8.2);

- Consider the best interests of the child victim as a primary consideration (article 8.3);
- Provide appropriate training to all those who work with child victims (article 8.4)

The global concern with child exploitation that led to the adoption of this Protocol also led to the nearly simultaneous adoption of two other important instruments: the International Labour Organization Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour ('Worst Forms of Child Labour Convention' No. 182 of 17 June 1999) and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (the 'Palermo Protocol' of 15 November 2000).

Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography

COUNTRY-WISE RATIFICATION STATUS

(Source: United Nations Treaty Collection Website
<http://treaties.un.org/>)

Participant	Signature	Ratification, Accession(a), Succession(d)
Afghanistan		19 Sep 2002 a
Albania		5 Feb 2008 a
Algeria		27 Dec 2006 a
Andorra	7 Sep 2000	30 Apr 2001
Angola		24 Mar 2005 a
Antigua and Barbuda	18 Dec 2001	30 Apr 2002
Argentina	1 Apr 2002	25 Sep 2003
Armenia	24 Sep 2003	30 Jun 2005
Australia	18 Dec 2001	8 Jan 2007
Austria	6 Sep 2000	6 May 2004
Azerbaijan	8 Sep 2000	3 Jul 2002
Bahrain		21 Sep 2004 a
Bangladesh	6 Sep 2000	6 Sep 2000
Belarus		23 Jan 2002 a
Belgium	6 Sep 2000	17 Mar 2006
Belize	6 Sep 2000	1 Dec 2003
Benin	22 Feb 2001	31 Jan 2005
Bhutan	15 Sep 2005	26 Oct 2009
Bolivia (Plurinational State of)	10 Nov 2001	3 Jun 2003
Bosnia and Herzegovina	7 Sep 2000	4 Sep 2002
Botswana		24 Sep 2003 a
Brazil	6 Sep 2000	27 Jan 2004
Brunei Darussalam		21 Nov 2006 a
Bulgaria	8 Jun 2001	12 Feb 2002
Burkina Faso	16 Nov 2001	31 Mar 2006
Burundi		6 Nov 2007 a
Cambodia	27 Jun 2000	30 May 2002
Cameroon	5 Oct 2001	
Canada	10 Nov 2001	14 Sep 2005
Cape Verde		10 May 2002 a

Participant	Signature	Ratification, Accession(a), Succession(d)
Central African Republic	27 Sep 2010	
Chad	3 May 2002	28 Aug 2002
Chile	28 Jun 2000	6 Feb 2003
China	6 Sep 2000	3 Dec 2002
Colombia	6 Sep 2000	11 Nov 2003
Comoros		23 Feb 2007 a
Congo		27 Oct 2009 a
Costa Rica	7 Sep 2000	9 Apr 2002
Côte d'Ivoire		19 Sep 2011 a
Croatia	8 May 2002	13 May 2002
Cuba	13 Oct 2000	25 Sep 2001
Cyprus	8 Feb 2001	6 Apr 2006
Czech Republic	26 Jan 2005	
Democratic Republic of the Congo		11 Nov 2001 a
Denmark	7 Sep 2000	24 Jul 2003
Djibouti	14 Jun 2006	27 Apr 2011
Dominica		20 Sep 2002 a
Dominican Republic		6 Dec 2006 a
Ecuador	6 Sep 2000	30 Jan 2004
Egypt		12 Jul 2002 a
El Salvador	13 Sep 2002	17 May 2004
Equatorial Guinea		7 Feb 2003 a
Eritrea		16 Feb 2005 a
Estonia	24 Sep 2003	3 Aug 2004
Fiji	16 Sep 2005	
Finland	7 Sep 2000	
France	6 Sep 2000	5 Feb 2003
Gabon	8 Sep 2000	1 Oct 2007
Gambia	21 Dec 2000	8 Apr 2010
Georgia		28 Jun 2005 a
Germany	6 Sep 2000	15 Jul 2009
Ghana	24 Sep 2003	
Greece	7 Sep 2000	22 Feb 2008
Grenada		6 Feb 2012 a
Guatemala	7 Sep 2000	9 May 2002
Guinea		16 Nov 2011 a

Participant	Signature	Ratification, Accession(a), Succession(d)
Guinea-Bissau	8 Sep 2000	1 Nov 2010
Guyana		30 Jul 2010 a
Haiti	15 Aug 2002	
Holy See	10 Oct 2000	24 Oct 2001
Honduras		8 May 2002 a
Hungary	11 Mar 2002	24 Feb 2010
Iceland	7 Sep 2000	9 Jul 2001
India	15 Nov 2004	16 Aug 2005
Indonesia	24 Sep 2001	
Iran (Islamic Republic of)		26 Sep 2007 a
Iraq		24 Jun 2008 a
Ireland	7 Sep 2000	
Israel	14 Nov 2001	23 Jul 2008
Italy	6 Sep 2000	9 May 2002
Jamaica	8 Sep 2000	26 Aug 2011
Japan	10 May 2002	24 Jan 2005
Jordan	6 Sep 2000	4 Dec 2006
Kazakhstan	6 Sep 2000	24 Aug 2001
Kenya	8 Sep 2000	
Kuwait		26 Aug 2004 a
Kyrgyzstan		12 Feb 2003 a
Lao People's Democratic Republic		20 Sep 2006 a
Latvia	1 Feb 2002	22 Feb 2006
Lebanon	10 Oct 2001	8 Nov 2004
Lesotho	6 Sep 2000	24 Sep 2003
Liberia	22 Sep 2004	
Libya		18 Jun 2004 a
Liechtenstein	8 Sep 2000	
Lithuania		5 Aug 2004 a
Luxembourg	8 Sep 2000	2 Sep 2011
Madagascar	7 Sep 2000	22 Sep 2004
Malawi	7 Sep 2000	7 Oct 2009
Maldives	10 May 2002	10 May 2002
Mali		16 May 2002 a
Malta	7 Sep 2000	28 Sep 2010
Mauritania		23 Apr 2007 a

Participant	Signature	Ratification, Accession(a), Succession(d)
Mauritius	11 Nov 2001	14 Jun 2011
Mexico	7 Sep 2000	15 Mar 2002
Micronesia (Federated States of)	8 May 2002	
Monaco	26 Jun 2000	24 Sep 2008
Mongolia	12 Nov 2001	27 Jun 2003
Montenegro		23 Oct 2006 d
Morocco	8 Sep 2000	2 Oct 2001
Mozambique		6 Mar 2003 a
Myanmar		16 Jan 2012 a
Namibia	8 Sep 2000	16 Apr 2002
Nauru	8 Sep 2000	
Nepal	8 Sep 2000	20 Jan 2006
Netherlands	7 Sep 2000	23 Aug 2005
New Zealand	7 Sep 2000	20 Sep 2011
Nicaragua		2 Dec 2004 a
Niger	27 Mar 2002	26 Oct 2004
Nigeria	8 Sep 2000	27 Sep 2010
Norway	13 Jun 2000	2 Oct 2001
Oman		17 Sep 2004 a
Pakistan	26 Sep 2001	5 Jul 2011
Panama	31 Oct 2000	9 Feb 2001
Paraguay	13 Sep 2000	18 Aug 2003
Peru	1 Nov 2000	8 May 2002
Philippines	8 Sep 2000	28 May 2002
Poland	13 Feb 2002	4 Feb 2005
Portugal	6 Sep 2000	16 May 2003
Qatar		14 Dec 2001 a
Republic of Korea	6 Sep 2000	24 Sep 2004
Republic of Moldova	8 Feb 2002	12 Apr 2007
Romania	6 Sep 2000	18 Oct 2001
Rwanda		14 Mar 2002 a
San Marino	5 Jun 2000	26 Sep 2011
Saudi Arabia		18 Aug 2010 a
Senegal	8 Sep 2000	5 Nov 2003
Serbia	8 Oct 2001	10 Oct 2002
Seychelles	23 Jan 2001	
Sierra Leone	8 Sep 2000	17 Sep 2001

Participant	Signature	Ratification, Accession(a), Succession(d)
Slovakia	30 Nov 2001	25 Jun 2004
Slovenia	8 Sep 2000	23 Sep 2004
Solomon Islands	24 Sep 2009	
South Africa		30 Jun 2003 a
Spain	6 Sep 2000	18 Dec 2001
Sri Lanka	8 May 2002	22 Sep 2006
St. Lucia	22 Sep 2011	
St. Vincent and the Grenadines		15 Sep 2005 a
Sudan		2 Nov 2004 a
Suriname	10 May 2002	
Sweden	8 Sep 2000	19 Jan 2007
Switzerland	7 Sep 2000	19 Sep 2006
Syrian Arab Republic		15 May 2003 a
Tajikistan		5 Aug 2002 a
Thailand		11 Jan 2006 a
The former Yugoslav Republic of Macedonia	17 Jul 2001	17 Oct 2003
Timor-Leste		16 Apr 2003 a
Togo	15 Nov 2001	2 Jul 2004
Tunisia	22 Apr 2002	13 Sep 2002
Turkey	8 Sep 2000	19 Aug 2002
Turkmenistan		28 Mar 2005 a
Uganda		30 Nov 2001 a
Ukraine	7 Sep 2000	3 Jul 2003
United Kingdom of Great Britain and Northern Ireland	7 Sep 2000	20 Feb 2009
United Republic of Tanzania		24 Apr 2003 a
United States of America	5 Jul 2000	23 Dec 2002
Uruguay	7 Sep 2000	3 Jul 2003
Uzbekistan		23 Dec 2008 a
Vanuatu	16 Sep 2005	17 May 2007
Venezuela (Bolivarian Republic of)	7 Sep 2000	8 May 2002
Viet Nam	8 Sep 2000	20 Dec 2001
Yemen		15 Dec 2004 a
Zambia	29 Sep 2008	
Zimbabwe		14 Feb 2012 a





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

The United Nations Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICMRW) is the only UN convention devoted specifically to safeguarding the fundamental rights of undocumented migrants and addressing their needs. The ICMRW defines migrant workers as follows:

“The term "migrant worker" refers to a person who is engaged or has been engaged in a remunerated activity in a State of which he or she is not a national.”

ICMRW

It was adopted by Resolution 45/158 of 18 December 1990. It is designed to foster respect for the rights and freedoms of migrant workers and their families.

Entry into force: 1 July 2003

Signatories: 33; **Parties:** 45

Treaty Body: Committee on Migrant Workers (CMW)

India is has not signed the ICMRW.

According to UNOHCHR, an estimated 214 million people currently live and/or work outside their country of origin as migrant workers and since they are outside the legal protection of their home countries, migrants are often vulnerable to abuse and exploitation. In December 1990 therefore, the UN General Assembly adopted the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

The Convention is by far the most comprehensive international instrument for the protection and promotion of the fundamental rights

of migrants. The strength of the Convention lies in enabling all those persons, who qualify as migrant workers under its provisions, to enjoy their human rights regardless of their legal status.

Thus, the Convention protects both documented and undocumented workers by setting human rights standards that individual States must guarantee. Indeed, when a State ratifies or accedes to the

Key Rights of Migrant Workers recognized by ICMRW

- Right to leave and return to the State of origin (Article 1)
- Right to life (Article 9)
- Prohibition of cruel, inhuman or degrading treatment (Article 10)
- Prohibition of slavery or servitude and of forced or compulsory labour (Article 11)
- Freedom of thought, conscience and religion (Article 12)
- Right to hold and express his opinion (Article 13)
- Respect of honour, of dignity and of privacy (Article 14)
- Prohibition of arbitrary depriving of property (Article 15)
- Necessity to ensure an equitable procedure of recourse to migrant workers and members of their family (Article 16 – 20)
- Prohibition of arbitrary expulsion (Article 22)
- Equal treatment to nationals of the State of employment (Article 25 – 28)

Convention, it undertakes to adopt the legislative and other measures that are necessary to implement the provisions of the Convention. Furthermore, States undertake to ensure that migrants whose rights have been violated may seek judicial remedy.

In order for the Convention to become a binding instrument of international law, it must be ratified by 20 States. Thirteen years after its adoption by the UN General Assembly, on 14 March 2003, Guatemala became the 20th ratifying State, followed by El Salvador on the same day, thus making it a legally binding international human rights instrument.

The rights of migrant workers as established by the Convention can be divided into two broad categories:

- **Part III: Rights of Migrant Workers and Members of their Family; Applicable to All Migrant Workers (including the ‘undocumented’ ones)**

Rights for Migrant Workers in a Regular Situation (with Residence Permits)

- Right to liberty of movement and freedom to choose their residence (Article 39)
- Equality of access to and participation in cultural life (Article 43)
- Protection against dismissal, unemployment benefits, access to public work schemes intended to combat unemployment, access to alternative employment in the event of loss of work or termination of other remunerated activity (Article 54)

- **Part IV: Specific Rights of Migrant Workers and Members of their Families; Applicable only to Migrant Workers in a Regular Situation.**

Migrant workers experience among the lowest incomes, poorest working conditions, and fewest benefits from social services, yet contribute significantly towards

strengthening the economies of the states where they work. The lack of citizenship and resident status are key factors in understanding the conditions

that migrant workers experience, for without a vote they are unable to make politicians accountable. Consequently, it is difficult to enact legislation or to enforce extant laws offering protection, leaving migrant workers particularly vulnerable to exploitation by employers and without the benefit of social services provided by the state.

The countries from which these workers come and those in which they work have a shared responsibility to lessen the burdens on them by protecting and promoting their rights. This can be done by increasing the supervision and regulation of international labour migration and engaging in international cooperation in the interest of promoting their rights and preventing abusive conditions.

The Convention applies to the entire migration process, including preparation for migration, departure, transit and the entire period of stay and remunerated activity in the state of employment as well as return to the state of origin or of habitual residence. the majority of the rights are relevant to the receiving state, though there are also obligations specifically placed upon the sending state.

The Convention begins with the familiar prohibition of discrimination in the enjoyment of the Convention's rights. The Convention then sets out in two separate parts the rights, firstly, of *all* migrant workers and members of their families, irrespective of their migration status and, secondly, the additional rights of documented migrant workers and their families. In defining the civil and political rights of migrant workers, the Convention follows very closely the language of the ICCPR. Some articles restate the rights taking into account the particular situation of migrant workers, such as consular notification rights upon arrest and specific provisions concerning breaches of migration law and destruction of identity documents and prohibition of collective expulsion. In addition, the right to property, originally protected in the Declaration but not contained in the ICCPR, is specifically enumerated for migrant workers.

The Convention defines the economic, social and cultural rights of migrant workers in the light of their particular situation. Thus, for example, at a minimum urgent medical care must be provided, as it would be provided to a national, and the children of migrant workers have the basic right of access to education irrespective of legal status. Additional rights exist for workers who are properly documented, and to particular classes of migrant workers such as frontier, seasonal, itinerant and project-tied workers.

The Convention, in Part VII, requires all states parties to report regularly to the Committee on the Protection of the Rights of All Migrant Workers and Members of their Families, established to monitor implementation of the treaty's provisions. Articles 76 and 77 also provide for a right of complaint by other state parties or individuals, provided the state party accepts the Committee's competence in this regard.

International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families

COUNTRY-WISE RATIFICATION STATUS

(Source: United Nations Treaty Collection Website

<http://treaties.un.org/>)

Participant	Signature, Succession to signature(d)	Ratification, Accession(a), Succession(d)
Albania		5 Jun 2007 a
Algeria		21 Apr 2005 a
Argentina	10 Aug 2004	23 Feb 2007
Azerbaijan		11 Jan 1999 a
Bangladesh	7 Oct 1998	24 Aug 2011
Belize		14 Nov 2001 a
Benin	15 Sep 2005	
Bolivia (Plurinational State of)		16 Oct 2000 a
Bosnia and Herzegovina		13 Dec 1996 a
Burkina Faso	16 Nov 2001	26 Nov 2003
Cambodia	27 Sep 2004	
Cameroon	15 Dec 2009	
Cape Verde		16 Sep 1997 a
Chile	24 Sep 1993	21 Mar 2005
Colombia		24 May 1995 a
Comoros	22 Sep 2000	
Congo	29 Sep 2008	
Ecuador		5 Feb 2002 a
Egypt		19 Feb 1993 a
El Salvador	13 Sep 2002	14 Mar 2003
Gabon	15 Dec 2004	
Ghana	7 Sep 2000	7 Sep 2000
Guatemala	7 Sep 2000	14 Mar 2003
Guinea		7 Sep 2000 a
Guinea-Bissau	12 Sep 2000	
Guyana	15 Sep 2005	7 Jul 2010
Honduras		9 Aug 2005 a
Indonesia	22 Sep 2004	

Participant	Signature, Succession to signature(d)	Ratification, Accession(a), Succession(d)
Jamaica	25 Sep 2008	25 Sep 2008
Kyrgyzstan		29 Sep 2003 a
Lesotho	24 Sep 2004	16 Sep 2005
Liberia	22 Sep 2004	
Libya		18 Jun 2004 a
Mali		5 Jun 2003 a
Mauritania		22 Jan 2007 a
Mexico	22 May 1991	8 Mar 1999
Montenegro	23 Oct 2006 d	
Morocco	15 Aug 1991	21 Jun 1993
Mozambique	15 Mar 2012	
Nicaragua		26 Oct 2005 a
Niger		18 Mar 2009 a
Nigeria		27 Jul 2009 a
Palau	20 Sep 2011	
Paraguay	13 Sep 2000	23 Sep 2008
Peru	22 Sep 2004	14 Sep 2005
Philippines	15 Nov 1993	5 Jul 1995
Rwanda		15 Dec 2008 a
Sao Tome and Principe	6 Sep 2000	
Senegal		9 Jun 1999 a
Serbia	11 Nov 2004	
Seychelles		15 Dec 1994 a
Sierra Leone	15 Sep 2000	
Sri Lanka		11 Mar 1996 a
St. Vincent and the Grenadines		29 Oct 2010 a
Syrian Arab Republic		2 Jun 2005 a
Tajikistan	7 Sep 2000	8 Jan 2002
Timor-Leste		30 Jan 2004 a
Togo	15 Nov 2001	
Turkey	13 Jan 1999	27 Sep 2004
Uganda		14 Nov 1995 a
Uruguay		15 Feb 2001 a
Venezuela (Bolivarian Republic of)	4 Oct 2011	



Committee on the Protection of the Rights of All Migrant Workers and Members of their Families (CMW)

The Committee on the Protection of the Rights of All Migrant Workers and Members of their Families (CMW) is the body of independent experts that monitors 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 States parties are obliged to submit regular reports to the Committee on how the rights are being implemented. States must report initially one year after acceding to the Convention and then every five years. The Committee will examine each report and address its concerns and recommendations to the State party in the form of “concluding observations”.

Committee on Migrant Workers (CMW)

The CMW is the body of independent experts that monitors implementation of the ICMRW by its State parties.

It was established under Article of the Covenant

It held its first session in March 2004.

The Committee will also, under certain circumstances, be able to consider individual complaints or communications from individuals claiming that their rights under the Convention have been violated once 10 States parties have accepted this

procedure in accordance with Article 77 of the Convention. At present, two States have accepted this procedure. The Committee meets in Geneva and normally holds two sessions per year.

The Committee also organizes days of general discussion and can publish statements on themes related to its work and interpretations of the content of the provisions in the Convention (general comments).

The implementation of the Convention rests with its States parties. Article 72 provides that this process is monitored by a committee—the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families—consisting of 10 independent experts to be elected by the States parties and serving in their personal capacity, the number rising to 14 when 41 States will have become parties to the Convention.

Members of the Committee are elected by states parties by means of a secret ballot, with due regard to fair geographical distribution, including both States of origin and States of employment of migrant workers, and to representation of the world's main legal systems. These independent experts are persons of "high moral character, with recognized competence in the field covered by the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.

States parties accept the obligation under Article 73 to report on the steps they have taken to implement the Convention within one year of its entry into force for the State concerned, and thereafter every five years. The reports also are expected to indicate problems encountered in implementing the Convention, and to provide information on migration flows. After examining the reports, the Committee transmits such comments as it may consider appropriate to the State party concerned.

Close cooperation between the Committee and international agencies, in particular the International Labour Office, is foreseen in the Convention (Article 74 (2) and (5)).

Under Article 77, a State party may make a declaration recognizing the competence of the Committee to receive and consider communications from or on behalf of individuals within that State's jurisdiction who claim that their rights under the Convention have been violated. Such communications may be received only if they

concern a State party which has so recognized the competence of the Committee.

If the Committee is satisfied that the matter has not been, and is not being examined by another procedure of international investigation or settlement, and that all domestic remedies have been exhausted, it may request written explanations and express its views after having considered all the available information. The individual communication procedure requires 10 declarations by States parties to enter into force.

Convention on the Rights of Persons with Disabilities (CRPD)

The United Nations Convention on the Rights of Persons with Disabilities (CRPD) was adopted by the UN General Assembly on 13 December 2006 and came into force on 3 May 2008. The purpose of the Convention is to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity.

CRPD

The Convention is an international human rights instrument intended to protect the rights and dignity of persons with disabilities. Parties to the Convention are required to promote, protect, and ensure the full enjoyment of human rights by persons with disabilities and ensure that they enjoy full equality under the law.

Entry into force: 3 May 2008

Signatories: 153

Parties: 110

Treaty Body: Committee on the Rights of Persons with Disabilities (CRPD)

The CRPD consists of 50 articles addressing the full array of civil, political, economic, social, and cultural rights. The Convention does not seek to create new rights for disabled persons, but rather elaborates and clarifies existing obligations for countries within the context of disability.

The Preamble clearly endorses a social approach to disability—referred to as the social model of disability—by recognizing that

“disability is an evolving concept and that disability results from interaction between persons with impairments and attitudinal and environmental barriers that hinders their full and effective participation in society on an equal basis with others”.

How does the CRPD define
"Discrimination on the basis
of disability"?

Article 2 defines it as “any distinction, exclusion or restriction on the basis of disability which has the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise, on an equal basis with others, of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field. It includes all forms of discrimination, including denial of reasonable accommodation.”

It establishes a committee of experts to monitor its implementation at the international level and also provides for the operation of independent national-level monitoring mechanisms. The CRPD also has an Optional Protocol that recognizes “the competence of the Committee on the Rights of Persons with Disabilities to receive and consider communications from or on behalf of individuals or groups of individuals subject to its jurisdiction who claim to be victims of a violation by that State

Party of the provisions of the Convention.” The CRPD is therefore, comprehensive not only in terms of its substantive content, but also in the manner in which monitoring and implementation at all levels is addressed.

The Convention is intended as a human rights instrument with an explicit, social development dimension. It adopts a broad categorization of persons with disabilities and reaffirms that all persons with all types of disabilities must enjoy all human rights and fundamental freedoms. It clarifies and qualifies how all categories of rights apply to persons with disabilities and identifies areas where adaptations have to be made for persons with disabilities to

effectively exercise their rights and areas where their rights have been violated, and where protection of rights must be reinforced.

The Convention was adopted as a response to the fact that although pre-existing human rights conventions offer considerable potential to promote and protect the rights of persons with disabilities, such

**Key Rights recognized by the
CRPD (Articles 10-30)**

- Right to life
- Equal recognition before the law
- Access to justice
- Liberty and security of the person
- Freedom from torture or cruel, inhuman or degrading treatment or punishment
- Freedom from exploitation, violence and abuse
- Liberty of movement and nationality
- Living independently and being included in the community
- Freedom of expression
- Respect for privacy
- Respect for home and the family
- Education
- Health
- Habilitation and rehabilitation
- Work and employment
- Adequate standard of living and social protection
- Participation in political/public life, in cultural life, recreation, leisure and sport

persons continued being denied their human rights and were kept on the margins of society across the world.

Principally, the Convention recognises that persons with disabilities have inherent rights, and that they are capable of claiming those rights and making decisions for their lives based on their free and informed consent as well as being active members of society.

