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# Compendium of International Legal Instruments on Human Migration

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# Foreword

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This Compendium aims to provide an accessible reference for research on international law relating to human migration. It is organized to present information about a significant number of international legal instruments that affect migrants. These legal instruments are organized by topic, and within each topic, they are listed chronologically unless the instrument has been supplemented by subsequent agreements (in which case they are clustered together). The list of instruments is not exhaustive; for example, regional agreements are not included.

Many of the entries for multilateral agreements contained in this Compendium include brief summaries of the nature and terms of the agreement and how it relates to migration; as appropriate, the entry for the agreement includes short-hand references to specific provisions dealing with or relevant to migrants. These entries are not extracts from the original texts, should not be cited as such, and are meant simply to facilitate further research.

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# Human Rights

## Universal Declaration of Human Rights

**Summary:** The Universal Declaration of Human Rights (UDHR) is a milestone document in the history of human rights. Drafted by representatives with different legal and cultural backgrounds from all regions of the world, the Declaration was proclaimed by the United Nations General Assembly in Paris on 10 December 1948 as a common standard of achievements for all peoples and all nations. It sets out, for the first time, **fundamental human rights to be universally protected.** The Declaration applies unconditionally to **all people without distinction of any kind.** Articles 3 through 11 address individual rights, such as the right to life and the prohibition of slavery. Articles 12 through 17 address the civil and political rights of individuals within society. Articles 18 through 21 are concerned with spiritual, public and political freedoms such as freedom of religion and freedom of association. Articles 22 through 27 set out social, economic and cultural rights.

**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.

Access full text [here.](#)

**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** Due process rights: innocent until proven guilty; guarantees necessary for defense; ex post facto laws.

**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** Everyone has the right to freedom of movement and residence within the borders of each state. Everyone has the right to leave any country, including his own, and to return to his country.

**Article 14** Everyone has the right to seek and to enjoy in other countries asylum from persecution (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** Everyone has the right to a nationality. No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

**Article 16** 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.

**Article 17** Everyone has the right to own property alone as well as in association with others. No one shall be arbitrarily deprived of his property.

**Article 18** Everyone has the right to freedom of thought, conscience and religion.

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

**Article 21** Everyone has the right to take part in the government of his country, directly or through freely chosen representatives, equal access to public service in his country. The will of the people shall be the basis of the authority of government and other voting requirements.

**Article 22** Social security

**Article 23** Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment, equal pay for equal work, just and favourable remuneration, trade unions.

**Article 24** Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

**Article 25** 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. 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** Everyone has the right to education. Elementary education shall be free and compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit, should promote listed activities, and parents have the right to choose kind of education given to their children.

**Article 27** 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. 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** Duties to the community and legal limitations.

**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.

# Convention on the Political Rights of Women

**Summary:** This instrument recognizes that women and men have **equal rights** to take part in the government of his/her country directly and indirectly through freely chosen representatives, equal rights to **access to public services**, and equal status in the enjoyment and exercise of political rights. The intention of the instrument is to equalize the status of men and women in the enjoyment and exercise of **political rights**, in accordance with the provisions of the Charter of the United Nations and of the Universal Declaration of Human Rights. The key provisions are contained in Articles 1 through 5. Specifically, the treaty mandates that women, regardless of **marital status**, shall be: entitled to vote in all elections on equal terms with men, without any discrimination; eligible for election to all publicly elected bodies, established by national law, on equal terms with men, without any discrimination; entitled to hold public office and to exercise all public functions, established by national law, on equal terms with men, without any discrimination. Different rules and exceptions apply for **citizens and non-nationals**, in that, non-citizens may not qualify for public office or some political rights under national law.

Adoption: 20 December 1952

Entry into force: 7 July 1954

Access status [here](#).

Access full text [here](#).

# Convention Against Discrimination in Education

**Summary:** This treaty recognizes the need to ensure the rights of equality of **educational opportunities for all people**. The treaty affirms that there should be no discrimination based on race, colour, sex, language, religion, political or other opinion, **national or social origin**, economic condition or birth, which inhibits equality of education, and that each nation has a duty to proscribe discrimination and actively promote **equal opportunity in education** for all people. Article 3 specifically addresses the treatment of foreign nationals, and their rights to equal educational opportunities. The treaty applies to all **people found within the territories or jurisdictions** of which the State Party is responsible, with some exceptions allowed for nationals and citizens of a State Party.

## Article 1 defines

“discrimination in education” as any distinction, exclusion, limitation or preference which, being based on race, colour, sex, language, religion, political or other opinion, national or social origin, economic condition or birth, has the purpose or effect of nullifying or impairing equality of treatment in education.

Adoption: 14 December 1960

Entry into force: 22 May 1962

Access status [here](#).

Access full text [here](#).

**Article 2** defines situations that shall not be deemed to constitute discrimination in education, including separate educational systems or institutions for pupils of the two sexes, for religious or linguistic reasons, or according to the wishes of the pupil's parents or legal guardians, if participation in such systems or attendance at such institutions is optional, the standards equal, and if the education provided conforms to such standards as may be laid down or approved by the competent authorities, in particular for education of the same level.

**Article 3** provides that all State Parties undertake to eliminate and prevent discrimination within the meaning of this Convention, the States Parties thereto undertake: to abrogate and discontinue any administrative practices which involve discrimination in education; to ensure, by legislation where necessary, that there is no discrimination in the admission of pupils to educational institutions; not to allow any differences of treatment by the public authorities between nationals, except on the basis of merit or need, in the matter of school fees and the grant of scholarships or other forms of assistance to pupils and necessary permits and facilities for the pursuit of studies in foreign countries; not to allow, in any form of assistance granted by the public authorities to educational institutions, any restrictions or preference based solely on the ground that pupils belong to a particular group; to give foreign nationals resident within their territory the same access to education as that given to their own nationals.

**Articles 4 through 6** require State Parties to: make primary education free and compulsory; make secondary education in its different forms generally available and accessible to all; make higher education equally accessible to all on the basis of individual capacity; assure compliance by all with the obligation to attend school prescribed by law; ensure that the standards of education are equivalent in all public educational institutions of the same level, and that the conditions relating to the quality of the education provided are also equivalent; provide training for the teaching profession without discrimination; provide protections for national minorities to carry on their own educational activities, including the maintenance of schools and, depending on the educational policy of each State, the use or the teaching of their own language, provided however with some listed restrictions.

**Article 15** provides that the Convention is applicable not only to their metropolitan territory but also to all non-self-governing, trust, colonial and other territories for the international relations of which they are responsible.

# International Convention on the Elimination of All Forms of Racial Discrimination

**Summary:** This instrument intends 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; it recognizes 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, without distinction as to **national origin, race, sex, language or religion**. The treaty applies to **every state party** to the convention and protects **every person found within the State Party's territorial jurisdiction**.

**Article 1** defines "racial discrimination" as any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.

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

**Part 1, Articles 2 through 7** provides the requirements all State Parties must undertake to reach the objectives of the treaty, including policy, legislation, and propaganda. Article 5 specifically details that, among other rights, every person shall have: the right to leave any country, including one's own, and to return to one's country; the right to nationality; 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.

Adoption: 21 December 1965

Entry into force: 1969

Access status [here](#).

Access full text [here](#).

# International Covenant on Economic, Social, and Cultural Rights

**Summary:** This instrument recognizes that the inherent dignity and equal and inalienable rights of **all members of the human family** to self-determination is at the foundation of freedom, justice, and peace in the world. The treaty prohibits violations of international law, such as **child labor** and addresses the economic, social and cultural, civil and political rights that all nations must endeavor to protect for all people without regard to **race, color, national origin, sex, or nationality**. The treaty applies to all State Parties.

**Article 1** provides that all peoples have the right of self-determination, which includes: the right to freely determine political status and freely pursue their economic, social and cultural development; the right to 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.

Adopted: 16 December 1966

Entry into force: 3 January 1976

Access status [here](#).

