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ASIC HUMAN RIGHTS DOCUMENTS
OUTH AFRICAN

Edited by
Waheeda Amien and Paul Farlam

1998

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Preface

The idea of putting together a collection of international and South African human rights documents initially came about because of the need to give Constitutional Law students a collection of the main human rights texts in order for them properly to work with South Africa's Bill of Rights. It then became apparent that such a collection could also serve a wider purpose because of the potential value of a handy compendium containing the major international and South African human rights documents for magistrates, practitioners, activists and others working in the constitutional and human rights fields. There are already a couple of South African publications providing documents in the human rights sphere (notably, Mtshaulana et al, *Documents on International Law* (1996), and Patel and Watters, *Human Rights: Fundamental Instruments and Documents* (1994)) but none, to our knowledge, contain merely the most fundamental and influential human rights documents as an easily-managed reference source. Further, it seemed that South African lawyers would also benefit from having access to some of the South African Charters that have sought to further protection for traditionally disadvantaged groups in our society.

We would like to thank the Gender Advocacy Programme, for its assistance in procuring the Women's Charter for Effective Equality, 1994, as well as the Gay and Lesbian Archives for providing us with the Lesbian, Gay and Bisexual Rights Charter, 1993. In selecting documents for this booklet, an attempt was made to reflect the motivating concerns of the Law, Race and Gender Research Unit under whose auspices this is produced. Also, because the primary purpose of the collection is to assist the interpretation and understanding of the rights in South Africa's Bill of Rights, articles and paragraphs relating to matters such as implementation, ratification, modifications, reservations and enforcement have been omitted from the international and regional documents.

WAHEEDA AMIEN
PAUL FARLAM
University of Cape Town
April 1998

HUMAN RIGHTS TREATIES RATIFIED OR ACCEDED TO BY SOUTH AFRICA

Ratification of or accession to human rights treaties before 1995

- Slavery Convention (1926) (accession 1927)
- Convention for the Suppression of the Traffic in Women and Children (1921) (definitive signature 1947)
- Convention for the Suppression of the Traffic in Women of Full Age (1933) (definitive signature 1947)
- Protocol to amend the Convention for the Suppression of the Traffic in Women and Children of 1921 and the Convention for the Suppression of the Traffic in Women of Full Age of 1933 (1947) (definitive signature 1947)
- Convention for the Suppression of Traffic in Persons and Exploitation of the Prostitution of Others (1950) (ratified 1951)
- Final Protocol to the Convention for the Suppression of Traffic in Persons and Exploitation of the Prostitution of Others (1950) (ratified 1951)
- International Agreement for the Suppression of White Slave Traffic (1904) (accession 1951)
- Protocol amending the International Agreement for the Suppression of White Slave Traffic of 1910 (1949) (accession 1951)
- Geneva Conventions I to IV (1949) (accession 1952)
- Treaty on the Non-Proliferation of Nuclear Weapons (accession 1991)
- Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages 1962 (accession 1993)

Parliamentary ratifications since 1995

- Protocol on Environmental Protection to the Antarctic Treaty (ratified 1995)
- Convention on the Rights of the Child (1989) (ratified 1995)

- Convention on Biological Diversity (ratified 1995)
- Convention on the Prohibition or Restrictions on the Use of Certain Conventional Weapons (ratified 1995)
- Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and their Destruction (ratified 1995)
- Freedom of Association and Protection of the Right to Organise Convention 1948 (ratified 1995)
- Right to Organise and Collective Bargaining Convention 1949 (ratified 1995)
- Convention on the Elimination of All Forms of Discrimination Against Women (1979) (ratified 1995)
- Protocols I and II of the Geneva Conventions of 12 August 1949 Relating to the Protection of Victims of International and Non-International Armed Conflicts (ratified 1995)
- Convention and Protocol Relating to the Status of Refugees (ratified 1995)
- OAU Convention Governing the Specific Aspects of Refugee Problems in Africa (ratified 1995)
- ILO Conventions (ratified 1996)
- Convention 29 (Convention concerning Forced or Compulsory Labour)
- Convention 105 (Convention concerning the Abolition of Forced Labour)
- Convention 111 (Convention concerning Discrimination in Respect of Employment and Occupation)
- African Charter on Human and Peoples' Rights (1981) (ratified 1996)

HUMAN RIGHTS TREATIES SIGNED BUT NOT RATIFIED BY SOUTH AFRICA

- Convention on the Political Rights of Women (1953) (signed 1993)
- Convention on the Nationality of Married Women (1957) (signed 1993)
- Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (1984) (signed 1993)
- International Covenant on Civil and Political Rights (1966) (signed 1994)
- International Covenant on Economic, Social and Cultural Rights (1966) (signed 1994)
- International Convention on the Elimination of All Forms of Racial Discrimination (1966) (signed 1994)

(Source: University of the Witwatersrand, Faculty of Law website)

NOTE ON THE RATIFICATION AND INCORPORATION OF INTERNATIONAL AGREEMENTS UNDER THE 1996 CONSTITUTION

The provision of the 1996 Constitution dealing with the ratification and incorporation of international agreements is s 231. This section provides that:

(1) The negotiating and signing of all international agreements is the responsibility of the national executive.

(2) An international agreement binds the Republic only after it has been approved by resolution in both the National Assembly and the National Council of Provinces, unless it is an agreement referred to in subsection (3).

(3) An international agreement of a technical, administrative or executive nature, or an agreement which does not require either ratification or accession, entered into by the national executive, binds the Republic without approval by the National Assembly and the National Council of Provinces, but must be tabled in the Assembly and the Council within a reasonable time.

(4) Any international agreement becomes law in the Republic when it is enacted into law by national legislation; but a self-executing provision of an agreement that has been approved by Parliament is law in the Republic unless it is inconsistent with the Constitution or an Act of Parliament.

This section distributes the treaty-making powers between the executive and the legislature (as was the case under the interim Constitution). The executive plays the initial role by negotiating and signing international treaties (s 231(1)). Signature of a treaty does not by itself establish South Africa's consent to be bound by that treaty, unless the treaty is of a 'technical, administrative or executive nature' or does not require ratification, acceptance or approval (s 231(3)) - for example, where the treaty states that it is intended to be binding upon signature. In general, signature merely qualifies South Africa to proceed to ratification or acceptance, as well as creating a good faith obligation to refrain

from acts intended to undermine the objects of a treaty. For a treaty not covered by s 231(3) to be binding on South Africa at international level, a resolution of ratification or accession must be passed in both the National Assembly and the National Council of Provinces (s 231(2)) and, furthermore, there must be a formal exchange or deposit of the instrument of ratification (as stated by art 16 of the Vienna Convention). (Accession occurs when a state which did not sign a treaty signed by other states formally accepts its provisions – effectively combining signature and ratification in one act.) A resolution of ratification or accession does not result in the provisions of a treaty being incorporated into South African law (as was intended to be the case under South Africa's interim Constitution (s 231(3) of Act 200 of 1993)), unless any of the provisions are both 'self-executing' and not in conflict with the South African Constitution or pre-existing legislation. Incorporation of a treaty into municipal law is normally required to be specially provided for by a subsequent Act of Parliament (s 231(4)). Courts are nevertheless required under s 39(1)(b) of the 1996 Constitution to consider both binding and non-binding international treaties when interpreting the Bill of Rights.

I
UNITED NATIONS HUMAN RIGHTS DOCUMENTS

This section contains the substantive rights provisions of a number of key United Nations human rights documents produced since 1948, as well as a recent declaration on the rights of women agreed to by various governments at a United Nations conference in Beijing. The documents included here are unified by a common theme – that of promoting and securing the universal recognition and observance of a common human rights standard – but they can also be divided into three different categories.

1.

First, there are the documents that make up the International Bill of Rights: namely, the **Universal Declaration of Human Rights** and the two International Covenants on Human Rights, the **International Covenant on Economic, Social and Cultural Rights** (ICESCR) and the **International Covenant on Civil and Political Rights** (ICCPR). These documents were drafted by the Human Rights Commission in response to the fact that the Charter of the United Nations – signed at San Francisco, U.S.A., in June 1945 – did not contain a Bill of Rights (although it contained a number of references pertaining to human rights).

The Universal Declaration – passed by the General Assembly in 1948 by 48 votes to none, with eight abstentions (one being by the Union of South Africa) – was produced first as a non-legally binding (and hence more easily agreed upon) instrument. It contains both civil and political rights and economic, social and cultural rights. Although envisaged as a 'standard-setting' document (the Preamble mentions that it sets 'a common standard of achievement for all peoples and nations'), its status and prestige are such that is not only regarded as the yardstick by which to measure compliance with human rights standards, it has also come to be viewed as a legally binding instrument. Most states (and scholars) would seemingly agree that failure to respect some of its provisions constitutes a violation of international law.

The two International Covenants, both intended to be treaties creating binding legal obligations, appeared 18 years after the Universal Declaration, in December 1966. As their names indicate, one Covenant protects economic, social and cultural rights, the other civil and political rights. The subject matter of the Universal Declaration has therefore been split in two, something that appears to have been motivated both by the decision to impose different types of obligations in respect of the different generations of rights and by the choice of separate international bodies and different procedures to monitor, and enforce, compliance with the two Covenants. (The ICESCR simply requires each 'State Party ... to take steps ... to the maximum of its available resources, with a view to achieving progressively the full realisation of the rights' in the Covenant; while, by contrast, each State Party to the ICCPR is obliged 'to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized' in the Covenant without discrimination. Further, states' compliance with the provisions of the ICESCR is monitored solely by reports which the States Parties are required to submit to the Economic and Social Council of the United Nations (assisted since 1986 by the Committee on Economic, Social and Cultural Rights); while States Parties' compliance to the ICCPR is promoted not only by country reports submitted to the Human Rights Committee but also by procedures allowing other States Parties to lodge a complaint and provisions (contained in the [First] Optional Protocol to the Covenant) permitting individuals to lodge applications alleging rights violations.) There is a Second Optional Protocol to the ICCPR, aiming at the abolition of the death penalty, which has not been incorporated in this booklet.

2.

The second category of documents in this section are major United Nations human rights instruments of the last thirty years concerned with subjects such as race, gender, children and minorities. The three Conventions in this section confer legally-enforceable obligations on the States Parties ratifying the treaties. The Declarations, on the other hand, are merely 'standard-setting'. All of the documents in this category were passed by the General Assembly of the United Nations except for the Declaration on Race and Racial Prejudice, which was passed by the General Conference of UNESCO in 1978.

The majority of documents selected for inclusion under this category are concerned with combating race and gender discrimination. This preponderance is, in large part, a product of the focus of this compilation (something which explains why, for example, the Convention and Protocol Relating to the Status of Refugees (1951 & 1967) was excluded, although now ratified by South Africa). But the provisions of the U.N. Charter and other U.N. instruments do,

in any event, place a notable focus on equality and particularly with outlawing discrimination on the basis of race and gender, and so the composition of this section is in a sense reflective of the major theme of the human rights documents emanating from the United Nations.

Of particular importance in the struggle for equality are the **International Convention on the Elimination of all Forms of Racial Discrimination** and the **Convention on the Elimination of Discrimination against Women** (CEDAW).

The International Convention on the Elimination of All Forms of Racial Discrimination, which came into force in 1969 (superceding a 1963 Declaration on the same subject), is the oldest and most widely ratified United Nations human rights convention. (It had been ratified or acceded to by 128 States by the end of 1990.) It has been described as 'the most comprehensive codification in treaty form of the idea of equality of races', and under it, State Parties are pledged inter alia to: 'engage in no act or practice of racial discrimination against persons, groups of persons or institutions'; 'not to sponsor, defend or support racial discrimination by any persons or organizations'; 'to review governmental, national and local policies, and to amend [or repeal] laws and regulations which have the effect of creating or perpetuating racial discrimination'; 'to prohibit and bring to an end ... racial discrimination by any persons, group or organization'; and 'to encourage ... integrationist multiracial organizations and movements and other means of eliminating barriers between races' (art 2). The International Convention (signed but not yet ratified by South Africa) can be read in conjunction with the 1978 UNESCO **Declaration on Race and Racial Prejudice** (which follows the Convention in this booklet), as well as the International Convention on the Suppression and the Punishment of the Crime of Apartheid, adopted by the U.N. General Assembly on 30 November 1973 – 'racial segregation and apartheid' are particularly condemned by art 3 of the International Convention on the Elimination of All Forms of Racial Discrimination. Of relevance, too, is the Declaration on the Granting of Independence to Colonial Countries and Peoples, adopted by the U.N. General Assembly in 1960. (The 1965 Resolution of the General Assembly adopting the International Convention referred back to this 1960 Declaration and expressly made the link between racial equality and decolonization.)

CEDAW, which was also preceded by a Declaration covering a similar ambit (the Declaration on the Elimination of Discrimination Against Women, of 1967) has been ratified or acceded to by 103 States since being adopted unanimously by the General Assembly in December 1979. The Convention was the product of almost 60 years of work by the UN Commission on the Status of

Women and other international organisations and is the most comprehensive instrument defining the sphere of women's rights. States that are party to it are obliged not only to condemn discrimination against women, but also to 'embody the principle of equality of men and women in their national constitutions' and to adopt laws 'prohibiting all discrimination against women' (art 2). States Parties are also required to take measures in the political, social, economic and cultural realm to further the enjoyment of equal rights of women in all spheres of life (art 3). Further, Part III of the Convention details specific areas (for e.g., education, employment, health care, 'other areas of economic and social life' and rural areas) and particular situations in those contexts, in which discrimination must be eliminated.

Prior to the adoption of CEDAW, two U.N. Conventions were adopted pertaining to the rights of women: the Convention on the Political Rights of Women, 1952, and the Convention on the Nationality of Married Women, 1957 (both of which were signed by South Africa in 1993). The substantive provisions of these two Conventions have effectively been subsumed in CEDAW (see, for example, arts 7 to 9 of CEDAW), so neither of these Conventions, nor the Declaration have been included in this collection. What has been included, however, is the **Declaration on the Elimination of Violence Against Women**, of 1993, which addresses a subject not expressly dealt with in CEDAW, but one that is clearly an obstacle to its full implementation, as well as to the full and equal enjoyment by women of fundamental freedoms (some of which are listed in art 3 of the Declaration). This Declaration specifically mentions physical, sexual and psychological violence occurring in the family (including sexual abuse of female children, marital rape and female genital mutilation) and similar kinds of violence occurring in the general community (including rape, sexual abuse and harassment, trafficking in women and forced prostitution), as well as such violence perpetrated or condoned by the State, as examples of the sort of violence against women that the Declaration is addressing.

Compliance with the International Convention on the Elimination of All Forms of Racial Discrimination and CEDAW is monitored by committees set up by the respective treaties: namely, the Committee on the Elimination of Racial Discrimination (CERD) and the Committee on the Elimination of Discrimination against Women. CERD not only examines reports submitted by States Parties (as the gender committee does), but also has jurisdiction to hear complaints by one State Party against another, as well as to deal with individual petitions.

The Convention on the Rights of the Child – adopted unanimously by the United Nations General Assembly in 1989 – is a reflection of the fact that another central concern of the United Nations is the welfare and rights of children (as was demonstrated by the establishment of the United Nations Children's Fund (UNICEF), to provide international assistance to children, by one of the first acts of the General Assembly). The Convention was also preceded by a Declaration, the 1959 Declaration on the Rights of the Child. Precursors to the Convention (on which work was begun in 1979, the International Year of the Child) also include arts 2 and 25 of the Universal Declaration and art 24 of the ICCPR. The Convention itself encompasses civil, political, economic, social and cultural rights, recognising that the freedom a child needs to develop his or her intellectual, moral and spiritual capacities requires inter alia a healthy and safe environment, access to medical care and minimum standards of food, clothing and shelter. States Parties' adherence to the terms of the Convention is monitored by the Committee on the Rights of the Child, to which reports from States Parties need to be submitted.

Also included in this category because of its potential relevance for South Africa is the **Declaration on the Rights of Persons Belonging to National or Ethnic, Religious or Linguistic Minorities**, of 1992. The United Nations initially adopted the view that special protection for minorities was unnecessary, arguing that minorities would be adequately protected if individual human rights were accorded proper respect. Nevertheless, a Sub-Commission on the Prevention of Discrimination and Protection of Minorities was made a subsidiary organ of the Commission on Human Rights in 1947, while minorities were specifically protected in art 27 of the ICCPR in 1966. A number of studies on the protection of minorities have also been commissioned by the United Nations since the 1960s.

Work on this Declaration – the first single United Nations instrument comprehensively covering the rights of minorities – commenced in 1985. The Declaration grants minorities the right to enjoy their own culture, to profess and practice their own religion, to use their own language and to establish and maintain contacts with other members of their group, as well as contacts with citizens of other States to whom they are related by national or ethnic, religious or linguistic ties (art 2). The Declaration also calls for positive action by States to promote and protect the human rights and freedoms of persons belonging to minorities, especially in the fields of teaching, education, culture and information.

3.

The final document in this section is the **Beijing Declaration** of 1995. Unlike the other international documents included here, the Beijing Declaration was not passed by a United Nations body, but by individual governments. It was, though, the product of a United Nations conference – the Fourth World Conference on Women (held in the year of the 50th anniversary of the founding of the United Nations). The Declaration, as well as the Platform for Action that was adopted at the Beijing Conference and which is referred to on a number of occasions in the Declaration, seeks to enhance and build on the gender-related United Nations documents included in this section and to provide a basis for furthering the equality, empowerment and advancement of women and, in particular, their full participation in all spheres of society, their equal enjoyment of rights and fundamental freedoms, and their equal access to resources. Space considerations meant that the Platform for Action could not be included. It should, however, be read with the Declaration if possible.

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Universal Declaration of Human Rights

Adopted by General Assembly Resolution 217A (III) of 10 December 1948

PREAMBLE

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

Whereas it is essential to promote the development of friendly relations between nations,

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

Whereas Member States have pledged themselves to achieve, in cooperation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,

Now, therefore,

The General Assembly,

Proclaims this Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall

strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

Article 1
All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2
Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Article 3
Everyone has the right to life, liberty and security of person.

Article 4
No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

Article 5
No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 6
Everyone has the right to recognition everywhere as a person before the law.

Article 7
All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 8
Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

Article 9
No one shall be subjected to arbitrary arrest, detention or exile.

Article 10
Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

Article 11
1. Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.
2. No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

Article 12
No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Article 13
1. Everyone has the right to freedom of movement and residence within the borders of each State.
2. Everyone has the right to leave any country, including his own, and to return to his country.

Article 14
1. Everyone has the right to seek and to enjoy in other countries asylum from persecution.

2. This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

Article 15

1. Everyone has the right to a nationality.
2. No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

Article 16

1. Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.
2. Marriage shall be entered into only with the free and full consent of the intending spouses.
3. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

Article 17

1. Everyone has the right to own property alone as well as in association with others.
2. No one shall be arbitrarily deprived of his property.

Article 18

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 19

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 20

1. Everyone has the right to freedom of peaceful assembly and association.
2. No one may be compelled to belong to an association.

Article 21

1. Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.
2. Everyone has the right to equal access to public service in his country.
3. The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

Article 22

Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

Article 23

1. Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.
2. Everyone, without any discrimination, has the right to equal pay for equal work.
3. Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.
4. Everyone has the right to form and to join trade unions for the protection of his interests.

Article 24

Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

Article 25

1. Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

2. Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

Article 26

1. Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.
2. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.
3. Parents have a prior right to choose the kind of education that shall be given to their children.

Article 27

1. Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.
2. Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

Article 28

Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

Article 29

1. Everyone has duties to the community in which alone the free and full development of his personality is possible.
2. In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

3. These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

Article 30

Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

International Covenant on Economic, Social and Cultural Rights

Adopted by General Assembly Resolution 2200A (XXI) of 16 December 1966; entered into force on 3 January 1976
[Signed by South Africa in 1994 but not yet ratified]

PREAMBLE

The States Parties to the present Covenant,

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

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

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

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

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

Agree upon the following articles:

PART I

Article 1

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

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

PART II

Article 2

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

Article 3

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

Article 4

The States Parties to the present Covenant recognize that, in the enjoyment of those rights provided by the State in conformity with the present Covenant, the State may subject such rights only to such limitations as are determined by law only in so far as this may be compatible with the nature of these rights and

solely for the purpose of promoting the general welfare in a democratic society.

Article 5

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

PART III

Article 6

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

Article 7

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

(a) Remuneration which provides all workers, as a minimum, with:
   (i) Fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work;

   (ii) A decent living for themselves and their families in accordance with the provisions of the present Covenant;

(b) Safe and healthy working conditions;

(c) Equal opportunity for everyone to be promoted in his employment to an appropriate higher level, subject to no considerations other than those of seniority and competence;

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

Article 8

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

Article 9

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

Article 10

The States Parties to the present Covenant recognize that:

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

Article 11

1. The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.
2. The States Parties to the present Covenant, recognizing the fundamental right of everyone to be free from hunger, shall take, individually and through international co-operation, the measures, including specific programmes, which are needed:
   (a) To improve methods of production, conservation and distribution of food by making full use of technical and scientific knowledge, by disseminating knowledge of the principles of nutrition and by developing or reforming agrarian systems in such a way as to achieve the most efficient development and utilization of natural resources;
   (b) Taking into account the problems of both food-importing and food-exporting countries, to ensure an equitable distribution of world food supplies in relation to need.

Article 12

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

Article 13

1. The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace.
2. The States Parties to the present Covenant recognize that, with a view to achieving the full realization of this right:
   (a) Primary education shall be compulsory and available free to all;
   (b) Secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education;

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

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

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

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

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

Article 14

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

Article 15

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

(a) To take part in cultural life;

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

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

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

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

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

PART IV

[Articles 16 to 24 omitted]

Article 25

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

PART V

[Articles 26 to 31 omitted]

International Covenant on Civil and Political Rights

Adopted by General Assembly Resolution 2200A (XXI) of 16 December 1966; entered into force on 23 March 1976 [Signed by South Africa in 1994 but not yet ratified]

PREAMBLE

The States Parties to the present Covenant,

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

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

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

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

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

Agree upon the following articles:

PART I

Article 1

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

PART II

Article 2

1. Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.
2. Where not already provided for by existing legislative or other measures, each State Party to the present Covenant undertakes to take the necessary steps, in accordance with its constitutional processes and with the provisions of the present Covenant, to adopt such legislative or other measures as may be necessary to give effect to the rights recognized in the present Covenant.
3. Each State Party to the present Covenant undertakes:
   (a) To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity;
   (b) To ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legisla-

tive authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy;

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

Article 3

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

Article 4

1. In time of public emergency which threatens the life of the nation and the existence of which is officially proclaimed, the States Parties to the present Covenant may take measures derogating from their obligations under the present Covenant to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with their other obligations under international law and do not involve discrimination solely on the ground of race, colour, sex, language, religion or social origin.
2. No derogation from articles 6, 7, 8 (paragraphs I and 2), 11, 15, 16 and 18 may be made under this provision.
3. Any State Party to the present Covenant availing itself of the right of derogation shall immediately inform the other States Parties to the present Covenant, through the intermediary of the Secretary-General of the United Nations, of the provisions from which it has derogated and of the reasons by which it was actuated. A further communication shall be made, through the same intermediary, on the date on which it terminates such derogation.

Article 5

1. Nothing in the present Covenant may be interpreted as implying for any State, group or person any right to engage in any activity or perform any act aimed at the destruction of any of the rights and freedoms recognized herein or at their limitation to a greater extent than is provided for in the present Covenant.
2. There shall be no restriction upon or derogation from any of the fundamental human rights recognized or existing in any State Party to the present Covenant pursuant to law, conventions, regulations or custom on the

pretext that the present Covenant does not recognize such rights or that it recognizes them to a lesser extent.