Article 3 of the Convention identifies a set of overarching and foundational principles. These guide the interpretation and implementation of the entire Convention, cutting across all issues. They are the starting point for

understanding and interpreting the rights of persons with disabilities, providing benchmarks against which each right is measured.

The Convention is intended as a human rights instrument with an explicit, social development dimension. It adopts a broad categorization of persons with disabilities and reaffirms that all persons with all types of disabilities must enjoy all human rights and fundamental freedoms. It clarifies and qualifies how all categories of rights apply to persons with disabilities and identifies areas where adaptations have to be made for persons with disabilities to effectively exercise their rights and areas where their rights have been violated, and where protection of rights must be reinforced.

Convention on the Rights of Persons with Disabilities

COUNTRY-WISE RATIFICATION STATUS

(Source: United Nations Treaty Collection Website
<http://treaties.un.org/>)

Participant	Signature	Formal confirmation(c), Accession(a), Ratification
Albania	22 Dec 2009	
Algeria	30 Mar 2007	4 Dec 2009
Andorra	27 Apr 2007	
Antigua and Barbuda	30 Mar 2007	
Argentina	30 Mar 2007	2 Sep 2008
Armenia	30 Mar 2007	22 Sep 2010
Australia	30 Mar 2007	17 Jul 2008
Austria	30 Mar 2007	26 Sep 2008
Azerbaijan	9 Jan 2008	28 Jan 2009
Bahrain	25 Jun 2007	22 Sep 2011
Bangladesh	9 May 2007	30 Nov 2007
Barbados	19 Jul 2007	
Belgium	30 Mar 2007	2 Jul 2009
Belize	9 May 2011	2 Jun 2011
Benin	8 Feb 2008	
Bhutan	21 Sep 2010	
Bolivia (Plurinational State of)	13 Aug 2007	16 Nov 2009
Bosnia and Herzegovina	29 Jul 2009	12 Mar 2010
Brazil	30 Mar 2007	1 Aug 2008
Brunei Darussalam	18 Dec 2007	
Bulgaria	27 Sep 2007	22 Mar 2012
Burkina Faso	23 May 2007	23 Jul 2009
Burundi	26 Apr 2007	
Cambodia	1 Oct 2007	
Cameroon	1 Oct 2008	
Canada	30 Mar 2007	11 Mar 2010
Cape Verde	30 Mar 2007	10 Oct 2011
Central African Republic	9 May 2007	
Chile	30 Mar 2007	29 Jul 2008

Participant	Signature	Formal confirmation(c), Accession(a), Ratification
China	30 Mar 2007	1 Aug 2008
Colombia	30 Mar 2007	10 May 2011
Comoros	26 Sep 2007	
Congo	30 Mar 2007	
Cook Islands		8 May 2009 a
Costa Rica	30 Mar 2007	1 Oct 2008
Côte d'Ivoire	7 Jun 2007	
Croatia	30 Mar 2007	15 Aug 2007
Cuba	26 Apr 2007	6 Sep 2007
Cyprus	30 Mar 2007	27 Jun 2011
Czech Republic	30 Mar 2007	28 Sep 2009
Denmark	30 Mar 2007	24 Jul 2009
Dominica	30 Mar 2007	
Dominican Republic	30 Mar 2007	18 Aug 2009
Ecuador	30 Mar 2007	3 Apr 2008
Egypt	4 Apr 2007	14 Apr 2008
El Salvador	30 Mar 2007	14 Dec 2007
Estonia	25 Sep 2007	
Ethiopia	30 Mar 2007	7 Jul 2010
European Union	30 Mar 2007	23 Dec 2010 c
Fiji	2 Jun 2010	
Finland	30 Mar 2007	
France	30 Mar 2007	18 Feb 2010
Gabon	30 Mar 2007	1 Oct 2007
Georgia	10 Jul 2009	
Germany	30 Mar 2007	24 Feb 2009
Ghana	30 Mar 2007	
Greece	30 Mar 2007	
Grenada	12 Jul 2010	
Guatemala	30 Mar 2007	7 Apr 2009
Guinea	16 May 2007	8 Feb 2008
Guyana	11 Apr 2007	
Haiti		23 Jul 2009 a
Honduras	30 Mar 2007	14 Apr 2008
Hungary	30 Mar 2007	20 Jul 2007
Iceland	30 Mar 2007	

Participant	Signature	Formal confirmation(c), Accession(a), Ratification
India	30 Mar 2007	1 Oct 2007
Indonesia	30 Mar 2007	30 Nov 2011
Iran (Islamic Republic of)		23 Oct 2009 a
Ireland	30 Mar 2007	
Israel	30 Mar 2007	
Italy	30 Mar 2007	15 May 2009
Jamaica	30 Mar 2007	30 Mar 2007
Japan	28 Sep 2007	
Jordan	30 Mar 2007	31 Mar 2008
Kazakhstan	11 Dec 2008	
Kenya	30 Mar 2007	19 May 2008
Kyrgyzstan	21 Sep 2011	
Lao People's Democratic Republic	15 Jan 2008	25 Sep 2009
Latvia	18 Jul 2008	1 Mar 2010
Lebanon	14 Jun 2007	
Lesotho		2 Dec 2008 a
Liberia	30 Mar 2007	
Libya	1 May 2008	
Lithuania	30 Mar 2007	18 Aug 2010
Luxembourg	30 Mar 2007	26 Sep 2011
Madagascar	25 Sep 2007	
Malawi	27 Sep 2007	27 Aug 2009
Malaysia	8 Apr 2008	19 Jul 2010
Maldives	2 Oct 2007	5 Apr 2010
Mali	15 May 2007	7 Apr 2008
Malta	30 Mar 2007	
Mauritius	25 Sep 2007	8 Jan 2010
Mexico	30 Mar 2007	17 Dec 2007
Micronesia (Federated States of)	23 Sep 2011	
Monaco	23 Sep 2009	
Mongolia		13 May 2009 a
Montenegro	27 Sep 2007	2 Nov 2009
Morocco	30 Mar 2007	8 Apr 2009
Mozambique	30 Mar 2007	30 Jan 2012
Myanmar		7 Dec 2011 a

Participant	Signature	Formal confirmation(c), Accession(a), Ratification
Namibia	25 Apr 2007	4 Dec 2007
Nepal	3 Jan 2008	7 May 2010
Netherlands	30 Mar 2007	
New Zealand	30 Mar 2007	25 Sep 2008
Nicaragua	30 Mar 2007	7 Dec 2007
Niger	30 Mar 2007	24 Jun 2008
Nigeria	30 Mar 2007	24 Sep 2010
Norway	30 Mar 2007	
Oman	17 Mar 2008	6 Jan 2009
Pakistan	25 Sep 2008	5 Jul 2011
Palau	20 Sep 2011	
Panama	30 Mar 2007	7 Aug 2007
Papua New Guinea	2 Jun 2011	
Paraguay	30 Mar 2007	3 Sep 2008
Peru	30 Mar 2007	30 Jan 2008
Philippines	25 Sep 2007	15 Apr 2008
Poland	30 Mar 2007	
Portugal	30 Mar 2007	23 Sep 2009
Qatar	9 Jul 2007	13 May 2008
Republic of Korea	30 Mar 2007	11 Dec 2008
Republic of Moldova	30 Mar 2007	21 Sep 2010
Romania	26 Sep 2007	31 Jan 2011
Russian Federation	24 Sep 2008	
Rwanda		15 Dec 2008 a
San Marino	30 Mar 2007	22 Feb 2008
Saudi Arabia		24 Jun 2008 a
Senegal	25 Apr 2007	7 Sep 2010
Serbia	17 Dec 2007	31 Jul 2009
Seychelles	30 Mar 2007	2 Oct 2009
Sierra Leone	30 Mar 2007	4 Oct 2010
Slovakia	26 Sep 2007	26 May 2010
Slovenia	30 Mar 2007	24 Apr 2008
Solomon Islands	23 Sep 2008	
South Africa	30 Mar 2007	30 Nov 2007
Spain	30 Mar 2007	3 Dec 2007
Sri Lanka	30 Mar 2007	

Participant	Signature	Formal confirmation(c), Accession(a), Ratification
St. Lucia	22 Sep 2011	
St. Vincent and the Grenadines		29 Oct 2010 a
Sudan	30 Mar 2007	24 Apr 2009
Suriname	30 Mar 2007	
Swaziland	25 Sep 2007	
Sweden	30 Mar 2007	15 Dec 2008
Syrian Arab Republic	30 Mar 2007	10 Jul 2009
Thailand	30 Mar 2007	29 Jul 2008
The former Yugoslav Republic of Macedonia	30 Mar 2007	29 Dec 2011
Togo	23 Sep 2008	1 Mar 2011
Tonga	15 Nov 2007	
Trinidad and Tobago	27 Sep 2007	
Tunisia	30 Mar 2007	2 Apr 2008
Turkey	30 Mar 2007	28 Sep 2009
Turkmenistan		4 Sep 2008 a
Uganda	30 Mar 2007	25 Sep 2008
Ukraine	24 Sep 2008	4 Feb 2010
United Arab Emirates	8 Feb 2008	19 Mar 2010
United Kingdom of Great Britain and Northern Ireland	30 Mar 2007	8 Jun 2009
United Republic of Tanzania	30 Mar 2007	10 Nov 2009
United States of America	30 Jul 2009	
Uruguay	3 Apr 2007	11 Feb 2009
Uzbekistan	27 Feb 2009	
Vanuatu	17 May 2007	23 Oct 2008
Viet Nam	22 Oct 2007	
Yemen	30 Mar 2007	26 Mar 2009
Zambia	9 May 2008	1 Feb 2010

Committee on the Rights of Persons with Disabilities

The Convention on the Rights of Persons with Disabilities, adopted by the General Assembly in 2006, created a Committee on the Rights of Persons with Disabilities mandated to monitor the implementation of human rights obligations under the Convention, through the consideration of periodic reports submitted by State parties.

Article 34 of the CRPD provides for the establishment of the Committee on the Rights of Persons with Disabilities – a committee of independent experts with several functions. First, on the basis of periodic reports received from States and other interested parties such as national monitoring mechanisms and civil society organizations, the Committee engages in a constructive dialogue with States on the implementation of the Convention, and issues concluding observations and recommendations for follow-up action to improve and strengthen implementation.

Second, the Committee holds days of general discussion, open to the public, during which it discusses issues of general interest arising from the Convention. Third, the Committee may issue authoritative statements, known as general comments, to clarify specific provisions in the Convention or specific issues arising in the implementation of the Convention. Fourth, the Optional Protocol gives the Committee authority to receive complaints, known as communications, from individuals alleging violations of any of the Convention's provisions by a State that has ratified the Optional Protocol.

The Committee may present its views after considering the complaint in the light of the comments from the State concerned. Fifth, the Optional Protocol also provides the Committee with an opportunity to undertake inquiries in States parties if it receives reliable information indicating grave or systematic violations of the Convention.

All states parties are required to submit regular reports to the Committee outlining the legislative, judicial, policy and other measures they have taken to implement the rights affirmed in the Convention. The first report is due within two years of ratifying the Convention; thereafter reports are due every four years. The Committee will examine each report and address its concerns and recommendations to the state party in the form of “concluding observations”.

The Optional Protocol to the Convention allows the Committee to receive and consider complaints on behalf of individuals as well as groups, and also provides for the Committee to conduct confidential investigations of allegations regarding grave or systematic violations of the Convention. Investigations may be carried out through country visits with the consent of the State. The Convention and the Optional Protocol entered into force on 3 May 2008.



Optional Protocol to the Convention on the Rights of Persons with Disabilities

The Optional Protocol to the Convention on the Rights of Persons with Disabilities is a side-agreement to the Convention on the Rights of Persons with Disabilities. It was adopted on 13 December 2006, and entered into force at the same time as its parent Convention, on 3 May 2008.

Optional Protocol to the Convention on the Rights of Persons with Disabilities

Entry into force: 3 May 2008

Signatories: 90

Parties: 66

India has not signed the CRPD Optional Protocol

Key Provisions:

- The Optional Protocol establishes an individual complaints mechanism for the Convention;
- It also includes an inquiry mechanism whereby Parties recognise the competence of the Committee on the Rights of Persons with Disabilities to investigate, report on and make recommendations on "grave or systematic violations" of the Convention.

The Optional Protocol establishes an individual complaints mechanism for the Convention similar to those of the International Covenant on Civil and Political Rights, Convention

on the Elimination of All Forms of Discrimination against Women and Convention on the Elimination of All Forms of Racial Discrimination.

Parties agree to recognise the competence of the Committee on the Rights of Persons with Disabilities to consider complaints from individuals or

groups who claim their rights under the Convention have been violated. The Committee can request information from and make recommendations to a party.

In addition, parties may permit the Committee to investigate, report on and make recommendations on "grave or systematic violations" of the Convention. Parties may opt out of this obligation on signature or ratification. The Optional Protocol required ten ratifications to come into force.

The Optional Protocol to the Convention allows individuals who are victims of violations of Convention to present complaints before the Committee against a state that has ratified the convention and violates its obligations.

Optional Protocol to the Convention on the Rights of Persons with Disabilities

COUNTRY-WISE RATIFICATION STATUS

(Source: United Nations Treaty Collection Website
<http://treaties.un.org/>)

Participant	Signature	Formal confirmation(c), Accession(a), Ratification
Algeria	30 Mar 2007	
Andorra	27 Apr 2007	
Antigua and Barbuda	30 Mar 2007	
Argentina	30 Mar 2007	2 Sep 2008
Armenia	30 Mar 2007	
Australia		21 Aug 2009 a
Austria	30 Mar 2007	26 Sep 2008
Azerbaijan	9 Jan 2008	28 Jan 2009
Bangladesh		12 May 2008 a
Belgium	30 Mar 2007	2 Jul 2009
Benin	8 Feb 2008	
Bolivia (Plurinational State of)	13 Aug 2007	16 Nov 2009
Bosnia and Herzegovina	29 Jul 2009	12 Mar 2010
Brazil	30 Mar 2007	1 Aug 2008
Bulgaria	18 Dec 2008	
Burkina Faso	23 May 2007	23 Jul 2009
Burundi	26 Apr 2007	
Cambodia	1 Oct 2007	
Cameroon	1 Oct 2008	
Central African Republic	9 May 2007	
Chile	30 Mar 2007	29 Jul 2008
Congo	30 Mar 2007	
Cook Islands		8 May 2009 a
Costa Rica	30 Mar 2007	1 Oct 2008
Côte d'Ivoire	7 Jun 2007	
Croatia	30 Mar 2007	15 Aug 2007
Cyprus	30 Mar 2007	27 Jun 2011
Czech Republic	30 Mar 2007	
Dominican Republic	30 Mar 2007	18 Aug 2009
Ecuador	30 Mar 2007	3 Apr 2008
El Salvador	30 Mar 2007	14 Dec 2007
Fiji	2 Jun 2010	
Finland	30 Mar 2007	
France	23 Sep 2008	18 Feb 2010

Participant	Signature	Formal confirmation(c), Accession(a), Ratification
Gabon	25 Sep 2007	
Georgia	10 Jul 2009	
Germany	30 Mar 2007	24 Feb 2009
Ghana	30 Mar 2007	
Greece	27 Sep 2010	
Guatemala	30 Mar 2007	7 Apr 2009
Guinea	31 Aug 2007	8 Feb 2008
Haiti		23 Jul 2009 a
Honduras	23 Aug 2007	16 Aug 2010
Hungary	30 Mar 2007	20 Jul 2007
Iceland	30 Mar 2007	
Italy	30 Mar 2007	15 May 2009
Jamaica	30 Mar 2007	
Jordan	30 Mar 2007	
Kazakhstan	11 Dec 2008	
Latvia	22 Jan 2010	31 Aug 2010
Lebanon	14 Jun 2007	
Liberia	30 Mar 2007	
Lithuania	30 Mar 2007	18 Aug 2010
Luxembourg	30 Mar 2007	26 Sep 2011
Madagascar	25 Sep 2007	
Mali	15 May 2007	7 Apr 2008
Malta	30 Mar 2007	
Mauritius	25 Sep 2007	
Mexico	30 Mar 2007	17 Dec 2007
Mongolia		13 May 2009 a
Montenegro	27 Sep 2007	2 Nov 2009
Morocco		8 Apr 2009 a
Mozambique		30 Jan 2012 a
Namibia	25 Apr 2007	4 Dec 2007
Nepal	3 Jan 2008	7 May 2010
Nicaragua	21 Oct 2008	2 Feb 2010
Niger	2 Aug 2007	24 Jun 2008
Nigeria	30 Mar 2007	24 Sep 2010
Panama	30 Mar 2007	7 Aug 2007
Paraguay	30 Mar 2007	3 Sep 2008
Peru	30 Mar 2007	30 Jan 2008
Portugal	30 Mar 2007	23 Sep 2009
Qatar	9 Jul 2007	

Participant	Signature	Formal confirmation(c), Accession(a), Ratification
Romania	25 Sep 2008	
Rwanda		15 Dec 2008 a
San Marino	30 Mar 2007	22 Feb 2008
Saudi Arabia		24 Jun 2008 a
Senegal	25 Apr 2007	
Serbia	17 Dec 2007	31 Jul 2009
Seychelles	30 Mar 2007	
Sierra Leone	30 Mar 2007	
Slovakia	26 Sep 2007	26 May 2010
Slovenia	30 Mar 2007	24 Apr 2008
Solomon Islands	24 Sep 2009	
South Africa	30 Mar 2007	30 Nov 2007
Spain	30 Mar 2007	3 Dec 2007
St. Vincent and the Grenadines		29 Oct 2010 a
Sudan		24 Apr 2009 a
Swaziland	25 Sep 2007	
Sweden	30 Mar 2007	15 Dec 2008
Syrian Arab Republic		10 Jul 2009 a
The former Yugoslav Republic of Macedonia	29 Jul 2009	29 Dec 2011
Togo	23 Sep 2008	1 Mar 2011
Tunisia	30 Mar 2007	2 Apr 2008
Turkey	28 Sep 2009	
Turkmenistan		10 Nov 2010 a
Uganda	30 Mar 2007	25 Sep 2008
Ukraine	24 Sep 2008	4 Feb 2010
United Arab Emirates	12 Feb 2008	
United Kingdom of Great Britain and Northern Ireland	26 Feb 2009	7 Aug 2009
United Republic of Tanzania	29 Sep 2008	10 Nov 2009
Uruguay		28 Oct 2011 a
Yemen	11 Apr 2007	26 Mar 2009
Zambia	29 Sep 2008	

International Convention for the Protection of All Persons from Enforced Disappearance

Enforced disappearance or the arrest, detention or abduction of a person by the state or agents acting on its behalf, who subsequently deny that the person is being held or conceal their whereabouts, placing them outside the protection of the law, has been carried out by regimes all over the world from the Second World War until today.

ICPAPED

It was adopted by Resolution A/RES/61/177 on 20 December 2006 during the sixty-first session of the General Assembly. The Convention is intended to prevent forced disappearances.

Entry into force: 23 December 2010

Signatories: 91; **Parties:** 30

Treaty Body: Committee on Enforced Disappearances (CED)

India signed the ICPAPED on 6 February 2007

30 August is commemorated as the '**International Day of the Disappeared**'

According to the International Committee of the Red Cross (ICRC), enforced disappearance constitutes a violation of international humanitarian law and human rights, both in international and non-international armed conflict. "It violates, or threatens to violate, a number of fundamental customary rules such as the prohibition of arbitrary deprivation of liberty, the prohibition of torture and other cruel and inhuman treatment, and the prohibition of murder."

To prevent the practice of enforced disappearance, which causes unspeakable anguish, fear and sorrow for thousands of families, there was an urgent need for a legally binding universal instrument.

How does the ICPAPED define “enforced disappearance”?

Article 2 of the Convention defines “enforced disappearance” as under:

“...the arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law.”

In December 2006, the UN adopted the International Convention for the Protection of All Persons from Enforced Disappearance.

The Convention aims to prevent enforced disappearances, uncover the truth when they do occur, punish the perpetrators and provide reparations to the victims and their families. On 23 December 2010, four years after the adoption of the Convention by the UN General Assembly, the ICPAPED eventually reached the 20th ratification

which was necessary for its entry into force. Iraq was the 20th country that ratified this international treaty.

Which human rights does an “enforced disappearance” violate?

- Right to security and dignity of person
- Right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment
- Right to humane conditions of detention
- Right to a legal personality
- Right to a fair trial
- Right to a family life
- If the disappeared person is killed, the right to life

The Convention is perhaps the first international human rights instrument which recognizes the right of any person not to be subjected to enforced disappearance. It recognizes it as a non-derogable right which means that no circumstances may be invoked as a justification to carry out enforced disappearances [Article 1(2)].

Key Provisions

Article 5 of the Convention asserts that the widespread practice of enforced disappearance constitutes a *crime against humanity* and this potentially enables, for instance, the involvement of the International Criminal Court.

Each State party is required to incorporate the provisions of the Convention in its domestic criminal law by making enforced disappearance an offence under its criminal law; holding any person involved, criminally responsible; and making the offence punishable by appropriate penalties.

Article 6 describes who can be held criminally responsible for an enforced disappearance. According to the Article, “Any person who commits, orders, solicits or induces the commission of, attempts to commit, is an accomplice to or participates in an enforced disappearance”.

To prevent the occurrence of enforced disappearances, the Convention requires States to adopt stringent safeguards. These preventive measures can be of consequence for national laws, for instance regarding detention.

The Convention prohibits secret detention and gives specific rules and regulations with regard to deprivation of liberty including the maintenance of up-to-date official registers of persons deprived of liberty. For all places where people are deprived of their liberty, a register like this should be available. It also requires States to impose sanctions on conduct that undermines these safeguards.

Article 21 requires persons to be released from prison in a manner permitting reliable verification that they have actually been released. Article 24 obliges States to provide training to law enforcement personnel.

The Convention contains several provisions on protective measures after a disappearance occurs. The State should for instance enable

individuals to report an enforced disappearance, protect witnesses and investigate complaints and reports of disappearances.

The convention also establishes several rights for victims. Enforced disappearances create many more victims than just the person who has been deprived of her/his liberty. Relatives of the disappeared are included in the definition of victim as well as any person who has suffered harm as a direct result of the enforced disappearance.

The right to information is guaranteed under Article 18. It requires every person with a legitimate interest to have access to basic information such as the date, time and place of the deprivation of liberty and the whereabouts of the person. Restrictions of such information are only permitted when a person is under judicial control and the restriction does not lead to an enforced disappearance.

The right to know the truth is guaranteed in Article 24. States should also ensure reparation (including restitution, rehabilitation, guarantees of non-repetition) and prompt and adequate compensation as well as the right to form organizations and associations trying to address the enforced disappearances.

With regard to Children, Article 25 states that States are responsible for the prevention and punishment of the wrongful removal of children who are subjected to enforced disappearance or whose parents are subjected to enforced disappearance. States should search for, identify and return such children to their families.

The Convention also recognizes the importance of International Cooperation (Articles 9, 10, 11, 13, 14, 15) to make the convention effective since in many instances, enforced disappearances concern the involvement of more than one State. To this end, it requires State Parties to cooperate in searching for disappeared persons and, in the event of death, exhuming and identifying them and returning the mortal remains.

State parties should submit suspects who are found on their territory to the competent authorities, extradite them to another state, or surrender them to an international criminal court. They should also take care that no person is expelled, returned surrendered or extradited who may be in danger of being subjected to enforced disappearance.