Access full text [here](#).

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 provides that everyone has a right to the enjoyment of just and favourable conditions of work which ensure remuneration of fair wages, equal wages for work of equal value, a decent living for workers and their families, safe and healthy conditions, equal opportunity for everyone subject to no conditions other than seniority and competence, and rest and leisure time.

**Article 8** provides that the State Parties undertake to ensure: the right of everyone to form trade unions and join the trade union of his choice, subject to some restrictions; the rights of trade unions in formation and function; the right to strike in conformity with the laws of the particular country.

**Article 9** provides that the States Parties recognize the right of everyone to social security, including social insurance.

**Article 10** provides for rights regarding the family, marriage, special protection for mothers and maternity leave, and special protection for children against economic and social exploitation, dangerous or harmful employment.

**Article 11** provides that States Parties recognize the right of everyone to an adequate standard of living for himself and his family, freedom from hunger, and the duties of State Parties to take steps to end ensure these rights.

**Articles 12** provides that the State Parties agree to ensure everyone the highest attainable standard of physical and mental health, and includes steps to be taken to realize that goal.

**Article 23** provides that the States Parties recognize the right of everyone to education so that all persons can 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. Primary education shall be compulsory and available free to all; secondary education shall be made generally available and accessible to all by every appropriate means, and 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;

**Article 15** provides the cultural rights of every person.

# International Covenant on Civil and Political Rights

**Summary:** This instrument mandates that the State Parties respect the civil and political rights of individuals, including the right to **life, freedom of religion, freedom of speech, freedom of assembly, electoral rights** and rights to **due process** and a **fair trial**. The treaty applies to each State Party to the Covenant and covers **all persons within the territory** and subject to the jurisdiction of the State, **without distinction** of any kind.

**Article 1** provides that all peoples have the right of self-determination, including: freedom to choose political status and freely pursue their economic, social and cultural development; the right to freely dispose of their natural wealth and resources without prejudice.

Adoption: 16 December 1966

Entry into force: 23 March 1976

Access status [here](#).

Access full text [here](#).

**Article 2** provides that 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. Each State Party to the present Covenant undertakes: to ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, determined by a competent judiciary or other system, and enforced by the state when granted.

**Article 3** provides for the equal right of men and women to the enjoyment of all civil and political rights set forth in the present Covenant.

**Article 4** provides that, 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, 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.

**Article 6** recognizes that every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life. Section 3 provides that when deprivation of life constitutes the crime of genocide, it is understood that nothing in this article shall authorize any State Party to the present Covenant to derogate in any way from any obligation assumed under the provisions of the Convention on the Prevention and Punishment of the Crime of Genocide.

**Article 8** provides that no one shall be held in slavery; slavery and the slave-trade in all their forms shall be prohibited; no one shall be held in servitude; no one shall be required to perform forced or compulsory labour. The article defines compulsory labor, and makes an exception for instances in which hard labor is imposed as a punishment for a crime, as well as other exceptions.

**Article 9** recognizes that 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. 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, 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, subject to safety restrictions. The article also provides that all persons unlawfully arrested shall have recourse against the state.

**Article 12** provides that 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; everyone shall be free to leave any country, including his own; no one shall be arbitrarily deprived of the right to enter his own country. The aforementioned rights are subject to safety and national security interests.

**Article 13** provides that 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** among other due process rights, provides that all persons shall be equal before the courts and tribunals; everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law. Everyone charged with a criminal offence shall have the right to be presumed innocent until proved guilty according to law and to be informed promptly and in detail in a language which he understands of the nature and cause of the charge against him.

**Article 16** provides that everyone shall have the right to recognition everywhere as a person before the law.

**Article 17** provides that 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, and everyone has the right to the protection of the law against such interference or attacks.

**Article 18** provides that everyone shall have the right to freedom of thought, conscience and religion.

**Article 19** provides that everyone shall have the right to hold opinions without interference, and the right to freedom of expression.

**Article 20** provides that any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.

**Article 23** provides that the right of men and women of marriageable age to marry and to found a family shall be recognized; marriage shall be entered into without the free and full consent of the intending spouses.

**Article 24** provides that 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. Every child shall be registered immediately after birth and shall have a name. Every child has the right to acquire a nationality.

**Article 25** provides the rights of citizens. Article 26 provides for equal protection under 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** provides that 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.

# Convention on the Elimination of All Forms of Discrimination against Women

**Summary:** Often described as an international **bill of rights for women**, consisting of a preamble and 30 articles, it defines what constitutes **discrimination against women** and sets up an agenda for national action to end such discrimination. The treaty applies to **all state parties** and covers **all women, regardless of status**.

**Article 1** defines “discrimination against women.”

**Article 2** provides that each State Party condemn discrimination against women in all its forms, and agree to enact a policy of eliminating discrimination against women, with specific measures included.

**Article 4** addresses the adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women.

**Article 5** addresses specific measures to be taken by State Parties.

**Article 6** states that “States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.”

**Article 9** provides that “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.” States Parties shall grant women equal rights with men with respect to the nationality of their children.

**Article 11** addresses the equal rights of women to work.

**Article 13** provides that States Parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life, including the right to participate in recreational activities, sports and all aspects of cultural life.

**Article 14** addresses the particular problems faced by rural women and lays out specific measures for State Parties to adopt.

**Article 15** provides that States Parties shall accord to women equality with men before the law, a legal capacity identical to that of men and the same opportunities to exercise that capacity. “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 15** addresses the right to marriage, maintaining that women shall have the same right freely to choose a spouse and to enter into marriage only with their free and full consent; the same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; 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.

Adoption: 18 December 1979

Entry into force: 3 September 1981

Access status [here](#).

Access full text [here](#).

# Convention on the Civil Aspects of International Child Abduction

**Summary:** This instrument was drafted to ensure the **prompt return of children** who have been abducted from their country of habitual residence or wrongfully retained in a contracting state not their country of habitual residence, expeditious return of a child internationally abducted from one member nation to another, and to preserve whatever status quo child custody arrangement existed immediately before an alleged wrongful removal or retention thereby deterring a parent from crossing international boundaries in search of a more sympathetic court. The instrument applies to **any child who habitually resided in the territorial jurisdiction of a State Party.**

**Article 1** provides the objectives of the convention: to secure the prompt return of children wrongfully removed to or retained in any Contracting State; and to ensure that rights of custody and of access under the law of one Contracting State are effectively respected in the other Contracting States.

Adoption: 25 October 1980

Entry into force: 1 December 1983

Access status [here](#).

Access full text [here](#).

**Article 3** provides for when the removal or the retention of a child is to be considered wrongful: if it is in breach of rights of custody of the State in which the child was habitually resident immediately before the removal or retention; and at the time of removal or retention those rights were actually exercised, either jointly or alone, or would have been so exercised but for the removal or retention.

**Article 4** provides that the Convention shall apply to any child who was habitually resident in a Contracting State immediately before any breach of custody or access rights. The Convention shall cease to apply when the child attains the age of 16 years.

**Article 5** defines "rights of custody" – rights relating to the care of the person of the child and, in particular, the right to determine the child's place of residence; and "rights of access" shall include the right to take a child for a limited period of time to a place other than the child's habitual residence.

**Article 6** mandates that State Parties shall create a Central Authority to supervise and expedite the process of returning unlawfully taken children.

**Article 7** relates specific measures Central Authorities shall take to ensure the prompt return of children unlawfully removed. Article 8 provides the procedures that states shall have in place for claiming that a child has been unlawfully removed.

**Articles 9 through 20** address the responsibility of State Parties and procedures to be followed following a determination that a child has been unlawfully removed.

**Article 36** provides that nothing in this Convention shall prevent two or more Contracting States, in order to limit the restrictions to which the return of the child may be subject, from agreeing among themselves to derogate from any provisions of this Convention which may imply such a restriction.