PART III

Article 6

1. Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.
2. In countries which have not abolished the death penalty, sentence of death may be imposed only for the most serious crimes in accordance with the law in force at the time of the commission of the crime and not contrary to the provisions of the present Covenant and to the Convention on the Prevention and Punishment of the Crime of Genocide. This penalty can only be carried out pursuant to a final judgement rendered by a competent court.
3. When deprivation of life constitutes the crime of genocide, it is understood that nothing in this article shall authorize any State Party to the present Covenant to derogate in any way from any obligation assumed under the provisions of the Convention on the Prevention and Punishment of the Crime of Genocide.
4. Anyone sentenced to death shall have the right to seek pardon or commutation of the sentence. Amnesty, pardon or commutation of the sentence of death may be granted in all cases.
5. Sentence of death shall not be imposed for crimes committed by persons below eighteen years of age and shall not be carried out on pregnant women.
6. Nothing in this article shall be invoked to delay or to prevent the abolition of capital punishment by any State Party to the present Covenant.

Article 7

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation.

Article 8

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

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

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

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

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

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

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

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

Article 9

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

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

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

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

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

Article 10

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

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

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

Article 11

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

Article 12

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

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

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

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

Article 13

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

competent authority or a person or persons especially designated by the competent authority.

Article 14

1. All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law. The press and the public may be excluded from all or part of a trial for reasons of morals, public order (ordre public) or national security in a democratic society, or when the interest of the private lives of the parties so requires, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice; but any judgement rendered in a criminal case or in a suit at law shall be made public except where the interest of juvenile persons otherwise requires or the proceedings concern matrimonial disputes or the guardianship of children.
2. Everyone charged with a criminal offence shall have the right to be presumed innocent until proved guilty according to law.
3. In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality:
   (a) To be informed promptly and in detail in a language which he understands of the nature and cause of the charge against him;
   (b) To have adequate time and facilities for the preparation of his defence and to communicate with counsel of his own choosing;
   (c) To be tried without undue delay;
   (d) To be tried in his presence, and to defend himself in person or through legal assistance of his own choosing; to be informed, if he does not have legal assistance, of this right; and to have legal assistance assigned to him, in any case where the interests of justice so require, and without payment by him in any such case if he does not have sufficient means to pay for it;
   (e) To examine, or have examined, the witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;
   (f) To have the free assistance of an interpreter if he cannot understand or speak the language used in court;

   (g) Not to be compelled to testify against himself or to confess guilt.
4. In the case of juvenile persons, the procedure shall be such as will take account of their age and the desirability of promoting their rehabilitation.
5. Everyone convicted of a crime shall have the right to his conviction and sentence being reviewed by a higher tribunal according to law.
6. When a person has by a final decision been convicted of a criminal offence and when subsequently his conviction has been reversed or he has been pardoned on the ground that a new or newly discovered fact shows conclusively that there has been a miscarriage of justice, the person who has suffered punishment as a result of such conviction shall be compensated according to law, unless it is proved that the non-disclosure of the unknown fact in time is wholly or partly attributable to him. 7. No one shall be liable to be tried or punished again for an offence for which he has already been finally convicted or acquitted in accordance with the law and penal procedure of each country.

Article 15

1 . No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time when the criminal offence was committed. If, subsequent to the commission of the offence, provision is made by law for the imposition of the lighter penalty, the offender shall benefit thereby.
2. Nothing in this article shall prejudice the trial and punishment of any person for any act or omission which, at the time when it was committed, was criminal according to the general principles of law recognized by the community of nations.

Article 16

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

Article 17

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

Article 18

1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.
2. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.
3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others. 4. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.

Article 19

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

Article 20

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

Article 21

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

Article 22

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

Article 23

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

Article 24

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

Article 25

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

(a) To take part in the conduct of public affairs, directly or through freely chosen representatives; (b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;

(c) To have access, on general terms of equality, to public service in his country.

Article 26

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

Article 27

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

PART IV

Article 28

1. There shall be established a Human Rights Committee (hereafter referred to in the present Covenant as the Committee). It shall consist of eighteen members and shall carry out the functions hereinafter provided.

[Articles 28(2) to 45 omitted]

PART V

Article 46

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

Article 47

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

PART VI

[Articles 48 to 53 omitted]

International Convention on the Elimination of All Forms of Racial Discrimination

Adopted by General Assembly Resolution 2106 A (XX) of 21 December 1965; entered into force on 4 January 1969
[Signed by South Africa in 1994 but not yet ratified]

The States Parties to this Convention,

Considering that the Charter of the United Nations is based on the principles of the dignity and equality inherent in all human beings, and that all Member States have pledged themselves to take joint and separate action, in co-operation with the Organization, for the achievement of one of the purposes of the United Nations which is to promote and encourage universal respect for and observance of human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion,

Considering that the Universal Declaration of Human Rights proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out therein, without distinction of any kind, in particular as to race, colour or national origin,

Considering that all human beings are equal before the law and are entitled to equal protection of the law against any discrimination and against any incitement to discrimination,

Considering that the United Nations has condemned colonialism and all practices of segregation and discrimination associated therewith, in whatever form and wherever they exist, and that the Declaration on the Granting of Independence to Colonial Countries and Peoples of 14 December 1960 (General Assembly resolution 1514 (XV)) has affirmed and solemnly proclaimed the necessity of bringing them to a speedy and unconditional end,

Considering that the United Nations Declaration on the Elimination of All Forms of Racial Discrimination of 20 November 1963 (General Assembly resolution 1904 (XVIII)) solemnly affirms the necessity of speedily eliminating racial discrimination throughout the world in all its forms and manifestations

and of securing understanding of and respect for the dignity of the human person,

Convinced that any doctrine of superiority based on racial differentiation is scientifically false, morally condemnable, socially unjust and dangerous, and that there is no justification for racial discrimination, in theory or in practice, anywhere,

Reaffirming that discrimination between human beings on the grounds of race, colour or ethnic origin is an obstacle to friendly and peaceful relations among nations and is capable of disturbing peace and security among peoples and the harmony of persons living side by side even within one and the same State,

Convinced that the existence of racial barriers is repugnant to the ideals of any human society,

Alarmed by manifestations of racial discrimination still in evidence in some areas of the world and by governmental policies based on racial superiority or hatred, such as policies of apartheid, segregation or separation,

Resolved to adopt all necessary measures for speedily eliminating racial discrimination in all its forms and manifestations, and to prevent and combat racist doctrines and practices in order to promote understanding between races and to build an international community free from all forms of racial segregation and racial discrimination,

Bearing in mind the Convention concerning Discrimination in respect of Employment and Occupation adopted by the International Labour Organisation in 1958, and the Convention against Discrimination in Education adopted by the United Nations Educational, Scientific and Cultural Organization in 1960,

Desiring to implement the principles embodied in the United Nations Declaration on the Elimination of Al l Forms of Racial Discrimination and to secure the earliest adoption of practical measures to that end,

Have agreed as follows:

PART I

Article I

1. In this Convention, the term "racial discrimination" shall mean any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an

equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.

2. This Convention shall not apply to distinctions, exclusions, restrictions or preferences made by a State Party to this Convention between citizens and non-citizens.

3. Nothing in this Convention may be interpreted as affecting in any way the legal provisions of States Parties concerning nationality, citizenship or naturalization, provided that such provisions do not discriminate against any particular nationality.

4. Special measures taken for the sole purpose of securing adequate advancement of certain racial or ethnic groups or individuals requiring such protection as may be necessary in order to ensure such groups or individuals equal enjoyment or exercise of human rights and fundamental freedoms shall not be deemed racial discrimination, provided, however, that such measures do not, as a consequence, lead to the maintenance of separate rights for different racial groups and that they shall not be continued after the objectives for which they were taken have been achieved.

Article 2

1. States Parties condemn racial discrimination and undertake to pursue by all appropriate means and without delay a policy of eliminating racial discrimination in all its forms and promoting understanding among all races, and, to this end:

   (a) Each State Party undertakes to engage in no act or practice of racial discrimination against persons, groups of persons or institutions and to en sure that all public authorities and public institutions, national and local, shall act in conformity with this obligation;

   (b) Each State Party undertakes not to sponsor, defend or support racial discrimination by any persons or organizations;

   (c) Each State Party shall take effective measures to review governmental, national and local policies, and to amend, rescind or nullify any laws and regulations which have the effect of creating or perpetuating racial discrimination wherever it exists;

   (d) Each State Party shall prohibit and bring to an end, by all appropriate means, including legislation as required by circumstances, racial discrimination by any persons, group or organization;

   (e) Each State Party undertakes to encourage, where appropriate, integrationist multiracial organizations and movements and other means of eliminating barriers between races, and to discourage anything which tends to strengthen racial division.

2. States Parties shall, when the circumstances so warrant, take, in the social, economic, cultural and other fields, special and concrete measures to ensure the adequate development and protection of certain racial groups or individuals belonging to them, for the purpose of guaranteeing them the full and equal enjoyment of human rights and fundamental freedoms. These measures shall in no case en tail as a con sequence the maintenance of unequal or separate rights for different racial groups after the objectives for which they were taken have been achieved.

Article 3

States Parties particularly condemn racial segregation and apartheid and undertake to prevent, prohibit and eradicate all practices of this nature in territories under their jurisdiction.

Article 4

States Parties condemn all propaganda and all organizations which are based on ideas or theories of superiority of one race or group of persons of one colour or ethnic origin, or which attempt to justify or promote racial hatred and discrimination in any form, and undertake to adopt immediate and positive measures designed to eradicate all incitement to, or acts of, such discrimination and, to this end, with due regard to the principles embodied in the Universal Declaration of Human Rights and the rights expressly set forth in article 5 of this Convention, inter alia:

(a) Shall declare an offence punishable by law all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin, and also the provision of any assistance to racist activities, including the financing thereof;

(b) Shall declare illegal and prohibit organizations, and also organized and all other propaganda activities, which promote and incite racial discrimination, and shall recognize participation in such organizations or activities as an offence punishable by law;

(c) Shall not permit public authorities or public institutions, national or local, to promote or incite racial discrimination.

Article 5

In compliance with the fundamental obligations laid down in article 2 of this Convention, States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights:

(a) The right to equal treatment before the tribunals and all other organs administering justice;

(b) The right to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual group or institution;

(c) Political rights, in particular the right to participate in elections-to vote and to stand for election-on the basis of universal and equal suffrage, to take part in the Government as well as in the conduct of public affairs at any level and to have equal access to public service;

(d) Other civil rights, in particular:

  (i) The right to freedom of movement and residence within the border of the State;

  (ii) The right to leave any country, including one's own, and to return to one's country;

  (iii) The right to nationality;

  (iv) The right to marriage and choice of spouse;

  (v) The right to own property alone as well as in association with others;

  (vi) The right to inherit;

  (vii) The right to freedom of thought, conscience and religion;

  (viii) The right to freedom of opinion and expression;

  (ix) The right to freedom of peaceful assembly and association;

(e) Economic, social and cultural rights, in particular:

  (i) The rights to work, to free choice of employment, to just and favourable conditions of work, to protection against unemployment, to equal pay for equal work, to just and favourable remuneration;

  (ii) The right to form and join trade unions;

  (iii) The right to housing;

  (iv) The right to public health, medical care, social security and social services;

  (v) The right to education and training; (vi) The right to equal participation in cultural activities;

(f) The right of access to any place or service intended for use by the general public, such as transport hotels, restaurants, cafes, theatres and parks.

Article 6

States Parties shall assure to everyone within their jurisdiction effective protection and remedies, through the competent national tribunals and other State institutions, against any acts of racial discrimination which violate his human rights and fundamental freedoms contrary to this Convention, as well as the right to seek from such tribunals just and adequate reparation or satisfaction for any damage suffered as a result of such discrimination.

Article 7

States Parties undertake to adopt immediate and effective measures, particularly in the fields of teaching, education, culture and information, with a view to combating prejudices which lead to racial discrimination and to promoting understanding, tolerance and friendship among nations and racial or ethnical groups, as well as to propagating the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the United Nations Declaration on the Elimination of All Forms of Racial Discrimination, and this Convention.

[Articles 8 to 25 omitted]

Declaration on Race and Racial Prejudice

Adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization (UNESCO) on 27 November 1978

PREAMBLE

The General Conference of the United Nations Educational, Scientific and Cultural Organization, meeting at Paris at its twentieth session, from 24 October to 28 November 1978,

Whereas it is stated in the Preamble to the Constitution of UNESCO, adopted on 16 November 1945, that "the great and terrible war which has now ended was a war made possible by the denial of the democratic principles of the dignity, equality and mutual respect of men, and by the propagation, in their place, through ignorance and prejudice, of the doctrine of the inequality of men and races", and whereas, according to Article I of the said Constitution, the purpose of UNESCO "is to contribute to peace and security by promoting collaboration among the nations through education, science and culture in order to further universal respect for justice, for the rule of law and for the human rights and fundamental freedoms which are affirmed for the peoples of the world, without distinction of race, sex, language or religion, by the Charter of the United Nations",

Recognizing that, more than three decades after the founding of UNESCO, these principles are just as significant as they were when they were embodied in its Constitution,

Mindful of the process of decolonization and other historical changes which have led most of the peoples formerly under foreign rule to recover their sovereignty, making the international community a universal and diversified whole and creating new opportunities of eradicating the scourge of racism and of putting an end to its odious manifestations in all aspects of social and political life, both nationally and internationally,

Convinced that the essential unity of the human race and consequently the fundamental equality of all human beings and all peoples, recognized in the

loftiest expressions of philosophy, morality and religion, reflect an ideal towards which ethics and science are converging today,

Convinced that all peoples and all human groups, whatever their composition or ethnic origin, contribute according to their own genius to the progress of the civilizations and cultures which, in their plurality and as a result of their interpenetration, constitute the common heritage of mankind,

Confirming its attachment to the principles proclaimed in the United Nations Charter and the Universal Declaration of Human Rights and its determination to promote the implementation of the International Covenants on Human Rights as well as the Declaration on the Establishment of a New International Economic Order,

Determined also to promote the implementation of the United Nations Declaration and the International Convention on the Elimination of All Forms of Racial Discrimination,

Noting the Convention on the Prevention and Punishment of the Crime of Genocide, the International Convention on the Suppression and Punishment of the Crime of Apartheid and the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity,

Recalling also the international instruments already adopted by UNESCO, including in particular the Convention and Recommendation against Discrimination in Education, the Recommendation concerning the Status of Teachers, the Declaration of the Principles of International Cultural Co-operation, the Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms, the Recommendations on the Status of Scientific Researchers, and the Recommendation on participation by the people at large in cultural life and their contribution to it,

Bearing in mind the four statements on the race question adopted by experts convened by UNESCO,

Reaffirming its desire to play a vigorous and constructive part in the implementation of the programme of the Decade for Action to Combat Racism and Racial Discrimination, as defined by the General Assembly of the United Nations at its twenty-eighth session,

Noting with the gravest concern that racism, racial discrimination, colonialism and apartheid continue to afflict the world in ever-changing forms, as a result both of the continuation of legislative provisions and government and administrative practices contrary to the principles of human rights and also of the

continued existence of political and social structures, and of relationships and attitudes, characterized by injustice and contempt for human beings and leading to the exclusion, humiliation and exploitation, or to the forced assimilation, of the members of disadvantaged groups,

Expressing its indignation at these offences against human dignity, deploring the obstacles they place in the way of mutual understanding between peoples and alarmed at the danger of their seriously disturbing international peace and security,

Adopts and solemnly proclaims this Declaration on Race and Racial Prejudice:

Article 1

1. All human beings belong to a single species and are descended from a common stock. They are born equal in dignity and rights and all form an integral part of humanity.
2. All individuals and groups have the right to be different, to consider themselves as different and to be regarded as such. However, the diversity of life styles and the right to be different may not, in any circumstances, serve as a pretext for racial prejudice; they may not justify either in law or in fact any discriminatory practice whatsoever, nor provide a ground for the policy of apartheid, which is the extreme form of racism.
3. Identity of origin in no way affects the fact that human beings can and may live differently, nor does it preclude the existence of differences based on cultural, environmental and historical diversity nor the right to maintain cultural identity.
4. All peoples of the world possess equal faculties for attaining the highest level in intellectual, technical, social, economic, cultural and political development.
5. The differences between the achievements of the different peoples are entirely attributable to geographical, historical, political, economic, social and cultural factors. Such differences can in no case serve as a pretext for any rank-ordered classification of nations or peoples.

Article 2

1. Any theory which involves the claim that racial or ethnic groups are inherently superior or inferior, thus implying that some would be entitled to dominate or eliminate others, presumed to be inferior, or which bases value judgements on racial differentiation, has no scientific foundation and is contrary to the moral and ethical principles of humanity.

2. Racism includes racist ideologies, prejudiced attitudes, discriminatory behaviour, structural arrangements and institutionalized practices resulting in racial inequality as well as the fallacious notion that discriminatory relations between groups are morally and scientifically justifiable; it is reflected in discriminatory provisions in legislation or regulations and discriminatory practices as well as in anti-social beliefs and acts; it hinders the development of its victims, perverts those who practise it, divides nations internally, impedes international co-operation and gives rise to political tensions between peoples; it is contrary to the fundamental principles of international law and, consequently, seriously disturbs international peace and security.
3. Racial prejudice, historically linked with inequalities in power, reinforced by economic and social differences between individuals and groups, and still seeking today to justify such inequalities, is totally without justification.

Article 3

Any distinction, exclusion, restriction or preference based on race, colour, ethnic or national origin or religious intolerance motivated by racist considerations, which destroys or compromises the sovereign equality of States and the right of peoples to self-determination, or which limits in an arbitrary or discriminatory manner the right of every human being and group to full development is incompatible with the requirements of an international order which is just and guarantees respect for human rights; the right to full development implies equal access to the means of personal and collective advancement and fulfilment in a climate of respect for the values of civilizations and cultures, both national and world-wide.

Article 4

1. Any restriction on the complete self-fulfilment of human beings and free communication between them which is based on racial or ethnic considerations is contrary to the principle of equality in dignity and rights; it cannot be admitted.
2. One of the most serious violations of this principle is represented by apartheid, which, like genocide, is a crime against humanity, and gravely disturbs international peace and security.
3. Other policies and practices of racial segregation and discrimination constitute crimes against the conscience and dignity of mankind and may

lead to political tensions and gravely endanger international peace and security.

Article 5

1. Culture, as a product of all human beings and a common heritage of mankind, and education in its broadest sense, offer men and women increasingly effective means of adaptation, enabling them not only to affirm that they are born equal in dignity and rights, but also to recognize that they should respect the right of all groups to their own cultural identity and the development of their distinctive cultural life within the national and international contexts, it being understood that it rests with each group to decide in complete freedom on the maintenance, and, if appropriate, the adaptation or enrichment of the values which it regards as essential to its identity.

2. States, in accordance with their constitutional principles and procedures, as well as all other competent authorities and the entire teaching profession, have a responsibility to see that the educational resources of all countries are used to combat racism, more especially by ensuring that curricula and textbooks include scientific and ethical considerations concerning human unity and diversity and that no invidious distinctions are made with regard to any people; by training teachers to achieve these ends; by making the resources of the educational system available to all groups of the population without racial restriction or discrimination; and by taking appropriate steps to remedy the handicaps from which certain racial or ethnic groups suffer with regard to their level of education and standard of living and in particular to prevent such handicaps from being passed on to children.

3. The mass media and those who control or serve them, as well as all organized groups within national communities, are urged-with due regard to the principles embodied in the Universal Declaration of Human Rights, particulary the principle of freedom of expression-to promote understanding, tolerance and friendship among individuals and groups and to contribute to the eradication of racism, racial discrimination and racial prejudice, in particular by refraining from presenting a stereotyped, partial, unilateral or tendentious picture of individuals and of various human groups. Communication between racial and ethnic groups must be a reciprocal process, enabling them to express themselves and to be fully heard without let or hindrance. The mass media should therefore be freely receptive to ideas of individuals and groups which facilitate such communication.

Article 6

1. The State has prime responsibility for ensuring human rights and fundamental freedoms on an entirely equal footing in dignity and rights for all individuals and all groups.

2. So far as its competence extends and in accordance with its constitutional principles and procedures, the State should take all appropriate steps, inter alia by legislation, particularly in the spheres of education, culture and communication, to prevent, prohibit and eradicate racism, racist propaganda, racial segregation and apartheid and to encourage the dissemination of knowledge and the findings of appropriate research in natural and social sciences on the causes and prevention of racial prejudice and racist attitudes with due regard to the principles embodied in the Universal Declaration of Human Rights and in the International Covenant on Civil and Political Rights.

3. Since laws proscribing racial discrimination are not in themselves sufficient, it is also incumbent on States to supplement them by administrative machinery for the systematic investigation of instances of racial discrimination, by a comprehensive framework of legal remedies against acts of racial discrimination, by broadly based education and research programmes designed to combat racial prejudice and racial discrimination and by programmes of positive political, social, educational and cultural measures calculated to promote genuine mutual respect among groups. Where circumstances warrant, special programmes should be undertaken to promote the advancement of disadvantaged groups and, in the case of nationals, to ensure their effective participation in the decision-making processes of the community.

Article 7

In addition to political, economic and social measures, law is one of the principal means of ensuring equality in dignity and rights among individuals, and of curbing any propaganda, any. form of organization or any practice which is based on ideas or theories referring to the alleged superiority of racial or ethnic groups or which seeks to justify or encourage racial hatred and discrimination in any form. States should adopt such legislation as is appropriate to this end and see that it is given effect and applied by all their services, with due regard to the principles embodied in the Universal Declaration of Human Rights. Such legislation should form part of a political, economic and social framework conducive to its implementation. Individuals and other legal entities, both public and private, must conform with such legislation and use all

appropriate means to help the population as a whole to understand and apply it.

Article 8

1. Individuals, being entitled to an economic, social, cultural and legal order, on the national and international planes, such as to allow them to exercise all their capabilities on a basis of entire equality of rights and opportunities, have corresponding duties towards their fellows, towards the society in which they live and towards the international community. They are accordingly under an obligation to promote harmony among the peoples, to combat racism and racial prejudice and to assist by every means available to them in eradicating racial discrimination in all its forms.
2. In the field of racial prejudice and racist attitudes and practices, specialists in natural and social sciences and cultural studies, as well as scientific organizations and associations, are called upon to undertake objective research on a wide interdisciplinary basis; all States should encourage them to this end.
3. It is, in particular, incumbent upon such specialists to ensure, by all means available to them, that their research findings are not misinterpreted, and also that they assist the public in understanding such findings.

Article 9

1. The principle of the equality in dignity and rights of all human beings and all peoples, irrespective of race, colour and origin, is a generally accepted and recognized principle of international law. Consequently any form of racial discrimination practised by a State constitutes a violation of international law giving rise to its international responsibility.
2. Special measures must be taken to ensure equality in dignity and rights for individuals and groups wherever necessary, while ensuring that they are not such as to appear racially discriminatory. In this respect, particular attention should be paid to racial or ethnic groups which are socially or economically disadvantaged, so as to afford them, on a completely equal footing and without discrimination or restriction, the protection of the laws and regulations and the advantages of the social measures in force, in particular in regard to housing, employment and health; to respect the authenticity of their culture and values; and to facilitate their social and occupational advancement, especially through education.

3. Population groups of foreign origin, particularly migrant workers and their families who contribute to the development of the host country, should benefit from appropriate measures designed to afford them security and respect for their dignity and cultural values and to facilitate their adaptation to the host environment and their professional advancement with a view to their subsequent reintegration in their country of origin and their contribution to its development; steps should be taken to make it possible for their children to be taught their mother tongue.
4. Existing disequilibria in international economic relations contribute to the exacerbation of racism and racial prejudice; all States should consequently endeavour to contribute to the restructuring of the international economy on a more equitable basis.

Article 10

International organizations, whether universal or regional, governmental or non-governmental, are called upon to co-operate and assist, so far as their respective fields of competence and means allow, in the full and complete implementation of the principles set out in this Declaration, thus contributing to the legitimate struggle of all men, born equal in dignity and rights, against the tyranny and oppression of racism, racial segregation, apartheid and genocide, so that all the peoples of the world may be forever delivered from these scourges.

Convention on the Elimination of All Forms of Discrimination against Women

Adopted by General Assembly Resolution 34/180 of 18 December 1979; entered into force on 3 September 1981 [Signed by South Africa in 1993; ratified in September 1995]

The States Parties to the present Convention,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Determined to implement the principles set forth in the Declaration on the Elimination of Discrimination against Women and, for that purpose, to adopt

the measures required for the elimination of such discrimination in all its forms and manifestations,

Have agreed on the following:

PART I

Article 1

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

Article 2

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

(a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;

(b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;

(c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;

(d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;

(e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;

(f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;

(g) To repeal all national penal provisions which constitute discrimination against women.