International Convention for the Protection of All Persons from Enforced Disappearance

COUNTRY-WISE RATIFICATION STATUS

(Source: United Nations Treaty Collection Website
<http://treaties.un.org/>)

Participant	Signature	Accession(a), Ratification
Albania	6 Feb 2007	8 Nov 2007
Algeria	6 Feb 2007	
Argentina	6 Feb 2007	14 Dec 2007
Armenia	10 Apr 2007	24 Jan 2011
Austria	6 Feb 2007	
Azerbaijan	6 Feb 2007	
Belgium	6 Feb 2007	2 Jun 2011
Benin	19 Mar 2010	
Bolivia (Plurinational State of)	6 Feb 2007	17 Dec 2008
Bosnia and Herzegovina	6 Feb 2007	
Brazil	6 Feb 2007	29 Nov 2010
Bulgaria	24 Sep 2008	
Burkina Faso	6 Feb 2007	3 Dec 2009
Burundi	6 Feb 2007	
Cameroon	6 Feb 2007	
Cape Verde	6 Feb 2007	
Chad	6 Feb 2007	
Chile	6 Feb 2007	8 Dec 2009
Colombia	27 Sep 2007	
Comoros	6 Feb 2007	
Congo	6 Feb 2007	
Costa Rica	6 Feb 2007	16 Feb 2012
Croatia	6 Feb 2007	
Cuba	6 Feb 2007	2 Feb 2009
Cyprus	6 Feb 2007	
Denmark	25 Sep 2007	
Ecuador	24 May 2007	20 Oct 2009
Finland	6 Feb 2007	
France	6 Feb 2007	23 Sep 2008
Gabon	25 Sep 2007	19 Jan 2011

Participant	Signature	Accession(a), Ratification
Germany	26 Sep 2007	24 Sep 2009
Ghana	6 Feb 2007	
Greece	1 Oct 2008	
Grenada	6 Feb 2007	
Guatemala	6 Feb 2007	
Haiti	6 Feb 2007	
Honduras	6 Feb 2007	1 Apr 2008
Iceland	1 Oct 2008	
India	6 Feb 2007	
Indonesia	27 Sep 2010	
Iraq		23 Nov 2010 a
Ireland	29 Mar 2007	
Italy	3 Jul 2007	
Japan	6 Feb 2007	23 Jul 2009
Kazakhstan		27 Feb 2009 a
Kenya	6 Feb 2007	
Lao People's Democratic Republic	29 Sep 2008	
Lebanon	6 Feb 2007	
Lesotho	22 Sep 2010	
Liechtenstein	1 Oct 2007	
Lithuania	6 Feb 2007	
Luxembourg	6 Feb 2007	
Madagascar	6 Feb 2007	
Maldives	6 Feb 2007	
Mali	6 Feb 2007	1 Jul 2009
Malta	6 Feb 2007	
Mauritania	27 Sep 2011	
Mexico	6 Feb 2007	18 Mar 2008
Monaco	6 Feb 2007	
Mongolia	6 Feb 2007	
Montenegro	6 Feb 2007	20 Sep 2011
Morocco	6 Feb 2007	
Mozambique	24 Dec 2008	
Netherlands	29 Apr 2008	23 Mar 2011
Niger	6 Feb 2007	
Nigeria		27 Jul 2009 a

Participant	Signature	Accession(a), Ratification
Norway	21 Dec 2007	
Palau	20 Sep 2011	
Panama	25 Sep 2007	24 Jun 2011
Paraguay	6 Feb 2007	3 Aug 2010
Portugal	6 Feb 2007	
Republic of Moldova	6 Feb 2007	
Romania	3 Dec 2008	
Samoa	6 Feb 2007	
Senegal	6 Feb 2007	11 Dec 2008
Serbia	6 Feb 2007	18 May 2011
Sierra Leone	6 Feb 2007	
Slovakia	26 Sep 2007	
Slovenia	26 Sep 2007	
Spain	27 Sep 2007	24 Sep 2009
St. Vincent and the Grenadines	29 Mar 2010	
Swaziland	25 Sep 2007	
Sweden	6 Feb 2007	
Switzerland	19 Jan 2011	
Thailand	9 Jan 2012	
The former Yugoslav Republic of Macedonia	6 Feb 2007	
Togo	27 Oct 2010	
Tunisia	6 Feb 2007	29 Jun 2011
Uganda	6 Feb 2007	
United Republic of Tanzania	29 Sep 2008	
Uruguay	6 Feb 2007	4 Mar 2009
Vanuatu	6 Feb 2007	
Venezuela (Bolivarian Republic of)	21 Oct 2008	
Zambia	27 Sep 2010	4 Apr 2011



Committee on Enforced Disappearances

The Committee on Enforced Disappearances (CED) is the body of independent experts which monitors implementation of the Convention by the States Parties. All States parties are obliged to submit regular reports to the Committee on how the rights are being implemented.

States must report initially within two years of accepting the Convention. The Committee examines each report and makes such suggestions and general recommendations on the report as it may consider appropriate and forwards these to the State Party concerned.

In accordance with Article 31, a State Party may at the time of ratification of this Convention or at any time afterwards declare that it recognizes the competence of the Committee to receive and consider communications from or on behalf of individuals subject to its jurisdiction claiming to be victims of a violation by this State Party of provisions of this Convention.

Article 26(1) of the Convention provides that “[t]he Committee shall consist of ten experts”. The Convention establishes a 10 member independent expert Committee on Enforced Disappearances. The Committee deals with cases of enforced disappearances that occurred after the Convention came into force. The members of the Committee are elected for a four-year term and are eligible for reelection only once (Article 26(4)).

Each State party must submit a report to the Committee. The Committee will issue comments, observations and recommendations. It will also carry out country visits. A State can recognize the specific competence of the Committee to consider communications from individuals.

Unique to the Convention is an urgent humanitarian procedure to search for and find disappeared persons on the request of a relative.

This is similar to the task of the existing 'Working Group on Enforced and Involuntary Disappearances'.

The Committee has the power to bring "widespread and systematic" practice of enforced disappearance to the attention of the UN General Assembly. The NGOs play an important role before the Committee on Enforced Disappearance. They will be heard before the session of considering the periodic reports of every country and they will be invited to submit written information.

The individuals who are victims of violations of the Convention can report their situation to the local and international NGOs which transmit the information to the States and the Committee. All States parties to the Convention against Enforced Disappearance are obliged to provide periodic reports.

FUNCTIONS OF THE COMMITTEE

The Committee fulfils the usual functions of a treaty body, but some improvements have to be noted in comparison to other treaties. In addition, a number of functions have been added, to take into account the specificities of Enforced Disappearance.

States are bound to submit to the Committee "a report on the measures taken to give effect to its obligations under this Convention, within two years after the entry into force of this Convention for the State Party concerned." The Committee, like the Human Rights Committee and others, "shall issue such comments, observations or recommendations as it may deem appropriate.

The Committee on Enforced Disappearance can be appealed in a matter of urgency "by relatives of the disappeared person or their legal representatives, their counsel or any person authorized by them, as well as by any other person having a legitimate interest" (Article 30, paragraph 1).

The requirements for admissibility of a request are as follows:

- The request is not manifestly unfounded;
- Does not constitute an abuse of the right of submission of such requests;
- Has already been duly presented to the competent bodies of the State party concerned;
- The same matter is not being examined under another procedure of international investigation or settlement of the same nature;
- Is not incompatible with the provision of the Convention.

If the Committee considers the request admissible, it shall request the State Party concerned to provide information sought on the situation of the persons, within a time limit set by the Committee.

Article 31 of the Convention provides for States which have accepted it, the possibility to submit individual communications. However, the communication will not be admissible if:

- It is anonymous;
- It constitutes an abuse of the right of submission of such communications or is incompatible with provisions of the Convention;
- It is being examined under another procedure of international investigation or settlement of the same nature;
- All effective available domestic remedies have not been exhausted. This rule shall not apply where the application of the remedies is unreasonably prolonged.

Convention on Forced Labour, 1930

The International Labour Organization (ILO) has estimated that there are over 12 million people working under conditions of forced labour worldwide. Children are believed to make up between 40 and 50 per cent of all forced labourers.

Forced Labour Convention, 1930 (ILO Convention No. 29)

The Convention concerns Equal Remuneration for Men and Women Workers for Work of Equal Value.

Entry into force: 1 May 1932

Parties: 175

India ratified the Convention on 30 November 1954

Forced labour is any work or service which people are forced to do against their will, under the threat of some form of punishment. Almost all slavery practices, including trafficking in people and bonded labour, contain some element of forced labour. Forced labour is most frequently found in labour intensive and/or under-regulated industries, such as:

- Agriculture
- Domestic work
- Construction, mining, quarrying and brick kilns
- Manufacturing, processing and packaging
- Prostitution and sexual exploitation
- Market trading and illegal activities

The Forced Labour Convention, 1930 (No. 29) Article 2(1) defines 'forced or compulsory labor' 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."**

This definition comprises two key elements:

- the work or service is exacted under the menace of a penalty,
- it is undertaken involuntarily.

According to ILO Convention 29, forced labour is characterized by the presence of two key elements:

Menace of Penalty:

This may consist of punitive sanctions or the suppression of rights and privileges. Coercion can include use of violence, physical obligations, psychological threats or even death.

Other penalties can be of a financial nature, including economic penalties linked to debts.

Work or Service Undertaken Involuntarily:

This refers to the principle that all work relations should be founded on the mutual consent of the contracting parties. It implies that both parties may leave the work relationship at any moment by providing the applicable notice period.

If the worker is prevented from leaving the work previously accepted voluntarily, it may be considered forced labour, starting from the moment the possibility of withdrawal has been denied.

Similarly, if the worker is made to work in circumstances where the agreement to work cannot have been freely given, this may also be considered forced labour.

When defining forced labour, it is important to remember that it is determined by the nature of the relationship between a “worker” and an “employer”, and not by the type of activity performed.

Nor is the legality of the activity under national law relevant in determining whether or not the work is forced. Forced labour can take many forms that can include debt bondage and slavery.

Compulsory work/service excluded from the purview of the Convention

Article 2 (Para 2) of the Convention expressly excludes from the scope of the Convention the following forms of compulsory work or service:

- **Compulsory military service**
- **Normal civic obligations**
- **Compulsory labour as a consequence of a conviction in a court of law**
- **Cases of emergency**
- **Minor communal**

In some cases, forced labour can be the outcome of human trafficking and, in some jurisdictions, work performed by prisoners can also be considered forced labour.

Under the Forced Labour Convention, 1930, certain forms of compulsory work or service, which would otherwise have fallen under the general definition of “forced or compulsory labour”, are excluded from its scope. These include:

(a) **Compulsory military service:** The Convention exempts “any work or service exacted in virtue of compulsory military service laws for work of a purely military character” from its purview.

(b) **Normal civic obligations:** The Convention also exempts “any work or service which forms part of

the normal civic obligations of the citizens of a fully self-governing country.” Three ‘normal civic obligations’ are specifically mentioned in the Convention as exceptions from its scope, namely: compulsory military service, work or service in cases of emergency and minor communal services.

(c) Compulsory labour as a consequence of a conviction in a court of law: The Convention exempts from its provisions “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”.

Compulsory labour excluded under this provision of the Convention may take the form of compulsory prison labour or labour exacted following the imposition of other kinds of penalty, such as a sentence of community work by a court of law, provided that:

(i) the said work is carried out under the supervision and control of a public authority;

(ii) the said person is not hired to or placed at the disposal of private individuals, companies or associations;

(d) Cases of emergency: The Convention exempts from its provisions “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: The Convention also exempts from its provisions “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”.

Convention on Forced Labour, 1930

COUNTRY-WISE RATIFICATION STATUS

(Source: ILO Website)

Country	Ratification date	Status
Albania	25:06:1957	ratified
Algeria	19:10:1962	ratified
Angola	04:06:1976	ratified
Antigua and Barbuda	02:02:1983	ratified
Argentina	14:03:1950	ratified
Armenia	17:12:2004	ratified
Australia	02:01:1932	ratified
Austria	07:06:1960	ratified
Azerbaijan	19:05:1992	ratified
Bahamas	25:05:1976	ratified
Bahrain	11:06:1981	ratified
Bangladesh	22:06:1972	ratified
Barbados	08:05:1967	ratified
Belarus	21:08:1956	ratified
Belgium	20:01:1944	ratified
Belize	15:12:1983	ratified
Benin	12:12:1960	ratified
Plurinational State of Bolivia	31:05:2005	ratified
Bosnia and Herzegovina	02:06:1993	ratified
Botswana	05:06:1997	ratified
Brazil	25:04:1957	ratified
Bulgaria	22:09:1932	ratified
Burkina Faso	21:11:1960	ratified
Burundi	11:03:1963	ratified
Cambodia	24:02:1969	ratified
Cameroon	07:06:1960	ratified
Canada	13:06:2011	ratified
Cape Verde	03:04:1979	ratified
Central African Republic	27:10:1960	ratified
Chad	10:11:1960	ratified
Chile	31:05:1933	ratified
Colombia	04:03:1969	ratified
Comoros	23:10:1978	Ratified

Country	Ratification date	Status
Congo	10:11:1960	ratified
Democratic Republic of the Congo	20:09:1960	ratified
Costa Rica	02:06:1960	ratified
Côte d'Ivoire	21:11:1960	ratified
Croatia	08:10:1991	ratified
Cuba	20:07:1953	ratified
Cyprus	23:09:1960	ratified
Czech Republic	01:01:1993	ratified
Denmark	11:02:1932	ratified
Djibouti	03:08:1978	ratified
Dominica	28:02:1983	ratified
Dominican Republic	05:12:1956	ratified
Ecuador	06:07:1954	ratified
Egypt	29:11:1955	ratified
El Salvador	15:06:1995	ratified
Equatorial Guinea	13:08:2001	ratified
Eritrea	22:02:2000	ratified
Estonia	07:02:1996	ratified
Ethiopia	02:09:2003	ratified
Fiji	19:04:1974	ratified
Finland	13:01:1936	ratified
France	24:06:1937	ratified
Gabon	14:10:1960	ratified
Gambia	04:09:2000	ratified
Georgia	22:06:1997	ratified
Germany	13:06:1956	ratified
Ghana	20:05:1957	ratified
Greece	13:06:1952	ratified
Grenada	09:07:1979	ratified
Guatemala	13:06:1989	ratified
Guinea-Bissau	21:02:1977	ratified
Guinea	21:01:1959	ratified
Guyana	08:06:1966	ratified
Haiti	04:03:1958	ratified
Honduras	21:02:1957	ratified
Hungary	08:06:1956	ratified
Iceland	17:02:1958	Ratified

Country	Ratification date	Status
India	30:11:1954	ratified
Indonesia	12:06:1950	ratified
The Islamic Republic of Iran	10:06:1957	ratified
Iraq	27:11:1962	ratified
Ireland	02:03:1931	ratified
Israel	07:06:1955	ratified
Italy	18:06:1934	ratified
Jamaica	26:12:1962	ratified
Japan	21:11:1932	ratified
Jordan	06:06:1966	ratified
Kazakhstan	18:05:2001	ratified
Kenya	13:01:1964	ratified
Kiribati	03:02:2000	ratified
Kuwait	23:09:1968	ratified
Kyrgyzstan	31:03:1992	ratified
Lao People's Democratic Republic	23:01:1964	ratified
Latvia	02:06:2006	ratified
Lebanon	01:06:1977	ratified
Lesotho	31:10:1966	ratified
Liberia	01:05:1931	ratified
Libya	13:06:1961	ratified
Lithuania	26:09:1994	ratified
Luxembourg	24:07:1964	ratified
The former Yugoslav Republic of Macedonia	17:11:1991	ratified
Madagascar	01:11:1960	ratified
Malawi	19:11:1999	ratified
Malaysia	11:11:1957	ratified
Mali	22:09:1960	ratified
Malta	04:01:1965	ratified
Mauritania	20:06:1961	ratified
Mauritius	02:12:1969	ratified
Mexico	12:05:1934	ratified
Republic of Moldova	23:03:2000	ratified
Mongolia	15:03:2005	ratified
Montenegro	03:06:2006	ratified
Morocco	20:05:1957	ratified
Mozambique	16:06:2003	ratified

Country	Ratification date	Status
Myanmar	04:03:1955	ratified
Namibia	15:11:2000	ratified
Nepal	03:01:2002	ratified
Netherlands	31:03:1933	ratified
New Zealand	29:03:1938	ratified
Nicaragua	12:04:1934	ratified
Niger	27:02:1961	ratified
Nigeria	17:10:1960	ratified
Norway	01:07:1932	ratified
Oman	30:10:1998	ratified
Pakistan	23:12:1957	ratified
Panama	16:05:1966	ratified
Papua New Guinea	01:05:1976	ratified
Paraguay	28:08:1967	ratified
Peru	01:02:1960	ratified
Philippines	15:07:2005	ratified
Poland	30:07:1958	ratified
Portugal	26:06:1956	ratified
Qatar	12:03:1998	ratified
Romania	28:05:1957	ratified
Russian Federation	23:06:1956	ratified
Rwanda	23:05:2001	ratified
Saint Kitts and Nevis	12:10:2000	ratified
Saint Lucia	14:05:1980	ratified
Saint Vincent and the Grenadines	21:10:1998	ratified
Samoa	30:06:2008	ratified
San Marino	01:02:1995	ratified
Sao Tome and Principe	04:05:2005	ratified
Saudi Arabia	15:06:1978	ratified
Senegal	04:11:1960	ratified
Serbia	24:11:2000	ratified
Seychelles	06:02:1978	ratified
Sierra Leone	13:06:1961	ratified
Singapore	25:10:1965	ratified
Slovakia	01:01:1993	ratified
Slovenia	29:05:1992	ratified
Solomon Islands	06:08:1985	ratified

Country	Ratification date	Status
Somalia	18:11:1960	ratified
South Africa	05:03:1997	ratified
Spain	29:08:1932	ratified
Sri Lanka	05:04:1950	ratified
Sudan	18:06:1957	ratified
Suriname	15:06:1976	ratified
Swaziland	26:04:1978	ratified
Sweden	22:12:1931	ratified
Switzerland	23:05:1940	ratified
Syrian Arab Republic	26:07:1960	ratified
Tajikistan	26:11:1993	ratified
Tanzania United Republic of	30:01:1962	ratified
Thailand	26:02:1969	ratified
Timor-Leste	16:06:2009	ratified
Togo	07:06:1960	ratified
Trinidad and Tobago	24:05:1963	ratified
Tunisia	17:12:1962	ratified
Turkey	30:10:1998	ratified
Turkmenistan	15:05:1997	ratified
Uganda	04:06:1963	ratified
Ukraine	10:08:1956	ratified
United Arab Emirates	27:05:1982	ratified
United Kingdom	03:06:1931	ratified
Uruguay	06:09:1995	ratified
Uzbekistan	13:07:1992	ratified
Vanuatu	28:08:2006	ratified
Bolivarian Republic of Venezuela	20:11:1944	ratified
Viet Nam	05:03:2007	ratified
Yemen	14:04:1969	ratified
Zambia	02:12:1964	ratified
Zimbabwe	27:08:1998	ratified

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

The most fundamental rights of workers include the right to form and join organizations of their own choosing and to promote and defend their economic and social interests. These conventions give the same rights to employers. Convention 87 gives workers the right to form and join trade unions. Freedom of association is considered the most fundamental of labor standards within ILO.

Freedom of Association and Protection of the Right to Organise, 1948 (ILO Convention No. 87)

ILO Convention No. 87 establishes the right of all workers and employers to form and join organizations of their own choosing without prior authorization, and lays down a series of guarantees for the free functioning of organizations without interference by the public authorities.

Entry into force: 04 July 1950

Parties: 150

Monitoring Body: Committee on Freedom of Association

India has not ratified the Convention.

The standards on freedom of association for trade union purposes have a special place in international labour law, as it is an essential means for workers to defend their interests and a particular aspect of right of association in general, and is therefore considered among the fundamental human rights. Moreover it has a special importance because of the tripartite structure of the ILO.

As early as 1919, freedom of association was mentioned in the constitutional provisions of the ILO. The Preamble of Part XIII of the

Treaty of Versailles listed the 'recognition of principle of freedom of association' among the objectives of the Organisation and the General principles enunciated in Article 426 contained a provision on 'the right of association for all lawful purposes by the employed as well as by the employers'.

KEY PROVISIONS

- **Rights of Workers and Employers to Establish or Join Organisations**

Workers and employers, without distinction whatsoever, have the **right to establish and to join organizations** of their own choosing with a view to furthering and defending their respective interests. Regarding the armed forces and the police, however, national legislation shall determine the extent to which the guarantees provided in the Convention shall apply.

Article 2 states, "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."

The scope of this article is very wide because of the reference to workers 'without any distinction whatsoever'. The right hereunder is available to workers & employers of both public and private sectors. Its guarantee is without any discrimination on the basis of sex, color, race, creed, nationality, origin-based or other parochial considerations.

There is a freedom of choice afforded to the workers and employers, as regards the organizations of which they can become a part. Hence, a legal provision inhibiting this would be at an inconsistency with the Convention. However, this may be difficult to achieve as in many countries, the legislation allows for trade union monopoly. But the Convention's prime motive is not to make union diversity obligatory.

Recognition of multiple trade unions, if done objectively and in an independent manner, in particular, as having some rights, inter alia, the right of collective bargaining, would not be contrary to the Convention.

- **Rights and Guarantees to Organisations**

Such organisations have the right to draw up their **own constitutions and rules**, to elect their representatives in full freedom, to organize their respective administration and activities and to formulate their programmes. Public authorities shall refrain from any interference which would restrict their right or impede the lawful exercise of this right.

Article 3(1) states, “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.”

- **Freedom of Action**

The freedom of action of occupational organizations depends to a great extent on the civil liberties which are recognized in the country concerned viz. right to freedom and security of person and freedom from arbitrary arrest and detention; freedom to hold opinions without interference; right to protection of property of such organizations etc.

Article 3(2) states, “The public authorities shall refrain from any interference which would restrict this right or impede the lawful exercise thereof.”

- **Protection from Dissolution**

The Convention provides organizations protection against arbitrary dissolution or suspension by administrative authority. The purpose of this guarantee is to ensure that dissolution or suspension is surrounded by requisite guarantees which are normally ensured by judicial procedure.

Article 4 states, “Workers' and employers' organisations shall not be liable to be dissolved or suspended by administrative authority.”

- **Right to Establish and Join Federations**

Article 5 of the Convention grants organisations the right to establish and join federations and confederations which shall enjoy the same rights and guarantees. The Convention also provides for the right to affiliate with international organizations.

- **Acquisition of legal personality**

The Convention provides that the acquisition of legal personality by all these organizations will not be subject to restrictive conditions.

Article 7 states, "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."

- **Right to Strike**

Although the Convention doesn't expressly deal with the right to strike, on the basis of Articles 3, 8 and 10 of the Convention, the Committee of Experts has considered that a general prohibition of strikes constitutes a considerable restriction of the opportunities open to trade unions for furthering and defending the interests of members and of the right to trade unions to organize their activities.

The supervisory bodies of ILO on the question of strike and political activities hold the view that States should be able, without prohibiting a priori and in general terms all political activity by occupational organizations, to entrust to the judicial authorities the task of repressing abuses which might, in certain cases, be committed by organisations which had lost sight of the fact that their prime object should be economic and social advancement of their members.

The Freedom of Association Committee has also stressed repeatedly, when examining various complaints on the matter, that ' the right to strike by workers and their organizations is generally recognized as a legitimate means of defending their occupational interests, albeit subject to certain restrictions viz. in civil service, in essential services, in emergencies etc. There should be adequate guarantees to safeguard the interests of workers, which should take the form of adequate, impartial and speedy conciliation and arbitration proceedings.