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

**Summary:** The purpose of this Convention is to make more effective the struggle against **torture and other cruel, inhuman or degrading treatment or punishment** throughout the world. The Convention defines torture and other prohibited treatment, mandates that States take effective measures to prevent and punish prohibited acts, deals with jurisdiction and extradition, and contains provisions to promote the existence of effective remedies for victims. The treaty applies to **all State Parties** as a prohibition on torture for any person **in all circumstances**.

## PART I

**Article 1** defines “torture” and has a provision for wider domestic application.

**Article 2** mandates that each State Party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction; provides that no exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture; states that an order from a superior officer or a public authority may not be invoked as a justification of torture.

**Article 3** no State Party shall expel, return ("refouler") or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture.

**Article 4** Ensuring that acts and attempts are punished under domestic law by appropriate penalties.

**Article 5** Establishing jurisdiction in cases:

- When the offences are committed in any territory under its jurisdiction or on board a ship or aircraft registered in that State;
- When the alleged offender is a national of that State;
- When the victim is a national of that State if that State considers it appropriate.
- Where the alleged offender is present in any territory under its jurisdiction and it does not extradite him pursuant to article 8 to any of the States mentioned in paragraph 1 of this article.

**Article 6** Custody and extradition of alleged offenders; preliminary inquiry into the facts; notification

**Article 7** Domestic prosecution; no less stringent punishment; fair treatment.

**Article 8** addresses the rules of extradition between States Parties, conditional extradition, domestic extradition law, and territorial jurisdiction.

**Article 9** State Parties assistance with prosecution and bilateral treaties.

**Article 10** Duty to educate officials and officers.

Adoption: 10 December 1984

Entry into force: 26 June 1987

Access status [here](#)

Access full text [here](#).

**Article 11** State Parties duties to review procedures and practices.

**Article 12** Duty to conduct a prompt and impartial investigation by competent authorities.

**Article 13** Rights of individuals alleging torture; witness protection.

**Article 14** Rights of victims: compensation, rehabilitation, dependants; domestic law.

**Article 15** Statements made as a result of torture cannot be used for evidence.

**Article 16** addresses the duty of all State Parties to prevent other acts of cruel, inhuman or degrading treatment or punishment within its territorial jurisdiction.

## PART II

**Articles 17 through 33** omitted.

# Convention on the Rights of the Child

**Summary:** Also known as the CRC, CROC, or UNCRC, this treaty sets out the **civil, political, economic, social, health and cultural rights of children** (under 18 unless domestic law conflicts). State Parties are required to report to the UN Committee on the Rights of the Child. It has been ratified by every member of the United Nations except Somalia and the United States of America. Somalia's cabinet ministers had announced plans to ratify the treaty. Two optional protocols were adopted on 25 May 2000. The First Optional Protocol restricts the involvement of **children in military conflicts**, and the Second Optional Protocol prohibits the **sale of children, child prostitution and child pornography**. Both protocols have been ratified by more than 140 States. The treaty applies to **all children, regardless of nationality**.

## PART I

**Article 1** states that 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** contains non-discrimination and protection from discrimination clauses covering race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth, etc.

**Article 3** In all actions, the best interests of the child shall be a primary consideration; secondary considerations; institutions.

**Article 4** Legislative administrative, and other measures for the implementation of the rights recognized in the present Convention; economic, social and cultural rights, available resources and international co-operation.

**Article 5** Responsibilities, rights and duties of parents or family; local custom.

**Article 6** States Parties recognize that every child has the inherent right to life and States Parties shall ensure to the maximum extent possible the survival and development of the child.

**Article 7** Rights of: registration immediately after birth; a name; a nationality; 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** 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** provides that separation from parents against the will of the child only allowed when necessary for best interests Child; interested parties' right to participation in a proceeding; other separation regulations.

**Article 10** In accordance with the obligation of States Parties under article 9, paragraph 1, applications by a child or his or her parents to enter or leave a State Party for the purpose of family **reunification** shall be dealt

Adoption: 20 November 1989

Entry into force: 2 September 1990

Access status [here](#).

Access full text [here](#).

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** States Parties shall take measures to combat the illicit transfer and non-return of children abroad and shall promote the conclusion of bilateral or multilateral agreements or accession to existing agreements.

**Article 12** Duty to consider the views of the child.

**Article 13** Right to Freedom of expression; restrictions.

**Article 14** Right to freedom of thought, conscience and religion; right of parents/guardians to provide direction; restrictions.

**Article 15** Right to freedom of association and peaceful assembly; restrictions.

**Article 16** Freedom from arbitrary or unlawful interference with privacy, family, or correspondence, nor to unlawful attacks on his or her honour and reputation, and protection of law.

**Article 17** Access to information: media dissemination; intellectual co-operation; children's books; indigenous and minority groups; injurious information.

**Article 18** The common and primary responsibility of parents/guardians; state assistance and services.

**Article 19** Protection from physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse.

**Article 20** Special protection and assistance for deprived children.

**Article 21** Adoption: authorized and assisted by competent authorities; inter-country adoption; standards and safeguards; improper financial gain; international agreements.

**Article 22** Refugee children and refugee seekers; reunification.

**Article 23** Mentally and physically disabled children.

**Article 24** addresses: the right to the highest attainable standard of health and access to treatment facilities; infant and child mortality; primary health care; disease and malnutrition; pre-natal and post-natal health care for mothers; health and nutrition information and education; preventive health care; traditional practices prejudicial to the health of children; international co-operation and developing countries.

**Article 25** Periodic reviews of placement and treatment.

**Article 26** The right to social security and insurance.

**Article 27** The right to a standard of living adequate for the child's physical, mental, spiritual, moral and social development; responsibility of parents/guardians; state assistance; parents abroad.

**Article 28** The right to education: equal opportunity; free and compulsory primary education; encouraging secondary education; accessible higher education; regulations; international co-operation.

**Article 29** aim of education towards development of: the child's personality, talents and mental and physical abilities; respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations; 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; 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; respect for the natural environment.

**Article 30** provides that 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** The right to rest and leisure, play and recreational activities, cultural life and the arts; equal opportunities.

**Article 32** Duty to ensure protection against economic exploitation and work hazardous to education, health or physical, mental, spiritual, moral or social development, providing for:

- A minimum age or minimum ages for admission to employment;
- Appropriate regulation of the hours and conditions of employment;
- Appropriate penalties or sanctions to ensure effective enforcement of present article.

**Article 33** Measures to prevent and prohibit use and trafficking of illegal substances.

**Article 34** Duty to protect child from all forms of sexual exploitation and abuse, in particular take all appropriate national, bilateral and multilateral measures to prevent:

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

**Article 35** 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** mandates that each state party shall ensure that no child shall be:

- Subjected to torture or other cruel, inhuman or degrading treatment or punishment;
- Capital punishment nor life imprisonment without possibility of release;
- Deprived of his or her liberty unlawfully or arbitrarily. (arrest, detention or imprisonment of a child shall be in conformity with law and used only as a measure of last resort, for the shortest appropriate period of time)

- Imprisoned with adults;
- Deprived of contact with his or her family;
- deprived 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** Rules of international humanitarian law applicable armed conflicts; prohibition against taking part in hostilities or recruiting (for children under 15 years of age).

**Article 39** Physical and psychological recovery, and social reintegration

**Article 40** Children who are accused of or infringed penal law:

- Acts not yet prohibited at the time committed
- Guaranteed presumption of innocence until proven guilty according to law;
- Right to be informed promptly and directly of the charges and assistance;
- Right to a prompt and fair hearing;
- Rights during hearing;
- Right to have verdict reviewed by a higher competent, independent and impartial authority or judicial body according to law;
- Right to free assistance of an interpreter if needed;
- Right to have privacy fully respected at all stages of the proceedings.