Article 3

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

Article 4

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

Article 5

States Parties shall take all appropriate measures:

(a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;

(b) To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.

Article 6

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

PART II

Article 7

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

(a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;

(b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;

(c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.

Article 8

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

Article 9

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

PART III

Article 10

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

(a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall

be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training;

(b) Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;

(c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods;

(d) The same opportunities to benefit from scholarships and other study grants;

(e) The same opportunities for access to programmes of continuing education, including adult and functional literacy programmes, particulary those aimed at reducing, at the earliest possible time, any gap in education existing between men and women;

(f) The reduction of female student drop-out rates and the organization of programmes for girls and women who have left school prematurely;

(g) The same Opportunities to participate actively in sports and physical education;

(h) Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning.

Article 11

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:
   (a) The right to work as an inalienable right of all human beings;
   (b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;
   (c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;

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

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

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

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

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

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

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

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

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

Article 12

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

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

Article 13

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

(a) The right to family benefits;

(b) The right to bank loans, mortgages and other forms of financial credit;

(c) The right to participate in recreational activities, sports and all aspects of cultural life.

Article 14

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

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

(a) To participate in the elaboration and implementation of development planning at all levels;

(b) To have access to adequate health care facilities, including information, counselling and services in family planning;

(c) To benefit directly from social security programmes;

(d) To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency;

(e) To organize self-help groups and co-operatives in order to obtain equal access to economic opportunities through employment or self employment;

(f) To participate in all community activities;

(g) To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;

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

PART IV

Article 15

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

Article 16

1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:
   (a) The same right to enter into marriage;
   (b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent;
   (c) The same rights and responsibilities during marriage and at its dissolution;
   (d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;
   (e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;
   (f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions

where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;

   (g) The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;
   (h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.
2. The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

[Articles 17 to 22 omitted]

PART VI

Article 23

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

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

Article 24

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

[Articles 25 to 30 omitted]

Convention on the Rights of the Child

Adopted by General Assembly Resolution 44/25 of 20 November 1989; entered into force on 2 November 1990 [Signed by South Africa in 1993; ratified in June 1995]

PREAMBLE

The States Parties to the present Convention,

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

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

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

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

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

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

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

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

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

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

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

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

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

Have agreed as follows:

PART I

Article 1

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

Article 2

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

Article 3

1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.
2. States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures.
3. States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision.

Article 4

States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention. With regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of their available

resources and, where needed, within the framework of international co-operation.

Article 5

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

Article 6

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

Article 7

1. The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and. as far as possible, the right to know and be cared for by his or her parents.
2. States Parties shall ensure the implementation of these rights in accordance with their national law and their obligations under the relevant international instruments in this field, in particular where the child would otherwise be stateless.

Article 8

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

Article 9

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

the parents are living separately and a decision must be made as to the child's place of residence.

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

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

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

Article 10

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

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

Article 11

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

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

Article 12

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

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

Article 13

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

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

   (a) For respect of the rights or reputations of others; or

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

Article 14

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

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

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

Article 15

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

Article 16

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

Article 17

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

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

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

(c) Encourage the production and dissemination of children's books;

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

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

Article 18

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

Article 19

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

Article 20

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

Article 21

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

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

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

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

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

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

Article 22

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

2. For this purpose, States Parties shall provide, as they consider appropriate, co-operation in any efforts by the United Nations and other competent intergovernmental organizations or non-governmental organizations co-

operating with the United Nations to protect and assist such a child and to trace the parents or other members of the family of any refugee child in order to obtain information necessary for reunification with his or her family. In cases where no parents or other members of the family can be found, the child shall be accorded the same protection as any other child permanently or temporarily deprived of his or her family environment for any reason , as set forth in the present Convention.

Article 23

1. States Parties recognize that a mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community.

2. States Parties recognize the right of the disabled child to special care and shall encourage and ensure the extension, subject to available resources, to the eligible child and those responsible for his or her care, of assistance for which application is made and which is appropriate to the child's condition and to the circumstances of the parents or others caring for the child.

3. Recognizing the special needs of a disabled child, assistance extended in accordance with paragraph 2 of the present article shall be provided free of charge, whenever possible, taking into account the financial resources of the parents or others caring for the child, and shall be designed to ensure that the disabled child has effective access to and receives education, training, health care services, rehabilitation services, preparation for employment and recreation opportunities in a manner conducive to the child's achieving the fullest possible social integration and individual development, including his or her cultural and spiritual development.

4. States Parties shall promote, in the spirit of international cooperation, the exchange of appropriate information in the field of preventive health care and of medical, psychological and functional treatment of disabled children, including dissemination of and access to information concerning methods of rehabilitation, education and vocational services, with the aim of enabling States Parties to improve their capabilities and skills and to widen their experience in these areas. In this regard, particular account shall be taken of the needs of developing countries.

Article 24

1. States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services.
2. States Parties shall pursue full implementation of this right and, in particular, shall take appropriate measures:
   (a) To diminish infant and child mortality;
   (b) To ensure the provision of necessary medical assistance and health care to all children with emphasis on the development of primary health care;
   (c) To combat disease and malnutrition, including within the framework of primary health care, through, inter alia, the application of readily available technology and through the provision of adequate nutritious foods and clean drinking-water, taking into consideration the dangers and risks of environmental pollution;
   (d) To ensure appropriate pre-natal and post-natal health care for mothers;
   (e) To ensure that all segments of society, in particular parents and children, are informed, have access to education and are supported in the use of basic knowledge of child health and nutrition, the advantages of breastfeeding, hygiene and environmental sanitation and the prevention of accidents;
   (f) To develop preventive health care, guidance for parents and family planning education and services.
3. States Parties shall take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children.
4. States Parties undertake to promote and encourage international co-operation with a view to achieving progressively the full realization of the right recognized in the present article. In this regard, particular account shall be taken of the needs of developing countries.

Article 25

States Parties recognize the right of a child who has been placed by the competent authorities for the purposes of care, protection or treatment of his or her physical or mental health, to a periodic review of the treatment provided to the child and all other circumstances relevant to his or her placement.

Article 26

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

Article 27

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

Article 28

1. States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:
   (a) Make primary education compulsory and available free to all;

(b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;

(c) Make higher education accessible to all on the basis of capacity by every appropriate means;

(d) Make educational and vocational information and guidance available and accessible to all children;

(e) Take measures to encourage regular attendance at schools and the reduction of drop-out rates.

2. States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention.

3. States Parties shall promote and encourage international cooperation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods. In this regard, particular account shall be taken of the needs of developing countries.

Article 29

1. States Parties agree that the education of the child shall be directed to:

(a) The development of the child's personality, talents and mental and physical abilities to their fullest potential;

(b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;

(c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;

(d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;

(e) The development of respect for the natural environment.

2. No part of the present article or article 28 shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principle set forth in paragraph 1 of the present article and to the requirements that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

Article 30

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

Article 31

1. States Parties recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.

2. States Parties shall respect and promote the right of the child to participate fully in cultural and artistic life and shall encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity.

Article 32

1. States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.

2. States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article. To this end, and having regard to the relevant provisions of other international instruments, States Parties shall in particular:

(a) Provide for a minimum age or minimum ages for admission to employment;

(b) Provide for appropriate regulation of the hours and conditions of employment;

(c) Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article.

Article 33
States Parties shall take all appropriate measures, including legislative, administrative, social and educational measures, to protect children from the illicit use of narcotic drugs and psychotropic substances as defined in the relevant international treaties, and to prevent the use of children in the illicit production and trafficking of such substances.

Article 34
States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent:

(a) The inducement or coercion of a child to engage in any unlawful sexual activity;

(b) The exploitative use of children in prostitution or other unlawful sexual practices;

(c) The exploitative use of children in pornographic performances and materials.

Article 35
States Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form.

Article 36
States Parties shall protect the child against all other forms of exploitation prejudicial to any aspects of the child's welfare.

Article 37
States Parties shall ensure that:

(a) No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age;

(b) No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time;

(c) Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes

into account the needs of persons of his or her age. In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances;

(d) Every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his or her liberty before a court or other competent, independent and impartial authority, and to a prompt decision on any such action.

Article 38
1. States Parties undertake to respect and to ensure respect for rules of international humanitarian law applicable to them in armed conflicts which are relevant to the child.

2. States Parties shall take all feasible measures to ensure that persons who have not attained the age of fifteen years do not take a direct part in hostilities.

3. States Parties shall refrain from recruiting any person who has not attained the age of fifteen years into their armed forces. In recruiting among those persons who have attained the age of fifteen years but who have not attained the age of eighteen years, States Parties shall endeavour to give priority to those who are oldest.

4. In accordance with their obligations under international humanitarian law to protect the civilian population in armed conflicts, States Parties shall take all feasible measures to ensure protection and care of children who are affected by an armed conflict.

Article 39
States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child.

Article 40
1. States Parties recognize the right of every child alleged as, accused of, or recognized as having infringed the penal law to be treated in a manner

consistent with the promotion of the child's sense of dignity and worth, which reinforces the child's respect for the human rights and fundamental freedoms of others and which takes into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society.

2. To this end, and having regard to the relevant provisions of international instruments, States Parties shall, in particular, ensure that:

   (a) No child shall be alleged as, be accused of, or recognized as having infringed the penal law by reason of acts or omissions that were not prohibited by national or international law at the time they were committed;

   (b) Every child alleged as or accused of having infringed the penal law has at least the following guarantees:

      (i) To be presumed innocent until proven guilty according to law;

      (ii) To be informed promptly and directly of the charges against him or her, and, if appropriate, through his or her parents or legal guardians, and to have legal or other appropriate assistance in the preparation and presentation of his or her defence;

      (iii) To have the matter determined without delay by a competent, independent and impartial authority or judicial body in a fair hearing according to law, in the presence of legal or other appropriate assistance and, unless it is considered not to be in the best interest of the child, in particular, taking into account his or her age or situation, his or her parents or legal guardians;

      (iv) Not to be compelled to give testimony or to confess guilt; to examine or have examined adverse witnesses and to obtain the participation and examination of witnesses on his or her behalf under conditions of equality;

      (v) If considered to have infringed the penal law, to have this decision and any measures imposed in consequence thereof reviewed by a higher competent, independent and impartial authority or judicial body according to law;

      (vi) To have the free assistance of an interpreter if the child cannot understand or speak the language used;

      (vii) To have his or her privacy fully respected at all stages of the proceedings. 3. States Parties shall seek to promote the establishment of laws, procedures, authorities and institutions specifically applicable to children alleged as, accused of, or recognized as having infringed the penal law, and, in particular:

      (a) The establishment of a minimum age below which children shall be presumed not to have the capacity to infringe the penal law;

      (b) Whenever appropriate and desirable, measures for dealing with such children without resorting to judicial proceedings, providing that human rights and legal safeguards are fully respected.

      . . .

4. A variety of dispositions, such as care, guidance and supervision orders; counselling; probation; foster care; education and vocational training programmes and other alternatives to institutional care shall be available to ensure that children are dealt with in a manner appropriate to their well-being and proportionate both to their circumstances and the offence.

Article 41

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

(a) The law of a State party; or

(b) International law in force for that State.

PART II

Article 42

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

[Articles 43 to 54 omitted]

Declaration on the Rights of Persons Belonging to National or Ethnic, Religious or Linguistic Minorities

Adopted by General Assembly Resolution 47/135 of 18 December 1992

The General Assembly,

Reaffirming that one of the basic aims of the United Nations, as proclaimed in the Charter, is to promote and encourage respect for human rights and for fundamental freedoms for all, without distinction as to race, sex, language or religion,

Reaffirming faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small,

Desiring to promote the realization of the principles contained in the Charter, the Universal Declaration of Human Rights, the Convention on the Prevention and Punishment of the Crime of Genocide, the International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Economic, Social and Cultural Rights, the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, and the Convention on the Rights of the Child, as well as other relevant international instruments that have been adopted at the universal or regional level and those concluded between individual States Members of the United Nations,

Inspired by the provisions of article 27 of the International Covenant on Civil and Political Rights concerning the rights of persons belonging to ethnic, religious or linguistic minorities,

Considering that the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities contribute to the political and social stability of States in which they live,

Emphasizing that the constant promotion and realization of the rights of persons belonging to national or ethnic, religious and linguistic minorities, as an integral part of the development of society as a whole and within a democratic framework based on the rule of law, would contribute to the strengthening of friendship and cooperation among peoples and States,

Considering that the United Nations has an important role to play regarding the protection of minorities,

Bearing in mind the work done so far within the United Nations system, in particular by the Commission on Human Rights, the Subcommission on Prevention of Discrimination and Protection of Minorities and the bodies established pursuant to the International Covenants on Human Rights and other relevant international human rights instruments in promoting and protecting the rights of persons belonging to national or ethnic, religious and linguistic minorities,

Taking into account the important work which is done by intergovernmental and non-governmental organizations in protecting minorities and in promoting and protecting the rights of persons belonging to national or ethnic, religious and linguistic minorities,

Recognizing the need to ensure even more effective implementation of international human rights instruments with regard to the rights of persons belonging to national or ethnic, religious and linguistic minorities,

Proclaims this Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities:

Article 1

1. States shall protect the existence and the national or ethnic, cultural, religious and linguistic identity of minorities within their respective territories and shall encourage conditions for the promotion of that identity.
2. States shall adopt appropriate legislative and other measures to achieve those ends.

Article 2

1. Persons belonging to national or ethnic, religious and linguistic minorities (hereinafter referred to as persons belonging to minorities) have the right to enjoy their own culture, to profess and practice their own religion, and to use their own language, in private and in public, freely and without interference or any form of discrimination.

2. Persons belonging to minorities have the right to participate effectively in cultural, religious, social, economic and public life.
3. Persons belonging to minorities have the right to participate effectively in decisions on the national and, where appropriate, regional level concerning the minority to which they belong or the regions in which they live, in a manner not incompatible with national legislation.
4. Persons belonging to minorities have the right to establish and maintain their own associations.
5. Persons belonging to minorities have the right to establish and maintain, without any discrimination, free and peaceful contacts with other members of their group and with persons belonging to other minorities, as well as contacts across frontiers with citizens of other States to whom they are related by national or ethnic, religious or linguistic ties.

Article 3

1. Persons belonging to minorities may exercise their rights, including those set forth in the present Declaration, individually as well as in community with other members of their group, without any discrimination.
2. No disadvantage shall result for any person belonging to a minority as the consequence of the exercise or non-exercise of the rights set forth in the present Declaration.

Article 4

1. States shall take measures where required to ensure that persons belonging to minorities may exercise fully and effectively all their human rights and fundamental freedoms without discrimination and in full equality before the law.
2. States shall take measures to create favourable conditions to enable persons belonging to minorities to express their characteristics and to develop their culture, language, religion, traditions and customs, except where specific practices are in violation of national law and contrary to international standards.
3. States should take appropriate measures so that, wherever possible, persons belonging to minorities may have adequate opportunities to learn their mother tongue or to have instruction in their mother tongue.
4. States should, where appropriate, take measures in the field of education, in order to encourage knowledge of the history, traditions, language and culture of the minorities existing within their territory. Persons belonging to minorities should have adequate opportunities to gain knowledge of the society as a whole.
5. States should consider appropriate measures so that persons belonging to minorities may participate fully in the economic progress and development of their country.

Article 5

1. National policies and programmes shall be planned and implemented with due regard for the legitimate interests of persons belonging to minorities.
2. Programmes of cooperation and assistance among States should be planned and implemented with due regard for the legitimate interests of persons belonging to minorities.

Article 6

States should cooperate on questions relating to persons belonging to minorities, inter alia, exchanging information and experiences, in order to promote mutual understanding and confidence.

Article 7

States should cooperate in order to promote respect for the rights set forth in the present Declaration.

[Articles 8 and 9 omitted]

Declaration on the Elimination of Violence against Women

Adopted by General Assembly Resolution 48/104 of 1993

The General Assembly,

Recognizing the urgent need for the universal application to women of the rights and principles with regard to equality, security, liberty, integrity and dignity of all human beings,

Noting that those rights and principles are enshrined in international instruments, including the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,

Recognizing that effective implementation of the Convention on the Elimination of All Forms of Discrimination against Women would contribute to the elimination of violence against women and that the Declaration on the Elimination of Violence against Women, set forth in the present resolution, will strengthen and complement that process,

Concerned that violence against women is an obstacle to the achievement of equality, development and peace, as recognized in the Nairobi Forward-looking Strategies for the Advancement of Women, in which a set of measures to combat violence against women was recommended, and to the full implementation of the Convention on the Elimination of All Forms of Discrimination against Women,

Affirming that violence against women constitutes a violation of the rights and fundamental freedoms of women and impairs or nullifies their enjoyment of those rights and freedoms, and concerned about the long-standing failure to protect and promote those rights and freedoms in the case of violence against women,

Recognizing that violence against women is a manifestation of historically unequal power relations between men and women, which have led to domination over and discrimination against women by men and to the prevention of the full advancement of women, and that violence against women is one of the crucial social mechanisms by which women are forced into a subordinate position compared with men,

Concerned that some groups of women, such as women belonging to minority groups, indigenous women, refugee women, migrant women, women living in rural or remote communities, destitute women, women in institutions or in detention, female children, women with disabilities, elderly women and women in situations of armed conflict, are especially vulnerable to violence,

Recalling the conclusion in paragraph 23 of the annex to Economic and Social Council resolution 1990/15 of 24 May 1990 that the recognition that violence against women in the family and society was pervasive and cut across lines of income, class and culture had to be matched by urgent and effective steps to eliminate its incidence,

Recalling also Economic and Social Council resolution 1991/18 of 30 May 1991, in which the Council recommended the development of a framework for an international instrument that would address explicitly the issue of violence against women,

Welcoming the role that women's movements are playing in drawing increasing attention to the nature, severity and magnitude of the problem of violence against women,

Alarmed that opportunities for women to achieve legal, social, political and economic equality in society are limited, inter alia, by continuing and endemic violence,

Convinced that in the light of the above there is a need for a clear and comprehensive definition of violence against women, a clear statement of the rights to be applied to ensure the elimination of violence against women in all its forms, a commitment by States in respect of their responsibilities, and a commitment by the international community at large to the elimination of violence against women,

Solemnly proclaims the following Declaration on the Elimination of Violence against Women and urges that every effort be made so that it becomes generally known and respected:

Article 1

For the purposes of this Declaration, the term "violence against women" means any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.

Article 2

Violence against women shall be understood to encompass, but not be limited to, the following:

(a) Physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation;

(b) Physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution;

(c) Physical, sexual and psychological violence perpetrated or condoned by the State, wherever it occurs.

Article 3

Women are entitled to the equal enjoyment and protection of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field. These rights include, inter alia:

(a) The right to life;

(b) The right to equality;

(c) The right to liberty and security of person;

(d) The right to equal protection under the law;

(e) The right to be free from all forms of discrimination;

(f) The right to the highest standard attainable of physical and mental health;

(g) The right to just and favourable conditions of work;

(h) The right not to be subjected to torture, or other cruel, inhuman or degrading treatment or punishment.

Article 4

States should condemn violence against women and should not invoke any custom, tradition or religious consideration to avoid their obligations with respect to its elimination. States should pursue by all appropriate means and without delay a policy of eliminating violence against women and, to this end, should:

(a) Consider, where they have not yet done so, ratifying or acceding to the Convention on the Elimination of All Forms of Discrimination against Women or withdrawing reservations to that Convention;

(b) Refrain from engaging in violence against women;

(c) Exercise due diligence to prevent, investigate and, in accordance with national legislation, punish acts of violence against women, whether those acts are perpetrated by the State or by private persons;

(d) Develop penal, civil, labour and administrative sanctions in domestic legislation to punish and redress the wrongs caused to women who are subjected to violence; women who are subjected to violence should be provided with access to the mechanisms of justice and, as provided for by national legislation, to just and effective remedies for the harm that they have suffered; States should also inform women of their rights in seeking redress through such mechanisms;

(e) Consider the possibility of developing national plans of action to promote the protection of women against any form of violence, or to include provisions for that purpose in plans already existing, taking into account, as appropriate, such cooperation as can be provided by non-governmental organizations, particularly those concerned with the issue of violence against women;

(f) Develop, in a comprehensive way, preventive approaches and all those measures of a legal, political, administrative and cultural nature that promote the protection of women against any form of violence, and ensure that the re-victimization of women does not occur because of laws insensitive to gender considerations, enforcement practices or other interventions;

(g) Work to ensure, to the maximum extent feasible in the light of their available resources and, where needed, within the framework of international cooperation, that women subjected to violence and, where appropriate, their children have specialized assistance, such as rehabilitation, assistance in child care and maintenance, treatment, counselling, and health and social services, facilities and programmes, as well as support struc-

tures, and should take all other appropriate measures to promote their safety and physical and psychological rehabilitation;

(h) Include in government budgets adequate resources for their activities related to the elimination of violence against women;

(i) Take measures to ensure that law enforcement officers and public officials responsible for implementing policies to prevent, investigate and punish violence against women receive training to sensitize them to the needs of women;

(j) Adopt all appropriate measures, especially in the field of education, to modify the social and cultural patterns of conduct of men and women and to eliminate prejudices, customary practices and all other practices based on the idea of the inferiority or superiority of either of the sexes and on stereotyped roles for men and women;

(k) Promote research, collect data and compile statistics, especially concerning domestic violence, relating to the prevalence of different forms of violence against women and encourage research on the causes, nature, seriousness and consequences of violence against women and on the effectiveness of measures implemented to prevent and redress violence against women; those statistics and findings of the research will be made public;

(l) Adopt measures directed towards the elimination of violence against women who are especially vulnerable to violence;

(m) Include, in submitting reports as required under relevant human rights instruments of the United Nations, information pertaining to violence against women and measures taken to implement the present Declaration;

(n) Encourage the development of appropriate guidelines to assist in the implementation of the principles set forth in the present Declaration;

(o) Recognize the important role of the women's movement and non-governmental organizations world wide in raising awareness and alleviating the problem of violence against women;

(p) Facilitate and enhance the work of the women's movement and non-governmental organizations and cooperate with them at local, national and regional levels;

(q) Encourage intergovernmental regional organizations of which they are members to include the elimination of violence against women in their programmes, as appropriate.

Article 5

The organs and specialized agencies of the United Nations system should, within their respective fields of competence, contribute to the recognition and realization of the rights and the principles set forth in the present Declaration and, to this end, should, inter alia:

(a) Foster international and regional cooperation with a view to defining regional strategies for combating violence, exchanging experiences and financing programmes relating to the elimination of violence against women;

(b) Promote meetings and seminars with the aim of creating and raising awareness among all persons of the issue of the elimination of violence against women;

(c) Foster coordination and exchange within the United Nations system between human rights treaty bodies to address the issue of violence against women effectively;

(d) Include in analyses prepared by organizations and bodies of the United Nations system of social trends and problems, such as the periodic reports on the world social situation, examination of trends in violence against women;

(e) Encourage coordination between organizations and bodies of the United Nations system to incorporate the issue of violence against women into ongoing programmes, especially with reference to groups of women particularly vulnerable to violence;

(f) Promote the formulation of guidelines or manuals relating to violence against women, taking into account the measures referred to in the present Declaration;

(g) Consider the issue of the elimination of violence against women, as appropriate, in fulfilling their mandates with respect to the implementation of human rights instruments;

(h) Cooperate with non-governmental organizations in addressing the issue of violence against women.

Article 6

Nothing in the present Declaration shall affect any provision that is more conducive to the elimination of violence against women that may be contained in the legislation of a State or in any international convention, treaty or other instrument in force in a State.