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

COUNTRY-WISE RATIFICATION STATUS

(Source: ILO Website)

Country	Ratification date	Status
Albania	03:06:1957	ratified
Algeria	19:10:1962	ratified
Angola	13:06:2001	ratified
Antigua and Barbuda	02:02:1983	ratified
Argentina	18:01:1960	ratified
Armenia	02:01:2006	ratified
Australia	28:02:1973	ratified
Austria	18:10:1950	ratified
Azerbaijan	19:05:1992	ratified
Bahamas	14:06:2001	ratified
Bangladesh	22:06:1972	ratified
Barbados	08:05:1967	ratified
Belarus	06:11:1956	ratified
Belgium	23:10:1951	ratified
Belize	15:12:1983	ratified
Benin	12:12:1960	ratified
Plurinational State of Bolivia	04:01:1965	ratified
Bosnia and Herzegovina	02:06:1993	ratified
Botswana	22:12:1997	ratified
Bulgaria	08:06:1959	ratified
Burkina Faso	21:11:1960	ratified
Burundi	25:06:1993	ratified
Cambodia	23:08:1999	ratified
Cameroon	07:06:1960	ratified
Canada	23:03:1972	ratified
Cape Verde	01:02:1999	ratified
Central African Republic	27:10:1960	ratified
Chad	10:11:1960	ratified
Chile	01:02:1999	ratified
Colombia	16:11:1976	Ratified

Country	Ratification date	Status
Comoros	23:10:1978	ratified
Congo	10:11:1960	ratified
Democratic Republic of the Congo	20:06:2001	ratified
Costa Rica	02:06:1960	ratified
Côte d'Ivoire	21:11:1960	ratified
Croatia	08:10:1991	ratified
Cuba	25:06:1952	ratified
Cyprus	24:05:1966	ratified
Czech Republic	01:01:1993	ratified
Denmark	13:06:1951	ratified
Djibouti	03:08:1978	ratified
Dominica	28:02:1983	ratified
Dominican Republic	05:12:1956	ratified
Ecuador	29:05:1967	ratified
Egypt	06:11:1957	ratified
El Salvador	06:09:2006	ratified
Equatorial Guinea	13:08:2001	ratified
Eritrea	22:02:2000	ratified
Estonia	22:03:1994	ratified
Ethiopia	04:06:1963	ratified
Fiji	17:04:2002	ratified
Finland	20:01:1950	ratified
France	28:06:1951	ratified
Gabon	14:10:1960	ratified
Gambia	04:09:2000	ratified
Georgia	03:08:1999	ratified
Germany	20:03:1957	ratified
Ghana	02:06:1965	ratified
Greece	30:03:1962	ratified
Grenada	25:10:1994	ratified
Guatemala	13:02:1952	ratified
Guinea	21:01:1959	ratified
Guyana	25:09:1967	ratified
Haiti	05:06:1979	ratified
Honduras	27:06:1956	ratified
Hungary	06:06:1957	Ratified

Country	Ratification date	Status
Iceland	19:08:1950	ratified
Indonesia	09:06:1998	ratified
Ireland	04:06:1955	ratified
Israel	28:01:1957	ratified
Italy	13:05:1958	ratified
Jamaica	26:12:1962	ratified
Japan	14:06:1965	ratified
Kazakhstan	13:12:2000	ratified
Kiribati	03:02:2000	ratified
Kuwait	21:09:1961	ratified
Kyrgyzstan	31:03:1992	ratified
Latvia	27:01:1992	ratified
Lesotho	31:10:1966	ratified
Liberia	25:05:1962	ratified
Libya	04:10:2000	ratified
Lithuania	26:09:1994	ratified
Luxembourg	03:03:1958	ratified
The former Yugoslav Republic of Macedonia	17:11:1991	ratified
Madagascar	01:11:1960	ratified
Malawi	19:11:1999	ratified
Mali	22:09:1960	ratified
Malta	04:01:1965	ratified
Mauritania	20:06:1961	ratified
Mauritius	01:04:2005	ratified
Mexico	01:04:1950	ratified
Republic of Moldova	12:08:1996	ratified
Mongolia	03:06:1969	ratified
Montenegro	03:06:2006	ratified
Mozambique	23:12:1996	ratified
Myanmar	04:03:1955	ratified
Namibia	03:01:1995	ratified
Netherlands	07:03:1950	ratified
Nicaragua	31:10:1967	ratified
Niger	27:02:1961	ratified
Nigeria	17:10:1960	ratified
Norway	04:07:1949	Ratified

Country	Ratification date	Status
Pakistan	14:02:1951	ratified
Panama	03:06:1958	ratified
Papua New Guinea	02:06:2000	ratified
Paraguay	28:06:1962	ratified
Peru	02:03:1960	ratified
Philippines	29:12:1953	ratified
Poland	25:02:1957	ratified
Portugal	14:10:1977	ratified
Romania	28:05:1957	ratified
Russian Federation	10:08:1956	ratified
Rwanda	08:11:1988	ratified
Saint Kitts and Nevis	25:08:2000	ratified
Saint Lucia	14:05:1980	ratified
Saint Vincent and the Grenadines	09:11:2001	ratified
Samoa	30:06:2008	ratified
San Marino	19:12:1986	ratified
Sao Tome and Principe	17:06:1992	ratified
Senegal	04:11:1960	ratified
Serbia	24:11:2000	ratified
Seychelles	06:02:1978	ratified
Sierra Leone	15:06:1961	ratified
Slovakia	01:01:1993	ratified
Slovenia	29:05:1992	ratified
South Africa	19:02:1996	ratified
Spain	20:04:1977	ratified
Sri Lanka	15:09:1995	ratified
Suriname	15:06:1976	ratified
Swaziland	26:04:1978	ratified
Sweden	25:11:1949	ratified
Switzerland	25:03:1975	ratified
Syrian Arab Republic	26:07:1960	ratified
Tajikistan	26:11:1993	ratified
Tanzania United Republic of	18:04:2000	ratified
Timor-Leste	16:06:2009	ratified
Togo	07:06:1960	ratified
Trinidad and Tobago	24:05:1963	Ratified

Country	Ratification date	Status
Tunisia	18:06:1957	ratified
Turkey	12:07:1993	ratified
Turkmenistan	15:05:1997	ratified
Uganda	02:06:2005	ratified
Ukraine	14:09:1956	ratified
United Kingdom	27:06:1949	ratified
Uruguay	18:03:1954	ratified
Vanuatu	28:08:2006	ratified
Bolivarian Republic of Venezuela	20:09:1982	ratified
Yemen	29:07:1976	ratified
Zambia	02:09:1996	ratified
Zimbabwe	09:04:2003	ratified

Right to Organise and Collective Bargaining, 1949

Freedom of association and the effective recognition of the right to collective bargaining are the foundations for a process in which workers and employers make claims upon each other and resolve them through a process of negotiation leading to collective agreements that are mutually beneficial; in the process, different interests are reconciled.

Right to Organise and Collective Bargaining, 1949 (ILO Convention No. 98)

ILO Convention No. 98 lays down the key principles of the right to organize and bargain collectively and provides the protection that workers and their organizations need against acts of anti-union discrimination and of interference by either public authorities or employers.

Entry into force: 18 July 1951

Parties: 160

India has not ratified the Convention

The Right to Organize and Collective Bargaining Convention, 1949 (ILO Convention No. 98), provides in the first place (Article 1) that “workers shall enjoy adequate protection against acts of anti-union discrimination in respect of their employment.” This provision aims at protecting workers and trade union leaders against victimization by their employers, both at the time of taking up employment and in the course of their employment relationship.

The Convention lays down the obligations of ratifying states to respect and promote freedom of association and collective bargaining. Not only does the Convention establish the right of a trade union to exist, it also defines its purpose, which is to negotiate with employers “with a view to the regulation of terms and conditions of employment by means of collective agreements.”

Key Provisions

ILO Convention No. 98 contains the following key provisions:

- ♦ Workers must be protected against acts of anti-union discrimination, such as [Article 1]:
 - (i) Making their employment subject to the condition that they shall not join a union or shall relinquish membership thereof;
 - (ii) Causing the dismissal or otherwise prejudice a worker by reason of union membership, participation in union activities outside working hours, or, with the consent of the employer, within working hours.
- ♦ Workers' and employers' organizations must enjoy adequate protection against any acts of interference by each other [Article 2].
- ♦ Measures to encourage and promote the full development and utilization of machinery for voluntary negotiations with regard to employment contracts, and to collective agreements [Article 4].
- ♦ The Convention leaves it to national laws or regulations to determine the extent to which it applies to the armed forces and the police. Furthermore, it does not deal with the position of public servants engaged in the administration of the State [Article 5].

This Convention provides for protection against anti-union discrimination, for protection of workers' and employers' organizations, against acts of interference by each other, and for measures to promote and encourage collective bargaining.

The Right to Organize and Collective Bargaining Convention, 1949 (No. 98) is always cited together with the ILO Convention on Freedom of Association and Protection of the Right to Organize, 1948 (No. 87). Together, these conventions are referred to as the twin conventions on "freedom of association and collective bargaining". These conventions grant workers their most fundamental rights—the right to form and join organizations of their own choosing and to promote and defend their

economic and social interests. These conventions grant the same rights to employers.

‘Freedom of association’ applies to both employers and workers in formal and informal economies. It is considered an “enabling” right in that it allows key actors in the economy to join together to pursue their interests.

While Convention 87 gives workers the right to form and join trade unions, Convention 98 consolidates this basic right with guarantees and safeguards for trade unions to operate freely and independently of governments and employers. Further, Convention 98 lays down the key principles of the right to organize and bargain collectively. It provides the protection that workers and their organizations need against acts of anti-union discrimination and of interference by either public authorities or employers.

Right to Organise and Collective Bargaining, 1949

COUNTRY-WISE RATIFICATION STATUS

(Source: ILO Website)

Country	Ratification date	Status
Albania	03:06:1957	ratified
Algeria	19:10:1962	ratified
Angola	04:06:1976	ratified
Antigua and Barbuda	02:02:1983	ratified
Argentina	24:09:1956	ratified
Armenia	12:11:2003	ratified
Australia	28:02:1973	ratified
Austria	10:11:1951	ratified
Azerbaijan	19:05:1992	ratified
Bahamas	25:05:1976	ratified
Bangladesh	22:06:1972	ratified
Barbados	08:05:1967	ratified
Belarus	06:11:1956	ratified
Belgium	10:12:1953	ratified
Belize	15:12:1983	ratified
Benin	16:05:1968	ratified
Plurinational State of Bolivia	15:11:1973	ratified
Bosnia and Herzegovina	02:06:1993	ratified
Botswana	22:12:1997	ratified
Brazil	18:11:1952	ratified
Bulgaria	08:06:1959	ratified
Burkina Faso	16:04:1962	ratified
Burundi	10:10:1997	ratified
Cambodia	23:08:1999	ratified
Cameroon	03:09:1962	ratified
Cape Verde	03:04:1979	ratified
Central African Republic	09:06:1964	ratified
Chad	08:06:1961	ratified
Chile	01:02:1999	ratified
Colombia	16:11:1976	ratified
Comoros	23:10:1978	Ratified

Country	Ratification date	Status
Congo	26:11:1999	ratified
Democratic Republic of the Congo	16:06:1969	ratified
Costa Rica	02:06:1960	ratified
Côte d'Ivoire	05:05:1961	ratified
Croatia	08:10:1991	ratified
Cuba	29:04:1952	ratified
Cyprus	24:05:1966	ratified
Czech Republic	01:01:1993	ratified
Denmark	15:08:1955	ratified
Djibouti	03:08:1978	ratified
Dominica	28:02:1983	ratified
Dominican Republic	22:09:1953	ratified
Ecuador	28:05:1959	ratified
Egypt	03:07:1954	ratified
El Salvador	06:09:2006	ratified
Equatorial Guinea	13:08:2001	ratified
Eritrea	22:02:2000	ratified
Estonia	22:03:1994	ratified
Ethiopia	04:06:1963	ratified
Fiji	19:04:1974	ratified
Finland	22:12:1951	ratified
France	26:10:1951	ratified
Gabon	29:05:1961	ratified
Gambia	04:09:2000	ratified
Georgia	22:06:1993	ratified
Germany	08:06:1956	ratified
Ghana	02:07:1959	ratified
Greece	30:03:1962	ratified
Grenada	09:07:1979	ratified
Guatemala	13:02:1952	ratified
Guinea-Bissau	21:02:1977	ratified
Guinea	26:03:1959	ratified
Guyana	08:06:1966	ratified
Haiti	12:04:1957	ratified
Honduras	27:06:1956	ratified
Hungary	06:06:1957	Ratified

Country	Ratification date	Status
Iceland	15:07:1952	ratified
Indonesia	15:07:1957	ratified
Iraq	27:11:1962	ratified
Ireland	04:06:1955	ratified
Israel	28:01:1957	ratified
Italy	13:05:1958	ratified
Jamaica	26:12:1962	ratified
Japan	20:10:1953	ratified
Jordan	12:12:1968	ratified
Kazakhstan	18:05:2001	ratified
Kenya	13:01:1964	ratified
Kiribati	03:02:2000	ratified
Kuwait	09:08:2007	ratified
Kyrgyzstan	31:03:1992	ratified
Latvia	27:01:1992	ratified
Lebanon	01:06:1977	ratified
Lesotho	31:10:1966	ratified
Liberia	25:05:1962	ratified
Libya	20:06:1962	ratified
Lithuania	26:09:1994	ratified
Luxembourg	03:03:1958	ratified
The former Yugoslav Republic of Macedonia	17:11:1991	ratified
Madagascar	03:06:1998	ratified
Malawi	22:03:1965	ratified
Malaysia	05:06:1961	ratified
Mali	02:03:1964	ratified
Malta	04:01:1965	ratified
Mauritania	03:12:2001	ratified
Mauritius	02:12:1969	ratified
Republic of Moldova	12:08:1996	ratified
Mongolia	03:06:1969	ratified
Montenegro	03:06:2006	ratified
Morocco	20:05:1957	ratified
Mozambique	23:12:1996	ratified
Namibia	03:01:1995	ratified
Nepal	11:11:1996	Ratified

Country	Ratification date	Status
Netherlands	22:12:1993	ratified
New Zealand	09:06:2003	ratified
Nicaragua	31:10:1967	ratified
Niger	23:03:1962	ratified
Nigeria	17:10:1960	ratified
Norway	17:02:1955	ratified
Pakistan	26:05:1952	ratified
Panama	16:05:1966	ratified
Papua New Guinea	01:05:1976	ratified
Paraguay	21:03:1966	ratified
Peru	13:03:1964	ratified
Philippines	29:12:1953	ratified
Poland	25:02:1957	ratified
Portugal	01:07:1964	ratified
Romania	26:11:1958	ratified
Russian Federation	10:08:1956	ratified
Rwanda	08:11:1988	ratified
Saint Kitts and Nevis	04:09:2000	ratified
Saint Lucia	14:05:1980	ratified
Saint Vincent and the Grenadines	21:10:1998	ratified
Samoa	30:06:2008	ratified
San Marino	19:12:1986	ratified
Sao Tome and Principe	17:06:1992	ratified
Senegal	28:07:1961	ratified
Serbia	24:11:2000	ratified
Seychelles	04:10:1999	ratified
Sierra Leone	13:06:1961	ratified
Singapore	25:10:1965	ratified
Slovakia	01:01:1993	ratified
Slovenia	29:05:1992	ratified
South Africa	19:02:1996	ratified
Spain	20:04:1977	ratified
Sri Lanka	13:12:1972	ratified
Sudan	18:06:1957	ratified
Suriname	05:06:1996	ratified
Swaziland	26:04:1978	Ratified

Country	Ratification date	Status
Sweden	18:07:1950	ratified
Switzerland	17:08:1999	ratified
Syrian Arab Republic	07:06:1957	ratified
Tajikistan	26:11:1993	ratified
Tanzania United Republic of	30:01:1962	ratified
Timor-Leste	16:06:2009	ratified
Togo	08:11:1983	ratified
Trinidad and Tobago	24:05:1963	ratified
Tunisia	15:05:1957	ratified
Turkey	23:01:1952	ratified
Turkmenistan	15:05:1997	ratified
Uganda	04:06:1963	ratified
Ukraine	14:09:1956	ratified
United Kingdom	30:06:1950	ratified
Uruguay	18:03:1954	ratified
Uzbekistan	13:07:1992	ratified
Vanuatu	28:08:2006	ratified
Bolivarian Republic of Venezuela	19:12:1968	ratified
Yemen	14:04:1969	ratified
Zambia	02:09:1996	ratified
Zimbabwe	27:08:1998	ratified

Equal Remuneration Convention, 1951

The 'Convention on Equal Remuneration' or 'Convention concerning Equal Remuneration for Men and Women Workers for Work of Equal Value' was adopted on 29 June 1951 by the General Conference of the International Labour Organisation (ILO) at its thirty-fourth session. The Convention entered into force on 23 May 1953, in accordance with Article 6 of the Convention.

Equal Remuneration Convention, 1951 (ILO Convention No. 100)

The Convention concerns Equal Remuneration for Men and Women Workers for Work of Equal Value.

Entry into force: 23 May 1953

Parties: 168

India ratified the Convention on 25 September 1958

The principle that men and women should receive 'equal remuneration for work of equal value' was mentioned, as from 1919, in the General Principles contained in the initial text of the ILO Constitution. When the Constitution was amended, in 1946, the principle was introduced in the Preamble of the new text of the Constitution. Various instruments adopted by the International Labor Conference or by the Regional Conferences referred expressly to equal remuneration. However, it was in 1951 that a Convention dealing specifically with this question was adopted by the Conference.

The term 'work of equal value' figured already, among the general principles enunciated in Part XIII of the Treaty of Versailles. It was also used by the European social Charter and by the 1966 ICESCR

(International Covenant on Economic, Social and Cultural rights), while the UDHR (Universal Declaration) referred to 'equal work'.

'Remuneration' & 'Equal Remuneration'

Article 1 of the Equal Remuneration Convention, 1951 defines 'Remuneration' and 'Equal Remuneration' as under:

(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.

Where differential rates between workers correspond, without regard to sex, to differences in the work to be performed, as determined by an objective appraisal, these must not be considered as being contrary to the principle of equal remuneration.

The Equal Remuneration Convention, 1951 lays down the general principle that each State which ratifies it shall promote and in so far as consistent with the methods in operation in its country for determining rates of remuneration, ensure the application to all workers of the principle of equal remuneration for men and women workers for work of equal value.

The Convention applies to basic wages or salaries and to any additional emoluments

whatsoever, payable directly or indirectly, in cash or kind, by the employer to the worker and arising out of his or her employment. The Convention defines equal remuneration for work of equal value as "remuneration established without discrimination based on sex". This principle may be applied by means of national laws or regulations, legal machinery for wage determination, collective

agreements or a combination of these various means. One means specified for assisting in giving effect to the Convention is the objective appraisal of jobs on the basis of the work to be performed.

Key Points

- The Convention provides that governments shall co-operate with employers' and workers' organizations for the purpose of giving effect to its provisions [Article 2(1)].
- The notion of 'work of equal value' which is used by the Convention has a wider meaning than that of 'equal work'. It aims, in particular, at avoiding indirect limitations¹ in the implementation of this principle.
- The main criterion is that the sex of the worker who is doing or might do a certain work is not taken into consideration in the determination of rates of remuneration.
- Article 2 (2) of the Convention provides that principle of Equal Remuneration for Work of Equal Value may be applied by means of national laws or regulations, legally established or recognized machinery for wage determination, collective agreements or combination of these means. It requests States to cooperate as appropriate with the employer's and worker's organizations concerned for the purpose of giving effect to its provision.
- The difficulty, to which, reference is made the most frequently, is the fact that in certain States, the government does not interfere directly in the determination of wages in the private sector.

¹ Indirect discrimination on the ground of gender exists if men and women are subjected to unequal treatment because of seemingly gender neutral rules, criteria, or procedures relating to Recruitment, Remuneration, Working conditions and working times, Training measures, Termination of employment, and Social security which may put members of one gender at a specific disadvantage. Source: "Equal Pay for Equal Work and Work of Equal Value". *Federal Ministry of Health and Women*, Vienna. <http://www.bka.gv.at/DocView.axd?CobId=20830>

- In some cases, the difficulty is in determining whether certain types of work are of equal value, in particular when the work is not performed by both men and women and when it is exclusively women who are employed in certain occupations. These difficulties increase where there doesn't exist a system of objective appraisal of the work to be performed.

Equal Remuneration Convention, 1951

COUNTRY-WISE RATIFICATION STATUS

(Source: ILO Website)

Country	Ratification date	Status
Afghanistan	22:08:1969	ratified
Albania	03:06:1957	ratified
Algeria	19:10:1962	ratified
Angola	04:06:1976	ratified
Antigua and Barbuda	02:05:2003	ratified
Argentina	24:09:1956	ratified
Armenia	29:07:1994	ratified
Australia	10:12:1974	ratified
Austria	29:10:1953	ratified
Azerbaijan	19:05:1992	ratified
Bahamas	14:06:2001	ratified
Bangladesh	28:01:1998	ratified
Barbados	19:09:1974	ratified
Belarus	21:08:1956	ratified
Belgium	23:05:1952	ratified
Belize	22:06:1999	ratified
Benin	16:05:1968	ratified
Plurinational State of Bolivia	15:11:1973	ratified
Bosnia and Herzegovina	02:06:1993	ratified
Botswana	05:06:1997	ratified
Brazil	25:04:1957	ratified
Bulgaria	07:11:1955	ratified
Burkina Faso	30:06:1969	ratified
Burundi	25:06:1993	ratified
Cambodia	23:08:1999	ratified
Cameroon	25:05:1970	ratified
Canada	16:11:1972	ratified
Cape Verde	16:10:1979	ratified
Central African Republic	09:06:1964	ratified
Chad	29:03:1966	ratified
Chile	20:09:1971	Ratified

Country	Ratification date	Status
China	02:11:1990	ratified
Colombia	07:06:1963	ratified
Comoros	23:10:1978	ratified
Congo	26:11:1999	ratified
Democratic Republic of the Congo	16:06:1969	ratified
Costa Rica	02:06:1960	ratified
Côte d'Ivoire	05:05:1961	ratified
Croatia	08:10:1991	ratified
Cuba	13:01:1954	ratified
Cyprus	19:11:1987	ratified
Czech Republic	01:01:1993	ratified
Denmark	22:06:1960	ratified
Djibouti	03:08:1978	ratified
Dominica	28:02:1983	ratified
Dominican Republic	22:09:1953	ratified
Ecuador	11:03:1957	ratified
Egypt	26:07:1960	ratified
El Salvador	12:10:2000	ratified
Equatorial Guinea	12:06:1985	ratified
Eritrea	22:02:2000	ratified
Estonia	10:05:1996	ratified
Ethiopia	24:03:1999	ratified
Fiji	17:04:2002	ratified
Finland	14:01:1963	ratified
France	10:03:1953	ratified
Gabon	13:06:1961	ratified
Gambia	04:09:2000	ratified
Georgia	22:06:1993	ratified
Germany	08:06:1956	ratified
Ghana	14:03:1968	ratified
Greece	06:06:1975	ratified
Grenada	25:10:1994	ratified
Guatemala	02:08:1961	ratified
Guinea-Bissau	21:02:1977	ratified
Guinea	11:08:1967	ratified
Guyana	13:06:1975	Ratified

Country	Ratification date	Status
Haiti	04:03:1958	ratified
Honduras	09:08:1956	ratified
Hungary	08:06:1956	ratified
Iceland	17:02:1958	ratified
India	25:09:1958	ratified
Indonesia	11:08:1958	ratified
The Islamic Republic of Iran	10:06:1972	ratified
Iraq	28:08:1963	ratified
Ireland	18:12:1974	ratified
Israel	09:06:1965	ratified
Italy	08:06:1956	ratified
Jamaica	14:01:1975	ratified
Japan	24:08:1967	ratified
Jordan	22:09:1966	ratified
Kazakhstan	18:05:2001	ratified
Kenya	07:05:2001	ratified
Kiribati	17:06:2009	ratified
Republic of Korea	08:12:1997	ratified
Kyrgyzstan	31:03:1992	ratified
Lao People's Democratic Republic	13:06:2008	ratified
Latvia	27:01:1992	ratified
Lebanon	01:06:1977	ratified
Lesotho	27:01:1998	ratified
Libya	20:06:1962	ratified
Lithuania	26:09:1994	ratified
Luxembourg	23:08:1967	ratified
The former Yugoslav Republic of Macedonia	17:11:1991	ratified
Madagascar	10:08:1962	ratified
Malawi	22:03:1965	ratified
Malaysia	09:09:1997	ratified
Mali	12:07:1968	ratified
Malta	09:06:1988	ratified
Mauritania	03:12:2001	ratified
Mauritius	18:12:2002	ratified
Mexico	23:08:1952	ratified
Republic of Moldova	23:03:2000	Ratified

Country	Ratification date	Status
Mongolia	03:06:1969	ratified
Montenegro	03:06:2006	ratified
Morocco	11:05:1979	ratified
Mozambique	06:06:1977	ratified
Namibia	06:04:2010	ratified
Nepal	10:06:1976	ratified
Netherlands	16:06:1971	ratified
New Zealand	03:06:1983	ratified
Nicaragua	31:10:1967	ratified
Niger	09:08:1966	ratified
Nigeria	08:05:1974	ratified
Norway	24:09:1959	ratified
Pakistan	11:10:2001	ratified
Panama	03:06:1958	ratified
Papua New Guinea	02:06:2000	ratified
Paraguay	24:06:1964	ratified
Peru	01:02:1960	ratified
Philippines	29:12:1953	ratified
Poland	25:10:1954	ratified
Portugal	20:02:1967	ratified
Romania	28:05:1957	ratified
Russian Federation	30:04:1956	ratified
Rwanda	02:12:1980	ratified
Saint Kitts and Nevis	25:08:2000	ratified
Saint Lucia	18:08:1983	ratified
Saint Vincent and the Grenadines	04:12:2001	ratified
Samoa	30:06:2008	ratified
San Marino	23:05:1985	ratified
Sao Tome and Principe	01:06:1982	ratified
Saudi Arabia	15:06:1978	ratified
Senegal	22:10:1962	ratified
Serbia	24:11:2000	ratified
Seychelles	23:11:1999	ratified
Sierra Leone	15:11:1968	ratified
Singapore	30:05:2002	ratified
Slovakia	01:01:1993	Ratified

Country	Ratification date	Status
Slovenia	29:05:1992	ratified
South Africa	30:03:2000	ratified
Spain	06:11:1967	ratified
Sri Lanka	01:04:1993	ratified
Sudan	22:10:1970	ratified
Swaziland	05:06:1981	ratified
Sweden	20:06:1962	ratified
Switzerland	25:10:1972	ratified
Syrian Arab Republic	07:06:1957	ratified
Tajikistan	26:11:1993	ratified
Tanzania United Republic of	26:02:2002	ratified
Thailand	08:02:1999	ratified
Togo	08:11:1983	ratified
Trinidad and Tobago	29:05:1997	ratified
Tunisia	11:10:1968	ratified
Turkey	19:07:1967	ratified
Turkmenistan	15:05:1997	ratified
Uganda	02:06:2005	ratified
Ukraine	10:08:1956	ratified
United Arab Emirates	24:02:1997	ratified
United Kingdom	15:06:1971	ratified
Uruguay	16:11:1989	ratified
Uzbekistan	13:07:1992	ratified
Vanuatu	28:07:2006	ratified
Bolivarian Republic of Venezuela	10:08:1982	ratified
Viet Nam	07:10:1997	ratified
Yemen	29:07:1976	ratified
Zambia	20:06:1972	ratified
Zimbabwe	14:12:1989	ratified



Abolition of Forced Labour, 1957

The Convention on the Abolition of Forced Labour obligates each Member of the International Labour Organization which ratifies this Convention to undertake to suppress, not to make use of any form of and to take effective measures to secure the immediate and complete abolition of any form of forced or compulsory labour.