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 minimum age below which children shall be presumed not to have the capacity to infringe the penal law;
- Whenever appropriate and desirable, measures for dealing with such children without resorting to judicial proceedings or institutional care;

**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** Dissemination of information

**Articles 43 through 55** omitted.

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

**Summary:** The protocol sets 18 as the **minimum age for direct participation in hostilities**, for recruitment into armed groups, and for compulsory recruitment by governments. States may accept **volunteers** from the age of 16 but must deposit a binding declaration at the time of ratification or accession, setting out their minimum voluntary recruitment age and outlining certain safeguards for such recruitment.

Adoption: 25 May 2000

Entry into force: 12 February 2002

Access status [here](#).

Access full text [here](#).

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

**Summary:** The Protocol provides definitions for the offences of ‘**sale of children**’, ‘**child prostitution**’ and ‘**child pornography**’. It also creates obligations on governments to criminalize and punish the activities related to these offences. It requires punishment not only for those offering or delivering children for the purposes of sexual exploitation, transfer of organs or children for profit or forced labour, but also for anyone accepting the child for these activities. The Protocol also protects the rights and interests of child victims. Governments must provide legal and other support services to child victims. This obligation includes considering the best interests of the child in any interactions with the criminal justice system. Children must also be supported with necessary medical, psychological, logistical and financial support to aid their rehabilitation and reintegration. As a complement to the Convention on the Rights of the Child, interpretation of the Optional Protocol’s text must always be guided by the principles of non-discrimination, best interests of the child and child participation.

Adoption: 25 May 2000

Entry into force: 18 January 2002

Access status [here](#).

Access full text [here](#).

# International Convention for the Protection of All Persons from Enforced Disappearance

**Summary:** This instrument is intended to end **forced disappearances, arrest, detention, abduction, or any deprivation of liberty** by agents of the State or with State support or acquiescence, followed by a refusal on the part of the State to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person. The instrument affirms the duty of each nation to take necessary steps to prevent, investigate, and make criminally punishable all instances of forced disappearances, and to combat impunity for the crime against international law and humanity. It applies for the protection of **all people within the territorial jurisdiction of State Parties, regardless of the status or nationality** of the victim or perpetrators.

**Article 1** provides that no one shall be subjected to enforced disappearance, and no circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification for enforced disappearance.

Adoption: 20 December 2006

Entry into force: 23 December 2010

Access status [here](#).

Access full text [here](#).

**Article 2** defines "enforced disappearance"

**Article 3** mandates that each State Party shall take appropriate measures to investigate acts defined in article 2.

**Article 4** mandates that each State Party shall take the necessary measures to ensure that enforced disappearance constitutes an offence under its criminal law.

**Article 5** recognizes that the widespread or systematic practice of enforced disappearance constitutes a crime against humanity as defined in applicable international law and shall attract the consequences provided for under such applicable international law.

**Article 6** provides for State Parties to hold responsible those who engage or aid in forced disappearances.

**Article 8** relates legal limitations, rights, and remedies that each State Party shall guarantee the right of victims of enforced disappearance to an effective remedy during the term of limitation.

**Article 9** provides that each State Party shall take the necessary measures to establish its competence to exercise jurisdiction over the offence of enforced disappearance when the offence is committed in any territory under its jurisdiction or on board a ship or aircraft registered in that State; when the alleged offender is one of its nationals; when the disappeared person is one of its nationals and the State Party considers it appropriate. The Convention does not exclude any additional criminal jurisdiction exercised in accordance with national law.

**Article 10** addresses the custody of suspected offenders, noting that "any person in custody pursuant to paragraph 1 of this article may communicate immediately with the nearest appropriate representative of the State of which he or she is a national, or, if he or she is a stateless person, with the representative of the State where he or she usually resides."

**Article 11** addresses extradition and trial of alleged offenders.

**Article 13** addresses extradition policy between State Parties.

**Articles 14 and 15** address cooperation between State Parties.

**Article 16** provides that no State Party shall expel, return ("refouler"), surrender or extradite a person to another State where there are substantial grounds for believing that he or she would be in danger of being subjected to enforced disappearance.

**Article 25** provides that each State Party shall take the necessary measures to prevent and punish under its criminal law: the wrongful removal of children who are subjected to enforced disappearance, children whose father, mother or legal guardian is subjected to enforced disappearance or children born during the captivity of a mother subjected to enforced disappearance; the falsification, concealment or destruction of documents attesting to the true identity of the children taken.

# Convention on the Rights of Persons with Disabilities

**Summary:** The purpose of this convention is to elaborate in detail the rights of persons with disabilities and set out a code of implementation.

**Article 4** Mandate to develop and carry out policies, laws and administrative measures for securing the rights recognized in the Convention and abolish laws, regulations, customs and practices that constitute discrimination.

Adoption: 13 December 2006

Entry into Force: 3 May 2008

Access status [here](#).

Access full text [here](#).

**Article 5** Countries are to recognize that all persons are equal before the law, to prohibit discrimination on the basis of disability and guarantee equal legal protection.

**Article 6** Equal rights and advancement of women and girls with disabilities

**Article 7** Children with disabilities

**Article 8** Duty to combat stereotypes and prejudices and promote awareness of the capabilities of persons with disabilities.

**Article 9** Accessibility of services: environment, transportation, public facilities and services, and information and communications technologies.

**Article 10** inherent right to life on an equal basis with others

**Article 12** Equal right to own and inherit property, to control financial affairs and to have equal access to bank loans, credit and mortgages.

**Article 13** Access to justice on an equal basis with others.

**Article 14** Right to liberty and security and are not deprived of their liberty unlawfully or arbitrarily

**Article 15** Freedom from torture and from cruel, inhuman or degrading treatment or punishment, and prohibit medical or scientific experiments without the consent of the person concerned

**Article 16** Laws and administrative measures must guarantee freedom from exploitation, violence and abuse; recovery, rehabilitation and reintegration of the victim and investigate the abuse

**Article 17** Physical and mental integrity of persons with disabilities protected, just as for everyone else

**Article 19** Choice of residence and community inclusion

**Article 20** Personal mobility and independence are to be fostered

**Article 21** Access to information in accessible formats

**Article 22** Prohibition of arbitrary or illegal interference with privacy, family, home, correspondence or communication

**Article 23** Children with disabilities shall have equal rights, shall not be separated from their parents against their will, except when the authorities determine that this is in the child's best interests, and in no case shall be separated from their parents on the basis of a disability of either the child or the parents; family rights

**Article 24** Equal access to education

**Article 25** Right to the highest attainable standard of health without discrimination on the basis of disability.

**Article 26** Right to maximum independence, habilitation and rehabilitation, employment and education.

**Article 27** Right to work and gain a living free from discrimination with reasonable accommodation

**Article 28** Adequate standard of living and social protection; public housing, services and assistance, poverty assistance

**Article 28** Equal participation in political and public life

**Article 30** promoting social participation in sports and arts

# Migration and Migrant Workers

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

**Summary:** This instrument compels all nations to respect and to ensure to **all migrant workers** and members of their families **within their territory** or subject to their jurisdiction the rights provided, without distinction of any kind such as to sex, **race**, color, language, **religion** or conviction, political or other opinion, **national, ethnic or social origin, nationality**, age, economic position, property, marital status, **birth** or other status.

### Article 1 Application

- Convention applicable to all immigrants, without distinction of any kind.
- Convention shall apply during the entire migration process of migrant workers and members of their families.

Adoption: 18 December 1990

Entry into force: 1 July 2003

Access status [here](#).

Access full text [here](#).

### Article 2 Terms For the purposes of the present Convention:

1. "migrant worker"
2. "frontier worker"
3. "seasonal worker"
4. "seafarer"
5. "worker on an offshore installation"
6. "itinerant worker"
7. "project-tied worker"
8. "specified-employment worker"
9. "self-employed worker"

### Article 3 The present Convention shall not apply to:

- Persons sent by international organizations, agencies, or by a State outside its territory to perform official functions,
- Persons sent or employed by a State or on its behalf outside its territory who participate in development programmes.
- Persons taking up residence in a State different from their State of origin as investors;
- Refugees and stateless persons
- Students and trainees;
- Seafarers and workers on an offshore installation who have not been admitted to take up residence and engage in a remunerated activity in the State of employment.