Fourth World Conference on Women
Beijing Declaration, 1995

Declaration

1. We, the Governments participating in the Fourth World Conference on Women,
2. Gathered here in Beijing in September 1995, the year of the fiftieth anniversary of the founding of the United Nations,
3. Determined to advance the goals of equality, development and peace for all women everywhere in the interest of all humanity,
4. Acknowledging the voices of all women everywhere and taking note of the diversity of women and their roles and circumstances, honouring the women who paved the way and inspired by the hope present in the world's youth,
5. Recognize that the status of women has advanced in some important respects in the past decade but that progress has been uneven, inequalities between women and men have persisted and major obstacles remain, with serious consequences for the well-being of all people,
6. Also recognize that this situation is exacerbated by the increasing poverty that is affecting the lives of the majority of the world's people, in particular women and children, with origins in both the national and international domains,
7. Dedicate ourselves unreservedly to addressing these constraints and obstacles and thus enhancing further the advancement and empowerment of women all over the world, and agree that this requires urgent action in the spirit of determination, hope, cooperation and solidarity, now and to carry us forward into the next century.

We reaffirm our commitment to:

8. The equal rights and inherent human dignity of women and men and other purposes and principles enshrined in the Charter of the United Nations, to the Universal Declaration of Human Rights and other international human rights instruments, in particular the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child, as well as the Declaration on the Elimination of Violence against Women and the Declaration on the Right to Development;

9. Ensure the full implementation of the human rights of women and of the girl child as an inalienable, integral and indivisible part of all human rights and fundamental freedoms;
10. Build on consensus and progress made at previous United Nations conferences and summits – on women in Nairobi in 1985, on children in New York in 1990, on environment and development in Rio de Janeiro in 1992, on human rights in Vienna in 1993, on population and development in Cairo in 1994 and on social development in Copenhagen in 1995 with the objective of achieving equality, development and peace;
11. Achieve the full and effective implementation of the Nairobi Forward-looking Strategies for the Advancement of Women;
12. The empowerment and advancement of women, including the right to freedom of thought, conscience, religion and belief thus contributing to the moral, ethical, spiritual and intellectual needs of women and men, individually or in community with others and thereby guaranteeing them the possibility of realizing their full potential in society and shaping their lives in accordance with their own aspirations.

We are convinced that:

13. Women's empowerment and their full participation on the basis of equality in all spheres of society, including participation in the decision-making process and access to power, are fundamental for the achievement of equality, development and peace;
14. Women's rights are human rights;
15. Equal rights, opportunities and access to resources, equal sharing of responsibilities for the family by men and women, and a harmonious partnership between them are critical to their well-being and that of their families as well as to the consolidation of democracy;
16. Eradication of poverty based on sustained economic growth, social development, environmental protection and social justice requires the involvement of women in economic and social development, equal opportunities and the full and equal participation of women and men as agents and beneficiaries of people-centred sustainable development;

17. The explicit recognition and reaffirmation of the right of all women to control all aspects of their health, in particular their own fertility, is basic to their empowerment;
18. Local, national, regional and global peace is attainable and is inextricably linked with the advancement of women, who are a fundamental force for leadership, conflict resolution and the promotion of lasting peace at all levels;
19. It is essential to design, implement and monitor, with the full participation of women, effective, efficient and mutually reinforcing gender-sensitive policies and programmes, including development policies and programmes, at all levels that will foster the empowerment and advancement of women;
20. The participation and contribution of all actors of civil society, particularly women's groups and networks and other non-governmental organizations, with full respect for their autonomy, in cooperation with Governments, are important to the effective implementation and follow-up of the Platform for Action;
21. The implementation of the Platform for Action requires commitment from Governments and the international community. By making national and international commitments for action, including those made at the Conference, Governments and the international community recognize the need to take priority action for the empowerment and advancement of women.

We are determined to:

22. Intensify efforts and actions to achieve the goals of the Nairobi Forward-looking Strategies for the Advancement of Women by the end of this century;
23. Ensure the full enjoyment by women and the girl child of all human rights and fundamental freedoms and take effective action against violations of these rights and freedoms;
24. Take all necessary measures to eliminate all forms of discrimination against women and the girl child and remove all obstacles to gender equality and the advancement and empowerment of women;
25. Encourage men to participate fully in all actions towards equality;
26. Promote women's economic independence, including employment, and eradicate the persistent and increasing burden of poverty on women by

addressing the structural causes of poverty through changes in economic structures, ensuring equal access for all women, including those in rural areas, as vital development agents, to productive resources, opportunities and public services;

27. Promote people-centred sustainable development, including sustained economic growth, through the provision of basic education, life-long education, literacy and training, and primary health care for girls and women;
28. Take positive steps to ensure peace for the advancement of women and, recognizing the leading role that women have played in the peace movement, work actively towards general and complete disarmament under strict and effective international control and support negotiations on the conclusion, without delay, of a universal and multilaterally and effectively verifiable comprehensive nuclear-test-ban treaty which contributes to nuclear disarmament and the prevention of the proliferation of nuclear weapons in all its aspects;
29. Prevent and eliminate all forms of violence against women and girls;
30. Ensure equal access to and equal treatment of women and men in education and health care and enhance women's sexual and reproductive health as well as education;
31. Promote and protect all human rights of women and girls;
32. Intensify efforts to ensure equal enjoyment of all human rights and fundamental freedoms for all women and girls who face multiple barriers to their empowerment and advancement because of such factors as their race, age, language, ethnicity, culture, religion, or disability, or because they are indigenous people;
33. Ensure respect for international law, including humanitarian law, in order to protect women and girls in particular;
34. Develop the fullest potential of girls and women of all ages, ensure their full and equal participation in building a better world for all and enhance their role in the development process.

We are determined to:

35. Ensure women's equal access to economic resources, including land, credit, science and technology, vocational training, nformation, communication and markets, as a means to further the advancement and empowerment of women and girls, including through the enhancement of their

capacities to enjoy the benefits of equal access to these resources, inter alia, by means of international cooperation;

36. Ensure the success of the Platform for Action, which will require a strong commitment on the part of Governments, international organizations and institutions at all levels. We are deeply convinced that economic development, social development and environmental protection are interdependent and mutually reinforcing components of sustainable development, which is the framework for our efforts to achieve a higher quality of life for all people. Equitable social development that recognizes empowering the poor, particularly women living in poverty, to utilize environmental resources sustainably is a necessary foundation for sustainable development. We also recognize that broad-based and sustained economic growth in the context of sustainable development is necessary to sustain social development and social justice. The success of the Platform for Action will also require adequate mobilization of resources at the national and international levels as well as new and additional resources to the developing countries from all available funding mechanisms, including multilateral, bilateral and private sources for the advancement of women; financial resources to strengthen the capacity of national subregional, regional and international institutions; a commitment to equal rights, equal responsibilities and equal opportunities and to the equal participation of women and men in all national, regional and international bodies and policy-making processes; and the establishment or strengthening of mechanisms at all levels for accountability to the world's women;

37. Ensure also the success of the Platform for Action in countries with economies in transition, which will require continued international cooperation and assistance;

38. We hereby adopt and commit ourselves as Governments to implement the following Platform for Action, ensuring that a gender perspective is reflected in all our policies and programmes. We urge the United Nations system, regional and international financial institutions, other relevant regional and international institutions and all women and men, as well as non-governmental organizations, with full respect for their autonomy, and all sectors of civil society, in cooperation with Governments, to fully commit themselves and contribute to the implementation of this Platform for Action.

II
REGIONAL HUMAN RIGHTS INSTRUMENTS

1.

The documents in this section are comprehensive regional (or transnational) human rights instruments. The only one of these instruments that is capable of being binding on South Africa is the **African [Banjul] Charter on Human and Peoples' Rights**, of 1986, which South Africa did in fact ratify in June 1996.

The Banjul Charter is notable for its emphasis on 'peoples' rights' (or third generation rights) – for example, the right of peoples to self-determination (art 20), to full sovereignty over their natural resources (art 21) and to peace and security (art 23). Also noteworthy is the Charter's focus on 'duties' – set out in Chapter II (arts 27 to 29). Article 27(1) states that '[e]very individual shall have duties towards his family and society, the State and other legally recognized communities and the international community'. This includes, for example, the duty on an individual to 'preserve the harmonious development of the family', to 'serve his national community' and to 'preserve and strengthen positive African cultural values' (art 29). A further feature of the Banjul Charter, and something which it shares with other African human rights documents, is a commitment to equality and the removal of discrimination. Mention should be made, too, of the emphasis the Charter places on economic and social rights (for e.g., health care (art 16) and education (art 17)). This also reflects an African conception of human rights and justice.

According to art 62 of the Charter, South Africa (along with every other State Party) is required to submit every two years a report on the 'legislative or other measures' that it has adopted to give effect to the rights guaranteed in the Charter. This report is scrutinised by the African Commission on Human and Peoples' Rights, which is also empowered to consider complaints ('communications') by States Parties which consider other States Parties to have violated the provisions of the Charter. The Commission may in addition consider petitions from private individuals or non-governmental organizations and various other entities, but may only act on them in 'special cases which reveal the existence of a series of serious or massive violations of human and peoples' rights', and even then only if the Assembly of Heads of State and Government of the

Organisation of African Unity request the Commission to undertake an in-depth study (art 58). Even more problematic, the Commission has no power to enforce its decisions. (It cannot even publish a report following from an in-depth study conducted in terms of art 58 unless authorized to do so by the Assembly (art 59)).

Because of the Banjul Charter's weak enforcement mechanisms, South Africa's 1996 declaration of adherence to the Charter contained among other things a suggestion that the enforcement mechanisms of the Charter be strengthened. One way of doing this would be by the establishment of an African Court of Human and Peoples' Rights with contentious and advisory jurisdiction – something that has already been proposed in a draft protocol to the Banjul Charter produced in Cape Town in 1995. In the meanwhile, there has not been much jurisprudence on the meaning and content of the rights provisions of the Banjul Charter, nor are there presently many decisions of the African Commission with respect to rights violations available.

2.

By contrast, the **[European] Convention for the Protection of Human Rights and Fundamental Freedoms** and its Protocols has spawned a massive amount of judicial decisions and scholarly writing which provide valuable material for the elaboration of the provisions on civil liberties and thus serve as a useful reference source for South African lawyers.

The European Convention, of 1950 – which essentially deals with civil and political rights (and thus in many ways mirrors the ICCPR) – was the first international agreement to combine enumeration of basic human rights and freedoms with the establishment of machinery for their supervision and enforcement. It was drafted by the Council of Europe to give legal effect to the 'first generation rights' in the Universal Declaration, when it became clear that there would be a delay in the appearance of the International Covenants. The rights-enforcing mechanisms it set in place are not only the oldest, but also the most advanced and effective currently in existence. There is provision for inter-state complaints (i.e., complaints lodged by one State Party against another), as well as for complaints by individuals against States Parties, although private petitions are only admissible if the State concerned has agreed to recognize the right of private petition. Both of these kinds of complaints are examined initially by the European Commission of Human Rights, which undertakes a factual enquiry, as well as placing itself at the disposal of the parties with a view to securing a friendly settlement. When a case is not settled, the Commission draws up a report, stating whether, in its opinion, the facts disclose a rights violation by the State Party concerned. The Commission gives its report to the Committee of Ministers and also decides whether to refer the dispute to the European Court of Human Rights for formal adjudication. An increasing number of cases have been referred to the Court by the Commission in recent years, with the result that the European Court has become a very significant enforcer of civil liberties in Europe.

The European Convention, has, as mentioned, been expanded by Protocols which have increased the list of rights protected under the Convention. Rights added by the Protocols include a right to property, the right to education and the right to freedom of movement. The Protocols have also added a prohibition on imprisonment for failure to comply with contractual obligations and have granted various rights to aliens. There is, however, still no general equality clause (as, for example, is found in art 26 of the ICCPR). There is only a clause (art 14) stipulating that the 'enjoyment of the rights and freedoms' in the Convention must be available without discrimination. The European Court of Justice (set by the Rome Treaty), rather than the European Court of Human Rights, is thus the locus for most of the equality jurisprudence in the European Community.

3.

The European Convention is complemented by the **European Social Charter**, of 1961, which was also drafted under the auspices of the Council of Europe, and which provides for the protection of economic and social rights. (The European Social Charter thus, in a sense, fulfils a similar function in Europe to that served by the ICESCR internationally.) The European Social Charter proclaims a list of 19 categories of 'rights and principles', including the right to work, the right to just conditions of work, the right to safe and healthy working conditions, the right to a fair remuneration, the right to organize, the right to bargain collectively, the right of children and young persons to protection, the right of employed women to protection, the right to protection of health, the right to social security and the right to social and medical assistance. States Parties are obliged to declare that they 'accept as the aim of their policy, to be pursued by all appropriate means, both national and international in character, the attainment of conditions in which ... [these] rights and principles may be effectively realised'.

European countries ratifying the European Social Charter were not required to accept all the Charter's provisions or make reservations. Article 20 of the Charter states that each of the Contracting Parties undertakes firstly to consider Part I of the Charter as 'a declaration of the aims which it will pursue by all

appropriate means'; secondly to accept as binding upon it at least five of seven specified articles (1, 5, 6, 12, 13, 16 and 19) in Part II; and thirdly to select a number of other articles and paragraphs in Part II by which to be bound so as to be bound in all by not less than 10 articles or 45 numbered paragraphs. All States Parties are also obliged to submit reports which are examined by different Council of Europe bodies. The European Social Charter does not, however, make provision for the enforcement mechanisms enjoyed by the European Convention, and there have consequently been proposals to add a special Protocol on economic and social rights to the European Convention – something that would give the European Commission and Court of Human Rights jurisdiction to supervise the enforcement of such rights.

4.

The Organization of American States (OAS) (which includes among its 32 members most of the sovereign states of the Americas) has, also, like the European Community, adopted a general human rights treaty – which in this case is the **American Convention on Human Rights**, of 1969. The American States also adopted a prior human rights document, the American Declaration of the Rights and Duties of Man, which was proclaimed on May 2, 1948, thus predating the Universal Declaration with which it has much in common. (Where the American Declaration differs most notably from the Universal Declaration is in focusing not only on rights but also duties: it devotes a chapter (Chapter 2) to the duties of every person.) The American Declaration, like the Universal Declaration, was not intended to be legally binding, but it has gradually acquired normative status within the OAS.

The American Convention on Human Rights is essentially concerned with the protection of civil and political rights, of which it protects approximately two dozen, including the right to juridical personality, the right to life, the right to humane treatment, freedom from slavery, the right to personal liberty, the right to a fair trial, the right to privacy, freedom of conscience and religion, freedom of thought and expression, freedom of association, the rights of the family and the rights of the child. Unlike the European Convention, the American Convention does contain a general equality clause (art 24); but like the European Convention, it did not, when adopted, contain economic and social rights (despite the fact that the poverty and deprivation in much of Latin America is such that recourse to merely civil and political rights is seemingly inadequate for many of the citizens of the member states). On the other hand, Article 26 did contain an undertaking by the States Parties to take progressive measures for the 'full realization of the rights implicit in the economic, social,

educational, scientific and cultural standards set forth in the Charter of the Organization of American States as amended by the Protocol of Buenos Aires'. Furthermore, in 1988, the States Parties to the American Convention adopted the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights, to come into force when 11 states have become parties. This Protocol obliges States Parties 'to adopt the necessary measures ... to the extent allowed by their available resources, and taking into account their degree of development, for the purpose of achieving progressively and pursuant to their internal legislations, the full observance of the [social, economic and cultural] rights recognized in this Protocol'.

The American Convention establishes the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights, both of which have competence with respect to the 'fulfillment of the commitments made by the States Parties' (art 33). The Inter-American Commission on Human Rights is empowered to deal with both individual petitions and inter-state communications, which it can then refer to the Inter-American Court of Human Rights (before which it appears in all cases). The Commission can also seek advisory opinions about the Convention and certain other human rights treaties (for example, the American Declaration) from the Court, which was inaugurated in 1979 and sits at San José, Costa Rica. Only a very small body of case-law has thus far emerged from the Inter-American Court, however, and so the comparative value of the Inter-American human rights jurisprudence is limited.

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[European] Convention for the Protection of Human Rights and Fundamental Freedoms [plus provisions from some of its Protocols]

Signed on 4 November 1950; entered into force on 3 September 1953

The Governments signatory hereto, being Members of the Council of Europe,

Considering the Universal Declaration of Human Rights proclaimed bythe General Assembly of the United Nations on 10th December 1948;

Considering that this Declaration aims at securing the universaland effective recognition and observance of the Rights therein declared;

Considering that the aim of the Council of Europe is the achievementof greater unity between its Members and that one of the methods by whichthat aim is to be pursued is the maintenance and further realization ofHuman Rights and Fundamental Freedoms;

Reaffirming their profound belief in those Fundamental Freedoms whichare the foundation of justice and peace in the world and are best maintainedon the one hand by an effective political democracy and on the other bya common understanding and observance of the Human Rights upon which theydepend;

Being resolved, as the Governments of European countries which arelike-minded and have a common heritage of political traditions, ideals,freedom and the rule of law, to take the first steps for the collectiveenforcement of certain of the Rights stated in the Universal Declaration;

Have agreed as follows:

Article 1

The High Contracting Parties shall secure to everyone within their jurisdiction the rights and freedoms defined in Section I of this Convention.

SECTION I

Article 2

1. Everyone's right to life shall be protected by law. No one shall be deprived of his life intentionally save in the execution of a sentence ofa court following his conviction of a crime for which this penalty is provided by law.
2. Deprivation of life shall not be regarded as inflicted in contraventionof this Article when it results from the use of force which is no more thanabsolutely necessary:
   (a) in defence of any person from unlawful violence;
   (b) in order to effect a lawful arrest or to prevent the escape of a person lawfully detained;
   (c) in action lawfully taken for the purpose of quelling a riot or insurrection.

Article 3

No one shall be subjected to torture or to inhuman or degrading treatment or punishment.

Article 4

1. No one shall be held in slavery or servitude.
2. No one shall be required to perform forced or compulsory labour.
3. For the purpose of this Article the term "forced or compulsory labour"shall not include
   (a) any work required to be done in the ordinary course of detention imposed according to the provisions of Article 5 of this Convention or during conditional release from such detention;
   (b) any service of a military character or, in case of conscientious objectorsin countries where they are recognised, service exacted instead of compulsory military service;
   (c) any service exacted in case of an emergency or calamity threatening the life or well-being of the community;
   (d) any work or service which forms part of normal civil obligations.

Article 5

1. Everyone has the right to liberty and security of person. No one shall be deprived of his liberty save in the following cases and in accordance with the procedure prescribed by law:
   (a) the lawful detention of a person after conviction by a competent court;
   (b) the lawful arrest or detention of a person for non- compliance with the lawful order of a court or in order to secure the fulfillment of any obligation prescribed by law;
   (c) the lawful arrest or detention of a person effected for the purpose of bringing him before the competent legal authority on reasonable suspicionof having committed an offence or when it is reasonably considered necessary to prevent his committing an offence or fleeing after having done so;
   (d) the detention of a minor by lawful order for the purpose of educational supervision or his lawful detention for the purpose of bringing him before the competent legal authority;
   (e) the lawful detention of persons for the prevention of the spreading of infectious diseases, of persons of unsound mind, alcoholics or drug addicts or vagrants;
   (f) the lawful arrest or detention of a person to prevent his effecting an unauthorised entry into the country or of a person against whom action is being taken with a view to deportation or extradition.
2. Everyone who is arrested shall be informed promptly, in a language which he understands, of the reasons for his arrest and of any charge against him.
3. Everyone arrested or detained in accordance with the provisions of paragraph1(c) of this Article shall be brought promptly before a judge or other officer authorised by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release pending trial. Release may be conditioned by guarantees to appear for trial.
4. Everyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings by which the lawfulness of his detention shall be decided speedily by a court and his release ordered if the detentionis not lawful.
5. Everyone who has been the victim of arrest or detention in contravention of the provisions of this Article shall have an enforceable right to compensation.

Article 6

1. In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. Judgment shall be pronounced publicly but the press and public may be excluded from all or part of the trial in the interests of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require,or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice.
2. Everyone charged with a criminal offence shall be presumed innocent until proved guilty according to law.
3. Everyone charged with a criminal offence has the following minimum rights:
   (a) to be informed promptly, in a language which he understands and in detail, of the nature and cause of the accusation against him;
   (b) to have adequate time and facilities for the preparation of his defence;
   (c) to defend himself in person or through legal assistance of his own choosingor, if he has not sufficient means to pay for legal assistance, to be givenit free when the interests of justice so require;
   (d) to examine or have examined witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;
   (e) to have the free assistance of an interpreter if he cannot understand or speak the language used in court.

Article 7

1. No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence under national or international law at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the criminal offence was committed.
2. This Article shall not prejudice the trial and punishment of any person for any act or omission which, at the time when it was committed, was criminal according to the general principles of law recognised by civilised nations.

Article 8

1. Everyone has the right to respect for his private and family life, his home and his correspondence.
2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

Article 9

1. Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief and freedom, either alone or in community with others and in public or private, to manifest his religion or belief, in worship, teaching, practiceand observance.
2. Freedom to manifest one's religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others.

Article 10

1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This Article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.
2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

Article 11

1. Everyone has the right to freedom of peaceful assembly and to freedom of association with others, including the right to form and to join trade unions for the protection of his interests.

2. No restrictions shall be placed on the exercise of these rights other than such as are prescribed by law and are necessary in a democratic society in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others. This Article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces, of the police or of the administration of the State.

Article 12
Men and women of marriageable age have the right to marry and to found a family, according to the national laws governing the exercise of this right.

Article 13
Everyone whose rights and freedoms as set forth in this Convention are violated shall have an effective remedy before a national authority notwithstanding that the violation has been committed by persons acting in an official capacity.

Article 14
The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race,colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

Article 15
1. In time of war or other public emergency threatening the life of the nation any High Contracting Party may take measures derogating from its obligations under this Convention to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with its other obligations under international law.
2. No derogation from Article 2, except in respect of deaths resulting from lawful acts of war, or from Articles 3, 4 (paragraph 1) and 7 shall be made under this provision.
3. Any High Contracting Party availing itself of this right of derogation shall keep the Secretary-General of the Council of Europe fully informed of the measures which it has taken and the reasons therefor. It shall also inform the Secretary-General of the Council of Europe when such measures have ceased to operate and the provisions of the Convention are again being fully executed.

Article 16
Nothing in Articles 10, 11 and 14 shall be regarded as preventing the High Contracting Parties from imposing restrictions on the political activityof aliens.

Article 17
Nothing in this Convention may be interpreted as implying for any State,group or person any right to engage in any activity or perform any act aimed at the destruction of any of the rights and freedoms set forth herein or at their limitation to a greater extent than is provided for in the Convention.

Article 18
The restrictions permitted under this Convention to the said rights and freedoms shall not be applied for any purpose other than those for which they have been prescribed.

[Articles 19 to 66 omitted]

PROTOCOLS

FIRST PROTOCOL – 20 March 1952
[Enforcement of certain Rights and Freedoms not included in Section I of the Convention]

The Governments signatory hereto, being Members of the Council of Europe,

Being resolved to take steps to ensure the collective enforcement of certain rights and freedoms other than those already included in Section I of the Convention for the Protection of Human Rights and Fundamental Freedoms signed at Rome on 4th November, 1950 (hereinafter referred to as 'the Convention'),

Have agreed as follows:

Article 1
Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of proper-

ty in accordance with the general interest or to secure the payment of taxes or other contributions or penalties.

Article 2
No person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions.

Article 3
The High Contracting Parties undertake to hold free elections at reasonable intervals by secret ballot, under conditions which will ensure the free expression of the opinion of the people in the choice of the legislature.

[Articles 4 to 6 omitted]

FOURTH PROTOCOL – 16 September 1963
[Securing certain Rights and Freedoms other than those included in the Convention and in Protocol No. 1]

The Governments signatory hereto, being Members of the Council of Europe,

Being resolved to take steps to ensure the collective enforcement of certain rights and freedoms other than those already included in Section I of the Convention for the Protection of Human Rights and Fundamental Freedoms signed at Rome on 4 November 1950 (hereinafter referred to as 'the Convention') and in Articles 1 to 3 of the First Protocol to the Convention, signed at Paris on 20 March 1952,

Have agreed as follows:

Article 1
No one shall be deprived of his liberty merely on the ground of inability to fulfil a contractual obligation.

Article 2
1. Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence.
2. Everyone shall be free to leave any country, including his own.