Abolition of Forced Labour, 1957

(ILO Convention No. 105)

The Convention prohibits any form of forced or compulsory labour as a means of political coercion or education, punishment for political views, mobilizing labour for economic development, a means of racial, social, national or religious discrimination.

Entry into force: 17 January 1959

Parties: 169

Denounced by: Singapore & Malaysia

India ratified the Convention on 18 May 2000.

What is 'forced labour' according to ILO Convention No. 105?

In the absence of a definition of "forced or compulsory labour" in Convention No. 105, the definition contained in Convention No. 29 (*Forced Labour Convention*) has been considered generally valid, and can thus, serve to determine what constitutes "forced or compulsory labour" within the meaning of Convention No. 105, which consequently affords protection against any "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" [ILO Forced Labour Convention No. 29, 1930: Art. 2(1)].

The term forced labour includes slavery and practices similar to slavery as well as bonded labour or debt bondage. The ILO definition generally applies to work or service exacted by governments and public authorities as well as private bodies and individuals.

Article 1 of the Convention calls for immediate and complete abolition of any form of forced labor for any the following five purposes:

- 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 mobilizing and using labour for purposes of economic development;
- As a means of labour discipline;
- As a punishment for having participated in strikes;
- As a means of racial, social, national or religious discrimination.

What characterizes forced labour situations?

The ILO has developed several elements, which individually or in conjunction, can indicate a forced labour situation:

- Threats or actual physical harm;
- Restriction of movement or confinement to the workplace or a limited area;
- Debt bondage;
- Withholding wages or excessive wage reduction that violates previously made agreements;
- Retention of passports and identity documents;
- Threat of denunciation to the authorities, when the worker has an irregular immigration status.

Article 4 states that the Convention is binding only upon those Members of the International Labour Organization whose ratifications have been registered with the Director-General.

Article 5 of the Convention provides that a Member State which has ratified the Convention may denounce it after the expiration of ten years from the date on which the Convention first came 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.

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.

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.

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.

ILO Conventions No. 29 & 105 on Forced Labour

Convention No. 105 does not constitute a revision of Convention No. 29, but was designed to supplement it. The two instruments effectively supplement each other, and their concurrent application can help in the complete eradication of forced or compulsory labour in all its forms.

The ILO Conventions of 1930 and 1957 on 'Forced Labour' aim at guaranteeing to all human beings freedom from forced labour, irrespective of the nature of the work or the sector of activity in which it may be performed.

Neither Convention No. 105, nor Convention No. 29, contains provisions limiting the scope of its application by excluding certain categories of workers. Both Conventions are of general application and are designed to protect the entire population of the countries which have ratified them, intended as they are to guarantee respect for certain fundamental human rights.

While Convention No. 29 calls for the general prohibition of forced or compulsory labour in all its forms (subject to certain exceptions), Convention No. 105 requires the abolition of any form of forced or compulsory labour in the five specific cases listed in its Article 1 (outlined above).

The forced labour Conventions are among the most ratified of all ILO Conventions. To date, Conventions Nos. 29 and 105 have received 175 and 169 ratifications respectively.

Abolition of Forced Labour Convention, 1957

COUNTRY-WISE RATIFICATION STATUS

(Source: ILO Website)

Country	Ratification date	Status
Afghanistan	16:05:1963	ratified
Albania	27:02:1997	ratified
Algeria	12:06:1969	ratified
Angola	04:06:1976	ratified
Antigua and Barbuda	02:02:1983	ratified
Argentina	18:01:1960	ratified
Armenia	17:12:2004	ratified
Australia	07:06:1960	ratified
Austria	05:03:1958	ratified
Azerbaijan	09:08:2000	ratified
Bahamas	25:05:1976	ratified
Bahrain	14:07:1998	ratified
Bangladesh	22:06:1972	ratified
Barbados	08:05:1967	ratified
Belarus	25:09:1995	ratified
Belgium	23:01:1961	ratified
Belize	15:12:1983	ratified
Benin	22:05:1961	ratified
Plurinational State of Bolivia	11:06:1990	ratified
Bosnia and Herzegovina	15:11:2000	ratified
Botswana	05:06:1997	ratified
Brazil	18:06:1965	ratified
Bulgaria	23:03:1999	ratified
Burkina Faso	25:08:1997	ratified
Burundi	11:03:1963	ratified
Cambodia	23:08:1999	ratified
Cameroon	03:09:1962	ratified
Canada	14:07:1959	ratified
Cape Verde	03:04:1979	ratified
Central African Republic	09:06:1964	ratified
Chad	08:06:1961	Ratified

Country	Ratification date	Status
Chile	01:02:1999	ratified
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Comoros	23:10:1978	ratified
Congo	26:11:1999	ratified
Democratic Republic of the Congo	20:06:2001	ratified
Costa Rica	04:05:1959	ratified
Côte d'Ivoire	05:05:1961	ratified
Croatia	05:03:1997	ratified
Cuba	02:06:1958	ratified
Cyprus	23:09:1960	ratified
Czech Republic	06:08:1996	ratified
Denmark	17:01:1958	ratified
Djibouti	03:08:1978	ratified
Dominica	28:02:1983	ratified
Dominican Republic	23:06:1958	ratified
Ecuador	05:02:1962	ratified
Egypt	23:10:1958	ratified
El Salvador	18:11:1958	ratified
Equatorial Guinea	13:08:2001	ratified
Eritrea	22:02:2000	ratified
Estonia	07:02:1996	ratified
Ethiopia	24:03:1999	ratified
Fiji	19:04:1974	ratified
Finland	27:05:1960	ratified
France	18:12:1969	ratified
Gabon	29:05:1961	ratified
Gambia	04:09:2000	ratified
Georgia	23:09:1996	ratified
Germany	22:06:1959	ratified
Ghana	15:12:1958	ratified
Greece	30:03:1962	ratified
Grenada	09:07:1979	ratified
Guatemala	09:12:1959	ratified
Guinea-Bissau	21:02:1977	ratified
Guinea	11:07:1961	Ratified

Country	Ratification date	Status
Guyana	08:06:1966	ratified
Haiti	04:03:1958	ratified
Honduras	04:08:1958	ratified
Hungary	04:01:1994	ratified
Iceland	29:11:1960	ratified
India	18:05:2000	ratified
Indonesia	07:06:1999	ratified
The Islamic Republic of Iran	13:04:1959	ratified
Iraq	15:06:1959	ratified
Ireland	11:06:1958	ratified
Israel	10:04:1958	ratified
Italy	15:03:1968	ratified
Jamaica	26:12:1962	ratified
Jordan	31:03:1958	ratified
Kazakhstan	18:05:2001	ratified
Kenya	13:01:1964	ratified
Kiribati	03:02:2000	ratified
Kuwait	21:09:1961	ratified
Kyrgyzstan	18:02:1999	ratified
Latvia	27:01:1992	ratified
Lebanon	01:06:1977	ratified
Lesotho	14:06:2001	ratified
Liberia	25:05:1962	ratified
Libya	13:06:1961	ratified
Lithuania	26:09:1994	ratified
Luxembourg	24:07:1964	ratified
The former Yugoslav Republic of Macedonia	15:07:2003	ratified
Madagascar	06:06:2007	ratified
Malawi	19:11:1999	ratified
Malaysia	13:10:1958	denounced on 10:01:1990
Mali	28:05:1962	ratified
Malta	04:01:1965	ratified
Mauritania	03:04:1997	ratified
Mauritius	02:12:1969	ratified
Mexico	01:06:1959	Ratified

Country	Ratification date	Status
Republic of Moldova	10:03:1993	ratified
Mongolia	15:03:2005	ratified
Montenegro	03:06:2006	ratified
Morocco	01:12:1966	ratified
Mozambique	06:06:1977	ratified
Namibia	15:11:2000	ratified
Nepal	30:08:2007	ratified
Netherlands	18:02:1959	ratified
New Zealand	14:06:1968	ratified
Nicaragua	31:10:1967	ratified
Niger	23:03:1962	ratified
Nigeria	17:10:1960	ratified
Norway	14:04:1958	ratified
Oman	21:07:2005	ratified
Pakistan	15:02:1960	ratified
Panama	16:05:1966	ratified
Papua New Guinea	01:05:1976	ratified
Paraguay	16:05:1968	ratified
Peru	06:12:1960	ratified
Philippines	17:11:1960	ratified
Poland	30:07:1958	ratified
Portugal	23:11:1959	ratified
Qatar	02:02:2007	ratified
Romania	03:08:1998	ratified
Russian Federation	02:07:1998	ratified
Rwanda	18:09:1962	ratified
Saint Kitts and Nevis	12:10:2000	ratified
Saint Lucia	14:05:1980	ratified
Saint Vincent and the Grenadines	21:10:1998	ratified
Samoa	30:06:2008	ratified
San Marino	01:02:1995	ratified
Sao Tome and Principe	04:05:2005	ratified
Saudi Arabia	15:06:1978	ratified
Senegal	28:07:1961	ratified
Serbia	10:07:2003	Ratified

Country	Ratification date	Status
Seychelles	06:02:1978	ratified
Sierra Leone	13:06:1961	ratified
Singapore	25:10:1965	denounced on 19:04:1979
Slovakia	29:09:1997	ratified
Slovenia	24:06:1997	ratified
Somalia	08:12:1961	ratified
South Africa	05:03:1997	ratified
Spain	06:11:1967	ratified
Sri Lanka	07:01:2003	ratified
Sudan	22:10:1970	ratified
Suriname	15:06:1976	ratified
Swaziland	28:02:1979	ratified
Sweden	02:06:1958	ratified
Switzerland	18:07:1958	ratified
Syrian Arab Republic	23:10:1958	ratified
Tajikistan	23:09:1999	ratified
Tanzania United Republic of	30:01:1962	ratified
Thailand	02:12:1969	ratified
Togo	10:07:1999	ratified
Trinidad and Tobago	24:05:1963	ratified
Tunisia	12:01:1959	ratified
Turkey	29:03:1961	ratified
Turkmenistan	15:05:1997	ratified
Uganda	04:06:1963	ratified
Ukraine	14:12:2000	ratified
United Arab Emirates	24:02:1997	ratified
United Kingdom	30:12:1957	ratified
United States	25:09:1991	ratified
Uruguay	22:11:1968	ratified
Uzbekistan	15:12:1997	ratified
Vanuatu	28:08:2006	ratified
Bolivarian Republic of Venezuela	16:11:1964	ratified
Yemen	14:04:1969	ratified
Zambia	22:02:1965	ratified
Zimbabwe	27:08:1998	ratified

Discrimination (Employment and Occupation) Convention, 1958

The Discrimination (Employment and Occupation) Convention or the Convention concerning Discrimination in Respect of Employment and Occupation (ILO Convention C111) provides for the protection of all workers against discrimination on the basis of race, colour, sex, religion, political opinion, national extraction, social origin, and other criteria as may be determined by a ratifying state after consultation with representative employers' and workers' organizations.

Discrimination (Employment & Occupation), 1958 (ILO Convention No. 111)

The Convention was adopted on 25 June 1958 by the General Conference of the International Labour Organisation at its forty-second session in accordance with Article 8.

Entry into force: 15 June 1960

Parties: 169

India ratified the Convention on 03 June 1960

Any discrimination - in law or in practice, direct or indirect - falls within the scope of the 1958 Convention. General standards that establish distinctions based on prohibited grounds constitute discrimination in law. The specific attitude of a public authority or a private individual that treats unequally persons or members of a group on a prohibited ground constitutes discrimination in practice.

The Convention covers both – ‘direct’ and ‘indirect’ discrimination.

Defining “Discrimination”

Article 1(1) of the Convention defines discrimination to include

(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."

Article 5 of the Convention lays down that special measures adopted to meet the specific requirements of individuals by reason of their "sex, age, disablement, family responsibilities or social or cultural status" shall not be deemed to be discrimination."

Indirect discrimination refers to apparently neutral situations, regulations or practices which in fact result in unequal treatment of persons with certain characteristics. It occurs when the same condition, treatment or criterion is applied to everyone, but results in a disproportionately harsh impact on some persons on the basis of characteristics such as race, colour, sex or religion, and is not closely related to the inherent requirements of the job.²

The definition of ‘discrimination’ outlined under Article 1 of the Convention contains three elements:

A factual element (the existence of a distinction, exclusion or preference originating in an act or omission) which constitutes a

difference in treatment;

- A ground on which the difference in treatment is based; and

² Equality in Employment and Occupation: Scope of the instruments as regards individuals, definition and grounds of discrimination. Report III, Part 4B. ILO. Available at http://intranet.oit.org.pe/WDMS/bib/virtual/coleccion_oit/ilse/English/General%20Surveys/25962.htm

- The objective result of this difference in treatment (the nullification or impairment of equality of opportunity or treatment).

Through this broad definition, the 1958 instruments cover all the situations which may affect the equality of opportunity and treatment that they are to promote. There are some situations/measures, however, that are not considered discriminatory. These include measures based on the inherent requirements of a particular job, measures intended to safeguard the security of the State, and special measures of protection (for example, to address the specific health needs of women or men) or assistance (for example, affirmative action and accommodation measures).

Convention No. 111 applies to all aspects of employment and occupation, both public and private, and extends to:

- Access to education, vocational guidance and training;
- Access to employment and occupation (i.e. to work, whether self employment, wage employment or in the public service);
- Access to placement services;
- Access to workers' and employers' organizations;
- Career advancement;
- Security of job tenure;
- Collective bargaining;
- Equal remuneration for work of equal value;
- Access to social security, welfare facilities and benefits related to employment; and
- Other conditions of work including occupational safety and health, hours of work, rest periods, holidays.

The concept of **national extraction** in the 1958 Discrimination (Employment and Occupation) Convention, does not refer to the distinctions that may be made between the citizens of one country and those of another, but to distinctions between the citizens of the same country on the basis of a person's place of birth, ancestry or foreign origin.

Thus, discrimination based on national extraction means that which may be directed against persons who are nationals of the country in question, but who have acquired their citizenship by naturalization or who are descendants of foreign immigrants, or persons belonging to groups of different national extraction living in the same State.

Further, in protecting individuals against discrimination in employment and occupation on the basis of **political opinion**, the Convention implies that this protection shall be afforded to them in respect of activities expressing or demonstrating opposition to the established political principles, or simply a different opinion. The protection of political opinions only applies to opinions which are either expressed or demonstrated, and does not apply if violent methods are used to express or demonstrate these opinions.

At the same time that the Conference adopted Convention No. 111, it also adopted Recommendation No. 111 which supplements the Convention. In addition to the seven grounds of discrimination outlined by the Convention, the Convention and Recommendation No. 111 provide that "such other distinction, exclusion or preference which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation (...) may be determined by the Member concerned after consultation with representative employers' and workers' organizations, where such exist, and with other appropriate bodies" (Article 1, Paragraph 1(b) of the Convention, and Paragraph 1, subparagraph (1)(b) of Recommendation No.111) within the framework of a national policy designed to promote equality of opportunity and treatment in respect of employment and occupation.

This participation of employers' and workers' organizations, either directly or through a specialized body, is of particular importance since it provides an additional guarantee of the acceptance and implementation of national policies adopted in accordance with the Convention.

Discrimination (Employment and Occupation) Convention, 1958

COUNTRY-WISE RATIFICATION STATUS

(Source: ILO Website)

Country	Ratification date	Status
Afghanistan	01:10:1969	Ratified
Albania	27:02:1997	Ratified
Algeria	12:06:1969	Ratified
Angola	04:06:1976	Ratified
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Bahrain	26:09:2000	Ratified
Bangladesh	22:06:1972	Ratified
Barbados	14:10:1974	Ratified
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Belgium	22:03:1977	Ratified
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Benin	22:05:1961	Ratified
Plurinational State of Bolivia	31:01:1977	Ratified
Bosnia and Herzegovina	02:06:1993	Ratified
Botswana	05:06:1997	Ratified
Brazil	26:11:1965	Ratified
Bulgaria	22:07:1960	Ratified
Burkina Faso	16:04:1962	Ratified
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Cameroon	13:05:1988	Ratified
Canada	26:11:1964	Ratified
Cape Verde	03:04:1979	Ratified
Central African Republic	09:06:1964	Ratified

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Chad	29:03:1966	Ratified
Chile	20:09:1971	Ratified
China	12:01:2006	Ratified
Colombia	04:03:1969	Ratified
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Czech Republic	01:01:1993	Ratified
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Djibouti	28:02:2005	Ratified
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Fiji	17:04:2002	Ratified
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France	28:05:1981	Ratified
Gabon	29:05:1961	Ratified
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Georgia	22:06:1993	Ratified
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Greece	07:05:1984	Ratified
Grenada	14:05:2003	Ratified
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Country	Ratification date	Status
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Guyana	13:06:1975	Ratified
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Hungary	20:06:1961	Ratified
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Kazakhstan	06:12:1999	Ratified
Kenya	07:05:2001	Ratified
Kiribati	17:06:2009	Ratified
Republic of Korea	04:12:1998	Ratified
Kuwait	01:12:1966	Ratified
Kyrgyzstan	31:03:1992	Ratified
Lao People's Democratic Republic	13:06:2008	Ratified
Latvia	27:01:1992	Ratified
Lebanon	01:06:1977	Ratified
Lesotho	27:01:1998	Ratified
Liberia	22:07:1959	Ratified
Libya	13:06:1961	Ratified
Lithuania	26:09:1994	Ratified
Luxembourg	21:03:2001	Ratified
The former Yugoslav Republic of Macedonia	17:11:1991	Ratified
Madagascar	11:08:1961	Ratified
Malawi	22:03:1965	Ratified
Mali	02:03:1964	Ratified
Malta	01:07:1968	Ratified
Mauritania	08:11:1963	Ratified
Mauritius	18:12:2002	Ratified

Country	Ratification date	Status
Mexico	11:09:1961	Ratified
Republic of Moldova	12:08:1996	Ratified
Mongolia	03:06:1969	Ratified
Montenegro	03:06:2006	Ratified
Morocco	27:03:1963	ratified
Mozambique	06:06:1977	ratified
Namibia	13:11:2001	ratified
Nepal	19:09:1974	ratified
Netherlands	15:03:1973	ratified
New Zealand	03:06:1983	ratified
Nicaragua	31:10:1967	ratified
Niger	23:03:1962	ratified
Nigeria	02:10:2002	ratified
Norway	24:09:1959	ratified
Pakistan	24:01:1961	ratified
Panama	16:05:1966	ratified
Papua New Guinea	02:06:2000	ratified
Paraguay	10:07:1967	ratified
Peru	10:08:1970	ratified
Philippines	17:11:1960	ratified
Poland	30:05:1961	ratified
Portugal	19:11:1959	ratified
Qatar	18:08:1976	ratified
Romania	06:06:1973	ratified
Russian Federation	04:05:1961	ratified
Rwanda	02:02:1981	ratified
Saint Kitts and Nevis	25:08:2000	ratified
Saint Lucia	18:08:1983	ratified
Saint Vincent and the Grenadines	09:11:2001	ratified
Samoa	30:06:2008	ratified
San Marino	19:12:1986	ratified
Sao Tome and Principe	01:06:1982	ratified
Saudi Arabia	15:06:1978	ratified
Senegal	13:11:1967	ratified
Serbia	24:11:2000	ratified
Seychelles	23:11:1999	Ratified

Country	Ratification date	Status
Sierra Leone	14:10:1966	ratified
Slovakia	01:01:1993	ratified
Slovenia	29:05:1992	ratified
Somalia	08:12:1961	ratified
South Africa	05:03:1997	ratified
Spain	06:11:1967	ratified
Sri Lanka	27:11:1998	ratified
Sudan	22:10:1970	ratified
Swaziland	05:06:1981	ratified
Sweden	20:06:1962	ratified
Switzerland	13:07:1961	ratified
Syrian Arab Republic	10:05:1960	ratified
Tajikistan	26:11:1993	ratified
Tanzania United Republic of	26:02:2002	ratified
Togo	08:11:1983	ratified
Trinidad and Tobago	26:11:1970	ratified
Tunisia	14:09:1959	ratified
Turkey	19:07:1967	ratified
Turkmenistan	15:05:1997	ratified
Uganda	02:06:2005	ratified
Ukraine	04:08:1961	ratified
United Arab Emirates	28:06:2001	ratified
United Kingdom	08:06:1999	ratified
Uruguay	16:11:1989	ratified
Uzbekistan	13:07:1992	ratified
Vanuatu	28:07:2006	ratified
Bolivarian Republic of Venezuela	03:06:1971	ratified
Viet Nam	07:10:1997	ratified
Yemen	22:08:1969	ratified
Zambia	23:10:1979	ratified
Zimbabwe	23:06:1999	ratified

Minimum Age Convention, 1973

The 'Minimum Age Convention' or the 'Convention concerning Minimum Age for Admission to Employment' was adopted on 26 June 1973 by the General Conference of the International Labour Organisation at its fifty-eighth session. The Convention entered into force on 19 June 1976, in accordance with Article 12 of the Convention.