### Article 4 defines "members of the family"

Article 5 provides that for the purposes of the present Convention, **migrant workers** and members of their families:

- Are considered as documented or in a regular situation if they are authorized to enter

- Are considered as non-documented or in an irregular situation if they do not comply with the conditions provided for in subparagraph (a) of the present article.

**Article 6** defines the terms:

- "State of origin"
- "State of employment"
- "State of transit"

## Part II: Non-discrimination with Respect to Rights

**Article 7** provides applicability, stating that "States Parties undertake, in accordance with the international instruments concerning human rights, to respect and to ensure to all migrant workers and members of their families within their territory or subject to their jurisdiction the rights provided for in the present Convention without distinction of any kind such as to sex, race, colour, language, religion or conviction, political or other opinion, national, ethnic or social origin, nationality, age, economic position, property, marital status, birth or other status."

## Part III: Human Rights of All Migrant Workers and Members of their Families

**Articles 8 through 17** address the following rights of migrant workers and their families, with enumerated circumstances for exceptions:

- The right to leave any State, including their State of origin; and the right at any time to enter and remain in their State of origin.
- The right to life of migrant workers and members of their families shall be protected by law.
- The right not to be subjected to torture or to cruel, inhuman or degrading treatment or punishment.
- The right not to be held in slavery or servitude, or required to perform forced or compulsory labour.
- The right to freedom of thought, conscience and religion.
- The right not be subject to coercion that would impair their freedom to have or to adopt a religion or belief of their choice.
- The right of freedom to manifest one's religion or belief 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.
- The right to hold opinions without interference.
- With exceptions, the right to freedom of expression; 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 their choice.
- The right to be free from arbitrary or unlawful interference with privacy, family, or to unlawful attacks on his or her honour and reputation.
- The right to the protection of the law against such interference or attacks.
- The right not to be arbitrarily deprived of property. Where, under the legislation in force in the State of employment, the assets of a migrant worker or a member of his or her family are expropriated in whole or in part, the person concerned shall have the right to fair and adequate compensation.
- The right to liberty and security of person.
- The right to effective protection by the State against violence, physical injury, threats and intimidation, whether by public officials or by private individuals, groups or institutions.
- The right to have any verification by law enforcement officials of the identity of migrant workers or members of their families shall be carried out in accordance with procedure established by law.

**Article 17** addresses the following topics regarding the rights of migrant workers and their families in the context of due process rights:

- Arbitrary arrest or detention, or deprivation of liberty
- Prompt information in a language they understand of any charges against them, etc.
- The right to 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.
- The right to have consular or diplomatic authorities of his or her State of origin or of a State representing the interests of that State shall, if he or she so requests, be informed without delay of his or her arrest or detention and of the reasons therefor;
- The right to have the right to communicate with the said authorities.
- The right to a determination of lawfulness of detention and compensation for unlawful detention.

The instrument addresses the following rights in the context of detention and expulsion:

- Treatment and cultural identity.
- Separation from accused and juveniles from convicted persons
- Protections pending trial
- Reformation and social rehabilitation
- Juvenile Offenders
- Visitation
- Spouses and children
- Equal rights and treatment
- Costs

#### **Article 18** Enumerated Due Process Rights

- Impartial tribunals and equal treatment
- Presumption of innocence
- promptly and in detail explanation of charges in a language they understand of the nature and cause of the charge against them;
- Right to defense and protection from undue delay;
- Presence, examination of witnesses, representation, interpreters, freedom not to testify
- Juveniles and rehabilitation
- Review
- Reversals and compensation
- Double jeopardy

#### **Article 19** Chargeable Offenses and Humanitarian Considerations

- Criminal offences that did not constitute a criminal offence under national or international law at the time when the criminal offence was committed.
- Humanitarian considerations

#### **Article 20** Contractual Obligations

- No migrant worker or member of his or her family shall be imprisoned merely on the ground of failure to fulfill a contractual obligation or work contract

**Article 21** Documents

- Destructions and confiscation of documents

**Article 22** Expulsion

- Collective expulsion prohibited
- Expulsion
- Expulsion decisions, translations and communications
- Expulsion final decisions and review, and stay of decision
- Compensation and reentering
- Settling wage claims, entitlements, and pending liabilities
- Subsequent entry into other states
- Travel costs
- Subsequent prejudice of rights

**Article 23** Recourse**Article 24** Recognition as a Person**Article 25** Employment Rights

- Equal treatment to nationals
- Other conditions of work: wage, overtime, hours of work, weekly rest, etc.
- Private contracts
- Rights of irregular immigrants

**Article 26** Unions

- Participation
- Membership
- Assistance Prohibited restrictions
- Social security and same treatment
- State benefits Emergency medical care
- Children's rights to registration and nationality
- Access to education
- Cultural identity
- Termination of stay and right to belongings
- Right to migration law information
- Obligation to comply with domestic law
- No effect on irregular immigrant status

**Part IV: Other Rights of Migrant Workers and Members of their Families who are Documented or in a Regular Situation****Article 36** Additional rights of documented or regular migrants**Article 37** Right to full information about employment conditions and relevant law**Article 38** Temporary absences

**Article 39** Liberty of movement, choice of residence, exceptions

**Article 40** Free association, exceptions

**Article 41 and 42** participation in affairs of State of origin

- Institutions
- Participation in local affairs
- Special needs
- Granting political rights

**Article 43** Equality of treatment

- Education
- Vocational guidance, training, institutional and placement services
- Housing
- Social and health services
- Access to co-operatives and self-managed enterprises,
- Access to and participation in cultural life.
- State restrictions

**Article 44** Family

- Protection
- Reunification
- Equal treatment

**Article 45** Equal treatment of family

**Article 46** Import and export duties

**Article 47** Transferring earnings, savings, and property.

**Article 48** Taxes

**Article 49** Authorization for residence and employment

**Article 50** Death or divorce

**Article 51** Status upon loss of remuneration

**Article 52** Choice of work

**Article 53** Family choice of work

**Article 54** Equal treatment with nationals in employment

- Protection against dismissal
- Unemployment benefits
- Access to public work schemes intended to combat unemployment
- Access to alternative employment in the event of loss of work or termination of other remunerated activity, subject to article 52 of the present Convention.
- Right to redress wrongful termination under competent authority

**Article 55** Exercising remunerated activity

**Article 56** Expulsion

#### **Part V: Provisions Applicable to Particular Categories of Migrant Workers and Members of their Families**

**Article 57** Particular categories of migrants who are documented or in a regular situation

**Article 58** Frontier workers, possible right to choose activity

**Article 59** Seasonal workers possible priority

**Article 60** Itinerant workers

**Article 61** Project-tied workers

**Article 62** Specified-employment workers

**Article 63** Self-employed workers

#### **Part VI: Promotion of sound, equitable, humane and lawful conditions in connection with international migration of workers and members of their families**

**Article 64** Human conditions relating to migration

**Article 65** Appropriate migration services

**Article 66** Recruitment of workers

**Article 67** Returning to the State of origin

**Article 68** Illegal movement of migrants in irregular situation

**Article 69** Irregular situations

**Article 70** Working and living conditions

**Article 71** Death

#### **Part VIII: General provisions**

**Article 79** Domestic admission criteria

**Article 80** Specialized agencies

**Article 81** More favourable treatment

**Article 82** Renouncement

**Article 83** Remedies

# International Labour Law

## Convention No. 97 Concerning Migration for Employment

**Summary:** The intention of this Convention is to ensure the **rights of all migrant workers** working within the **territorial jurisdiction** of Member States. The Convention defines the classes of protected workers, **regulations** for the protection of their rights and dignity, and mandates that State Parties implement policies to ensure and implement the regulations. Article 8 addresses **illegal immigration**.