3. No restrictions shall be placed on the exercise of these rights other than such as are in accordance with law and are necessary in a democratic society in the interests of national security or public safety, for the maintenance of ordre public, for the prevention of crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.
4. The rights set forth in paragraph 1 may also be subject, in particular areas, to restrictions imposed in accordance with law and justified by the public interest in a democratic society.

Article 3
1. No one shall be expelled, by means either of an individual or of a collective measure, from the territory of the State of which he is a national.
2. No one shall be deprived of the right to enter the territory of the State of which he is a national.

Article 4
Collective expulsion of aliens is prohibited.

[Articles 5 to 7 omitted]

SIXTH PROTOCOL – 28 April 1983
[Concerning the Abolition of the Death Penalty]

The member States of the Council of Europe, signatory to this Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms, signed at Rome on 4 November 1950 (hereinafter referred to as 'the Convention'),

Considering that the evolution that has occurred in several member States of the Council of Europe expresses a general tendency in favour of abolition of the death penalty,

Have agreed as follows:

Article 1
The death penalty shall be abolished. No one shall be condemned to such penalty or executed.

Article 2
A State may make provision in its law for the death penalty in respect of acts committed in time of war or of imminent threat of war; such penalty shall be applied only in the instances laid down in the law and in accordance with its provisions. The State shall communicate to the Secretary-General of the Council of Europe the relevant provisions of that law.

Article 3
No derogation from the provisions of this Protocol shall be made under Article 15 of the Convention.

Article 4
No reservation may be made under Article 64 of the Convention in respect of the provisions of this Protocol.

[Articles 5 to 9 omitted]

SEVENTH PROTOCOL – 22 November 1984
[Concerning various matters]

The member States of the Council of Europe signatory hereto,

Being resolved to take further steps to ensure the collective enforcement of certain rights and freedoms by means of the Convention for the Protection of Human Rights and Fundamental Freedoms signed at Rome on 4 November 1950 (hereinafter referred to as 'the Convention'),

Have agreed as follows:

Article 1
1. An alien lawfully resident in the territory of a State shall not be expelled therefrom except in pursuance of a decision reached in accordance with law and shall be allowed:
   (a) to submit reasons against his expulsion,
   (b) to have his case reviewed, and
   (c) to be represented for these purposes before the competent authority or a person or persons designated by that authority.
2. An alien may be expelled before the exercise of his rights under paragraph 1(a), (b) or (c) of this Article, when such expulsion is necessary in the interests of public order or is grounded on reasons of national security.

Article 2
1. Everyone convicted of a criminal offence by a tribunal shall have the right to have conviction or sentence reviewed by a higher tribunal. The exercise of this right, including the grounds on which it may be exercised, shall be governed by law.
2. This right may be subject to exceptions in regard to offences of a minor character, as prescribed by law, or in cases in which the person concerned was tried in the first instance by the highest tribunal or was convicted following an appeal against acquittal.

Article 3
When a person has by a final decision been convicted of a criminal offence and when subsequently his conviction has been reversed, or he has been pardoned, on the ground that a new or newly discovered fact shows conclusively that there has been a miscarriage of justice, the person who has suffered punishment as a result of such conviction shall be compensated according to the law or the practice of the State concerned, unless it is proved that the non-disclosure of the unknown fact in time is wholly or partly attributable to him.

Article 4
1. No one shall be liable to be tried or punished again in criminal proceedings under the jurisdiction of the same State for an offence for which he has already been finally acquitted or convicted in accordance with the law and penal procedure of that State.
2. The provisions of the preceding paragraph shall not prevent the re-opening of the case in accordance with the law and penal procedure of the State concerned, if there is evidence of new or newly discovered facts, or if there has been a fundamental defect in the previous proceedings, which could affect the outcome of the case.
3. No derogation from this Article shall be made under Article 15 of the Convention.

Article 5
1. Spouses shall enjoy equality of rights and responsibilities of a private law character between them, and in their relations with their children, as to marriage, during marriage and in the event of its dissolution. This Article shall not prevent States from taking such measures as are necessary in the interests of the children.

[Articles 6 to 10 omitted]

European Social Charter

Signed on 18 October 1961; entered into force on 26 February 1965

PREAMBLE

The governments signatory hereto, being members of the Council of Europe,

Considering that the aim of the Council of Europe is the achievement of greater unity between its members for the purpose of safeguarding and realising the ideals and principles which are their common heritage and of facilitating their economic and social progress, in particular by the maintenance and further realisation of human rights and fundamental freedoms;

Considering that in the European Convention for the Protection of Human Rights and Fundamental Freedoms signed at Rome on 4th November 1950, and the Protocol thereto signed at Paris on 20th March 1952, the member States of the Council of Europe agreed to secure to their populations the civil and political rights and freedoms therein specified;

Considering that the enjoyment of social rights should be secured without discrimination on grounds of race, colour, sex, religion, political opinion, national extraction or social origin;

Being resolved to make every effort in common to improve the standard of living and to promote the social well-being of both their urban and rural populations by means of appropriate institutions and action,

Have agreed as follows:

PART I

The Contracting Parties accept as the aim of their policy, to be pursued by all appropriate means, both national and international in character, the attainment of conditions in which the following rights and principles may be effectively realised:

1. Everyone shall have the opportunity to earn his living in an occupation freely entered upon.
2. All workers have the right to just conditions of work.
3. All workers have the right to safe and healthy working conditions.
4. All workers have the right to a fair remuneration sufficient for a decent standard of living for themselves and their families.
5. All workers and employers have the right to freedom of association in national or international organisations for the protection of their economic and social interests.
6. All workers and employers have the right to bargain collectively.
7. Children and young persons have the right to a special protection against the physical and moral hazards to which they are exposed.
8. Employed women, in case of maternity, and other employed women as appropriate, have the right to a special protection in their work.
9. Everyone has the right to appropriate facilities for vocational guidance with a view to helping him choose an occupation suited to his personal aptitude and interests.
10. Everyone has the right to appropriate facilities for vocational training.
11. Everyone has the right to benefit from any measures enabling him to enjoy the highest possible standard of health attainable.
12. All workers and their dependents have the right to social security.
13. Anyone without adequate resources has the right to social and medical assistance.
14. Everyone has the right to benefit from social welfare services.
15. Disabled persons have the right to vocational training, rehabilitation and resettlement, whatever the origin and nature of their disability.
16. The family as a fundamental unit of society has the right to appropriate social, legal and economic protection to ensure its full development.
17. Mothers and children, irrespective of marital status and family relations, have the right to appropriate social and economic protection.
18. The nationals of any one of the Contracting Parties have the right to engage in any gainful occupation in the territory of any one of the others on a footing of equality with the nationals of the latter, subject to restrictions based on cogent economic or social reasons.

19. Migrant workers who are nationals of a Contracting Party and their families have the right to protection and assistance in the territory of any other Contracting Party.

PART II

The Contracting Parties undertake, as provided for in Part III, to consider themselves bound by the obligations laid down in the following articles and paragraphs.

Article 1 – The right to work

With a view to ensuring the effective exercise of the right to work, the Contracting Parties undertake:

1. To accept as one of their primary aims and responsibilities the achievement and maintenance of as high and stable a level of employment as possible, with a view to the attainment of full employment;
2. To protect effectively the right of the worker to earn his living in an occupation freely entered upon;
3. To establish or maintain free employment services for all workers;
4. To provide or promote appropriate vocational guidance, training and rehabilitation.

Article 2 – The right to just conditions of work

With a view to ensuring the effective exercise of the right to just conditions of work, the Contracting Parties undertake:

1. To provide for reasonable daily and weekly working hours, the working week to be progressively reduced to the extent that the increase of productivity and other relevant factors permit;
2. To provide for public holidays with pay;
3. To provide for a minimum of two weeks annual holiday with pay;
4. To provide for additional paid holidays or reduced working hours for workers engaged in dangerous or unhealthy occupations as prescribed;
5. To ensure a weekly rest period which shall, as far as possible, coincide with the day recognised by tradition or custom in the country or region concerned as a day of rest.

Article 3 – The right to safe and healthy working conditions

With a view to ensuring the effective exercise of the right to safe and healthy working conditions, the Contracting Parties undertake:

1. To issue safety and health regulations;
2. To provide for the enforcement of such regulations by measures of supervision;
3. To consult, as appropriate, employers' and workers' organisations on measures intended to improve industrial safety and health.

Article 4 – The right to a fair remuneration

With a view to ensuring the effective exercise of the right to a fair remuneration, the Contracting Parties undertake:

1. To recognise the right of workers to a remuneration such as will give them and their families a decent standard of living;
2. To recognise the right of workers to an increased rate of remuneration for overtime work, subject to exceptions in particular cases;
3. To recognise the right of men and women workers to equal pay for work of equal value;
4. To recognise the right of all workers to a reasonable period of notice for termination of employment;
5. To permit deductions from wages only under conditions and to the extent prescribed by national laws or regulations or fixed by collective agreements or arbitration awards.

The exercise of these rights shall be achieved by freely concluded collective agreements, by statutory wage-fixing machinery, or by other means appropriate to national conditions.

Article 5 – The right to organise

With a view to ensuring or promoting the freedom of workers and employers to form local, national or international organisations for the protection of their economic and social interests and to join those organisations, the Contracting Parties undertake that national law shall not be such as to impair, nor shall it be so applied as to impair, this freedom. The extent to which the guarantees provided for in this article shall apply to the police shall be determined by national laws or regulations. The principle governing the application to the members of the armed forces of these guarantees and the extent to which they

shall apply to persons in this category shall equally be determined by national laws or regulations.

Article 6 – The right to bargain collectively

With a view to ensuring the effective exercise of the right to bargain collectively, the Contracting Parties undertake:

1. To promote joint consultation between workers and employers;
2. To promote, where necessary and appropriate, machinery for voluntary negotiations between employers or employers' organisations and workers' organisations, with a view to the regulation of terms and conditions of employment by means of collective agreements;
3. To promote the establishment and use of appropriate machinery for conciliation and voluntary arbitration for the settlement of labour disputes;

and recognise:

4. The right of workers and employers to collective action in cases of conflicts of interest, including the right to strike, subject to obligations that might arise out of collective agreements previously entered into.

Article 7 – The right of children and young persons to protection

With a view to ensuring the effective exercise of the right of children and young persons to protection, the Contracting Parties undertake:

1. To provide that the minimum age of admission to employment shall be 15 years, subject to exceptions for children employed in prescribed light work without harm to their health, morals or education;
2. To provide that a higher minimum age of admission to employment shall be fixed with respect to prescribed occupations regarded as dangerous or unhealthy;
3. To provide that persons who are still subject to compulsory education shall not be employed in such work as would deprive them of the full benefit of their education;
4. To provide that the working hours of persons under 16 years of age shall be limited in accordance with the needs of their development, and particularly with their need for vocational training;
5. To recognise the right of young workers and apprentices to a fair wage or other appropriate allowances;

6. To provide that the time spent by young persons in vocational training during the normal working hours with the consent of the employer shall be treated as forming part of the working day;
7. To provide that employed persons of under 18 years of age shall be entitled to not less than three weeks' annual holiday with pay;
8. To provide that persons under 18 years of age shall not be employed in night work with the exception of certain occupations provided for by national laws or regulations;
9. To provide that persons under 18 years of age employed in occupations prescribed by national laws or regulations shall be subject to regular medical control;
10. To ensure special protection against physical and moral dangers to which children and young persons are exposed, and particularly against those resulting directly or indirectly from their work.

Article 8 – The right of employed women to protection

With a view to ensuring the effective exercise of the right of employed women to protection, the Contracting Parties undertake:

1. To provide either by paid leave, by adequate social security benefits or by benefits from public funds for women to take leave before and after childbirth up to a total of at least 12 weeks;
2. To consider it as unlawful for an employer to give a woman notice of dismissal during her absence on maternity leave or to give her notice of dismissal at such a time that the notice would expire during such absence;
3. To provide that mothers who are nursing their infants shall be entitled to sufficient time off for this purpose;
4. (a) To regulate the employment of women workers on night work in industrial employment;

   (b) To prohibit the employment of women workers in underground mining, and, as appropriate, on all other work which is unsuitable for them by reason of its dangerous, unhealthy, or arduous nature.

Article 9 – The right to vocational guidance

With a view to ensuring the effective exercise of the right to vocational guidance, the Contracting Parties undertake to provide or promote, as necessary, a service which will assist all persons, including the handicapped, to solve problems related to occupational choice and progress, with due regard to the indi-

vidual's characteristics and their relation to occupational opportunity: this assistance should be available free of charge, both to young persons, including school children, and to adults.

Article 10 – The right to vocational training

With a view to ensuring the effective exercise of the right to vocational training, the Contracting Parties undertake:

1. To provide or promote, as necessary, the technical and vocational training of all persons, including the handicapped, in consultation with employers' and workers' organisations, and to grant facilities for access to higher technical and university education, based solely on individual aptitude;
2. To provide or promote a system of apprenticeship and other systematic arrangements for training young boys and girls in their various employments;
3. To provide or promote, as necessary:
   (a) adequate and readily available training facilities for adult workers;
   (b) special facilities for the re-training of adult workers needed as a result of technological development or new trends in employment;
4. To encourage the full utilisation of the facilities provided by appropriate measures such as:
   (a) reducing or abolishing any fees or charges;
   (b) granting financial assistance in appropriate cases;
   (c) including in the normal working hours time spent on supplementary training taken by the worker, at the request of his employer, during employment;
   (d) ensuring, through adequate supervision, in consultation with the employers' and workers' organisations, the efficiency of apprenticeship and other training arrangements for young workers, and the adequate protection of young workers generally.

Article 11 – The right to protection of health

With a view to ensuring the effective exercise of the right to protection of health, the Contracting Parties undertake, either directly or in co-operation with public or private organisations, to take appropriate measures designed inter alia:

1. To remove as far as possible the causes of ill-health;

2. To provide advisory and educational facilities for the promotion of health and the encouragement of individual responsibility in matters of health;
3. To prevent as far as possible epidemic, endemic and other diseases.

Article 12 – The right to social security

With a view to ensuring the effective exercise of the right to social security, the Contracting Parties undertake:

1. To establish or maintain a system of social security;
2. To maintain the social security system at a satisfactory level at least equal to that required for ratification of International Labour Convention (No. 102) Concerning Minimum Standards of Social Security;
3. To endeavour to raise progressively the system of social security to a higher level;
4. To take steps, by the conclusion of appropriate bilateral and multilateral agreements, or by other means, and subject to the conditions laid down in such agreements, in order to ensure:
   (a) equal treatment with their own nationals of the nationals of other Contracting Parties in respect of social security rights, including the retention of benefits arising out of social security legislation, whatever movements the persons protected may undertake between the territories of the Contracting Parties;
   (b) the granting, maintenance and resumption of social security rights by such means as the accumulation of insurance or employment periods completed under the legislation of each of the Contracting Parties.

Article 13 – The right to social and medical assistance

With a view to ensuring the effective exercise of the right to social and medical assistance, the Contracting Parties undertake:

1. To ensure that any person who is without adequate resources and who is unable to secure such resources either by his own efforts or from other sources, in particular by benefits under a social security scheme, be granted adequate assistance, and, in case of sickness, the care necessitated by his condition;
2. To ensure that persons receiving such assistance shall not, for that reason, suffer from a diminution of their political or social rights;

3. To provide that everyone may receive by appropriate public or private services such advice and personal help as may be required to prevent, to remove, or to alleviate personal or family want;
4. To apply the provisions referred to in paragraphs 1, 2 and 3 of this article on an equal footing with their nationals to nationals of other Contracting Parties lawfully within their territories, in accordance with their obligations under the European Convention on Social and Medical Assistance, signed at Paris on 11th December 1953.

Article 14 – The right to benefit from social welfare services
With a view to ensuring the effective exercise of the right to benefit from social welfare services, the Contracting Parties undertake:

1. To promote or provide services which, by using methods of social work, would contribute to the welfare and development of both individuals and groups in the community, and to their adjustment to the social environment;
2. To encourage the participation of individuals and voluntary or other organisations in the establishment and maintenance of such services.

Article 15 – The right of physically or mentally disabled persons to vocational training, rehabilitation and social resettlement
With a view to ensuring the effective exercise of the right of the physically or mentally disabled to vocational training, rehabilitation and resettlement, the Contracting Parties undertake:

1. To take adequate measures for the provision of training facilities, including, where necessary, specialised institutions, public or private;
2. To take adequate measures for the placing of disabled persons in employment, such as specialised placing services, facilities for sheltered employment and measures to encourage employers to admit disabled persons to employment.

Article 16 – The right of the family to social, legal and economic protection
With a view to ensuring the necessary conditions for the full development of the family, which is a fundamental unit of society, the Contracting Parties undertake to promote the economic, legal and social protection of family life by such means as social and family benefits, fiscal arrangements, provision of family housing, benefits for the newly married, and other appropriate means.

Article 17 – The right of mothers and children to social and economic protection
With a view to ensuring the effective exercise of the right of mothers and children to social and economic protection, the Contracting Parties will take all appropriate and necessary measures to that end, including the establishment or maintenance of appropriate institutions or services.

Article 18 – The right to engage in a gainful occupation in the territory of other Contracting Parties
With a view to ensuring the effective exercise of the right to engage in a gainful occupation in the territory of any other Contracting Party, the Contracting Parties undertake:

1. To apply existing regulations in a spirit of liberality;
2. To simplify existing formalities and to reduce or abolish chancery dues and other charges payable by foreign workers or their employers;
3. To liberalise, individually or collectively, regulations governing the employment of foreign workers; and recognise:
4. The right of their nationals to leave the country to engage in a gainful occupation in the territories of the other Contracting Parties.

Article 19 – The right of migrant workers and their families to protection and assistance
With a view to ensuring the effective exercise of the right of migrant workers and their families to protection and assistance in the territory of any other Contracting Party, the Contracting Parties undertake:

1. To maintain or to satisfy themselves that there are maintained adequate and free services to assist such workers, particularly in obtaining accurate information, and to take all appropriate steps, so far as national laws and regulations permit, against misleading propaganda relating to emigration and immigration;
2. To adopt appropriate measures within their own jurisdiction to facilitate the departure, journey and reception of such workers and their families, and to provide, within their own jurisdiction, appropriate services for health, medical attention and good hygienic conditions during the journey;
3. To promote co-operation, as appropriate, between social services, public and private, in emigration and immigration countries;

4. To secure for such workers lawfully within their territories, insofar as such matters are regulated by law or regulations or are subject to the control of administrative authorities, treatment not less favourable than that of their own nationals in respect of the following matters:
   (a) remuneration and other employment and working conditions;
   (b) membership of trade unions and enjoyment of the benefits of collective bargaining; c accommodation;
5. To secure for such workers lawfully within their territories treatment not less favourable than that of their own nationals with regard to employment taxes, dues or contributions payable in respect of employed persons;
6. To facilitate as far as possible the reunion of the family of a foreign worker permitted to establish himself in the territory;
7. To secure for such workers lawfully within their territories treatment not less favourable than that of their own nationals in respect of legal proceedings relating to matters referred to in this article;
8. To secure that such workers lawfully residing within their territories are not expelled unless they endanger national security or offend against public interest or morality;
9. To permit, within legal limits, the transfer of such parts of the earnings and savings of such workers as they may desire;
10. To extend the protection and assistance provided for in this article to self-employed migrants insofar as such measures apply.

[Articles 20 to 29 (Parts IV and V) omitted]

PART V

Article 30 – Derogations in time of war or public emergency

1. In time of war or other public emergency threatening the life of the nation any Contracting Party may take measures derogating from its obligations under this Charter to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with its other obligations under international law.

[Articles 30(2) to 38 omitted]

APPENDIX TO THE SOCIAL CHARTER

Scope of Social Charter in Terms of Persons Protected:

1. Without prejudice to Article 12, paragraph 4 and Article 13, paragraph 4, the persons covered by Articles 1 to 17 include foreigners only in so far as they are nationals of other Contracting Parties lawfully resident or working regularly within the territory of the Contracting Party concerned, subject to the understanding that these articles are to be interpreted in the light of the provisions of Articles 18 and 19.

   This interpretation would not prejudice the extension of similar facilities to other persons by any of the Contracting Parties.
2. Each Contracting Party will grant to refugees as defined in the Convention relating to the Status of Refugees, signed at Geneva on 28th July, 1951, and lawfully staying in its territory, treatment as favourable as possible, and in any case not less favourable than under the obligations accepted by the Contracting Party under the said Convention and under any other existing international instruments applicable to those refugees.

PART I, Paragraph 18, and PART II, Article 18, Paragraph 1

It is understood that these provisions are not concerned with the question of entry into the territories of the Contracting Parties and do not prejudice the provisions of the European Convention on Establishment, signed at Paris on 13th December, 1955.

PART II

Article 1, paragraph 2

This provision shall not be interpreted as prohibiting or authorizing any union security clause or practice.

Article 4, paragraph 4

This provision shall not be so understood as not to prohibit immediate dismissal for any serious offence.

Article 4, paragraph 5

It is understood that a Contracting Party may give the undertaking required in this paragraph if the great majority of workers are not permitted to suffer

deductions from wages either by law or through collective agreements or arbitration awards, the exceptions being those persons not so covered.

Article 6, paragraph 4
It is understood that each Contracting Party may, in so far as it is concerned, regulate the exercise of the right to strike by law, provided that any further restriction that this might place on the right can be justified under the terms of Article 31.

Article 7, paragraph 8
It is understood that a Contracting Party may give the undertaking required in this paragraph if it fulfils the spirit of the undertaking by providing by law that the great majority of persons under 18 years of age shall not be employed in night work.

Article 12, paragraph 4
The words 'and subject to the conditions laid down in such agreements' in the introduction to this paragraph are taken to imply inter alia that with regard to benefits which are available independently of any insurance contribution a Contracting Party may require the completion of a prescribed period of residence before granting such benefits to nationals of other Contracting Parties.

Article 13, paragraph 4
Governments not Parties to the European Convention on Social and Medical Assistance may ratify the Social Charter in respect of this paragraph provided that they grant to nationals of other Contracting Parties a treatment which is in conformity with the provisions of the said Convention.

Article 19, paragraph 6
For the purpose of this provision, the term 'family of a foreign worker' is understood to mean at least his wife and dependent children under the age of 21 years.

PART III

It is understood that the Charter contains legal obligations of an international character, the application of which is submitted solely to the supervision provided for in Part IV thereof.

Article 20, paragraph 1
It is understood that the 'numbered paragraphs' may include articles consisting of only one paragraph.

PART V

Article 30
The term 'in time of war or other public emergency' shall be so understood as to cover also the threat of war.

American Convention on Human Rights

Signed on 22 November 1969; entered into force on 18 July 1978

PREAMBLE

The American states signatory to the present Convention,

Reaffirming their intention to consolidate in this hemisphere, within the framework of democratic institutions, a system of personal liberty and social justice based on respect for the essential rights of man;

Recognizing that the essential rights of man are not derived from one's being a national of a certain state, but are based upon attributes of the human personality, and that they therefore justify international protection in the form of a convention reinforcing or complementing the protection provided by the domestic law of the American states;

Considering that these principles have been set forth in the Charter of the Organization of American States, in the American Declaration of the Rights and Duties of Man, and in the Universal Declaration of Human Rights, and that they have been reaffirmed and refined in other international instruments, worldwide as well as regional in scope;

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

Considering that the Third Special Inter-American Conference (Buenos Aires, 1967) approved the incorporation into the Charter of the Organization itself of broader standards with respect to economic, social, and educational rights and resolved that an inter-American convention on human rights should determine the structure, competence, and procedure of the organs responsible for these matters,

Have agreed upon the following:

PART I – STATE OBLIGATIONS AND RIGHTS PROTECTED

CHAPTER I – GENERAL OBLIGATIONS

Article 1. Obligation to Respect Rights

1. The States Parties to this Convention undertake to respect the rights and freedoms recognized herein and to ensure to all persons subject to their jurisdiction the free and full exercise of those rights and freedoms, without any discrimination for reasons of race, color, sex, language, religion, political or other opinion, national or social origin, economic status, birth, or any other social condition.
2. For the purposes of this Convention, "person" means every human being.