Minimum Age Convention, 1973 (ILO Convention No. 138)

The 'Minimum Age' ILO standard is aimed at ensuring the effective abolition of child labour and raising 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 1)

Entry into force: 19 June 1976 in accordance with Article 12
Parties: 161

India has not ratified the Convention

This landmark Convention applies to all economic sectors and to all working children, whether they are employed for wages or working on their own account. It represents the most comprehensive and authoritative international definition of minimum age for admission to employment. It is also innovative in that it provides for a progressive and flexible approach to the problem, particularly for developing countries.

The ratifying State 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.

Key Points of the Convention

- Each State that ratifies the Convention undertakes to pursue a **National Policy** to ensure the effective abolition of child labour.
- **Declaration of minimum age** for admission to employment or work
- After consultation with organizations of employers and workers, the competent authority may allow **exceptions in individual cases** in a very few areas, but not to the basic rules.
- The employment of young persons from the age of 16 years may be authorized, after consultation with organizations of employers and workers, on the condition that their health, safety, and morals are fully protected; and they have received adequate specific instruction or vocational training in the relevant branch of activity.
- **Light work** is work which is not likely to be harmful to the health or development of the young persons concerned and is not such as to prejudice their attendance at school or participation in vocational orientation or training programs.

The Convention provides that the minimum age to be specified in conformity with the Convention shall not be less than the age of completion of compulsory schooling and, in any case, shall not be less than 15 years. Article 2(4) however, states that developing countries or 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. The minimum age shall not be less than 18 years—or 16 years under certain conditions, for any type of employment or work which is likely to jeopardize the “health, safety or morals” of young persons.

The Convention provides that limited categories of employment or work may be excluded from its application where special and substantial problems of application can arise. A member State whose economy and administrative facilities are insufficiently developed may initially limit the

scope of application of this Convention, which shall, however, be applicable as a minimum to the following [Article 5(3)]:

- Mining and Quarrying;
- Manufacturing;
- Construction;
- Electricity;
- Gas and water;
- Sanitary services;
- Transport;
- Storage and communication;
- 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.

Article 10 of the Minimum Age Convention, 1973 states that the Convention is a revision of the following Conventions:

- Minimum Age (Industry) Convention, 1919;
- Minimum Age (Sea) Convention, 1920;
- Minimum Age (Agriculture) Convention, 1921;
- Minimum Age (Trimmers and Stokers) Convention, 1921;
- Minimum Age (Non-Industrial Employment) Convention, 1932;
- Minimum Age (Sea) Convention (Revised), 1936;
- Minimum Age (Industry) Convention (Revised), 1937;
- Minimum Age (Non-Industrial Employment) Convention (Revised), 1937;
- Minimum Age (Fishermen) Convention, 1959; and,
- Minimum age (Underground Work) Convention, 1965

The Convention does not apply to work done in schools for general, vocational or technical education or in other training institutions. Likewise, subject to certain conditions, apprentices of more than 14 years of age are not covered by the Convention (Article 6). Under the provisions of the Convention (Article 7), young persons of 13 to 15

years of age who have not yet finished their compulsory schooling – may be permitted to carry out light work of certain types and under certain conditions to be determined by a “competent authority”. Developing countries may substitute the ages 12 and 14 for the ages 13 and 15 [Article 7(4)].

The Convention is a revision of several other conventions for workers in specific areas (See Box below). Upon entry into force, some of these conventions were closed for ratification and becoming a party to the Minimum Age Convention automatically resulted in the denunciation of the older ones.

Minimum Age Convention, 1973

COUNTRY-WISE RATIFICATION STATUS


(Source: ILO Website)

Country	Ratification date	Status
Afghanistan	07:04:2010	ratified
Albania	16:02:1998	ratified
Algeria	30:04:1984	ratified
Angola	13:06:2001	ratified
Antigua and Barbuda	17:03:1983	ratified
Argentina	11:11:1996	ratified
Armenia	27:01:2006	ratified
Austria	18:09:2000	ratified
Azerbaijan	19:05:1992	ratified
Bahamas	31:10:2001	ratified
Barbados	04:01:2000	ratified
Belarus	03:05:1979	ratified
Belgium	19:04:1988	ratified
Belize	06:03:2000	ratified
Benin	11:06:2001	ratified
Plurinational State of Bolivia	11:06:1997	ratified
Bosnia and Herzegovina	02:06:1993	ratified
Botswana	05:06:1997	ratified
Brazil	28:06:2001	ratified
Brunei Darussalam	17:06:2011	ratified
Bulgaria	23:04:1980	ratified
Burkina Faso	11:02:1999	ratified
Burundi	19:07:2000	ratified
Cambodia	23:08:1999	ratified
Cameroon	13:08:2001	ratified
Cape Verde	07:02:2011	ratified
Central African Republic	28:06:2000	ratified
Chad	21:03:2005	ratified
Chile	01:02:1999	ratified
China	28:04:1999	ratified
Colombia	02:02:2001	ratified
Comoros	17:03:2004	ratified
Congo	26:11:1999	ratified
Democratic Republic of the Congo	20:06:2001	ratified
Costa Rica	11:06:1976	ratified
Côte d'Ivoire	07:02:2003	ratified
Croatia	08:10:1991	ratified
Cuba	07:03:1975	Ratified

Country	Ratification date	Status
Cyprus	02:10:1997	ratified
Czech Republic	26:04:2007	ratified
Denmark	13:11:1997	ratified
Djibouti	14:06:2005	ratified
Dominica	27:09:1983	ratified
Dominican Republic	15:06:1999	ratified
Ecuador	19:09:2000	ratified
Egypt	09:06:1999	ratified
El Salvador	23:01:1996	ratified
Equatorial Guinea	12:06:1985	ratified
Eritrea	22:02:2000	ratified
Estonia	15:03:2007	ratified
Ethiopia	27:05:1999	ratified
Fiji	03:01:2003	ratified
Finland	13:01:1976	ratified
France	13:07:1990	ratified
Gabon	25:10:2010	ratified
Gambia	04:09:2000	ratified
Georgia	23:09:1996	ratified
Germany	08:04:1976	ratified
Ghana	06:06:2011	ratified
Greece	14:03:1986	ratified
Grenada	14:05:2003	ratified
Guatemala	27:04:1990	ratified
Guinea-Bissau	05:03:2009	ratified
Guinea	06:06:2003	ratified
Guyana	15:04:1998	ratified
Haiti	03:06:2009	ratified
Honduras	09:06:1980	ratified
Hungary	28:05:1998	ratified
Iceland	06:12:1999	ratified
Indonesia	07:06:1999	ratified
Iraq	13:02:1985	ratified
Ireland	22:06:1978	ratified
Israel	21:06:1979	ratified
Italy	28:07:1981	ratified
Jamaica	13:10:2003	ratified
Japan	05:06:2000	ratified
Jordan	23:03:1998	ratified
Kazakhstan	18:05:2001	ratified
Kenya	09:04:1979	ratified
Kiribati	17:06:2009	Ratified

Country	Ratification date	Status
Republic of Korea	28:01:1999	ratified
Kuwait	15:11:1999	ratified
Kyrgyzstan	31:03:1992	ratified
Lao People's Democratic Republic	13:06:2005	ratified
Latvia	02:06:2006	ratified
Lebanon	10:06:2003	ratified
Lesotho	14:06:2001	ratified
Libya	19:06:1975	ratified
Lithuania	22:06:1998	ratified
Luxembourg	24:03:1977	ratified
The former Yugoslav Republic of Macedonia	17:11:1991	ratified
Madagascar	31:05:2000	ratified
Malawi	19:11:1999	ratified
Malaysia	09:09:1997	ratified
Mali	11:03:2002	ratified
Malta	09:06:1988	ratified
Mauritania	03:12:2001	ratified
Mauritius	30:07:1990	ratified
Republic of Moldova	21:09:1999	ratified
Mongolia	16:12:2002	ratified
Montenegro	03:06:2006	ratified
Morocco	06:01:2000	ratified
Mozambique	16:06:2003	ratified
Namibia	15:11:2000	ratified
Nepal	30:05:1997	ratified
Netherlands	14:09:1976	ratified
Nicaragua	02:11:1981	ratified
Niger	04:12:1978	ratified
Nigeria	02:10:2002	ratified
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Oman	21:07:2005	ratified
Pakistan	06:07:2006	ratified
Panama	31:10:2000	ratified
Papua New Guinea	02:06:2000	ratified
Paraguay	03:03:2004	ratified
Peru	13:11:2002	ratified
Philippines	04:06:1998	ratified
Poland	22:03:1978	ratified
Portugal	20:05:1998	ratified
Qatar	03:01:2006	ratified
Romania	19:11:1975	ratified
Russian Federation	03:05:1979	Ratified

Country	Ratification date	Status
Rwanda	15:04:1981	ratified
Saint Kitts and Nevis	03:06:2005	ratified
Saint Vincent and the Grenadines	25:07:2006	ratified
Samoa	29:10:2008	ratified
San Marino	01:02:1995	ratified
Sao Tome and Principe	04:05:2005	ratified
Senegal	15:12:1999	ratified
Serbia	24:11:2000	ratified
Seychelles	07:03:2000	ratified
Sierra Leone	10:06:2011	ratified
Singapore	07:11:2005	ratified
Slovakia	29:09:1997	ratified
Slovenia	29:05:1992	ratified
South Africa	30:03:2000	ratified
Spain	16:05:1977	ratified
Sri Lanka	11:02:2000	ratified
Sudan	07:03:2002	ratified
Swaziland	23:10:2002	ratified
Sweden	23:04:1990	ratified
Switzerland	17:08:1999	ratified
Syrian Arab Republic	18:09:2001	ratified
Tajikistan	26:11:1993	ratified
Tanzania United Republic of	16:12:1998	ratified
Thailand	11:05:2004	ratified
Togo	16:03:1984	ratified
Trinidad and Tobago	03:09:2004	ratified
Tunisia	19:10:1995	ratified
Turkey	30:10:1998	ratified
Uganda	25:03:2003	ratified
Ukraine	03:05:1979	ratified
United Arab Emirates	02:10:1998	ratified
United Kingdom	07:06:2000	ratified
Uruguay	02:06:1977	ratified
Uzbekistan	06:03:2009	ratified
Bolivarian Republic of Venezuela	15:07:1987	ratified
Viet Nam	24:06:2003	ratified
Yemen	15:06:2000	ratified
Zambia	09:02:1976	ratified
Zimbabwe	06:06:2000	ratified



Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, 1999

The 'Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour', also known as the Worst Forms of Child Labour Convention, was adopted by the International Labour Organization (ILO) in 1999 as ILO Convention No 182.

Elimination of the Worst Forms of Child Labour, 1999

(ILO Convention No. 182)

The Convention aims to take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour.

Entry into force: 19 November 2000

Parties: 174

India has not ratified the Convention.

The Convention requires each Member which ratifies it to take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour as a matter of urgency. For the purposes of this Convention, the term 'child' applies to all persons under the age of 18.

Child labour has been broadly described by the International Labour Organization as work that deprives children of their childhood, their potential and their dignity, and that is harmful to their physical and mental development.

This Convention goes hand in hand with the *Minimum Age Convention* of 1973, and together they remain the fundamental

What is Child Labour?

According to the ILO, Child labour refers to work that:

- is mentally, physically, socially or morally dangerous and harmful to children; and
- interferes with their schooling:
 - by depriving them of the opportunity to attend school;
 - by obliging them to leave school prematurely; or
 - by requiring them to attempt to combine school attendance with excessively long and heavy work.

In its most extreme forms, it involves children being enslaved, separated from their families, exposed to serious hazards and illnesses and/or left to fend for themselves on the streets of large cities – all of this often at a very early age.

instruments on child labour. India however, has not ratified either of the ILO Conventions related to Child Labour.

The Governing Body of the International Labour Office felt that the effective elimination of the worst forms of child labour would require 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.

It was recognized 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. The Governing Body itself based this Convention on the Convention on the Rights of the Child adopted by the United Nations General Assembly on 20 November 1989, and 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.

Worst Forms of Child Labour as defined by the Convention

Article 3 of the Convention identifies the worst forms of child labour as follows:

(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.

It also recognized 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. Yet, they decided upon the adoption of certain proposals with regard to child labour in the form of an international Convention at their 87th Session, held in Geneva on June 1st, 1999. It has been ratified by 174 countries, not including India (Source: ILO Website).

Unlike the Minimum Age Convention, 1973 (No. 138), this Convention contains no “flexibility clauses”, and makes no distinction between developed and developing countries. The Convention applies to all girls and boys under the age of 18.

**Convention concerning the Prohibition and Immediate
Action for the Elimination of the
Worst Forms of Child Labour, 1999
COUNTRY-WISE RATIFICATION STATUS**

(Source: ILO Website)

Country	Ratification date	Status
Afghanistan	07:04:2010	ratified
Albania	02:08:2001	ratified
Algeria	09:02:2001	ratified
Angola	13:06:2001	ratified
Antigua and Barbuda	16:09:2002	ratified
Argentina	05:02:2001	ratified
Armenia	02:01:2006	ratified
Australia	19:12:2006	ratified
Austria	04:12:2001	ratified
Azerbaijan	30:03:2004	ratified
Bahamas	14:06:2001	ratified
Bahrain	23:03:2001	ratified
Bangladesh	12:03:2001	ratified
Barbados	23:10:2000	ratified
Belarus	31:10:2000	ratified
Belgium	08:05:2002	ratified
Belize	06:03:2000	ratified
Benin	06:11:2001	ratified
Plurinational State of Bolivia	06:06:2003	ratified
Bosnia and Herzegovina	05:10:2001	ratified
Botswana	03:01:2000	ratified
Brazil	02:02:2000	ratified
Brunei Darussalam	09:06:2008	ratified
Bulgaria	28:07:2000	ratified
Burkina Faso	25:07:2001	ratified
Burundi	11:06:2002	ratified
Cambodia	14:03:2006	ratified
Cameroon	05:06:2002	ratified
Canada	06:06:2000	ratified
Cape Verde	23:10:2001	ratified
Central African Republic	28:06:2000	Ratified

Country	Ratification date	Status
Chad	06:11:2000	ratified
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Croatia	17:07:2001	ratified
Cyprus	27:11:2000	ratified
Czech Republic	19:06:2001	ratified
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Ecuador	19:09:2000	ratified
Egypt	06:05:2002	ratified
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Equatorial Guinea	13:08:2001	ratified
Estonia	24:09:2001	ratified
Ethiopia	02:09:2003	ratified
Fiji	17:04:2002	ratified
Finland	17:01:2000	ratified
France	11:09:2001	ratified
Gabon	28:03:2001	ratified
Gambia	03:07:2001	ratified
Georgia	24:07:2002	ratified
Germany	18:04:2002	ratified
Ghana	13:06:2000	ratified
Greece	06:11:2001	ratified
Grenada	14:05:2003	ratified
Guatemala	11:10:2001	ratified
Guinea-Bissau	26:08:2008	ratified
Guinea	06:06:2003	ratified
Guyana	15:01:2001	Ratified

Country	Ratification date	Status
Haiti	19:07:2007	ratified
Honduras	25:10:2001	ratified
Hungary	20:04:2000	ratified
Iceland	29:05:2000	ratified
Indonesia	28:03:2000	ratified
The Islamic Republic of Iran	08:05:2002	ratified
Iraq	09:07:2001	ratified
Ireland	20:12:1999	ratified
Israel	15:03:2005	ratified
Italy	07:06:2000	ratified
Jamaica	13:10:2003	ratified
Japan	18:06:2001	ratified
Jordan	20:04:2000	ratified
Kazakhstan	26:02:2003	ratified
Kenya	07:05:2001	ratified
Kiribati	17:06:2009	ratified
Republic of Korea	29:03:2001	ratified
Kuwait	15:08:2000	ratified
Kyrgyzstan	11:05:2004	ratified
Lao People's Democratic Republic	13:06:2005	ratified
Latvia	02:06:2006	ratified
Lebanon	11:09:2001	ratified
Lesotho	14:06:2001	ratified
Liberia	02:06:2003	ratified
Libya	04:10:2000	ratified
Lithuania	29:09:2003	ratified
Luxembourg	21:03:2001	ratified
The former Yugoslav Republic of Macedonia	30:05:2002	ratified
Madagascar	04:10:2001	ratified
Malawi	19:11:1999	ratified
Malaysia	10:11:2000	ratified
Mali	14:07:2000	ratified
Malta	15:06:2001	ratified
Mauritania	03:12:2001	ratified
Mauritius	08:06:2000	ratified
Mexico	30:06:2000	Ratified

Country	Ratification date	Status
Republic of Moldova	14:06:2002	ratified
Mongolia	26:02:2001	ratified
Montenegro	03:06:2006	ratified
Morocco	26:01:2001	ratified
Mozambique	16:06:2003	ratified
Namibia	15:11:2000	ratified
Nepal	03:01:2002	ratified
Netherlands	14:02:2002	ratified
New Zealand	14:06:2001	ratified
Nicaragua	06:11:2000	ratified
Niger	23:10:2000	ratified
Nigeria	02:10:2002	ratified
Norway	21:12:2000	ratified
Oman	11:06:2001	ratified
Pakistan	11:10:2001	ratified
Panama	31:10:2000	ratified
Papua New Guinea	02:06:2000	ratified
Paraguay	07:03:2001	ratified
Peru	10:01:2002	ratified
Philippines	28:11:2000	ratified
Poland	09:08:2002	ratified
Portugal	15:06:2000	ratified
Qatar	30:05:2000	ratified
Romania	13:12:2000	ratified
Russian Federation	25:03:2003	ratified
Rwanda	23:05:2000	ratified
Saint Kitts and Nevis	12:10:2000	ratified
Saint Lucia	06:12:2000	ratified
Saint Vincent and the Grenadines	04:12:2001	ratified
Samoa	30:06:2008	ratified
San Marino	15:03:2000	ratified
Sao Tome and Principe	04:05:2005	ratified
Saudi Arabia	08:10:2001	ratified
Senegal	01:06:2000	ratified
Serbia	10:07:2003	ratified
Seychelles	28:09:1999	Ratified

Country	Ratification date	Status
Sierra Leone	10:06:2011	ratified
Singapore	14:06:2001	ratified
Slovakia	20:12:1999	ratified
Slovenia	08:05:2001	ratified
South Africa	07:06:2000	ratified
Spain	02:04:2001	ratified
Sri Lanka	01:03:2001	ratified
Sudan	07:03:2003	ratified
Suriname	12:04:2006	ratified
Swaziland	23:10:2002	ratified
Sweden	13:06:2001	ratified
Switzerland	28:06:2000	ratified
Syrian Arab Republic	22:05:2003	ratified
Tajikistan	08:06:2005	ratified
Tanzania United Republic of	12:09:2001	ratified
Thailand	16:02:2001	ratified
Timor-Leste	16:06:2009	ratified
Togo	19:09:2000	ratified
Trinidad and Tobago	23:04:2003	ratified
Tunisia	28:02:2000	ratified
Turkey	02:08:2001	ratified
Turkmenistan	15:11:2010	ratified
Uganda	21:06:2001	ratified
Ukraine	14:12:2000	ratified
United Arab Emirates	28:06:2001	ratified
United Kingdom	22:03:2000	ratified
United States	02:12:1999	ratified
Uruguay	03:08:2001	ratified
Uzbekistan	24:06:2008	ratified
Vanuatu	28:08:2006	ratified
Bolivarian Republic of Venezuela	26:10:2005	ratified
Viet Nam	19:12:2000	ratified
Yemen	15:06:2000	ratified
Zambia	10:12:2001	ratified
Zimbabwe	11:12:2000	ratified

Constitutional Provisions on Human Rights & Implementation of International Law

The Constitution of India is based on the principles of liberty, equality, fraternity and justice. The provisions of the Constitution manifest great respect for human dignity, commitment to equality and non-discrimination and concern for the weaker sections of society. Further, the Constitution makes it mandatory for the Government to protect and promote freedoms, and to assure to every citizen, a decent standard of living.

The *Fundamental Rights* enshrined in Part III and *Directive Principles of State Policy* contained in Part IV of the Indian Constitution, together aim to establish political, economic and social democracy and justice in the country. The Right to Life, Right to Equality, Right to Freedom, Right against Exploitation, Cultural and Educational Rights, Right to Constitutional Remedies, and special provisions relating to certain sections of the Indian population, contained in the Constitution, are some of the provisions that guarantee to each citizen, certain fundamental freedoms and rights.

The *Directive Principles of State Policy* are in the form of instructions or guidelines to the governments at the center as well as states. Though these principles are non-justiciable, they are fundamental to the governance of the country. The idea of Directive Principles, borrowed from the Irish Republic, was incorporated into the Indian Constitution to provide positive directions to government at all levels to contribute to the establishment and realization of social and economic justice within the country.

International Treaties and Constitutional Provisions

The Constitution of India does not lay down any express provisions to deal with the implementation of international treaties and conventions to which India may be a State Party. It neither makes any emphatic reference to the status of International Law within the

country's domestic legal system nor does it specifically obligate or authorize the judiciary to draw upon International Law.

The basic provisions of the Constitution of India relevant for consideration of its interaction and inter-relationship with International Law are as follows:

- ♦ **Article 51(c) [Promotion of International Peace and Security]**

The basic provision of the Constitution of India, by virtue of which international law becomes implementable through municipal laws of India is Article 51 (c), which reads as under:

51. The State shall endeavour to –

(c) Foster respect for international law and treaty obligations in the dealings of organized peoples with one another

- ♦ **Article 73 [Extent of Executive Power of the Union]**

Under Article 73, the executive power of the Union extends to all matters in respect of which the Indian Parliament may make laws and to the exercise of all powers that accrue to the Government of India from any International Treaty or Agreement. It is pertinent to note that executive power has to be exercised in accordance with Constitution and the laws. Article 73(1) reads as under:

73. (1) Subject to the provisions of this Constitution, the executive power of the Union shall extend –

(a) To the matters with respect to which Parliament has power to make laws; and

(b) To the exercise of such rights, authority and jurisdiction as are exercisable by the Government of India by virtue of any treaty or agreement:

Provided that the executive power referred to in sub-clause (a) shall not, save as expressly provided in this Constitution or in any law made by Parliament, extend in any State to matters with respect to which the Legislature of the State has also power to make laws.

♦ **Article 253 [Legislation for Giving Effect to International Agreements]**

Article 253 confers powers on the Indian Parliament to make any law for the whole or any part of the country to give effect to any International Treaty, Agreement, Convention or decision. Though the power to sign and ratify an international treaty lies with the Executive, the implementation of such treaties falls under the domain of Parliament as explicitly provided under Article 253, which reads as follows:

253. Notwithstanding anything in the foregoing provisions of this Chapter, Parliament has power to make any law for the whole or any part of the territory of India for implementing any treaty, agreement or convention with any other country or countries or any decision made at any international conference, association or other body.

The Government of India has executive power to enter into and implement international treaties under Article 253 read with Entry 14 of List I (Union List) of the Seventh Schedule of the Indian Constitution. Entry 14 of the Union List reads as under:

“Entering into treaties, agreements and conventions with Foreign Countries.”