**Article 1** provides that each State Party shall provide information to the ILO and other members.

**Article 2** provides that each State Party shall provide service and information to assist migrant workers in employment.

**Article 3** provides that each State Party shall take steps against propaganda. The Convention addresses the following issues related to migrant workers:

**Article 4** Facilitation of departure, journey and reception of migrants for employment.

**Article 5** Health care and attention for migrant workers and family.

**Article 6** application and no less favourable treatment than nationals in the following matters:

- Remuneration (in all forms)
- membership of trade unions and enjoyment of the benefits of collective bargaining
- accommodation
- social security (employment injury, maternity, sickness, invalidity, old age, etc)
- employment taxes
- legal proceedings relating to the matters referred to in this Convention

**Article 7** Free employment services for migrant workers

**Article 8** rights of migrants admitted on a permanent basis

**Article 9** transferring currency and wealth

**Article 10** bilateral agreements

**Article 11** definition of “migrant for employment”

This Convention does not apply to--

- frontier workers
- short-term entry of members of the liberal professions and artistes
- seamen

Adoption: 1 July 1949

Entered into force: 22 January 1952

Access status [here](#).

Access full text [here](#).

**Article 12** Formal ratifications

**Article 13** Application, ratification, entry into force

**ANNEX I RECRUITMENT, PLACING AND CONDITIONS OF LABOUR OF MIGRANTS FOR EMPLOYMENT  
RECRUITED OTHERWISE THAN UNDER GOVERNMENT-SPONSORED ARRANGEMENTS FOR GROUP TRANSFER**

**Article 1** provides that this Annex applies to migrants for employment who are recruited otherwise than under Government-sponsored arrangements for group transfer.

**Article 2** defines:

- recruitment
- introduction
- placing

**Article 3** provides restrictions to recruitment, introduction, and placing, as well as lawful operations:

**Article 5** provides for the contractual rights of migrants workers and obligations of the hosting state

**Article 6** provides specific measures to be taken by State Parties

**Article 7** bilateral agreements

**Article 8** punishment for illegal immigration

**ANNEX II RECRUITMENT, PLACING AND CONDITIONS OF LABOUR OF MIGRANTS FOR EMPLOYMENT  
RECRUITED UNDER GOVERNMENT-SPONSORED ARRANGEMENTS FOR GROUP TRANSFER**

**Article 1** application to migrants for employment who are recruited under Government-sponsored arrangements for group transfer.

**Article 2** defines:

- recruitment
- introduction
- placing

**ANNEX II follows the format of Annex I**

**ANNEX III IMPORTATION OF THE PERSONAL EFFECTS, TOOLS AND EQUIPMENT OF MIGRANTS FOR  
EMPLOYMENT**

**Articles 1 and 2** personal effects and customs duties

# Convention No. 143 Concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers

**Summary:** The purpose of this Convention is to ensure treatment at least equal to that of nationals for migrant workers within the territorial jurisdiction of Member Parties, to ensure that no migrant worker is subject to **abusive conditions** in contravention of this Convention. The relevant provisions are contained in Articles 1 through 15. The protected migrant workers are defined, as well as those who are not protected. Various provisions provide for migrants in an **irregular situation** and those that cannot be regularized.

## Part I Migrations in Abusive Conditions

**Article 1** Basic human rights

**Article 2** Duty of Members to determine conditions

**Article 3** Each Member shall adopt all necessary and appropriate measures, both within its jurisdiction and in collaboration with other Members to suppress:

- clandestine movements of migrants for employment and illegal employment of migrants
- illicit or clandestine movements of migrants for employment
- those who employ workers who have immigrated in illegal conditions

**Article 4** Systematic contact and exchange of information

**Article 5** Criminal jurisdiction

**Article 6** National laws or regulations against illegal migrant employment; employer proof of good faith

**Article 7** Consulting representative organisations of employers and workers

**Article 8** Illegal or irregular situations not caused by loss of job; equal treatment

**Article 9** Migrant workers who cannot be regularized shall enjoy equality of treatment for himself and his family in respect of rights arising out of past employment:

- the possibility of presenting his case to a competent body
- no cost for expulsion

## Part II Equality of Opportunity and Treatment

**Article 10** Equality of opportunity and treatment for migrants lawfully within territory:

- employment and occupation
- of social security
- trade union and cultural rights
- individual and collective freedoms

Adoption: 24 July 1975

Entry into force: 9 December 1978

Access status [here](#).

Access full text [here](#).

**Article 11** Definitions:

- Migrant workers

This Part of this Convention does not apply to:

- frontier workers
- artistes and members of the liberal professions who have entered the country on a short-term basis
- seamen
- persons coming specifically for purposes of training or education
- employees of organisations or undertakings operating within the territory for a specific time and tasks

**Article 12** Cooperation, legislation, programs, educational programs, effective assistance, and equality of treatment.**Article 13** reunification of the families of all migrant workers legally residing in its territory

2. The members of the family of the migrant worker to which this Article applies are the spouse and dependent children, father and mother.

**Article 14** Member rights to:

- make the free choice of employment; mobility
- make regulations concerning recognition of occupational qualifications
- restrict access to limited categories of employment or functions where this is necessary in the interests of the State

**Part III Final Provisions****Article 15** Private member bilateral and multilateral agreements

**Articles 16 through 24** omitted.

# Convention No.87 Concerning Freedom of Association and Protection of the Right to Organize

**Summary:** This Convention recognizes the principle of **freedom of association** to be a means of improving **labour conditions** and essential to sustained progress. Articles 2 through 11 enumerate the rights of workers and employers to join labour organizations and to organize, without distinction as to **nationality or country of origin**.

**Article 2** Right to join organizations without distinction

**Article 3** Right of labour organizations to draw up own constitution; freedom from interference

**Article 4** Administrative authority of labour organizations

**Article 5** Right to establish and join federations and confederations; right of affiliation

**Article 6** – Application to federations and confederations of labour organisations

**Article 7** – The acquisition of legal personality

**Article 8** – Duty to respect the law of the land; domestic law shall not impair Convention

**Article 9** – Application to armed forces

**Article 10** – Definition of Organisation

## Part II PROTECTION OF THE RIGHT TO ORGANISE

**Article 11** – Workers and employers may exercise freely the right to organise.

Adoption: 9 July 1948

Entry into force: 4 July 1950

Access status [here](#).

Access full text [here](#).

# Convention No.111 Concerning Discrimination in Respect of Employment and Occupation

**Summary:** This Convention reflects the adoption of certain proposals which affirm that all human beings, **irrespective of race, creed or sex**, have the right to pursue both their **material well-being** and their **spiritual development** in conditions of **freedom and dignity, of economic security and equal opportunity**.

**Article 1** defines discrimination as including any distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation;

The terms employment and occupation include access to vocational training, access to employment and to particular occupations, and terms and conditions of employment.

Adoption: 25 June 1958

Entry into force: 15 June 1960

Access status [here](#).

Access full text [here](#).

## Articles 2 and 3 National policy undertakings:

- to seek the co-operation of employers' and workers' organisations
- to enact such legislation and to promote educational programmes
- to repeal inconsistent statutory provisions, or administrative practices and policies
- to pursue the policy
- to ensure observance of the policy in vocational guidance, training and placement services under the direction of a national authority;
- to make annual reports

## Article 4 Exception for activities prejudicial to the security of the State.

## Article 5 Exception for special measures of protection or assistance

## Article 6 Application to non-metropolitan territories

## Articles 7 through 15 omitted.

# Convention No.122 Concerning Employment Policy

**Summary:** This Convention focuses on the **prevention of unemployment** and the provision of an adequate **living wage** in respect to the bearing of economic and financial policies upon employment policy in the light of the fundamental objective that "**all human beings**, irrespective of **race, creed** or sex, have the right to pursue both their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity.