Article 2. Domestic Legal Effects

Where the exercise of any of the rights or freedoms referred to in Article 1 is not already ensured by legislative or other provisions, the States Parties undertake to adopt, in accordance with their constitutional processes and the provisions of this Convention, such legislative or other measures as may be necessary to give effect to those rights or freedoms.

CHAPTER II – CIVIL AND POLITICAL RIGHTS

Article 3. Right to Juridical Personality

Every person has the right to recognition as a person before the law.

Article 4. Right to Life

1. Every person has the right to have his life respected. This right shall be protected by law and, in general, from the moment of conception. No one shall be arbitrarily deprived of his life.
2. In countries that have not abolished the death penalty, it may be imposed only for the most serious crimes and pursuant to a final judgment rendered by a competent court and in accordance with a law establishing such punishment, enacted prior to the commission of the crime. The application of such punishment shall not be extended to crimes to which it does not presently apply. 3. The death penalty shall not be reestablished in states that have abolished it.
4. In no case shall capital punishment be inflicted for political offenses or related common crimes.

5. Capital punishment shall not be imposed upon persons who, at the time the crime was committed, were under 18 years of age or over 70 years of age; nor shall it be applied to pregnant women.
6. Every person condemned to death shall have the right to apply for amnesty, pardon, or commutation of sentence, which may be granted in all cases. Capital punishment shall not be imposed while such a petition is pending decision by the competent authority.

Article 5. Right to Humane Treatment

1. Every person has the right to have his physical, mental, and moral integrity respected.
2. No one shall be subjected to torture or to cruel, inhuman, or degrading punishment or treatment. All persons deprived of their liberty shall be treated with respect for the inherent dignity of the human person.
3. Punishment shall not be extended to any person other than the criminal.
4. Accused persons shall, save in exceptional circumstances, be segregated from convicted persons, and shall be subject to separate treatment appropriate to their status as unconvicted persons.
5. Minors while subject to criminal proceedings shall be separated from adults and brought before specialized tribunals, as speedily as possible, so that they may be treated in accordance with their status as minors.
6. Punishments consisting of deprivation of liberty shall have as an essential aim the reform and social readaptation of the prisoners.

Article 6. Freedom from Slavery

1. No one shall be subject to slavery or to involuntary servitude, which are prohibited in all their forms, as are the slave trade and traffic in women.
2. No one shall be required to perform forced or compulsory labor. This provision shall not be interpreted to mean that, in those countries in which the penalty established for certain crimes is deprivation of liberty at forced labor, the carrying out of such a sentence imposed by a competent court is prohibited. Forced labor shall not adversely affect the dignity or the physical or intellectual capacity of the prisoner.
3. For the purposes of this article, the following do not constitute forced or compulsory labor:
   (a) work or service normally required of a person imprisoned in execution of a sentence or formal decision passed by the competent judicial authority. Such work or service shall be carried out under the supervision and control of public authorities, and any persons performing such work or service shall not be placed at the disposal of any private party, company, or juridical person;
   (b) military service and, in countries in which conscientious objectors are recognized, national service that the law may provide for in lieu of military service;
   (c) service exacted in time of danger or calamity that threatens the existence or the well-being of the community; or
   (d) work or service that forms part of normal civic obligations.

Article 7. Right to Personal Liberty

1. Every person has the right to personal liberty and security.
2. No one shall be deprived of his physical liberty except for the reasons and under the conditions established beforehand by the constitution of the State Party concerned or by a law established pursuant thereto.
3. No one shall be subject to arbitrary arrest or imprisonment.
4. Anyone who is detained shall be informed of the reasons for his detention and shall be promptly notified of the charge or charges against him.
5. Any person detained shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to be released without prejudice to the continuation of the proceedings. His release may be subject to guarantees to assure his appearance for trial.
6. Anyone who is deprived of his liberty shall be entitled to recourse to a competent court, in order that the court may decide without delay on the lawfulness of his arrest or detention and order his release if the arrest or detention is unlawful. In States Parties whose laws provide that anyone who believes himself to be threatened with deprivation of his liberty is entitled to recourse to a competent court in order that it may decide on the lawfulness of such threat, this remedy may not be restricted or abolished. The interested party or another person in his behalf is entitled to seek these remedies.
7. No one shall be detained for debt. This principle shall not limit the orders of a competent judicial authority issued for nonfulfillment of duties of support.

Article 8. Right to a Fair Trial

1. Every person has the right to a hearing, with due guarantees and within a reasonable time, by a competent, independent, and impartial tribunal, previously established by law, in the substantiation of any accusation of a criminal nature made against him or for the determination of his rights and obligations of a civil, labor, fiscal, or any other nature.
2. Every person accused of a criminal offense has the right to be presumed innocent so long as his guilt has not been proven according to law. During the proceedings, every person is entitled, with full equality, to the following minimum guarantees:
   (a) the right of the accused to be assisted without charge by a translator or interpreter, if he does not understand or does not speak the language of the tribunal or court;
   (b) prior notification in detail to the accused of the charges against him;
   (c) adequate time and means for the preparation of his defense;
   (d) the right of the accused to defend himself personally or to be assisted by legal counsel of his own choosing, and to communicate freely and privately with his counsel;
   (e) the inalienable right to be assisted by counsel provided by the state, paid or not as the domestic law provides, if the accused does not defend himself personally or engage his own counsel within the time period established by law;
   (f) the right of the defense to examine witnesses present in the court and to obtain the appearance, as witnesses, of experts or other persons who may throw light on the facts;
   (g) the right not to be compelled to be a witness against himself or to plead guilty; and
   (h) the right to appeal the judgment to a higher court.
3. A confession of guilt by the accused shall be valid only if it is made without coercion of any kind.
4. An accused person acquitted by a non appealable judgment shall not be subjected to a new trial for the same cause.
5. Criminal proceedings shall be public, except insofar as may be necessary to protect the interests of justice.

Article 9. Freedom from Ex Post Facto Laws

No one shall be convicted of any act or omission that did not constitute a criminal offense, under the applicable law, at the time it was committed. A heavier penalty shall not be imposed than the one that was applicable at the time the criminal offense was committed. If subsequent to the commission of the offense the law provides for the imposition of a lighter punishment, the guilty person shall benefit therefrom.

Article 10. Right to Compensation

Every person has the right to be compensated in accordance with the law in the event he has been sentenced by a final judgment through a miscarriage of justice.

Article 11. Right to Privacy

1. Everyone has the right to have his honor respected and his dignity recognized.
2. No one may be the object of arbitrary or abusive interference with his private life, his family, his home, or his correspondence, or of unlawful attacks on his honor or reputation.
3. Everyone has the right to the protection of the law against such interference or attacks.

Article 12. Freedom of Conscience and Religion

1. Everyone has the right to freedom of conscience and of religion. This right includes freedom to maintain or to change one's religion or beliefs, and freedom to profess or disseminate one's religion or beliefs, either individually or together with others, in public or in private.
2. No one shall be subject to restrictions that might impair his freedom to maintain or to change his religion or beliefs.
3. Freedom to manifest one's religion and beliefs may be subject only to the limitations prescribed by law that are necessary to protect public safety, order, health, or morals, or the rights or freedoms of others.
4. Parents or guardians, as the case may be, have the right to provide for the religious and moral education of their children or wards that is in accord with their own convictions.

Article 13. Freedom of Thought and Expression

1. Everyone has the right to freedom of thought and expression. This right includes freedom to seek, receive, and impart information and ideas of all

kinds, regardless of frontiers, either orally, in writing, in print, in the form of art, or through any other medium of one's choice.

2. The exercise of the right provided for in the foregoing paragraph shall not be subject to prior censorship but shall be subject to subsequent imposition of liability, which shall be expressly established by law to the extent necessary to ensure:

   (a) respect for the rights or reputations of others; or

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

3. The right of expression may not be restricted by indirect methods or means, such as the abuse of government or private controls over newsprint, radio broadcasting frequencies, or equipment used in the dissemination of information, or by any other means tending to impede the communication and circulation of ideas and opinions.

4. Notwithstanding the provisions of paragraph 2 above, public entertainments may be subject by law to prior censorship for the sole purpose of regulating access to them for the moral protection of childhood and adolescence.

5. Any propaganda for war and any advocacy of national, racial, or religious hatred that constitute incitements to lawless violence or to any other similar action against any person or group of persons on any grounds including those of race, color, religion, language, or national origin shall be considered as offenses punishable by law.

Article 14. Right of Reply

1. Anyone injured by inaccurate or offensive statements or ideas disseminated to the public in general by a legally regulated medium of communication has the right to reply or to make a correction using the same communications outlet, under such conditions as the law may establish.

2. The correction or reply shall not in any case remit other legal liabilities that may have been incurred.

3. For the effective protection of honor and reputation, every publisher, and every newspaper, motion picture, radio, and television company, shall have a person responsible who is not protected by immunities or special privileges.

Article 15. Right of Assembly

The right of peaceful assembly, without arms, is recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and necessary in a democratic society in the interest of national security, public safety or public order, or to protect public health or morals or the rights or freedom of others.

Article 16. Freedom of Association

1. Everyone has the right to associate freely for ideological, religious, political, economic, labor, social, cultural, sports, or other purposes.

2. The exercise of this right shall be subject only to such restrictions established by law as may be necessary in a democratic society, in the interest of national security, public safety or public order, or to protect public health or morals or the rights and freedoms of others.

3. The provisions of this article do not bar the imposition of legal restrictions, including even deprivation of the exercise of the right of association, on members of the armed forces and the police.

Article 17. Rights of the Family

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

2. The right of men and women of marriageable age to marry and to raise a family shall be recognized, if they meet the conditions required by domestic laws, insofar as such conditions do not affect the principle of nondiscrimination established in this Convention.

3. No marriage shall be entered into without the free and full consent of the intending spouses.

4. The States Parties shall take appropriate steps to ensure the equality of rights and the adequate balancing of responsibilities of the spouses as to marriage, during marriage, and in the event of its dissolution. In case of dissolution, provision shall be made for the necessary protection of any children solely on the basis of their own best interests.

5. The law shall recognize equal rights for children born out of wedlock and those born in wedlock.

Article 18. Right to a Name

Every person has the right to a given name and to the surnames of his parents or that of one of them. The law shall regulate the manner in which this right shall be ensured for all, by the use of assumed names if necessary.

Article 19. Rights of the Child

Every minor child has the right to the measures of protection required by his condition as a minor on the part of his family, society, and the state.

Article 20. Right to Nationality

1. Every person has the right to a nationality.
2. Every person has the right to the nationality of the state in whose territory he was born if he does not have the right to any other nationality.
3. No one shall be arbitrarily deprived of his nationality or of the right to change it.

Article 21. Right to Property

1. Everyone has the right to the use and enjoyment of his property. The law may subordinate such use and enjoyment to the interest of society.
2. No one shall be deprived of his property except upon payment of just compensation, for reasons of public utility or social interest, and in the cases and according to the forms established by law.
3. Usury and any other form of exploitation of man by man shall be prohibited by law.

Article 22. Freedom of Movement and Residence

1. Every person lawfully in the territory of a State Party has the right to move about in it, and to reside in it subject to the provisions of the law.
2. Every person has the right to leave any country freely, including his own.
3. The exercise of the foregoing rights may be restricted only pursuant to a law to the extent necessary in a democratic society to prevent crime or to protect national security, public safety, public order, public morals, public health, or the rights or freedoms of others.
4. The exercise of the rights recognized in paragraph 1 may also be restricted by law in designated zones for reasons of public interest.
5. No one can be expelled from the territory of the state of which he is a national or be deprived of the right to enter it.
6. An alien lawfully in the territory of a State Party to this Convention may be expelled from it only pursuant to a decision reached in accordance with law.
7. Every person has the right to seek and be granted asylum in a foreign territory, in accordance with the legislation of the state and international

conventions, in the event he is being pursued for political offenses or related common crimes.

8. In no case may an alien be deported or returned to a country, regardless of whether or not it is his country of origin, if in that country his right to life or personal freedom is in danger of being violated because of his race, nationality, religion, social status, or political opinions.
9. The collective expulsion of aliens is prohibited.

Article 23. Right to Participate in Government

1. Every citizen shall enjoy the following rights and opportunities:
   (a) to take part in the conduct of public affairs, directly or through freely chosen representatives;
   (b) to vote and to be elected in genuine periodic elections, which shall be by universal and equal suffrage and by secret ballot that guarantees the free expression of the will of the voters; and
   (c) to have access, under general conditions of equality, to the public service of his country.
2. The law may regulate the exercise of the rights and opportunities referred to in the preceding paragraph only on the basis of age, nationality, residence, language, education, civil and mental capacity, or sentencing by a competent court in criminal proceedings.

Article 24. Right to Equal Protection

All persons are equal before the law. Consequently, they are entitled, without discrimination, to equal protection of the law.

Article 25. Right to Judicial Protection

1. Everyone has the right to simple and prompt recourse, or any other effective recourse, to a competent court or tribunal for protection against acts that violate his fundamental rights recognized by the constitution or laws of the state concerned or by this Convention, even though such violation may have been committed by persons acting in the course of their official duties.
2. The States Parties undertake:
   (a) to ensure that any person claiming such remedy shall have his rights determined by the competent authority provided for by the legal system of the state;
   (b) to develop the possibilities of judicial remedy; and

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

CHAPTER III – ECONOMIC, SOCIAL, AND CULTURAL RIGHTS

Article 26. Progressive Development

The States Parties undertake to adopt measures, both internally and through international cooperation, especially those of an economic and technical nature, with a view to achieving progressively, by legislation or other appropriate means, the full realization of the rights implicit in the economic, social, educational, scientific, and cultural standards set forth in the Charter of the Organization of American States as amended by the Protocol of Buenos Aires.

CHAPTER IV – SUSPENSION OF GUARANTEES, INTERPRETATION, AND APPLICATION

Article 27. Suspension of Guarantees

1. In time of war, public danger, or other emergency that threatens the independence or security of a State Party, it may take measures derogating from its obligations under the present Convention to the extent and for the period of time strictly required by the exigencies of the situation, provided that such measures are not inconsistent with its other obligations under international law and do not involve discrimination on the ground of race, color, sex, language, religion, or social origin.
2. The foregoing provision does not authorize any suspension of the following articles: Article 3 (Right to Juridical Personality), Article 4 (Right to Life), Article 5 (Right to Humane Treatment), Article 6 (Freedom from Slavery), Article 9 (Freedom from Ex Post Facto Laws), Article 12 (Freedom of Conscience and Religion), Article 17 (Rights of the Family), Article 18 (Right to a Name), Article 19 (Rights of the Child), Article 20 (Right to Nationality), and Article 23 (Right to Participate in Government), or of the judicial guarantees essential for the protection of such rights.

[Articles 27(3) and 28 omitted]

Article 29. Restrictions Regarding Interpretation

No provision of this Convention shall be interpreted as:

(a) permitting any State Party, group, or person to suppress the enjoyment or exercise of the rights and freedoms recognized in this Convention or to restrict them to a greater extent than is provided for herein;

(b) restricting the enjoyment or exercise of any right or freedom recognized by virtue of the laws of any State Party or by virtue of another convention to which one of the said states is a party;

(c) precluding other rights or guarantees that are inherent in the human personality or derived from representative democracy as a form of government; or

(d) excluding or limiting the effect that the American Declaration of the Rights and Duties of Man and other international acts of the same nature may have.

Article 30. Scope of Restrictions

The restrictions that, pursuant to this Convention, may be placed on the enjoyment or exercise of the rights or freedoms recognized herein may not be applied except in accordance with laws enacted for reasons of general interest and in accordance with the purpose for which such restrictions have been established.

Article 31. Recognition of Other Rights

Other rights and freedoms recognized in accordance with the procedures established in Articles 76 and 77 may be included in the system of protection of this Convention.

CHAPTER V – PERSONAL RESPONSIBILITIES

Article 32. Relationship between Duties and Rights

1. Every person has reponsibilities to his family, his community, and mankind.
2. The rights of each person are limited by the rights of others, by the security of all, and by the just demands of the general welfare, in a democratic society.

[Articles 33 to 82 omitted]

African [Banjul] Charter on Human and Peoples' Rights

Adopted on 27 June 1981, entered into force on 21 October 1986
[Signed by South Africa in 1995; ratified in June 1996]

PREAMBLE

The African States members of the Organization of African Unity, parties to the present convention entitled "African Charter on Human and Peoples' Rights",

Recalling Decision 115 (XVI) of the Assembly of Heads of State and Government at its Sixteenth Ordinary Session held in Monrovia, Liberia, from 17 to 20 July 1979 on the preparation of a "preliminary draft on an African Charter on Human and Peoples' Rights providing inter alia for the establishment of bodies to promote and protect human and peoples' rights";

Considering the Charter of the Organization of African Unity, which stipulates that "freedom, equality, justice and dignity are essential objectives for the achievement of the legitimate aspirations of the African peoples";

Reaffirming the pledge they solemnly made in Article 2 of the said Charter to eradicate all forms of colonialism from Africa, to coordinate and intensify their cooperation and efforts to achieve a better life for the peoples of Africa and to promote international cooperation having due regard to the Charter of the United Nations and the Universal Declaration of Human Rights;

Taking into consideration the virtues of their historical tradition and the values of African civilization which should inspire and characterize their reflection on the concept of human and peoples' rights;

Recognizing on the one hand, that fundamental human rights stem from the attributes of human beings which justifies their national and international protection and on the other hand that the reality and respect of peoples rights should necessarily guarantee human rights;

Considering that the enjoyment of rights and freedoms also implies the performance of duties on the part of everyone;

Convinced that it is henceforth essential to pay a particular attention to the right to development and that civil and political rights cannot be dissociated from economic, social and cultural rights in their conception as well as universality and that the satisfaction of economic, social and cultural rights ia a guarantee for the enjoyment of civil and political rights;

Conscious of their duty to achieve the total liberation of Africa, the peoples of which are still struggling for their dignity and genuine independence, and undertaking to eliminate colonialism, neo-colonialism, apartheid, zionism and to dismantle aggressive foreign military bases and all forms of discrimination, particularly those based on race, ethnic group, color, sex. language, religion or political opinions;

Reaffirming their adherence to the principles of human and peoples' rights and freedoms contained in the declarations, conventions and other instrument adopted by the Organization of African Unity, the Movement of Non-Aligned Countries and the United Nations;

Firmly convinced of their duty to promote and protect human and people' rights and freedoms taking into account the importance traditionally attached to these rights and freedoms in Africa;

Have agreed as follows:

PART I : RIGHTS AND DUTIES

CHAPTER I – HUMAN AND PEOPLE'S RIGHTS

Article 1
The Member States of the Organization of African Unity parties to the present Charter shall recognize the rights, duties and freedoms enshrined in this Chapter and shall undertake to adopt legislative or other measures to give effect to them.

Article 2
Every individual shall be entitled to the enjoyment of the rights and freedoms recognized and guaranteed in the present Charter without distinction of any kind such as race, ethnic group, color, sex, language, religion, political or any other opinion, national and social origin, fortune, birth or other status.

Article 3
1. Every individual shall be equal before the law.
2. Every individual shall be entitled to equal protection of the law.

Article 4
Human beings are inviolable. Every human being shall be entitled to respect for his life and the integrity of his person. No one may be arbitrarily deprived of this right.

Article 5
Every individual shall have the right to the respect of the dignity inherent in a human being and to the recognition of his legal status. All forms of exploitation and degradation of man particularly slavery, slave trade, torture, cruel, inhuman or degrading punishment and treatment shall be prohibited.

Article 6
Every individual shall have the right to liberty and to the security of his person. No one may be deprived of his freedom except for reasons and conditions previously laid down by law. In particular, no one may be arbitrarily arrested or detained.

Article 7
1. Every individual shall have the right to have his cause heard. This comprises:
   (a) the right to an appeal to competent national organs against acts of violating his fundamental rights as recognized and guaranteed by conventions, laws, regulations and customs in force;
   (b) the right to be presumed innocent until proved guilty by a competent court or tribunal;
   (c) the right to defence, including the right to be defended by counsel of his choice;
   (d) the right to be tried within a reasonable time by an impartial court or tribunal.
2. No one may be condemned for an act or omission which did not constitute a legally punishable offence at the time it was committed. No penalty may be inflicted for an offence for which no provision was made at the time it was committed. Punishment is personal and can be imposed only on the offender.

Article 8
Freedom of conscience, the profession and free practice of religion shall be guaranteed. No one may, subject to law and order, be submitted to measures restricting the exercise of these freedoms.

Article 9
1. Every individual shall have the right to receive information.
2. Every individual shall have the right to express and disseminate his opinions within the law.

Article 10
1. Every individual shall have the right to free association provided that he abides by the law.
2. Subject to the obligation of solidarity provided for in 29 no one may be compelled to join an association.

Article 11
Every individual shall have the right to assemble freely with others. The exercise of this right shall be subject only to necessary restrictions provided for by law in particular those enacted in the interest of national security, the safety, health, ethics and rights and freedoms of others.

Article 12
1. Every individual shall have the right to freedom of movement and residence within the borders of a State provided he abides by the law.
2. Every individual shall have the right to leave any country including his own, and to return to his country. This right may only be subject to restrictions, provided for by law for the protection of national security, law and order, public health or morality.
3. Every individual shall have the right, when persecuted, to seek and obtain asylum in other countries in accordance with laws of those countries and international conventions.
4. A non-national legally admitted in a territory of a State Party to the present Charter, may only be expelled from it by virtue of a decision taken in accordance with the law.
5. The mass expulsion of non-nationals shall be prohibited. Mass expulsion shall be that which is aimed at national, racial, ethnic or religious groups.

Article 13
1. Every citizen shall have the right to participate freely in the government of his country, either directly or through freely chosen representatives in accordance with the provisions of the law.
2. Every citizen shall have the right of equal access to the public service of his country.

3. Every individual shall have the right of access to public property and services in strict equality of all persons before the law.

Article 14

The right to property shall be guaranteed. It may only be encroached upon in the interest of public need or in the general interest of the community and in accordance with the provisions of appropriate laws.

Article 15

Every individual shall have the right to work under equitable and satisfactory conditions, and shall receive equal pay for equal work.

Article 16

1. Every individual shall have the right to enjoy the best attainable state of physical and mental health.
2. States parties to the present Charter shall take the necessary measures to protect the health of their people and to ensure that they receive medical attention when they are sick.

Article 17

1. Every individual shall have the right to education.
2. Every individual may freely, take part in the cultural life of his community.
3. The promotion and protection of morals and traditional values recognized by the community shall be the duty of the State.

Article 18

1. The family shall be the natural unit and basis of society. It shall be protected by the State which shall take care of its physical health and moral.
2. The State shall have the duty to assist the family which is the custodian or morals and traditional values recognized by the community.
3. The State shall ensure the elimination of every discrimination against women and also ensure the protection of the rights of the woman and the child as stipulated in international declarations and conventions.
4. The aged and the disabled shall also have the right to special measures of protection in keeping with their physical or moral needs.

Article 19

All peoples shall be equal; they shall enjoy the same respect and shall have the same rights. Nothing shall justify the domination of a people by another.

Article 20

1. All peoples shall have the right to existence. They shall have the unquestionable and inalienable right to self- determination. They shall freely determine their political status and shall pursue their economic and social development according to the policy they have freely chosen.
2. Colonized or oppressed peoples shall have the right to free themselves from the bonds of domination by resorting to any means recognized by the international community.
3. All peoples shall have the right to the assistance of the States parties to the present Charter in their liberation struggle against foreign domination, be it political, economic or cultural.

Article 21

1. All peoples shall freely dispose of their wealth and natural resources. This right shall be exercised in the exclusive interest of the people. In no case shall a people be deprived of it.
2. In case of spoliation the dispossessed people shall have the right to the lawful recovery of its property as well as to an adequate compensation.
3. The free disposal of wealth and natural resources shall be exercised without prejudice to the obligation of promoting international economic cooperation based on mutual respect, equitable exchange and the principles of international law.
4. States parties to the present Charter shall individually and collectively exercise the right to free disposal of their wealth and natural resources with a view to strengthening African unity and solidarity.
5. States parties to the present Charter shall undertake to eliminate all forms of foreign economic exploitation particularly that practiced by international monopolies so as to enable their peoples to fully benefit from the advantages derived from their national resources.