♦ **Article 260 [Jurisdiction of the Union in Relation to Territories outside India]**

Article 260, read in conjunction with Entry 16 (Foreign Jurisdiction) of the Union List contained in the Seventh Schedule of the Constitution, provides that the Government of India may, by treaty or agreement with another country, exercise some extra-territorial jurisdiction in the territory of that country and ‘undertake any executive, legislative or judicial functions vested in the government of such territory’. The Article clarifies that every such agreement shall be subject to and governed by any law relating to the exercise of foreign

jurisdiction for the time being in force. Article 260 reads as follows:

260. The Government of India may by agreement with the Government of any territory not being part of the territory of India undertake any executive, legislative or judicial functions vested in the Government of such territory, but every such agreement shall be subject to, and governed by, any law relating to the exercise of foreign jurisdiction for the time being in force.

It is pertinent to note that Article 51 enshrines one of the fundamental Directive Principles of State policy (that is, “foster respect for international laws and treaty obligations”) embodied in Part IV of the Constitution. Directive Principles, according to Article 37 of the Indian Constitution, although not enforceable through the court of law, are nevertheless fundamental in the governance of the country and there is a non-obligatory duty on the part of the State to apply these principles in the formulation of laws.

The non-justiciability of Article 51 therefore, does not imply that the Government can abjure its obligations set out in the international treaty to which it is a state party. Further, the judiciary is at liberty to interpret India’s obligations under international law into the municipal laws of the country in pronouncing its decision in a case concerning issues of international law.

International Treaties and the Indian Judiciary

Wherever necessary, Indian courts are empowered to refer to and draw upon International Conventions as an external aid for the construction of a national legislation. There are several instances in which the Indian Courts have made reference to India’s obligations under various international treaties.

Judicial interpretation of Article 51(c)

Article 51 has been relied upon by Courts to hold that various International Covenants, Treaties etcetera, particularly those to which India is a party or signatory, become part of Domestic Law in so far as there is no conflict between the two.

The Supreme Court for instance, in the *Visakha vs. State of Rajasthan* case took recourse to International Convention for the purpose of the construction of domestic law. The Court observed as follows:

In the absence of domestic law occupying the field to formulate effective measures to check the evil of sexual harassment of working women at all work places, the contents of International Conventions and norms are significant for the purpose of interpretation of the guarantee of gender equality, right to work with human dignity in Articles 14, 15, 19(1)(g) and 21 of the Constitution and the safeguards against sexual harassment implicit therein. Any international convention not inconsistent with the fundamental rights and in harmony with its spirit must be read into those provisions to enlarge the meaning and content thereof, to promote the object of the Constitutional guarantee.

Obligations arising under international agreements or treaties are not, by their own force, binding in Indian domestic law. Appropriate legislative or executive action has to be taken to bring them into force. Although not self-executing under Indian law, implementation of a treaty does not require fresh legislative or executive action if existing administrative regulations or statutory or constitutional provisions permit the implementation of the treaty in question.

NHRC, India and International Conventions

Section 12(f) of the Protection of Human Rights Act, 1993 (PHRA) mandates the National Human Rights Commission of India to “study treaties and other international instruments on human rights and make recommendations for their effective implementation”.

The NHRC carries out this function primarily through recommendations to and discussions with the concerned Ministries of the Central Government. The NHRC uses this power to ensure that draft bills conform to the international human rights standards that have been accepted by the Government of India. It supplements this through a host of programmes, conferences, workshops and seminars that raise awareness, such as the workshop it organized in 2009 to highlight the problems faced by, and the steps needed to protect human rights defenders in keeping with best international practice.

In addition to pursuing the case for the signing and ratification of International Human Rights Instruments with the Government of India, the Commission also reviews the domestic laws of the country to ensure the implementation of the International Conventions at the national level and to ensure that domestic laws are in line with international human rights standards.

The Government of India usually sends to the NHRC for its comments, all draft legislation with a human rights component. The NHRC examines these drafts, where necessary asking experts in the field for their advice, and sends its recommendations to the Government. Select Committees of Parliament often refer important legislation on human rights issues to the NHRC for its comments and advice.

Since its inception in 1993, the NHRC has undertaken numerous initiatives with respect to the review of existing domestic laws and implementation of international conventions/treaties and other instruments on human rights, which are outlined in the following sections.

NHRC, India and Review of Domestic Laws in Conformity with International Conventions

The NHRC, India has given its views, among others, on the following:

- Terrorists and Disruptive Activities (Prevention) Act, 1987 (TADA)
- Persons with Disabilities Act, 1995
- Prevention of Terrorism Bill, 2000
- The Freedom of Information Bill, 2000
- Prevention of Terrorism Ordinance, 2001 (POTO)
- Prevention of Terrorism Act, 2002 (POTA)
- Protection from Domestic Violence Bill, 2002
- Anti-terrorism Legislation and the Rule of Law, 2004
- National Rural Employment Guarantee Bill, 2004
- Food Safety and Standards Bill, 2005
- Communal Violence (Prevention, Control and Rehabilitation of Victims) Bill, 2005
- Right to Education Bill, 2005
- The Prohibition of Child Marriage Act, 2006
- Land Acquisition (Amendment) Bill, 2007
- Rehabilitation and Resettlement Bill, 2007
- Prevention of Torture Bill, 2009
- Copyright (Amendment) Bill, 2010

Implementation of International Conventions / Treaties and Other Instruments

PROTOCOLS TO THE CONVENTION ON THE RIGHTS OF THE CHILD

The Commission in 2000-2001 recommended that the Optional Protocols I and II, dealing respectively with the involvement of children in armed conflict and the sale of children, child prostitution and child pornography, be adopted by the Government of India. Following this, the Department of Women and Child Development informed the Commission that it had circulated the Draft Note for the Cabinet to the concerned Ministries and Departments, including the Ministry of Home Affairs, for their comments and views, following which the Government approved the signing and ratification of the aforesaid two Optional Protocols to the Convention on the Rights of the Child.

Further, the Ministry of External Affairs communicated to the Commission that the Government of India had signed the above two Optional Protocols on 15.11.2004. The persistent efforts of the NHRC, India finally yielded rich dividends when it was informed by the Ministry of External Affairs that the Government of India had ratified both the Optional Protocols.

UN CONVENTION RELATING TO THE STATUS OF REFUGEES, 1951 AND ITS 1967 PROTOCOL

In 1997, the Commission initiated a dialogue with senior officers of the Ministry of External Affairs requesting them to examine afresh the possibility of India becoming party to the 1951 United Nations Convention relating to the Status of Refugees and the 1967 Protocol on this subject. The Ministry of External Affairs subsequently informed the Commission that the matter would be re-examined in consultation with other concerned Ministries/Departments. The Commission recommended that the Ministry of External Affairs

constitute a small group of experts to look into the matter expeditiously.

The Commission was strongly of the view that there was a need for India to develop a national policy and possibly a National Law, fully in consonance with the 1951 United Nations Convention relating to the Status of Refugees and its 1967 Protocol. The Commission has continued to take *suo motu* cognizance of news items highlighting the plight of Sri Lankan refugees in Tamil Nadu, Karnataka and elsewhere. In one such case during the period 1999-2000, based on a report of the *People's Union for Civil Liberties*, an NGO, the Commission examined allegations of human rights violations of 56 refugees held in a Special Camp in Vellore. While concluding its proceedings in the case, the Commission resolved to pursue the general issue relating to the enactment of a national legislation relating to the status of refugees.

Subsequently, the Ministry of Home Affairs, Government of India sought the Commission's views and comments on the *Model National Law on Refugees*, prepared by Justice Shri P.N. Bhagwati in his capacity as Chairman of the 'Eminent Persons Group' set up by the UN High Commissioner for Refugees. The Commission considered this issue in consultation with experts in the field and thereafter, set up an Expert Committee on Refugees. The Expert Committee was requested to go through the *Model National Law on Refugees* and give its comments thereon to the Commission. After detailed discussions, comments on the *Model National Law* and other general aspects as well as specific issues to be addressed in this regard, were forwarded to the MHA.

Since then, the Commission has continued to engage the concerned Ministries towards the enactment of a national law on refugee protection. Based on detailed exchange of views with the highest echelons of the Government, the Commission has asked the Ministry of Home Affairs and the Ministry of External Affairs to formulate

necessary proposals and send them to the Commission. The Commission has since been consistently pursuing the matter with the Government.

1977 PROTOCOLS ADDITIONAL TO THE 1949 GENEVA CONVENTIONS

Protocol I to the 1949 Geneva Conventions provides for new rules on international armed conflict and Protocol II develops international humanitarian law on non-international armed conflict. In response to the Commission's request for comments on both the Protocols, the MEA cited the changing nature of armed conflict and the need to hold detailed consultations with other agencies in this regard. The Commission has urged the Government of India to reconsider the issue of accession to the 1977 Protocols Additional to the 1949 Geneva Conventions and continues to pursue the matter with the Government.

CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT, 1984

The Commission has persistently pressed the Government of India to ratify the *Convention against Torture and Other Forms of Cruel, Inhuman and Degrading Punishment or Treatment*, which was signed by India on 14 October 1997 on the recommendation of the Commission. It has been a matter of great disappointment to the Commission that the process of ratification has been inordinately delayed and that this delay has sent an ambiguous message regarding the commitment of the Government to respect the provisions of this Convention, despite the fact that Article 21 of the Indian Constitution already covers this area effectively. As observed by the Commission earlier, the Right against Torture has been judicially recognised by the Apex Court as a Fundamental Right.

The Commission was informed that an inter-ministerial meeting on this question had been held in July 2000 and directions were issued to expedite work relating to the amendment of the existing legislation to facilitate the process of ratification. Concerned over the delay in ratification of the Convention, the Commission took up the matter with the Ministry of External Affairs in August 2003. In response, the Commission was informed that the draft Cabinet Note on ratification of the Convention against Torture had been forwarded for examination by the Ministry of Home Affairs, which would pilot the necessary procedures for an eventual ratification. The Commission thereafter, took up the matter with the Ministry of Home Affairs in October 2003, January 2004, May 2005, and again in September 2005.

The MHA informed the Commission in September 2005 that the MEA had constituted an Inter-Ministerial Group under the Chairmanship of AS (UN) to look into the question of early ratification. Thereafter, in January 2006, the MEA informed the Commission that the Inter-Ministerial Group had agreed that the L&T Division of the MEA would take the lead to prepare a draft enabling legislation for MHA to pilot the ratification process including the legislation to be enacted.

Subsequently, the Commission conveyed its comments on the draft bill in this regard to the MHA. While India is yet to ratify the Convention, the National Human Rights Commission has since been pursuing the matter of the ratification of the treaty with the MHA.

CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES, 2006

The Commission played an important role in the drafting of the Convention on the Rights of Persons with Disabilities which was adopted by the United Nations General Assembly in December 2006.

In response to the invitation by the General Assembly Resolution 57/229 to make available to the Ad Hoc Committee suggestions and

possible elements to be considered for a treaty on the theme of disability, and, in particular the invitation of the UN Ad-Hoc Committee to National Human Rights Institutions for their participation in its future sessions, the Commission took a number of steps.

Since treaty elaboration provides a unique opportunity to raise the standards of social justice, well being and citizenship, the Commission encouraged the active participation of Government of India in the treaty elaboration process. The Commission held a series of meetings with senior officers of the Ministries of External Affairs and Social Justice and Empowerment. They were also invited to participate in the international meeting of National Human Rights Institutions at New Delhi in May 2003. The Commission notes with satisfaction that the Government of India deputed a delegation to the second meeting of the UN Ad Hoc Committee and also contributed actively to the Working Group.

The NHRC jointly hosted an International Workshop of National Institutions from the Asia Pacific Region and Commonwealth Countries at New Delhi between 26th – 29th May 2003 in collaboration with the Asia Pacific Forum of National Human Rights Institutions (APF), the United Nations Office of the High Commissioner for Human Rights and the British Council.

The participants of this workshop:

- ♦ Strongly affirmed the need for the development of a comprehensive and integral Convention;
- ♦ Stressed that the Convention should be a 'rights-based' instrument built on international human rights norms and standards and social justice. It should be informed by the overarching principle that all persons with disabilities, without exception, are entitled to the full benefit and enjoyment of all fundamental human rights and freedoms on the basis of equality, dignity and without discrimination

- ♦ Further stressed that the situation of all disability groups and the diverse conditions related to gender, race, colour, age, ethnicity and other considerations must be taken into account when elaborating the Convention.

Based on the common understanding of the National Human Rights Institutions regarding the nature, type, scope, purpose and key elements of a disability convention, the Commission submitted a proposal to the UN Ad Hoc Committee in its second session at New York in June 2003.

Subsequent to the international meeting of NHRIs at New Delhi, the Commission provided inputs to a series of regional meetings and seminars convened by United Nations Economic and Social Commission for Asia and Pacific (UNESCAP). The expert group meeting in June 2003 at Bangkok harmonized a proposal, which heavily draws on the report of international meeting at New Delhi. Similarly, the Special Rapporteur of the NHRC on Disability serviced the Women's Workshop of ESCAP (18th – 22nd August 2003), which outlined a set of recommendations for strengthening the gender dimension in the proposed disability Convention. She also contributed to another Expert Group Meeting under the aegis of the UNESCAP held in October 2003, which evolved a concrete text of the Convention.

In November 2003, the Commission participated in the inter-governmental seminar jointly hosted by Government of China and ESCAP. In this seminar certain contentious issues pending from the earlier meetings were resolved, which included the issue of the right to development vis-à-vis rights-based development. The provision of international cooperation and monitoring mechanisms, both international and national, were also thrashed out and the text fine-tuned.

The Commission not only shared its expertise with the Asia Pacific Disability Forum (APDF), but also mobilized support to facilitate the

participation of the nominee of APDF in the Working Group, which met between 5-16 January 2004 at the UN Headquarters in New York. The APDF approached the Commission for assistance of its Special Rapporteur on Disability in the UN Working Group for harmonizing the draft text based on proposals received by the UN Ad Hoc Committee. The Commission was pleased to make available the services of its Special Rapporteur on Disability for the purpose.

Keeping in view the rapid pace of treaty elaboration and the effort of UN to invite views on the draft text compiled by the working group, the Commission decided to support the process by convening consultative workshops involving disability organizations, experts and representatives of Central and State Governments. These workshops were very useful in promoting awareness about the Treaty elaboration process and achievements made by the UN Ad hoc Committee and Working Group thus far. On the other hand it provided opportunities for critical review of the draft convention on the theme of disability with an ultimate objective to suggest improvements taking into account the realities of persons with disabilities in India and the overall economic, social and cultural conditions of the country.

The Commission is of the firm view that a binding instrument on the theme of disability in international law would give “status, authority and visibility” to disability issues which cannot be achieved through the process of reform of existing international instruments and monitoring mechanisms. It also recognizes that by tailoring the existing rights to the specific circumstances of people with disabilities, the treaty would enable the State Parties to understand their obligations in clear terms and it would set clear goals for the development of disability-inclusive systems and processes.

Following the adoption of the Convention on the Rights of Persons with Disabilities, the Commission recommended the ratification of

the Convention by the Government of India, which ratified the said Convention on 1 October 2007.

Other Initiatives

CHAIR ON HUMAN RIGHTS AT THE NLSIU, BANGALORE

The Commission has established a Chair on Human Rights at the National Institute of Human Rights (NIHR) in the premises of the National Law School of India University, Bangalore. The NIHR was set up recognising the growing demands of human rights education and research at the national level.

In the past, the Commission has sought the views of the Institute on the pros and cons of ratification by India of the following international human rights instruments:

- ♦ First Optional Protocol to the International Covenant on Civil and Political Rights
- ♦ Second Optional Protocol to the International Covenant on Civil and Political Rights
- ♦ International Convention on the Protection of the Rights of All Migrant Workers and their Families
- ♦ Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Additionally, the NHRC also conducts training programmes for judicial officers in collaboration with the NIHR. The NIHR recently published a Handbook for Judicial Officers in collaboration with the NHRC.

Review of Domestic Legislation concerning Civil, Political, Social, Economic and Cultural Rights

TERRORIST AND DISRUPTIVE ACTIVITIES (PREVENTION) ACT (TADA)

In the short period since its inception, the Commission directed its attention to starting an in-depth study of the Terrorist and Disruptive Activities (Prevention) Act (TADA), a task in which it enlisted the assistance of the Law Commission of India. This, it believed was important since the TADA touched on three most sensitive areas: (i) the Constitution (ii) India's treaty obligations, especially under the International Covenant on Civil and Political Rights (ICCPR) and (iii) the determination to preserve and protect human rights despite the lethal impact of terrorism. The Commission considered the TADA to be "incompatible with [India's] cultural traditions, legal history and treaty obligations". Subsequently, the Act was not revived following its expiry on 23 May 1995.

Yet the problem persisted with thousands of undertrials incarcerated under provisions of the Act in various State prisons, as did the danger that they would be forgotten once the Act lapsed. The NHRC accordingly, submitted the information at its disposal to the Supreme Court of India which on 27 February 1996 gave detailed directions on how to deal with questions of bail in respect of TADA cases, following which there was a sharp decrease in the number of undertrials held under the Act. The Commission continued to monitor the situation and remained in touch with the competent authorities at the Centre and in States in respect of the TADA undertrials.

ARMED FORCES (SPECIAL POWERS) ACT (AFSPA)

The Commission had received representations from various civil liberties groups in respect of the AFSPA, in particular, concerns regarding Articles 3, 4 and 5 of the Act, which the representations

argued conferred vast and sweeping powers to the Armed Forces. It thus, took a decision to seek to be impleaded in the proceedings pending before the Supreme Court in respect of the Act and to assist the Court by placing the Commission's views before it on the issues that had arisen in that connection.

Prior to doing so, the Commission considered that it would be useful to arrange a free and frank discussion with those principally concerned on the constitutional and legal issues involved and also on the practical problems faced both by the armed forces and by the citizenry in the areas where the Act was being applied. Accordingly, such a discussion was held on 13 May 1997, attended by senior officers of the Armed Forces, the Secretaries of the Defence and Home Ministries, eminent jurists and others who could throw light on the subject, including leading academics and representatives of NGOs.

The views of the Commission were, thereafter, placed before the Supreme Court with the permission of the latter, and the position was taken, *inter alia*, that the Act lacked temporal and spatial limitations and that it bestowed draconian powers that could be exercised by non-commissioned officers on the basis of their subjective satisfaction.

By its order of 27 November 1997, the Supreme Court held that a declaration under Section 3 of the Act designating any area as disturbed (thereby giving special powers to non-commissioned officers and other officers above this rank) has to be for a limited duration and that there should be a periodic review of the declaration before the expiry of 6 months. It further gave several other directions in respect of the AFSPA aimed at checking its unfettered and sweeping reach and powers. The Commission then recommended that the concerned Ministries issue carefully formulated guidelines to all concerned personnel of the Armed Forces and Para-military Forces, based on the orders of the Supreme Court.

PREVENTION OF TERRORISM BILL, 2000

The Commission considered it essential to examine the Draft Prevention of Terrorism Bill, 2000 which the Law Commission of India had submitted together with the 173rd Report to the Government of India. The Commission did so in the exercise of its functions under Section 12 of the PHR Act, 1993, of which clauses (d), (f) and (j) were particularly relevant. These functions require the Commission, *inter alia*, to review the safeguards provided by or under the Constitution or any law for the time being in force for the protection of human rights and recommend measures for their effective implementation, study treaties and other international instruments on human rights and make recommendations for their effective implementation, and such other functions as it may consider essential for the promotion of human rights.

In drafting its opinion on the Bill, the NHRC considered the following issues:

- Is there any need for the enactment of a new law?
- If yes, then the kind of new law which needs to be enacted

The Commission was of the opinion that *“it is the considered unanimous opinion of the Commission that there is no need to enact the new law (Prevention of Terrorism Bill, 2000) and, therefore, the need did not arise to answer the other question.”* In its opinion, the Commission noted that the Draft Bill set out the kind of actions, which are proposed to be dealt with under the Bill. These actions, the Commission pointed out, are substantially taken care of under existing laws such as the following:

- ♦ Indian Penal Code, 1860
- ♦ Arms Act, 1959
- ♦ Explosives Act, 1884
- ♦ Explosive Substances Act, 1908
- ♦ Armed Forces (Special Powers) Act, 1958
- ♦ Unlawful Activities (Prevention) Act, 1967, and,

- ♦ Suppression of Unlawful Activities against the Safety of Civil Aviation Act, 1982

Additionally, there were at least four Preventive Detention Acts enacted by the Union of India:

- ♦ National Security Act, 1980
- ♦ Prevention of Black Marketeering and Maintenance of Supplies Act, 1980
- ♦ Prevention of Narcotic Drugs and Psychotropic Substances Act, 1988, and,
- ♦ Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974

Further, there were a number of Preventive Detention Acts enacted by various States. The Commission was of the view that between these legal measures, all the 'terrorist acts' contemplated under the new Bill appeared to be covered. If necessary, the Indian Penal Code or any provisions of any other Act could be amended to cover any specific action, which might not have been covered. The punishments provided under these Acts could also be increased where necessary. However, there was no need to have a separate new Bill for the purpose of creating new offenses.

On the avowed justification for the proposed new law, namely, that: (i) it was difficult to secure convictions under the criminal justice system, and (ii) that trials were delayed and hence, there was need for special courts, the Commission observed that the main problem facing the country related to proper investigation of crimes, efficient prosecution of criminal trials and delays in adjudication and punishment in the courts.

However, these problems could not be resolved by enacting laws that do away with the legal safeguards, which are designed to prevent innocent persons from being prosecuted and punished. Nor could the problem be solved by providing for a different and more drastic procedure for prosecution of certain crimes, for making confessions

before the police admissible in evidence, contrary to the provisions of the *Evidence Act*, for raising the presumption of guilt as set out in the Bill, and creating special Courts. These provisions would seriously affect human rights guaranteed under the Constitution and violate basic principles of criminal jurisprudence as understood internationally. To strengthen the criminal justice system, the Commission suggested three stages at which remedial measures needed to be taken urgently by the Government:

- ♦ Investigation
- ♦ Prosecution
- ♦ Trial

The Commission held that unless the root problems were addressed, adopting draconian laws would only lead to their grave misuse, as had been the case with the previous TADA law. The Commission also pointed out that the Bill would hinder rather than enhance the effective implementation of treaties and other international instruments on human rights and would not be in consonance with many provisions of the International Covenant on Civil and Political Rights (ICCPR) to which India is a State Party.

The Commission observed, however, that one area where a suitable law needs to be enacted related to the financing of terrorism. It suggested that the Government frame appropriate legislation in this connection in the light of the International Convention on this subject. Concluding, the Commission stated that the proposed Bill, if enacted, would have the ill effect of providing unintentionally a strong weapon capable of gross misuse and violation of human rights, which must be avoided particularly in view of the experience of the misuse in the recent past of TADA and earlier of MISA of the emergency days. The Commission thus, recommended that a new law based on the Draft Prevention of Terrorism Bill, 2000 be not enacted. It asserted that such a course is consistent with our country's determination to combat and triumph over terrorism in a manner also consistent with the promotion and protection of human rights.

PREVENTION OF TERRORISM ACT, 2002 (POTA)

The Commission noted that a wide spectrum of opinion in the country was increasingly concerned at the manner in which the Prevention of Terrorism Act (POTA) [which replaced the Prevention of Terrorism Ordinance (POTO) of 2001] was being applied. This however, came as no surprise as the Commission had forewarned of its probable consequences. The apprehensions of the Commission in respect of the probable abuse of the provisions of the Act and the violation of human rights had, unfortunately, proven to be well-founded. Reports from a number of States, extensively carried in the media, pointed to the frequently arbitrary and discriminatory use of the Act and the damage done to the fundamental rights of citizens of the country, young and old alike.

The Commission had been carefully monitoring the application of the Act and had consistently insisted that more safeguards were required in the Act to prevent its misuse. The Commission received complaints of alleged misuse or abuse of provisions of the Prevention of Terrorism Act. The constitutional validity of POTA was challenged in the Supreme Court of India in the *People's Union for Civil Liberties & Another Vs. Union of India* (2003 (10) SCALE 967).