## Article 1 Active policy goals of Member States:

- there is work for all who are available for and seeking work
- such work is as productive as possible
- there is freedom of choice of employment and the fullest possible opportunity for each worker to qualify for, and to use his skills and endowments in, a job for which he is well suited, irrespective of race, colour, sex, religion, political opinion, national extraction or social origin
- economic development and the mutual relationships between employment objectives and other economic and social objectives

Adoption: 9 July 1964

Entry into force: 15 July 1966

Access status [here](#).

Access full text [here](#).

## Article 2 Policy and establishment of programs

## Article 3 Full account of those affected by policies

**Articles 4 through 11** omitted.

# Convention No. 156 Concerning Equal Opportunities and Equal Treatment for Men and Women Workers: Workers with Family Responsibilities

**Summary:** This Convention specifically addresses the rights of women and workers with family but applies to “**all categories of workers**” (Article 2). Noting that 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, and the need to integrate workers with family responsibilities into the labour force, this instrument recognizes that national policies need to be enacted in order to improve the conditions and alleviate the problems faced by workers with **family responsibilities**.

**Article 1** provides that s Convention applies to men and women workers with:

- responsibilities in relation to their dependent children
- responsibilities in relation to other members of their immediate family who clearly need their care or support

... where such responsibilities restrict their possibilities of preparing for, entering, participating in or advancing in economic activity.

**Article 2** This Convention applies to all branches of economic activity and all categories of workers.

**Article 3** defines “discrimination” as the term is used in the Discrimination (Employment and Occupation) Convention, 1958.

**Articles 4 through 7** Enumerated undertakings compatible with national conditions and possibilities:

- right to free choice of employment
- terms and conditions of employment
- social security
- community planning
- community services
- appropriate measures to promote information and education
- vocational guidance and training

**Article 8** provides that family responsibilities shall not, as such, constitute a valid reason for termination of employment.

**Article 9** Domestic application process

**Article 10** National conditions and application

**Articles 11 through 19** omitted.

Adoption: 23 June 1981

Entry into force: 11 August 1983

Access status [here](#).

Access full text [here](#).

# Convention No. 189 Concerning Decent Work for Domestic Workers

**Summary:** The General Conference of the International Labour Organization adopted this treaty to promote decent work for all people. The treaty is reaction to the reality that domestic work is generally undervalued, invisible, and mainly carried out by women and girls, many of whom are migrants or members of disadvantaged communities and who are particularly vulnerable to discrimination in respect of conditions of employment and of work, and to other abuses of human rights. The Convention and accompanying Recommendation aim at protecting and improving the working and living conditions of domestic workers worldwide. Specifically, the treaty provides that domestic workers shall receive the minimum protections that all other categories of workers enjoy, the right to be informed the terms and conditions of their employment, a weekly rest of at least 24 consecutive hours. The Convention includes special measures to address the vulnerability of particular groups of domestic workers, including migrant domestic workers. The Convention requires that migrant domestic workers receive written contracts before crossing boundaries to take up a new job in a foreign country, and imposes other mandates to prevent fraud and abuse in private working conditions.

**Article 1** defines “Domestic Work” and Domestic Workers”

**Article 2** Application to domestic workers

**Article 3** Members shall take measures to ensure effective promotion and protection of the human rights of all domestic workers, as set out in this Convention, including:

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

**Article 4** Mandate of minimum age for domestic workers

**Article 5** Effective protection against all forms of abuse, harassment and violence.

**Article 6** Fair terms of employment as well as decent working conditions and, if they reside in the household, decent living conditions that respect their privacy.

**Article 7** Mandate that domestic workers are informed of their terms and conditions of employment in an understandable manner, including terms of:

- the name and address of the employer and of the worker;
- the address of the usual workplace or workplaces;
- the starting date and, where the contract is for a specified period of time, its duration;
- the type of work to be performed;
- the remuneration, method of calculation and periodicity of payments;
- the normal hours of work;
- paid annual leave, and daily and weekly rest periods;
- the provision of food and accommodation, if applicable;
- the period of probation or trial period, if applicable;

Adoption: 16 June 2011

Entry into force: (not yet entered into force.)

Access status [here](#).

Access full text [here](#).

- the terms of repatriation, if applicable; and
- terms and conditions relating to the termination of employment, including any period of notice by either the domestic worker or the employer.

**Article 8** Requirement of a written job offer, or contract of employment that is enforceable prior to crossing national borders for the purpose of taking up the domestic work

**Article 9** Freedom of movement and residence outside the household, annual leave, personal possessions

**Article 10** Equal treatment in relation to normal hours of work, overtime compensation, periods of daily and weekly rest and paid annual leave

**Article 11** Minimum wage without discrimination

**Article 12** Payment timing and means under national law; same treatment as other workers

**Article 13** Right to a safe and healthy working environment

**Article 14** Conditions not less favourable than those applicable to workers generally in respect of social security protection, including maternity.

**Article 15** Conditions; Employment Agencies

**Article 16** Access to court no less favorable than workers generally

**Article 17** Effective and accessible complaint mechanisms and means of ensuring compliance with national laws and regulations for the protection of domestic workers

**Article 18** Measures to be taken by member states

**Article 19** More favourable provisions applicable to domestic workers under other international labour Conventions not affected.

**Articles 20 through 27** omitted.

# Indigenous Peoples

## Convention No.169 Concerning Indigenous and Tribal Peoples in Independent Countries

**Summary:** This treaty recognizes the **rights and aspirations of indigenous peoples** to exercise control over their own **institutions**, ways of life and economic development and to maintain and develop their **identities, languages and religions**, within the framework of the States in which they live. The Convention defines the protected peoples and provides for special measures to be enacted by Member States to ensure **equal protection and opportunity under national law** for all protected peoples.

### PART I. GENERAL POLICY

**Article 1** provides the applicability of the treaty. The Convention applies to:

(a) tribal peoples in independent countries whose social, cultural and economic conditions distinguish them from other sections of the national community, and whose status is regulated wholly or partially by their own customs or traditions or by special laws or regulations;

(b) peoples in independent countries who are regarded as indigenous on account of their descent from the populations which inhabited the country, or a geographical region to which the country belongs, at the time of conquest or colonisation or the establishment of present state boundaries and who, irrespective of their legal status, retain some or all of their own social, economic, cultural and political institutions.

2. Self-identification as indigenous or tribal shall be regarded as a fundamental criterion for determining the groups to which the provisions of this Convention apply.

3. The use of the term peoples in this Convention shall not be construed as having any implications as regards the rights which may attach to the term under international law.

**Article 2** The government's responsibility for developing coordinated and systematic action to protect the rights of these peoples and to guarantee respect for their integrity, including:

- ensuring equal rights and opportunities granted under national laws
- promoting the full realisation of the social, economic and cultural rights; social and cultural identity, customs, traditions, institutions;
- eliminating socio-economic gaps in a manner compatible with their aspirations and ways of life.

**Article 3** provides for application and enjoyment of human rights without discrimination and contains a clause prohibiting force or coercion.

**Article 4** provides that for special protection measures, and that enjoyment of the general rights of citizenship, without discrimination, shall not be prejudiced in any way by such special measures.

Adoption: 27 June 1989

Entry into force: 05 September 1991

Access status [here](#).

Access full text [here](#).

**Article 5** recognition and respect for the social, cultural, religious and spiritual values and practices of these peoples; due account shall be taken of the nature of the problems which face them both as groups and as individuals; participation and co-operation of the peoples affected.

**Article 6** Duty to consult with the peoples concerned; establish free and equal participation; institutions and resources; agreement and consent.

**Article 7** Development; the peoples' right to decide and exercise control over their own development; the impact of development measures; preservation of territory.

**Article 8** Due regard to customs and customary laws; conflicting customs

**Article 9** Customary civil and criminal laws

**Article 10** Penalties and punishments

**Article 11** Exaction and compulsory personal services

**Article 12** Duty to safeguard against abuse of rights; legal proceedings.

## PART II. LAND

**Article 13** Duty to respect the special importance for the cultures and spiritual values of the peoples concerned of their relationship with the lands or territories, or both as applicable, which they occupy or otherwise use, and in particular the collective aspects of this relationship.