Article 22

1. All peoples shall have the right to their economic, social and cultural development with due regard to their freedom and identity and in the equal enjoyment of the common heritage of mankind.

2. States shall have the duty, individually or collectively, to ensure the exercise of the right to development.

Article 23

1. All peoples shall have the right to national and international peace and security. The principles of solidarity and friendly relations implicitly affirmed by the Charter of the United Nations and reaffirmed by that of the Organization of African Unity shall govern relations between States.
2. For the purpose of strengthening peace, solidarity and friendly relations, States parties to the present Charter shall ensure that:
   (a) any individual enjoying the right of asylum under 12 of the present Charter shall not engage in subversive activities against his country of origin or any other State party to the present Charter;
   (b) their territories shall not be used as bases for subversive or terrorist activities against the people of any other State party to the present Charter.

Article 24

All peoples shall have the right to a general satisfactory environment favorable to their development.

Article 25

States parties to the present Charter shall have the duty to promote and ensure through teaching, education and publication, the respect of the rights and freedoms contained in the present Charter and to see to it that these freedoms and rights as well as corresponding obligations and duties are understood.

Article 26

States parties to the present Charter shall have the duty to guarantee the independence of the Courts and shall allow the establishment and improvement of appropriate national institutions entrusted with the promotion and protection of the rights and freedoms guaranteed by the present Charter.

CHAPTER II – DUTIES

Article 27

1. Every individual shall have duties towards his family and society, the State and other legally recognized communities and the international community.

2. The rights and freedoms of each individual shall be exercised with due regard to the rights of others, collective security, morality and common interest.

Article 28

Every individual shall have the duty to respect and consider his fellow beings without discrimination, and to maintain relations aimed at promoting, safeguarding and reinforcing mutual respect and tolerance.

Article 29

The individual shall also have the duty:

1. to preserve the harmonious development of the family and to work for the cohesion and respect of the family; to respect his parents at all times, to maintain them in case of need;
2. To serve his national community by placing his physical and intellectual abilities at its service;
3. Not to compromise the security of the State whose national or resident he is;
4. To preserve and strengthen social and national solidarity, particularly when the latter is threatened;
5. To preserve and strengthen the national independence and the territorial integrity of his country and to contribute to its defence in accordance with the law;
6. To work to the best of his abilities and competence, and to pay taxes imposed by law in the interest of the society;
7. to preserve and strengthen positive African cultural values in his relations with other members of the society, in the spirit of tolerance, dialogue and consultation and, in general, to contribute to the promotion of the moral well being of society;
8. To contribute to the best of his abilities, at all times and at all levels, to the promotion and achievement of African unity.

[Articles 30 to Articles 62 omitted]

III
SOUTH AFRICAN HUMAN RIGHTS DOCUMENTS

Of the five documents included in this section, two are historical and three contemporary. The two historical documents (the first two in the section) were selected both because of their historical importance and their equality dimensions. The three contemporary documents (the next three) were included because of the way that their subject matter tied in with this booklet's focus on rights instruments concerned with the eradication of race, gender and other traditionally vulnerable categories. None of the documents included in this section is or was legally binding. They are aspirational, consciousness-raising documents that have tried to set the standard for human rights protection in South Africa.

1.

The second historical document included in this section, the **Freedom Charter**, of 1955, is one that perhaps should be discussed first, because it enjoys a uniquely revered status in South Africa. The Freedom Charter was adopted on 26 June 1955 by the Congress of the People (launched by the Congress Alliance in 1954) at Kliptown. The Charter was the product of a series of discussions at this Congress, which had been called by its initiator, Professor Z.K. Mathews, to allow 'ordinary people' to 'draw up a blueprint for the free South Africa of the future'. The Freedom Charter demanded inter alia: universal adult suffrage; equal rights for all national groups and races; equality before the law; freedom of speech, organisation and movement for all; privacy from police raids; the sharing of the country's wealth and of land ownership; labour-related rights; and that the 'doors of learning and culture shall be opened'. The Freedom Charter strongly influenced the ANC's Constitutional Guidelines for a Democratic South Africa (of 1988), as well as the ANC's Bill of Rights for a New South Africa, of 1990, testimony to its enduring impact and significance as a programme for liberation from freedom of oppression and exploitation in South Africa.

The other, and in fact earlier, historical document in this section is the **Women's Charter and Aims**, of 1954. The Women's Charter was adopted at the inaugural meeting of the Federation of South African Women (Fedsaw) on 17 April 1954 in Johannesburg. The Charter was intended to set out the philosophy underpinning the new national organisation for women. The Women's Charter – along with a second Fedsaw document, 'What Women Demand' (drawn up in May 1955) – was also submitted to the Convenors of the Congress of the People at Kliptown in 1955 and so the two documents provide a background to the treatment of women in the Freedom Charter.

The Women's Charter took issue with the view that the focus of the struggle for liberation in South Africa should be on poverty, and race and class discrimination (with gender discrimination of subordinate importance). 'The status of women is a test of civilization', the Charter said, and '[m]easured by that standard, South Africa must be considered low in the scale of civilised nations'. Therefore, while it was important to fight for economic and racial liberation, this by itself would not sufice. Men would not be free 'from the evils of discrimination and prejudice as long as they fail to extend to women complete and unqualified equality in law and in practice'.

The Women's Charter highlights two ways, in particular, in which women have been oppressed in South Africa. The first (as the Preamble states) derives from the 'laws, regulations, conventions and customs that discriminate against us as women, and that deprive us in any way of our inherent right to the advantages, responsibilities and opportunities that society offers to any one section of the population'. (Examples of such laws, regulations etc. were the laws of the time which denied married women the right to enter contracts, to own and dispose of property, and to exercise guardianship over their children.) The second way in which women have been disadvantaged is by having to shoulder a greater responsibility for the family (because of the greater dependence of children on their mothers) without getting any compensating benefits. Thus, for true equality to exist, there would not simply have to be 'formal equality', but also a recognition of the fact that there is an extra burden on the time and income of women that is not shared by men. These two dimensions of oppression were picked up in the eight 'Aims' at the end of the Charter which deal not only with issues such as an equal right to vote and be elected for public office, but also measures which concern the rearing of children.

As far as historical rights documents are concerned, recognition should also be accorded to two other early South African documents which are not included in this booklet: the African Bill of Rights of 1923 and the African Bill of Rights of 1945, the latter of which formed part of the Africans' Claims in South Africa.

Both were produced by the ANC and are examples of the ANC's use of rights discourse to oppose discrimination and inequality at a very early stage of their struggle for justice and democracy in South Africa. The 1945 Bill of Rights – part of a reformulation of the principles of the Atlantic Charter for Africans in South Africa – was particularly significant. It 'made the revolutionary claim of one man one vote, of equal justice in the courts, freedom of land ownership, of residence and of movement[,] ... claimed freedom of the press, and demanded equal opportunity in training and in work'. The text of the document can be found in Karis and Carter (eds), *From Protest to Challenge*, vol. 2 'Hope and Challenge 1935-1952' at 217-222.

2.

The three contemporary documents are the **Children's Charter of South Africa**, of 1992, the **Lesbian, Gay and Bisexual Rights Charter**, of 1993, and the **Women's Charter for Effective Equality**, of 1994. These Charters are all concerned with improving the conditions and treatment of, and redressing inequalities of treatment against, groups in South Africa that have historically been disadvantaged and marginalised.

The Children's Charter was approved on 1 June 1992 at the end of an International Children's Summit which contained representatives from all regions of South Africa. The Charter responded to the fact that the rights and interests of children had not been placed on the agenda of any political party at the time, or at the CODESA negotiations, and thus that children's issues risked being marginalised in the constitutional talks. The Charter demanded that the political parties involved in negotiations for the new constitutional order acknowledge, adopt and support the Children's Charter; that a children's representative be placed on CODESA; that the future constitution and bill of rights include special provisions for children's care, protection and development; and that the National Children's Committee and all other children's structures and organisations 'acknowledge, accept and support the Children's Charter in as many ways as possible'. The Children's Charter is very wide-ranging. It mentions civil and political rights for children (for example, the right of children to express their opinions, to practice their own religion, and to participate in the government of the country); social, economic and cultural rights (for example, the right of children to a 'safe, secure and nurturing family', to 'clothing, housing and a healthy diet', to 'clean water, sanitation and a clean living environment', and to free and equal education); criminal procedural rights (for example, free legal representation if arrested and the right not to be held in prison or police cells at any time); the right to be free from violence of

all kinds; and the right to be protected from child labour. Some of these rights have been included in s 28 of the 1996 Constitution which deals with children's rights.

The Lesbian, Gay and Bisexual Rights Charter of 1993 was the first Charter in South Africa devoted to gay men and lesbians. The main aim of the promoters of the Charter was to raise public awareness about issues affecting lesbians and gay men and to support calls for decriminalisation and non-discrimination. It was also hoped that the Charter would, at a later stage, be a guide-line for drawing up new laws and interpreting the laws generally. The Charter campaign was started by the Organisation for Lesbian and Gay Action (OLGA), which drew up a draft Charter after conducting a community survey in the Western Cape region. (A similar survey was also conducted by the Gay and Lesbian Organisation of the Witwatersrand.) The Charter was endorsed on 11 December 1993 at a national meeting of lesbian and gay organisations held in Cape Town.

The Women's Charter for Effective Equality, of 1994, was the product of a coalition of women's organisations, who wished to give expression 'to the diverse experiences, visions and aspirations of South African women' and 'define what changes are required within the new political, legal, economic and social system'. The Charter sets out 'a programme for equality in all spheres of public and private life, including the law and administration of justice; the economy; education and training; development infrastructure and the environment; social services; political and civil life; family life and partnerships; custom, culture and religion; violence against women; health; and the media. It also stresses that 'similar treatment of men and women may not result in true equality' and that therefore 'the promotion of equality between men and women will sometimes require distinctions to be made.

Mention should also be made at this juncture of some of the human rights documents of the last decade or more that have not been included. Of particular relevance are the model bills of rights produced by various organisations or institutions (for example, political parties, the South African Law Commission and the South African Chamber of Business) prior to the transition to the new constitutional order. The most notable of such documents was probably the ANC's 'Bill of Rights for a New South Africa' (published in 1990, with further amendments in 1991 and 1992), for which some of the groundwork had been laid by the ANC's 'Constitutional Guidelines for a Democratic South Africa' (which came out in mid-1988); although significant, too, was the South African Law Commission's draft Bill of Rights attached to 'Working Paper 25' of its Project on 'Group and Human Rights' in 1989. Going a little further back,

one could also note the bills of rights contained in the Constitutions of the 'independent homelands' of Bophuthatswana (1977) and the Ciskei (1981). For example, the Declaration of Fundamental Rights in the Bophuthatswana Constitution (which was a justiciable bill of rights) was apparently based on the European Convention for the Protection of Human Rights and Fundamental Freedoms. Finally, attention must be drawn to the two most important (and only legally-binding) South African Bills of Rights of the 1990s: the Bills of Rights in the interim Constitution (Chapter 3 of Act 200 of 1993) and the 1996 Constitution (Chapter 2 of Act 108 of 1996). These, of course, provide the context within which, and the basis against which, all the rights provisions in this booklet must be construed.

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Women's Charter and Aims, 1954

PREAMBLE

We, the women of South Africa, wives and mothers, working women and housewives, African, Indians, European and Coloured, hereby declare our aim of striving for the removal of all laws, regulations, conventions and customs that discriminate against us as women, and that deprive us in any way of our inherent right to the advantages, responsibilities and opportunities that society offers to any one section of the population.

A Single Society:

We women do not from a society separate from the men. There is only one society, and it is made up of both women and men. As women we share the problems and anxities of our men, and join hands with them to remove social evils and obstacles to progress.

Test of Civilisation:

The level of civilisation which any society has reached can be measured by the degree of freedom that its members enjoy. The status of women is a test of civilisation. Measured by that standard, South Africa must be considered low in the scale of civilised nations.

Women's Lot:

We women share with our menfolk the cares and anxieties imposed by poverty and its evils. As wives and mothers, it falls upon us to make small wages stretch a long way. It is we who feel the cries of our children when they are hungry and sick. It is our lot to keep and care for the homes that are too small, broken and dirty to be kept clean. We know the burden of looking after children and land when our husbands are away in the mines, on the farms , and in the towns earning our daily bread.

We know what it is to keep family life going in pondokkies and shanties, or in overcrowded one-room apartments. We know the bitterness of children taken to lawless ways, of daughters becoming unmarried mothers whilst still at school, of boys and girls growing up without education, training or jobs at a living wage.

Poor and Rich:
These are evils that need not exist. They exist because the society in which we live is divided into poor and rich, into non-European and European. They exist because there are privileges for the few, discrimination and harsh treatment for the many. We women have stood and will stand shoulder to shoulder with our menfolk in a common struggle against poverty, race and class discrimination, and the evils of the colour-bar.

National Liberation:
As members of the National Liberatory movements and Trade Unions, in and through our various organisations, we march forward with our men in the struggle for liberation and the defence of the working people. We pledge ourselves to keep high the banner of equality, fraternity and liberty. As women there rests upon us also the burden of removing from our society all the social differences developed in past times between men and women, which have the effect of keeping our sex in a position of inferiority and subordination.

Equality for Women:
We resolve to struggle for the removal of laws and customs that deny African women the right to own, inherit or alienate property. We resolve to work for a change in the laws of marriage such as are found amongst our African, Malay and Indian people, which have the effect of placing wives in the position of legal subjection to husbands, and giving husbands the power to dispose of wives' property and earnings, and dictate to them in all matters affecting them and their children.

We recognise that the women are treated as minors by these marriage and property laws because of ancient and revered traditions and customs which had their origin in the antiquity of the people and no doubt served purposes of great value in bygone times.

There was a time in the African society when everty woman reaching marriageable stage was assured of a husband, home, land and security.

Then husbands and wives with their children belonged to families and clans that supplied most of their own material needs and were largely self-sufficient. Men and women were partners in a compact and closely integrated family unit.

Women who Labour:
Those conditions have gone. The tribal and kinship society to which they belonged has been destroyed as a result of the loss of tribal land, migration of men away from the tribal home, the growth of towns and industries, and the

rise of a great body of wage-earners on the farms and in the urban areas, who depend wholly or mainly on wages for a livelihood.

Thousands of African women, like Indians, Coloured and European women, are employed today in factories, homes, offices, shops, on farms, in professions as nurses, teachers and the like. As unmarried women, widows or divorcees they have to fend for themselves, often without the assistance of a male relative. Many of them are responsible not only for their own livelihood but also that of their children.

Large numbers of women today are in fact the sole breadwinners and heads of their families.

Forever Minors:
Nevertheless, the laws and practices derived from an earlier and different state of society are still applied to them. They are responsible for their own person and their children. Yet the law seeks to enforce upon them the status of a minor.

Not only are African, Coloured and Indian women denied political rights, but they are also in many parts of the Union denied the same status as men in such matters as the right to enter into contracts, to own and dispose of property, and to exercise guardianship over their children.

Obstacle to Progress:
The law has lagged behind the development of society: it no longer corresponds to the actual social and economic position of women. The law has become an obstacle to progress of the women, and therefore a brake on the whole of society.

This intolerable condition would not be allowed to continue were it not for the refusal of a large section of our menfolk to concede to us women the rights and privileges which they demand for themselves.

We shall teach the men that they cannot hope to liberate themselves from the evils of discrimination and prejudice as long as they fail to extend to women complete and unqualified equality in law and in practice.

Need for Education:
We also recognise that large numbers of our womenfolk continue to be bound by traditional practices and conventions, and fail to realise that these have become obsolete and a brake on progress. It is our duty and privilege to enlist all women in our struggle for emancipation and to bring to them all realisation of the intimate relationship that exists between their status of

inferiority as women and the inferior status to which their people are subjected by discriminatory laws and colour prejudices.

It is our intention to carry out a nation-wide programme of education that will bring home to the men and women of all national groups the realisation that freedom cannot be won for any one section or for the people as a whole as long as we women are kept in bondage.

An Appeal:

We women appeal to all progressive organisations, to members of the great National Liberatory movements, to the trade unions and working class organisations, to the churches, educational and welfare organisations, to all progressive men and women who have the interests of the people at heart, to join with us in this great and noble endeavour.

OUR AIMS

We declare the following aims:

This organisation is formed for the purpose of uniting women in common action for the removal of all political, legal, economic and social disabilities. We shall strive for women to obtain:

1. The right to vote and to be elected to all State bodies, without restriction or discrimination.
2. The right to full opportunities for employment with equal pay and possibilities of promotion in all spheres of work.
3. Equal rights with men in relation to property, marriage and children, and for the removal of all laws and customs that deny women such equal rights.
4. For the development of every child through free compulsory education for all; for the protection of mother and child through maternity homes, welfare clinics, creches and nursery schools, in countryside and towns; through proper homes for all, and through the provision of water, light, transport, sanitation, and other amenities of modern civilisation.
5. For the removal of all laws that restrict free movement, that prevent or hinder the right of free association and activity in democratic organisations, and the right to participate in the work of these organisations.
6. To build and strengthen women's sections in the National Liberatory movements, the organisation of women in trade unions, and through the peoples' varied organisation.

7. To cooperate with all other organisations that have similar aims in South Africa as well as throughout the world.
8. To strive for permanent peace throughout the world.

The Freedom Charter, June 1955

PREAMBLE

"We, the people of South Africa, declare for our country and the world to know:

That South Africa belongs to all who live in it, black and white, and that no government can justly claim authority unless it is based on the will of the people;

That our people have been robbed of their birthright to land, liberty and peace by a form of government founded on injustice and inequality;

That our country will never be prosperous or free until all our people live in brotherhood, enjoying equal rights and opportunities;

That only a democratic state, based on the will of the people, can secure to all their birthright without distinction of colour, race, sex or belief;

And, therefore, we, the people of South Africa, black and white, together – equals, countrymen and brothers adopt this FREEDOM CHARTER.

And we pledge ourselves to strive together, sparing nothing of our strength and courage, until the democratic changes here set out have been won."

The people shall govern

Every man and woman shall have the right to vote for and stand as a candidate for all bodies which make laws.

All the people shall be entitled to take part in the administration of the country. The rights of the people shall be the same regardless of race, colour or sex. All bodies of minority rule, advisory boards, councils and authorities shall be replaced by democratic organs of self-government.

All national groups shall have equal rights

There shall be equal status in the bodies of state, in the courts and in the schools for all national groups and races;

All national groups shall be protected by law against insult to their race and national pride;

All people shall have equal rights to use their own language and to develop their own folk culture and customs;

All apartheid laws and practices shall be set aside.

The people shall share in the country's wealth

The national wealth of our country, the heritage of all South Africans, shall be restored to the people;

The mineral wealth beneath the soil, the banks and monopoly industry shall be transferred to the ownership of the people as a whole;

All other industries and trade shall be controlled to assist the well-being of the people;

All people shall have equal rights to trade where they choose, to manufacture and to enter all trades, crafts and professions.

The land shall be shared amongst those who work it

Restriction of land ownership on a racial basis shall be ended, and all the land divided amongst those who work it, to banish famine and land hunger;

The state shall help the peasants with implements, seed, tractors and dams to save the soil and assist the tillers;

Freedom of movement shall be guaranteed to all who work on the land;

All shall have the right to occupy land wherever they choose; People shall not be robbed of their cattle;

Forced labour and farm prisons shall he abolished.

All people shall be equal before the law

No one shall be imprisoned, deported or restricted without a fair trial;

No one shall be condemned by the order of any Government official;

The courts shall be only for serious crimes against the people and shall aim at re-education, not vengeance;

The police force and army shall be open to all on an equal basis and shall be the helpers and protectors of the people;

All laws which discriminate on grounds of race, colour or belief shall be repealed.

The preaching and practice of national, race or colour discrimination and contempt shall be a punishable crime.

All shall enjoy equal human rights

The law shall guarantee to all their right to speak, to organise, to meet together, to publish, to preach, to worship and to educate their children;

The privacy of the house from police raids shall be protected by law;

All shall be free to travel without restriction from countryside to town, from province to province, and from South Africa abroad;

Pass laws, permits and all other laws restricting these freedoms shall be abolished.

There shall be work and security

All who work shall be free to form trade unions to elect their officers and to make wage agreements with their employers;

The state shall recognise the right and duty of all to work, and to draw full unemployment benefits;

Men and women of all races shall receive equal pay for equal work;

There shall be a forty-hour working week, a national minimum wage, paid annual leave and sick leave for all workers and maternity leave on full pay for all working mothers;

Miners, domestic workers, farm workers and civil servants shall have the same rights as all others who work;

Child labour, compound labour, the tot system and contract labour shall be abolished.

The doors of learning and culture shall be opened

The government shall discover, develop and encourage national talent for the enhancement of our cultural life;

All the cultural treasures of mankind shall be open to all, by free exchange of books, ideas and contacts with other lands;

The aim of education shall be to teach the youth to love their people and their culture, to honour human brotherhood, liberty and peace;

Education shall be free, compulsory, universal and equal for all children;

Higher education and technical training shall be opened to all by means of state allowances and scholarships awarded on the basis of merit;

Adult illiteracy shall be ended by a mass state education plan;

Teachers shall have all the rights of other citizens;

The colour bar in cultural life, in sport and in education shall be abolished.

There shall be houses, security and comfort

All people shall have the right to live where they choose, to be decently housed, and to bring up their families in comfort and security;

Unused housing space to be available to the people;

Rent and prices shall be lowered, food plentiful and no one shall go hungry;

A preventive health scheme shall be run by the state;

Free medical care and hospitalisation shall be provided for all, with special care for mothers and young children;

Slums shall be demolished and new suburbs built where all have transport, roads, lighting, playing fields, creches and social centres;

The aged, the orphans, the disabled and the sick shall be cared for by the state;

Rest, leisure and recreation shall be the right of all;

Fenced locations and ghettoes shall be abolished, and laws which break up families shall be repealed.

There shall be peace and friendship

South Africa shall be a fully independent state, which respects the rights and sovereignty of all nations;

South Africa shall strive to maintain world peace and settlement of all international disputes by negotiation not war;

Peace and friendship amongst all our people shall be secured by upholding the equal rights, opportunities and status of all;

The people of the protectorates Basutoland, Bechuanaland and Swaziland – shall be free to decide for themselves their own future;

The right of all the peoples of Africa to independence and self-government shall be recognised, and shall be the basis of close co-operation.

"Let all who love their people and their country now say, as we say here:
"These freedoms we will fight for, side by side, throughout our lives, until we have won our liberty."

The Children's Charter of South Africa, 1992

PREAMBLE

We, the delegates of the International Children's Summit held from 27 May to 1 June 1992, acting as representatives from the regions of Western Cape, Eastern Cape, Southern Cape, Northern Cape, Boland, Border, Midlands, Southern Natal, Northern Natal, Namaqualand, PWV, Eastern Transvaal, Western Transvaal, Northern Transvaal, Northern Orange Free State, Southern Orange Free State, Transkei and on behalf of all the children of South Africa,

Realizing that, all children are created equal and are entitled to basic human rights and freedoms and that all children deserve respect and special care and protection as they develop and grow and

Recognizing that, within South Africa, children have not been treated with respect and dignity, but as a direct result of Apartheid have been subjected to discrimination, violence and racism that has destroyed families and communities and has disrupted education and social relationships and

Acknowledging that, at the present time, children have not been placed on the agenda of any political party, or the existing government or within the CODESA negotiations and are not given the attention that they deserve.

Taking into consideration the cultural values, languages, and traditions of all the children and,

Recognizing the urgent need for attention to improving the life of children and protecting their rights in every region, in particular those regions which have been especially subjected to violence, political unrest and poverty.

Have agreed upon the following:

PART 1

Article 1

For the purposes of the charter, a child means any person under the age of 18 years old, unless otherwise stated.

Article 2

Children have been and continue to be abused, tortured, mistreated, neglected and abandoned by the people of South Africa. Children are not treated with the respect and dignity that every human being deserves, but instead are subjected to violence, poverty, racism, and the ignorance of adults. Children continue to suffer from the inequalities of apartheid, especially in the area of education. Children do not receive proper health and medical care and attention, yet do not have the right to demand treatment. Children are arrested, tried without lawyers and held in prisons.