Although the Supreme Court of India dismissed the petition challenging the constitutional validity of the Prevention of Terrorism Act, 2002, it held that mere support to a banned terrorist organization was not sufficient for prosecution under POTA. Criminal intention must be proven. The Supreme Court also moderated Section 21 of POTA, which dealt with offences relating to the support given to terrorist organizations, which was cast in a manner that virtually invited gross abuse. Similarly, it reduced the rigour of Section 49(7) of the Act by holding that an accused under the POTA could seek bail even before the expiry of the one-year period.

On its part, the Commission firmly maintained view that a proper balance between the need and the remedy required respect for the principles of necessity and proportionality. While it was necessary to combat terrorism, counter terrorism could not be used as an excuse to suspend all the rules of international law and domestic civil liberties. The need was for combating and triumphing over terrorism in a manner consistent with the promotion and protection of human rights. For its part, the Commission continued to monitor the implementation of the Prevention of Terrorism Act 2002 with great care. The Act was repealed in 2004.

REPRESENTATION OF PEOPLES ACT, 1951

After the announcement has made that elections would be held for the eleventh Lok Sabha, the Commission received a petition seeking its intervention to permit under trial prisoners to exercise their franchise. The Commission gave consideration to this petition. It noted that, under section 62(5) of the Representation of People Act 1951, no person shall vote at any election if he is confined in prison, whether under a sentence of imprisonment or transportation or otherwise, or is in the lawful custody of the police. The Commission further noted the view of the Supreme Court as expressed in the *Mahendra Kumar Shastri vs. Union of India* (AIR SC 1983, page 299) that confirmed the reasonableness of this provision. In the light of this, the Commission advised the petitioner to seek his redress either in court, or through appropriate changes in the law.

FREEDOM OF INFORMATION BILL, 2000

The Commission undertook an in-depth examination of the Freedom of Information bill, 2000, pursuant to its statutory responsibility under Section 12 (d) of the PHR Act, 1993. Based on the Commission's own examination and deliberations, it finalized and sent its comments on the Bill to the Ministry of Information and Broadcasting for appropriate action.

The Commission took the view that the title of the bill should be changed from 'The Freedom of Information Bill' to 'The Right to Information Bill' to make the proposed Bill conform to Articles 19(1)(a) and 19(2) of the Constitution. The Commission stated that the Bill should be examined in the light of Article 19(1)(a) which guarantees to every citizen the right to freedom of speech and expression as a fundamental right and, in particular, that Section 8 of the Bill should be re-examined to ensure that the provisions are within the ambit of permissible restrictions under Article 19(2).

The Commission held that it has been judicially recognized that the right to freedom of speech and expression in Article 19(1)(a) includes the right to acquire information. The State is not merely under an obligation to respect the fundamental rights guaranteed by Part III of the Constitution, but is also under an obligation to operationalise the meaningful exercise of these rights. Thus, the State is under an obligation not only to respect, but also to ensure conditions in which the right of acquiring information, which is part of the freedom of speech and expression, can be meaningfully and effectively enjoyed.

The question before the Commission therefore, was to assess whether and to what extent the Freedom of Information Bill, 2000 introduced in Parliament in 2000, met these aims and objectives. The Commission gave its opinion only on the salient features of the Bill, observing that the consideration of details should be undertaken in the light of the basic premise.

CHILD MARRIAGE RESTRAINT ACT, 1929

The widespread persistence of child marriage in certain parts of the country especially in Rajasthan has continued to be of great concern to the Commission. To curb the practice of child marriage in the country, the Commission had taken the view that the Child Marriage Restraint Act, 1929 should be recast so as to provide for higher penalty for the violations of the provisions of this Act and also to

make the offence cognizable and non-bailable. Further, it was of the view that a provision should be made in the amended Act to take action against organizers/associations who organize child marriages on a mass-scale.

The Commission requested its Member, Justice Smt. Sujata V. Manohar, to study the Child Marriage Restraint Act, 1929 and offer comments on it. Her views on amendment of the Act were discussed in detail in a meeting organized by the Commission on 06 February 2002 at which, among others, the Secretary, Department of Women and Child Development was present. In the meeting, the amendments proposed by Justice Manohar were agreed upon with minor modifications. The proposals were thereafter placed before a meeting of the Statutory Full Commission held on 3 May 2002, when the proposals were approved.

A copy of the Draft Child Marriage Restraint Bill 2002, as approved by the Statutory Commission, was then sent for information, consideration and appropriate action to the concerned Secretaries of all the State Governments/Union Territories as well as to the Secretary, Department of Women and Child Development, Ministry of Human Resource Development, Government of India. A copy of the Draft Bill was also forwarded for information to the Secretary, Ministry of Home Affairs and the Secretary, Ministry of Law and Justice, Government of India.

To discuss the amendments made in the Draft Bill, the Commission convened a meeting on 22.02.2005 under the chairmanship of Dr. Justice A.S. Anand, Chairperson, NHRC. Meanwhile, the Legislative Department, Ministry of Law and Justice, Government of India informed that it had introduced a new Bill entitled "The Prevention of Child marriage Bill, 2004" in the Rajya Sabha on 20.12.2004. This Bill, the Legislative Department stated, would repeal the Child Marriage Restraint Act, 1929, and also that it had taken into

consideration almost all the amendments/recommendations proposed by the Commission to the new Bill.

Later, in response to an advertisement in the *National Herald* dated 28.02.2005 inviting memoranda containing the views of individuals/organizations interested in the “Prevention of Child Marriage Bill, 2004”, the Commission wrote a letter to the Secretary, Legislative Department in March 2005 requesting that the following 3 points be referred to the Department related to the Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice for consideration so that necessary amendments could be further made in the proposed Bill:

- (i) There was a need to bring the definition of ‘child’ in the proposed Bill in consonance with the definition prescribed for the child in the *Convention on the Rights of the Child* that had been ratified by the Government of India.
- (ii) There was a need to make a statutory provision on compulsory registration of marriages as this would deter communities from indulging in child marriage; and,
- (iii) Keeping in view the best interest of the child, there was need to modify Section 14 of the proposed Bill.

Further, as one of the suggestions that emanated from the discussion held on 22.02.2005 pertained to the organization of mass-scale awareness programmes/campaigns in order to educate and sensitize people about the demerits of child marriage the Chairperson also wrote to the Minister of Human Resource Development, Government of India and the Chief Ministers/Administrators of all States/Union Territories.

Similarly, the Secretary General of the Commission also wrote to the Secretaries, Ministry of Panchayati Raj and the Department of Women and Child Development as well as to the Chief Secretaries and Secretaries of the Department of Women and Child Development/Social Welfare of all States and Union Territories. The

NHRC expressed hope that till such time the Child Marriage Restraint Act, 1929 was repealed, states and UTs would continue to educate people at large and save girl children from falling prey to the age-old custom and evil practice of child marriage. The Child Marriage Restraint Act, 1929 has since been repealed and replaced by the Prohibition of Child Marriage Act, 2006.

PROTECTION FROM DOMESTIC VIOLENCE BILL 2002

The Protection from Domestic Violence Bill 2002, drafted by the Department of Women and Child Development in consultation with the Ministry of Law, Justice & Company Affairs was introduced in Parliament on 8 March 2002. Thereafter, the Bill was referred to the Standing Committee of Parliament pertaining to the Ministry of Human Resource Development for further examination and the suggesting of changes, if any, required in the Draft Bill. After the Standing Committee submitted its report, the Department of Women and Child Development sent a copy of the Draft Bill, along with a copy of the report of the Standing Committee to the Commission for its comments.

The provisions of the Draft Bill and the report containing the recommendations of the Standing Committee were examined carefully by the Commission and its detailed suggestions were forwarded to the Department of Women and Child Development in January 2003. The Bill was finalized after the receipt of the comments and views of all concerned Ministries/Departments and Commissions, and was finally passed into law on 26 October 2006.

REVIEW OF LAWS RELATING TO PERSONS WITH DISABILITIES

The Commission examined the functioning of the *Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995* and its impact. Subsequently, a comprehensive set of recommendations was communicated to authorities in the Central and State Governments specifying their obligations under the Persons with Disabilities Act and the action they were expected to take.

Further, the Commission also undertook a preliminary analysis of family laws and civil and criminal procedures, which indicated a certain degree of bias against persons with psychiatric and intellectual disabilities and also those suffering from epilepsy. For instance, “The Hindu Marriage Act of 1955”, Section 5(2)(a), (b), (c), while specifying the conditions for a valid Hindu Marriage states, “(a) at the time of the marriage, neither party is incapable of giving a valid consent of it in consequence of unsoundness of mind (b) though capable of giving a valid consent has been suffering from mental disorder of such a kind or to such an extent as to be unfit for marriage and the procreation of children (c) has been subject to recurrent attacks of insanity or epilepsy”.

In Section 12(1), the Act lays down conditions of a voidable marriage, which inter alia includes conditions specified in Section 5(2)(a), (b), (c), referred in the previous para. The Commission was deeply concerned over the possible misuse of such provisions in the law depriving persons affected by temporary mental illness of their right to enter into marital relations and/or to maintenance.

Similarly, the *Hindu Adoption and Maintenance Act of 1956*, Sections 7 and 8 prohibit a person from adopting a child unless the adopter has attained majority and is of sound mind. The provision of giving children away in adoption on grounds of unsoundness of the mind of the parent under this act, the Commission felt, also needed careful

examination in the light of the definition of disability provided in Section 2(t) of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 which stipulates that, “person with disability means a person suffering from not less than forty percent of any disability as certified by a medical authority.” Here the compatibility of Hindu Adoption and Maintenance Act 1956, Section 9(4), with Section 2(t) of Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 needs careful examination since both the Acts have designated separate authorities to decide on the issue of unsoundness of the mind.

Likewise, the Indian Contract Act of 1872 absolved any person of unsound mind from contractual liability. Since a majority of people having mild to moderate degree of psychiatric and intellectual disability can manage the responsibilities of day-to-day life, this provision the Commission felt, needed to be re-examined.

The Commission has since encouraged and pushed for a systemic review of both substantive and procedural laws to suggest suitable amendments in the light of the advances made in the fields of medicine, technology and rehabilitation, and above all to ensure equal protection and recognition of the rights of persons with disabilities.

FOOD SAFETY AND STANDARD BILL, 2005

The Commission expressed its concern regarding the reported repeal of the Infant Milk Substitutes, Feeding Bottles and Infant Foods (Regulation of Production, Supply and Distribution) Act (IMS Act) as proposed by its inclusion in Schedule One of the Food Safety and Standard Bill, 2005. The Chairperson, NHRC in his letter dated 15.03.2005 to the Minister of State, Ministry of Food Processing Industries conveyed the concern of the Commission in this regard.

In particular, he pointed out that the IMS Act is not a routine food law, nor does it have anything in common with the other Acts in the

repeal list. It is a special Act to protect, promote and support breastfeeding and it focuses on marketing practices and other practices which interfere with breastfeeding, and thereby jeopardize the well being of the baby and mother. The Commission observed that the protection of breastfeeding is vital for saving the lives of millions of children in India every year. The Commission urged the Ministry to keep the above facts in view and take appropriate action in order to protect the “best interests” of children. It firmly held that the IMS Act should not be repealed. In response, the Ministry of Food Processing Industries vide their letter dated 18 August 2005 informed the Commission that the Group of Ministers had decided that IMS Act would not be repealed but only amended so as to substitute reference to the Prevention of Food Adulteration (PFA) Act with reference to the proposed Bill.

NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES (NDPS) ACT, 1985

Upon receipt of numerous petitions alleging prolonged and unreasonable detention under the NDPS Act, the Commission undertook an examination of the provisions of that Act. The Commission’s interest in this subject was heightened by its visit to jails where, not infrequently, those held under the Act clamoured for the attention and intervention of the Commission.

An exchange of views was, accordingly, initiated by the Commission with the Ministry of Finance with the purpose of expediting trials. The Commission is gratified that the Ministry of Finance has framed a set of proposals for amending the Act to achieve this end and to introduce a system of better graded punishment. As the Commission has concluded that there was an inadequacy of courts to deal with NDPS cases, it made specific proposals suggesting that the numbers of such courts be increased in certain States/Union Territories.

The Commission noted with satisfaction that its recommendations contributed to a positive effect. Whereas in April 1995 there were 48 courts dealing with NDPS cases, by 31 March 1996 the number of such courts had increased to 95. The Commission nevertheless recommended that more courts should be designated to deal exclusively with NDPS cases. Furthermore, it held that in certain States such as Uttar Pradesh where there is an absence or serious shortage of special courts dealing with NDPS cases, such courts need to be established or augmented.

PROTECTION OF HUMAN RIGHTS ACT, 1993

The Commission had referred a proposal to the Government, in March 2000, for amendments to the statute. As reiterated over the years, the Commission was of the considered view that the amendments, as proposed by the Commission, were necessary to ensure the independence and effectiveness of the Commission in the fulfillment of its mandate.

The Government of India finally notified the Protection of Human Rights (Amendment) Act, 2006 that came into force on 23 November 2006. Though the amendments carried out by the Government of India to the PHR Act, 1993, fell short of its recommendations and expectations, it however, felt that a small step in the right direction had been taken by the Government to remove certain lacunae in the Act.

One of the important amendments carried out by the Government of India in the PHR Act, 1993, pertains to the Section 13 of the principal Act, wherein after sub-section (5), a new sub-section (6), was inserted. The inserted sub-section provides for 'Where the Commission considers it necessary or expedient so to do, it may, by order, transfer any complaint filed or pending before it to the State Commission of the State from which the complaint arises, for disposal in accordance with the provision of the Act.'

The second important amendment pertains to the Commission and its officers' right to visit any jail or other institution under the control of the State government. Hitherto, the Commission was required as per the PHR Act, to intimate in advance to the State Government before visiting such facilities. With this amendment to Section 12(f) of the Act, the provision of prior intimation was done away with.

Thirdly, under Section 18 of the principal Act dealing with steps to be taken after inquiry, the following provisions were inserted by the amendment:

- (i) To make payment of compensation or damages to the complainant or to the victim or the members his family as the Commission may consider necessary.
- (ii) To initiate proceedings for prosecution or such other suitable action as the Commission may deem fit against the concerned person or persons.
- (iii) To take such further action as it may think fit.

The fourth important amendment pertains to the composition of the State Human Rights Commissions. As per the principal Act, the State Commission shall consist of a Chairperson and four Members [Section 21(2)]. With the amendment to this Section, the State Commission would now consist of a Chairperson who has been a Chief Justice of a High Court and one Member who is, or has been, a Judge of a High Court or District Judge in the State with a minimum of 7 years experience as District Judge; one Member to be appointed from amongst persons having knowledge of, or practical experience in matters relating to human rights.

DEFINITION OF KEY TERMS

ACCEDE/ACCESSION: ‘Accession’ is an act by which a State signifies its agreement to be legally bound by the terms of a particular treaty. It has the same legal effect as ratification, but is not preceded by an act of signature. The formal procedure for accession varies according to the national legislative requirements of the State.

To accede to a human rights treaty, the appropriate national organ of a State – Parliament, Senate, the Crown, Head of State or Government, or a combination of these – follows its domestic approval procedures and makes a formal decision to be a party to the treaty. Then, the instrument of accession, a formal sealed letter referring to the decision and signed by the State’s responsible authority, is prepared and deposited with the United Nations Secretary-General in New York.

ADOPTION: ‘Adoption’ is the formal act by which the form and content of a proposed treaty text are established. Treaties negotiated within an international organization like the United Nations are usually adopted by a resolution of a representative organ of the organization whose membership more or less corresponds to the potential participation in the treaty in question (the United Nations General Assembly, for example).

ARTICLE: International legal instruments generally include a Preamble (stating the reasons for and underlying understandings of the drafters and adopters of the instrument) and a series of ‘articles’, which lay out the obligations of those States choosing to be bound by it and procedural matters involving the treaty. The term ‘provision’ is often used as an alternative when referring to the content of particular articles.

CHARTER: The term ‘charter’ is used for particularly formal and solemn instruments, such as the treaty founding an international

organization like the United Nations ('The Charter of the United Nations').

CONVENTION: A 'convention' is a formal agreement between States. The generic term 'convention' is synonymous with the generic term 'treaty'. The term is generally used to refer to formal multilateral treaties with a broad number of parties. Conventions are normally open for participation by the international community as a whole, or by a large number of States. Usually the instruments negotiated under the auspices of an international organization and/or by an organ of an international organization are entitled conventions (e.g. the Convention on the Rights of the Child, adopted by the General Assembly of the United Nations in 1989, and the 1951 ILO Convention concerning Equal Remuneration for Men and Women Workers for Work of Equal Value, adopted by the International Labour Conference).

DECLARATION: The term 'declaration' is used for various international instruments. International human rights declarations are not legally binding; the term is often deliberately chosen to indicate that the parties do not intend to create binding obligations but merely want to declare certain aspirations. However, while the 1948 Universal Declaration of Human Rights for example was not originally intended to have binding force, its provisions have since gained binding character as customary law.

DEPOSIT: After a treaty has been concluded, the written instruments which provide formal evidence of a State's consent to be bound are placed in the custody of a depository. The texts of the Convention on the Rights of the Child and its Optional Protocols designated the Secretary-General of the United Nations as their depository. The depository must accept all notifications and documents related to the treaty, examine whether all formal requirements are met, deposit

them, register the treaty and notify all relevant acts to the parties concerned.

ENTRY INTO FORCE: A treaty does not enter into force when it is adopted. Typically, the provisions of the treaty determine the date on which the treaty enters into force, often at a specified time following its ratification or accession by a fixed number of states. For example, the Convention on the Rights of the Child entered into force on 2 September 1990—the 30th day following the deposit of the 20th State’s instrument of ratification or accession. A treaty enters into force for those states which gave the required consent.

MEMORANDA OF UNDERSTANDING: A memorandum of understanding is an international instrument of a less formal kind. It often sets out operational arrangements under a framework international agreement. It is also used for the regulation of technical or detailed matters. It is typically in the form of a single instrument and does not require ratification. They are entered into either by States or International Organizations. The United Nations usually concludes memoranda of understanding with Member States in order to organize its peacekeeping operations or to arrange UN Conferences. The United Nations also concludes memoranda of understanding on cooperation with other international organizations.

OPTIONAL PROTOCOL: The term ‘protocol’ is used for an additional legal instrument that complements and add to a treaty. A protocol may be on any topic relevant to the original treaty and is used either to further address something in the original treaty, address a new or emerging concern or add a procedure for the operation and enforcement of the treaty—such as adding an individual complaints procedure. A protocol is ‘optional’ because it is not automatically binding on States that have already ratified the original treaty; States must independently ratify or accede to a

protocol. The Optional Protocols to the Convention on the Rights of the Child concern the involvement of children in armed conflict and the sale of children, child prostitution and child pornography.

PARTIES: The term ‘parties’ refers to States and other entities with treaty-making capacity which have expressed their consent to be bound by a treaty and where the treaty is in force for such States and entities.

RATIFY/RATIFICATION: ‘Ratification’ is an act by which a State signifies an agreement to be legally bound by the terms of a particular treaty. To ratify a treaty, the State first signs it and then fulfils its own national legislative requirements. Once the appropriate national organ of the country – Parliament, Senate, the Crown, Head of State or Government, or a combination of these – follows domestic constitutional procedures and makes a formal decision to be a party to the treaty. The instrument of ratification, a formal sealed letter referring to the decision and signed by the State’s responsible authority, is then prepared and deposited with the United Nations Secretary-General in New York.

RESERVATION: ‘Reservation’ to a Treaty refers to a formal declaration by a State Party that it does not accept as binding on itself a certain part or parts of the concerned Treaty.

SIGNATURE: ‘Signature’ of a treaty is an act by which a State provides a preliminary endorsement of the instrument. Signing does not create a binding legal obligation but does demonstrate the State’s intent to examine the treaty domestically and consider ratifying it. While signing does not commit a State to ratification, it does oblige the State to refrain from acts that would defeat or undermine the treaty’s objective and purpose.

STATE PARTY: A 'State party' to a treaty is a country that has ratified or acceded to that particular treaty, and is therefore legally bound by the provisions in the instrument.

TREATY: A 'treaty' is a formally concluded and ratified agreement between States. The term is used generically to refer to instruments binding at international law, concluded between international entities (States or organizations). Under the Vienna Conventions on the Law of Treaties, a treaty must be (1) a binding instrument, which means that the contracting parties intended to create legal rights and duties; (2) concluded by states or international organizations with treaty-making power; (3) governed by international law and (4) in writing.

ABBREVIATIONS

International Conventions

CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CEDAW	Convention on the Elimination of Discrimination against Women
CRC	Convention on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
ICCPR	International Covenant on Civil and Political Rights
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICPAPED	International Convention for the Protection of All Persons from Enforced Disappearance
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

Treaty Bodies

CAT	Committee against Torture
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

CMW	Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families
CRC	Committee on the Rights of the Child
CRPD	Committee on the Rights of Persons with Disabilities
HRC	Human Rights Committee

Other Abbreviations

APF	Asia Pacific Forum of National Human Rights Institutions
ECOSOC	United Nations Economic and Social Council
GOI	Government of India
ICRC	International Committee of the Red Cross
ILO	International Labour Organization
MEA	Ministry of External Affairs
MHA	Ministry of Home Affairs
NGO	Non-governmental Organization
NHRC	National Human Rights Commission
NHRI	National Human Rights Institution
NIHR	National Institute of Human Rights
OHCHR	Office of the United Nations High Commissioner for Human Rights
PHRA	Protection of Human Rights Act, 1993
SHRC	State Human Rights Commission

UDHR	Universal Declaration of Human Rights
UNESCAP	United Nations Economic and Social Commission for Asia and the Pacific
UNICEF	United Nations Children's Fund
UT	Union Territory

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<http://treaties.un.org/pages/Treaties.aspx?id=4&subid=A&lang=en>

TEXT OF INTERNATIONAL CONVENTIONS

Vienna Convention on the Law of Treaties 1969

http://untreaty.un.org/ilc/texts/instruments/english/conventions/1_1_1969.pdf

International Convention on the Elimination of All Forms of Racial Discrimination

<http://www2.ohchr.org/english/law/pdf/cerd.pdf>

International Covenant on Civil and Political Rights (ICCPR)

<http://www2.ohchr.org/english/law/pdf/ccpr.pdf>

First Optional Protocol to the International Covenant on Civil and Political Rights

<http://www2.ohchr.org/english/law/pdf/ccpr-one.pdf>

Second Optional Protocol to the International Covenant on Civil and Political Rights

<http://www2.ohchr.org/english/law/pdf/ccpr-death.pdf>

International Covenant on Economic, Social and Cultural Rights

<http://www2.ohchr.org/english/law/pdf/cescr.pdf>

Optional Protocol to the International Covenant on Economic, Social and Cultural Rights

http://www2.ohchr.org/english/law/docs/a.RES.63.117_en.pdf

Convention on the Elimination of All Forms of Discrimination against Women

<http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm>

Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women

<http://www.un.org/womenwatch/daw/cedaw/protocol/text.htm>

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

<http://www2.ohchr.org/english/law/pdf/cat.pdf>

Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment

<http://www2.ohchr.org/english/law/pdf/cat-one.pdf>

Convention on the Rights of the Child

<http://www2.ohchr.org/english/law/pdf/crc.pdf>

Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict

<http://www2.ohchr.org/english/law/pdf/crc-conflict.pdf>

Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography

<http://www2.ohchr.org/english/law/pdf/crc-sale.pdf>

Optional Protocol to the Convention on the Rights of Persons with Disabilities

<http://www2.ohchr.org/english/law/pdf/disabilities-op.pdf>

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

<http://www2.ohchr.org/english/law/pdf/cmw.pdf>

Convention on the Rights of Persons with Disabilities

<http://www.un.org/disabilities/convention/conventionfull.shtml>

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Minimum Age Convention, 1973

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