Children are beaten and abused by the police and by gangs and other adults. Children are the future leaders of tomorrow, but they are not given the right to participate in consultations or negotiations about their future. The government and other political parties have put children last, not first.

We therefore set forth that all children of South Africa are entitled to the following rights and protections:

PART II

Article 1

1. All children have the right to protection and guarantees of all the rights of the Charter and should not be discriminated against because of his / her or his / her parents or family's colour, race, sex, language, religion, personal or political opinion, nationality, disability or for any other reason.
2. All political parties, the government, CODESA, the future government, communities, families, and parents should do everything possible to ensure that children are not discriminated against due to his / her or his / her parents or family's colour, race, sex, language, religion, personal or political opinion, nationality, disability or for any other reason.

Article 2

All children have the right to a name and nationality as soon as they are born.

Article 3

1. All children have the right to express their own opinions and the right to be heard in all matters that affect his / her rights and protection and welfare.
2. All children have the right to be heard in courtrooms and hearings affecting their future rights and protection and welfare and to be treated with

the special care and consideration within those courtrooms and hearings which their age and maturity demands.

3. All children have the right to free legal representation if arrested.
4. All children have the right to participate in the government of the country and special attention should be given to consultations with children on their rights and situation.

Article 4

All children have the right to freedom to practice their own religion, culture or beliefs without fear.

Article 5. Violence

1. All children have the right to be protected from all types of violence including:

   physical, emotional, verbal, psychological, sexual, state, political, gang, domestic, school, township and community, street, racial, self-destructive and all other forms of violence.

2. All children have the right to freedom from corporal punishment at school, from the police and in prisons, and at home.
3. All children have the right to be protected from neglect and abandonment.
4. All children have the right to be protected from township and political violence and to have "safe places" and to have community centres where they can go for help and safety from violence.
5. All children have the right to be educated about child abuse and the right to form youth groups to protect them from abuse.
6. All persons have the duty to report all violence against, abuse of and neglect of any child to the appropriate authorities.
7. Children should not be used as shields or tools by the perpetrators of violence.
8. Children have the right to say no to violence.
9. The media has the duty to prevent the exploitation of children who are victims of violence and should be prohibited from the promotion of violence.
10. All children have the right to be protected from violence by the police and in prisons.

11. Children should not be obligated or forced to follow adults in their political involvements.
12. All children have the right to be free from torture, detention or any other physical or emotional violence during Apartheid or at times of unrest or war.
13. All children have the right to be protected from drug and alcohol abuse by their parents, families and others and to be educated about these forms of violence.
14. Children have the right to a special children's court and medical facilities to protect them from violence.
15. Special groups and organizations should be formed within the communities to protect and counsel victims of all types of violence.
16. No child should be held in prison or police cells at any time.

Article 6. Family Life

1. All children have the right to a safe, secure and nurturing family and the right to participate as a member of that family.
2. All children have the right to love and affection from their parents and family.
3. All children have the right to clothing, housing and a healthy diet.
4. All children have the right to clean water, sanitation and a clean living environment.
5. All children have the right to be protected from domestic violence.
6. All children who do not have a family should be provided with a safe and secure place to live and clothing and nutritious food within the community where they live.

[Article 7 omitted]

Article 8. Education

1. All children have the right to free and equal, non-racial, non-sexist and compulsory education within one department as education is a right not a privilege.
2. All children have a right to education which is in the interest of the child and to develop their talents through education, both formal and informal.

3. All teachers should be qualified and should treat children with patience, respect and dignity. All teachers should be evaluated and monitored to ensure that they are protecting the rights of the child.
4. Parents have the duty to become involved in their children's education and development and to participate in their children's education at school and at home.
5. All children have the right to play and to free and adequate sports and recreational facilities so that children can be children.
6. All children have the right to participate in the evaluation and upgrading of curriculum which respects all the traditions, cultures and values of children in South Africa.
7. All children have the right to education on issues such as sexuality, AIDS, human rights, history and background of South Africa and family life.
8. All children have the right to adequate educational facilities and the transportation to such facilities should be provided to children in difficult or violent situations.

Article 9. Child Labour

1. All children have the right to be protected from child labour and any other economic exploitation which endangers a child's mental, physical, or psychological health and interferes with his / her education so that he / she van develop properly and enjoy childhood.
2. All children, especially in rural areas, should be protected from hard labour including farm, domestic or manual labour or any other type of labour.
3. All children have the right to be protected from prostitution and sexual exploitation such as pornography.
4. There should be a minimum age of employment and no child should be forced to leave school prior to the completion of matric for the purposes of employment.
5. There should be regulations and restrictions on the hours and types of work and penalties for those who violate these regulations.
6. All children have the right to be protected from child slavery and from the inheritance of labour or employment from their parent or family.

Article 10. Homeless Children

1. No child should be forced to live on the streets.

2. Homeless children have the right to be protected from harassment and abuse from police, security guards and all other persons and every person has the duty to report any abuse or violence against children.
3. Homeless children have the right to a decentplace to live, clothing and a healthy diet.
4. Street children have the right to special attention in education and health care.
5. Communities and families have a duty to protect their children from becoming homeless and abandoned.
6. All persons should be made aware of the plight of homeless children and should participate in programmes which act to positively eradicate the problem of homeless children.
7. The government has the duty and responsibility for homeless children.

Resolutions

We, the children of South Africa, therefore demand that:

1. The existing government, the African National Congress, the Pan Africanist Congress, Inkatha Freedom Party, CODESA, the National Party, the Democratic Party and all other parties presently involved in negotiations acknowledge, adopt and support the Children's Charter via the establishment of committees, working groups and commissions that will ensure that children's rights will no longer be ignored in South Africa and that children will be placed first on the agenda, not last. Also, that these groups act to support existing children's structures and organisations.
2. A children's representative or council of representatives should be placed on CODESA, and within the existing and future governments. Children have the right to participate in and be consulted with about Government.
3. The future constitution and bill of rights includes special provisions for children's care and protection and development.
4. The National Children's Committee (NCRC) and all other children's structures and organisations, both domestic and international, acknowledge, accept and support the Children's Charter in as many ways as possible.
5. That communities and regions act to acknowledge, adopt and support the Children's Charter and ensure that the needs of their children are addressed with urgency.

6. That the delegates of the Summit act to ensure that their regions, communities, schools, families, adults and peers are informed about the Children's Charter and that there is continuing evaluation about the way forward to a culture of children's rights.

Children will no longer remain silent about their rights, but will speak and even shout out about their needs and demands.

Approved on this the 1st day of June 1992.

Lesbian, Gay and Bisexual Rights Charter, 1993

PREAMBLE

As lesbians, gay men and bisexuals, we commit ourselves to building a non-racial, non-sexist, non-homophobic and democratic South Africa.

Together with all other South Africans, we claim our rights to freedom from discrimination, oppression and exploitation because of our race, gender, sex, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture or language.

We believe that we are entitled to the fundamental rights and methods of implementation contained in this Charter.

FUNDAMENTAL RIGHTS

A. Equality

1. As lesbians, gay men and bisexuals, we have a right to equality before the law and to equal protection of the law.
2. A Bill of Rights, anti-discrimination laws and other corrective measures shall be introduced to ensure adequate recognition and protection of this right.
3. All statutory and common law crimes which directly or indirectly infringe the principle of non-discrimination on grounds of sexual orientation, shall be abolished.

B. Dignity

1. We have a right to respect for and protection of our dignity.
2. Laws and remedies shall be introduced to ensure adequate protection of this right.
3. We require particular protection against being harassed, abused or subjected to demeaning and degrading treatment.

C. Privacy

1. We have a right to the protection of our personal privacy.
2. Unless justified on grounds which are generally and equally applicable to all other people, we shall not be subjected to searches of our persons, homes or property, seizure of our private possessions or violation of our private communications.

D. Freedom of expression

1. We have the same right as all other people to freedom of speech and expression, including freedom of the press and other media.
2. Material which promotes lesbian, gay and bisexual causes and interests shall be included in this freedom.
3. We have a right to assemble, to demonstrate and to present petitions.

E. Freedom of association

1. We have the same right as all other people to freedom of association, including the right to form relationships and to live together.
2. The law shall recognise the right of two people of the same gender to legalise their relationship as a registered partnership, which shall include the right to share property and wealth, to inherit, to next-of-kin status, and to share nationality. This shall also include socio-economic and employment benefits such as insurance, pensions, taxation, housing, medical aid, and compassionate leave.
3. Whether we are in a registered partnership or not, we shall have the same rights as all other people in respect of children. This shall include the right to produce children through alternative insemination, to adopt, foster and have custody and guardianship of children, and to enjoy maternity / paternity leave benefits.

METHODS OF IMPLEMENTATION

As lesbians, gay men and bisexuals, we are entitled to the enforcement of our rights, which shall include the following corrective measures:

A. Education

1. Non-discriminatory education about gender, sexual orientation and sexuality shall be included in the curricula of schools, tertiary institutions, and youth and community programmes.

2. Staff in health, welfare, police and other law enforcement agencies, and in the armed forces, administration of justice and public service, shall receive training on issues relating to gender, sexual orientation and sexuality, including education on new non-discriminatory laws and measures.
3. We call on and encourage the private sector, the trade union movement and political parties and organisations to include non-discriminatory material on gender, sexual orientation and sexuality in their educational programmes.
4. We call on and encourage religious communities of all faiths to understand the faith experiences and other life experiences of lesbians, gay men and bisexuals, and to accept and promote full participation by lesbians, gay men and bisexuals in the life of their religious community.

B. Law and the courts

1. All laws shall be reviewed to ensure that they follow the principles of non-discrimination and equality before the law, as enshrined in the Bill of Rights.
2. The law relating to sexual acts shall, regardless of the gender and sexual orientation of the participants, focus on whether there was actively given consent, deal with sexual violence and abuse, and set a uniform age of consent.
3. The same standards shall apply in sentencing in cases involving sexual harassment, abuse or violence, regardless of whether the conduct is heterosexual, bisexual or homosexual.
4. The same standards shall apply in censoring exploitative or violent sexual acts in the media, regardless of whether the acts are heterosexual, bisexual or homosexual.

C. Policing

1. Harassment and entrapment of lesbians, gay men and bisexuals by the police and other law enforcement bodies, shall be unlawful.
2. Police and other law enforcement bodies shall protect all people against abuse, including the prevention of harassment, victimisation and 'bashing' of lesbians, gay men and bisexuals.

D. Access to complaints, services and information

1. Lesbians, gay men and bisexuals shall have equal access to all channels and bodies created for the reporting, investigating and hearing of complaints relating to abuse, victimisation and discrimination.

2. We shall also have equal access to all public facilities providing advice, information, support, counselling, health care and welfare services.
3. Youth and students in particular shall have access to sex education and to counselling to give them support with discovering their sexuality.

E. Employment

1. It shall be an 'unfair labour practice' for employers to harass, abuse or discriminate against employees because of their sexual orientation.
2. Lesbian, gay or bisexual employees, including teachers and others working with young people, shall not be victimised if they are open about their sexual orientation in the workplace.
3. Lesbians, gay men and bisexuals shall have equal access to employment in the armed forces.

F. Hospitals and prisons

1. Lesbians, gay men and bisexuals shall have equal access to visit partners/lovers in hospitals and other places of care.
2. We shall also have equal access to visit partners/ lovers in prison and other places of custody.
3. Lesbian, gay or bisexual prisoners shall be protected from harassment and abuse.

G. Immigration

1. Sexual orientation shall not be a basis for discrimination in decision-making regarding applications for immigration or asylum.
2. Persecution because of sexual orientation should be accepted as a ground for granting asylum status.
3. A registered partnership shall be recognised as a basis for admission to immigrate or permanent residence status.

Nationally endorsed on 11 December 1993

The Women's Charter for Effective Equality, 1994

The Women's Charter gives expression to the diverse experiences, visions and aspirations of South African women. We are breaking our silence. We claim respect and recognition of our human rights and dignity. We require effective change in our status and material conditions in the future South Africa.

PREAMBLE

We, women of South Africa, claim our rights. We claim full and equal participation in the creation of a nonsexist, non-racist, democratic society.

As women, we have come together in a coalition of organisations to engage in a campaign that enabled women to draw on their diverse experiences and define what changes are required within the new political, legal, economic and social system.

South Africa is the poorer politically, economically and socially for having prevented more than half of its people from fully contributing to its development.

Women's subordination and oppression has taken many forms under patriarchy, custom and tradition, colonialism, racism and apartheid.

We recognise the diversity of our experiences and recognise also the commonalities of our subordination as women.

We are committed to seizing this historic moment to achieve effective equality in South Africa. The development of the potential of all our people, women and men, will enrich and benefit the whole of society.

Women have achieved success and made invaluable contributions to society despite widespread gender discrimination.

We claim recognition and respect for the work we do in the home, in the workplace and in the community. We claim shared responsibilities and decision-making in all areas of public and private life.

Democracy and human rights, if they are to be meaningful to women, must address our historic subordination and oppression. For women to be able to participate in, and shape the nature and form of our democracy, the concepts

of both human rights and democracy must be redefined and interpreted in ways which encompass women's diverse experiences.

We require society to be reorganised, and its institutions to be restructured to take cognisance of all women. In particular, women should have full opportunity and access to leadership positions and decision-making at all levels and in all sectors of society. Affirmative action could be one means of achieving this.

We hereby set out a programme for equality in all spheres of public and private life, including the law and the administration of justice; the economy; education and training; development infrastructure and the environment; social services; political and civic life; family life and partnerships; custom, culture and religion; violence against women; health; and the media.

Article 1. Equality

The principle of equality underlies all our claims in this Charter. We recognise that the achievement of social, economic, political and legal equality is indivisible. Our struggle for equality involves the recognition of the disadvantages that women suffer in all spheres of their lives. As a result, similar treatment of women and men may not result in true equality. Therefore the promotion of equality between men and women will sometimes require distinctions to be made. No distinction, however, should be made that would disadvantage women.

We demand that equality apply to every aspect of our lives, including the family, the workplace and the state. The claim to equality shall not be limited to our relationship with the state.

- The responsibility to ensure that the principle of equality informs all aspects of our lives shall not be limited to the state but shall be borne by all, including employers, family members and civil society.
- The principle of equality shall be embodied at all levels in legislation and government policy. Specific legislation shall be introduced to ensure the practical realisation of equality. Programmes of affirmative action could be a means of achieving equality.
- The state shall establish appropriate mechanisms to ensure the effective protection and promotion of equality for women, which shall be accessible to all women in South Africa.
- There shall be educational programmes and appropriate mechanisms to address gender bias and stereotypes and to promote equality for women in all spheres.

- Human rights education sball be provided to raise awareness of women's status,and to empower wornen to claim their constitutional and legal rights.

Article 2. Law and the Administration of Justice

The law and the administration of justice shall secure the practical realisation of equality for women. This can be achieved only with the full participation of women. Moreover, the position of women must be taken into account in deciding policy, determining legislative priorities, and in formulating, applying, interpreting, adjudicating and enforcing all laws.

- Women shall be fully represented on, and participate in, the selection of all candidates for all judicial and quasi-judicial structures, including traditional courts and alternative dispute resolution mechanisms.
- Women and men shall have equal legal status and capacity in civil and customary law, including, among others, full contractual rights, the right to acquire and hold rights in property, the right to inheritance and the right to secure credit.
- No institution, public or private, shall restrict or impede women in exercising their legal rights.
- Positive and practical measures shall be taken to ensure fairness and justice for women complainants and accused in the criminal justice system
- Women offenders shall not be disadvantaged. Consideration should be given to their relationships with their children.
- There shall bc accessible and affordable legal services. The position of paralegals in assisting women to claim their rights shall be recognised.
- Women shall not be disadvantaged in legal and quasi-legal proceedings.

Article 3. Economy

Women claim involvement in decision-making and full participation at all levels and in all aspects of the formal and informal economy. Economic policy must secure women's place in the economy. All definitions of economic activity(such as those used in the national accounts) must be expanded to specify informal sector and subsistence activities and must include all forms of unpaid labour.

- All women shall have access to jobs and skills training provided by the state and privatesector.

- The full participation of women in economic decision-making should be facilitated.
- Effective affirmative action programmes must be introduced for women.
- There needs to be a flexible reorganisation of the workplace to take account of family responsibilities.
- There should be provision for parental rights, including paid maternity leave with job security, adequate provision of child care facilities and reasonable working hours to accommodate family responsibilities in the public and private sector.
- There shall be no categorisation of jobs on the basis of gender, nor shall gender stereotypes determine the work that women do.
- Measures must be adopted to attain equal pay for work of equal value.
- Recognition must be given to women who are breadwinners.
- There shall be no discrimination of any kind, such as that based upon gender or marital status, in the provision of benefits, including housing, pensions and medical schemes.
- There shall be no discriminatory taxation, including that based upon gender and marital status.

Dependants supported by women shall be recognised for the purposes of taxation.

- The law shall protect women against unfair business practices and unfair labour practices, including in the informal sector.
- Women must be protected from sexual harassment and violence in all places where women work.
- Access to group benefits, such as accident and disability insurance, group housing schemes, sick leave and maternity benefits, shall be available to women, including those outside formal employment.
- Given that women's access to credit is currently based on their ability to supply collateral or is linked to their marital status, women need access to alternative means to obtain credit.
- Health and safety standards must be ensured in both the formal and informal sectors of the economy.
- Prostitution shall be decriminalised. Appropriate measures shall be taken to protect the health and safety of sex workers and their clients.

Article 4. Education and Training

Women and girls claim the right to education. Education and training, including curriculum development, should acknowledge and accommodate the diversity of women's needs and experiences in every aspect of life. Education and training should be a continuous lifelong process, which should include educare, adult basic and continuing education, primary, secondary and tertiary education and skills training. Women shall participate at all levels in educational policy-making, as well as in the management and administration of education and training.

- Every women and girl shall have access to education and training to realise her full potential. In particular, no women or girl shall be excluded from education and training on the basis of pregnancy, domestic and child care responsibilities.
- Appropriate educational institutions and social services, including child care, shall be provided to enable the active participation of women in society. In particular, the participation of rural women, single mothers, and disabled women and girls must be addressed.
- Women and girls shall have equal access to special funds through affirmative action for education and training.
- Appropriate sex education shall be provided for girls and boys, women and men.
- Women and girls at educational institutions shall be protected against sexual harassment and abuse.

Article 5. Development, Infrastructure, and the Environment

Women shall have access to the full range of basic development resources and services necessary to sustain a healthy and productive life. In particular, rural women and informal settlement residents require basic resources. Protection of natural resources shall take into account the needs of women.

- Women shall participate in designing and implementing development programmes to meet their needs.
- Employment generated from development and infrastructure programmes shall also benefit women.
- Adequate,accessible and safe water supplies and sanitation must be made available to all communities, especially in rural areas and informal settlements.

- Electricity or other appropriate sources of energy must be extended to all communities as a matter of priority.
- Women need safe transport networks and effective communications services.
- Women need affordable and secure housing.
- All women, including women living under customary law, must have access to land and security of tenure.
- All women shall have access to adequate health care, recreational, educational and social welfare facilities.

Article 6. Social Services

Women are primarily responsible for maintaining the household and the community. Accessible and affordable development orientated social services should be a right and not a privilege. These must be available to women in all areas of their lives, including in the home, the workplace, health and education. These social services include emotional counselling, family counselling, preventive care, material assistance, clinics and hospitals. Such services should be provided by both the state and the private sector in accordance with the principles of social justice, appropriateness and accessibility.

- The system of social services should cater for the special needs of groups such as the disabled, the elderly, single parents and rural women.
- Social pensions and disability grants should be available to all women, irrespective of age, on the basis of need.
- Appropriate accessible and affordable mental health services must be provided for women.

Article 7. Political and Civic Life

Women shall have the right to participate fully in all levels of political, civic and community life.

- Women shall have full opportunity and access to leadership and decision-making positions at all levels of government.
- Rural women must be part of the decision-making structures in traditional communities.
- Women shall have equal access to, and the right to representation on, public bodies.

- All governmental institutions, including traditional institutions, and non-governmental organisations shall be restructured in accordance with the principles of equality and democracy.
- Every woman must have the right to acquire, change or retain her nationality on a non-discriminatory basis and to pass it on to her children.
- Every woman must be free from political intimidation and threat to her person.
- A variety of mechanisms must be available for women as individuals and as groups to influence legislative change which affect their lives.

Article 8. Family Life and Partnerships

All family types should receive recognition. Acknowledgement of women's responsibilities must be reflected in their decision-making powers within the family and in the management of the household. Domestic cares, duties and obligations should be shared by partners and all members of the household.

- The diversity of family types must be recognised and treated fairly.
- Women shall have freedom of choice in establishing relationships.
- Women and men shall have such rights in respect of, among other things, division of property; maintenance and arrangements in respect of minor and/or dependant children both during and at the dissolution of a marriage; as are required to ensure fair and equitable treatment of both with regard to their respective means, earning capacity, needs and responsibilities.
- Women shall also have the right to decide on the nature and frequency of sexual contact within marriage and intimate relationships.
- Women should have equitable access to the financial resources of the household, and access to information with regard to the economic management of the household.
- The integrity of the partnership has to be maintained without external and familial interference, except where there is reason to believe physical, sexual and psychological abuse is occurring.
- Women, including women married under customary law or by religious rites, shall also be entitled to guardianship over their children.
- Women shall have adequate, effective and enforceable maintenance and/or social welfare benefits for themselves and their children.

Article 9. Custom, Culture and Religion

Customary, cultural and religious practices frequently subordinate women.

- Custom, culture and religion, in so far as these impact upon the status of women in marriage, in law and in public life, shall be subject to the equality clause in the Bill of Rights.
- All women shall have the freedom to practise their own religion, culture or beliefs without fear.
- Women, including those under customary law, must have the right to inherit.

Article 10. Violence against Women

Violence in all its forms is endemic to South African society. Both sexual and domestic violence are pervasive and all women live under the threat of, or experience violence.

- Women shall be entitled to security and integrity of the person which shall include the right to be free from all forms of violence everywhere.
- There shall be legal protection for all women against sexual and racial harassment, all forms of abuse and assault. The family advocate should also be entitled to act on behalf of the abused woman in the family.
- Facilities, staffed by trained personnel, where women can report all cases of criminal and other abuse, and undergo the appropriate examination and treatment, shall be provided by the state.
- There shall be accessible and affordable shelters and counselling services for survivors of rape, battery, sexual assault, incest and other forms of abuse.
- Appropriate education and training must be provided for police, prosecutors, magistrates, judges, district surgeons and other people involved in dealing with cases of rape, battery, sexual assault, incest and other forms of abuse.
- The state shall be responsible for public education about the dignity and integrity of the person.

Article 11. Health

Equal, affordable, accessible and appropriate health care services, which meet women's specific health needs, and which treat women with dignity and respect, shall be provided. Women should be made aware of their rights in relation to health services. Health services must be appropriately orientated to

meet women's health needs and priorities. Basic life-sustaining services, such as water and sanitation, which ensure good health, must be made accessible to all South Africans by the state.

- Women have the right to control over their bodies, which includes the right to make reproductive decisions.
- Access to information should be provided to enable women to make informed choices about their bodies and about health care. This includes information pertaining to reproductive health services, sexually transmitted diseases including AIDS; contraception, cervical and breast cancer; infertility; ante-natal, labour and post-natal care.
- Education about reproductive health services should be provided free of charge to both men and women.
- Every person shall have access to adequate nutrition.
- Single and married women should have access to membership of any type of medical aid or insurance scheme, without discrimination on the basis of gender.

Article 12. Media

The diversity of women's lives and experiences, and their contributions in all areas of public and private life, shall be reflected in the media. This diversity shall be reflected in a positive, active and life-affirming manner. Negative and injurious portrayals of women and narrowly defined roles must be challenged. The dignity of women should be preserved and promoted by the media.

- Women shall be adequately represented in all media institutions, including film, print and electronic media.
- Women must have access to the necessary training to fully utilise the media, as decision-makers, participants, consumers and producers.
- The different ways in which women and men are represented in the media must be monitored.