2. The use of the term lands in Articles 15 and 16 shall include the concept of territories, which covers the total environment of the areas which the peoples concerned occupy or otherwise use.

**Article 14** Rights of ownership, possession or use of lands traditionally occupied or accessed; nomadic peoples; resolving claims.

**Article 15** Use and conservation of natural resources

**Article 16** provides that, subject to the following paragraphs of this Article, the peoples concerned shall not be removed from the lands which they occupy.

2. Where the relocation of these peoples is considered necessary as an exceptional measure, such relocation shall take place only with their free and informed consent. Where their consent cannot be obtained, such relocation shall take place only following appropriate procedures established by national laws and regulations, including public inquiries where appropriate, which provide the opportunity for effective representation of the peoples concerned.

3. Whenever possible, these peoples shall have the right to return to their traditional lands, as soon as the grounds for relocation cease to exist.

4. When such return is not possible, as determined by agreement or, in the absence of such agreement, through appropriate procedures, these peoples shall be provided in all possible cases with lands of quality and legal status at least equal to that of the lands previously occupied by them, suitable to provide for their present needs and future development. Where the peoples concerned express a preference for compensation in money or in kind, they shall be so compensated under appropriate guarantees.

5. Persons thus relocated shall be fully compensated for any resulting loss or injury.

**Article 17** Transmission of land rights

**Article 18** Adequate penalties for unauthorized intrusion onto land

**Article 19** Equal treatment with regard to the provision of more land when necessary and the means required to promote the development of the lands which these peoples already possess.

### **PART III. RECRUITMENT AND CONDITIONS OF EMPLOYMENT**

**Article 20** special measures to ensure the effective protection with regard to recruitment and conditions of employment of workers belonging to these peoples, to the extent that they are not effectively protected by laws applicable to workers in general.

2. Governments shall do everything possible to prevent any discrimination between workers belonging to the peoples concerned and other workers, in particular as regards:

- (a) admission to employment, including skilled employment, as well as measures for promotion and advancement;
- (b) equal remuneration for work of equal value;
- (c) medical and social assistance, occupational safety and health, all social security benefits and any other occupationally related benefits, and housing;
- (d) the right of association and freedom for all lawful trade union activities, and the right to conclude collective agreements with employers or employers' organisations.

3. The measures taken shall include measures to ensure:

- (a) that workers belonging to the peoples concerned, including seasonal, casual and migrant workers in agricultural and other employment, as well as those employed by labour contractors, enjoy the protection afforded by national law and practice to other such workers in the same sectors, and that they are fully informed of their rights under labour legislation and of the means of redress available to them;
- (b) that workers belonging to these peoples are not subjected to working conditions hazardous to their health, in particular through exposure to pesticides or other toxic substances;
- (c) that workers belonging to these peoples are not subjected to coercive recruitment systems, including bonded labour and other forms of debt servitude;
- (d) that workers belonging to these peoples enjoy equal opportunities and equal treatment in employment for men and women, and protection from sexual harassment.

4. Particular attention shall be paid to the establishment of adequate labour inspection services in areas where workers belonging to the peoples concerned undertake wage employment, in order to ensure compliance with the provisions of this Part of this Convention.

### **PART IV. VOCATIONAL TRAINING, HANDICRAFTS AND RURAL INDUSTRIES**

**Article 21** Equal opportunities to those of other citizens

**Article 22** Measures to promote voluntary participation; special needs and programs;

**Article 23** relates to the protection, recognition and promotion of community-based industries and traditional activities to allow economic self-reliance and development; appropriate technical and financial assistance, traditional technologies, sustainable and equitable development

## PART V. SOCIAL SECURITY AND HEALTH

**Article 24** Social security schemes shall be extended progressively to cover the peoples concerned, and applied without discrimination against them.

**Article 25** Duty to ensure adequate health services

## PART VI. EDUCATION AND MEANS OF COMMUNICATION

**Article 26** Equal opportunities

**Article 27** Incorporating their histories, knowledge and technologies, value systems, social, economic and cultural aspirations; training; independent institutions meeting minimum standards.

**Article 28** Reading, writing and language

**Article 29** preparation in their own community and the national community

**Article 30** Government measures to be appropriate to their traditions and cultures; Government duties and dissemination of information

**Article 31** National educational measures to eliminate prejudice

**Articles 32-44** omitted.

# International Standards Relating to Social Security

## Convention No.102 Concerning Minimum Standards of Social Security

**Summary:** This Convention specifies the **rights of all people** to various types of **social security**, including medical care, benefits, and familial rights. Some provisions deal with the rights of **non-nationals** (Article 68), but they do not distinguish between persons in a regular or irregular situation.

### PART I. GENERAL PROVISIONS

#### Article 1 Definitions:

- prescribed
- residence
- wife
- widow
- child
- qualifying period
- benefit

Articles 2 through 7 omitted.

Adoption: 28 June 1952

Entry into force: 27 April 1955

Access status [here](#).

Access full text [here](#).

### PART II. MEDICAL CARE

**Article 7** Preventative and curative care

**Article 8** Contingencies covered shall include any morbid condition, whatever its cause, and pregnancy and confinement and their consequences.

**Article 9** Persons protected

**Article 10** Minimum benefits and cost-bearing provisions

In case of morbid condition:

- general practitioner care, including domiciliary visiting
- specialist care
- essential pharmaceutical supplies
- hospitalisation where necessary

In case of pregnancy and confinement and their consequences:

- pre-natal, confinement and post-natal care either by medical practitioners or by qualified midwives
- hospitalisation where necessary

**Article 11** Qualifying period to prevent abuse

**Article 12** Duration of coverage**PART III. SICKNESS BENEFIT****Article 13** General provision**Article 14** Incapacity for work**Article 15** Protected persons**Article 16** Payment**Article 17** Qualifying period to prevent abuse**Article 18** Duration of coverage

Articles for the following parts have been omitted:

**PART IV. UNEMPLOYMENT BENEFIT****PART V. OLD-AGE BENEFIT****PART VI. EMPLOYMENT INJURY BENEFIT****PART VII. FAMILY BENEFIT****PART VIII. MATERNITY BENEFIT****PART IX. INVALIDITY BENEFIT****PART X. SURVIVORS' BENEFIT****PART XII. EQUALITY OF TREATMENT OF NON-NATIONAL RESIDENTS [full text]****Article 68**

1. Non-national residents shall have the same rights as national residents: Provided that special rules concerning non-nationals and nationals born outside the territory of the Member may be prescribed in respect of benefits or portions of benefits which are payable wholly or mainly out of public funds and in respect of transitional schemes.
2. Under contributory social security schemes which protect employees, the persons protected who are nationals of another Member which has accepted the obligations of the relevant Part of the Convention shall have, under that Part, the same rights as nationals of the Member concerned: Provided that the application of this paragraph may be made subject to the existence of a bilateral or multilateral agreement providing for reciprocity.

# Convention No.117 Concerning Basic Aims and Standards of Social Policy

**Summary:** This convention recognizes that efforts should be made, on an international, regional or national basis, to make possible the maintenance of a **reasonable standard of living for everyone**, and to promote improvement in such fields as public health, housing, nutrition, education, the welfare of children, the status of women, conditions of employment, the remuneration of wage earners and independent producers, the **protection of migrant workers**, social security, standards of public services and general production. The instrument does not specifically address **national origin or status** as a category of prohibited discrimination, but the article does address the rights and conditions of **migrant workers**.

## PART I. GENERAL PRINCIPLES

**Article 1** Progress and social wellbeing

## PART II. IMPROVEMENT OF STANDARDS OF LIVING

**Article 2** The principle objective of economic development

**Article 3** Development measures

- harmonise such development with the healthy evolution of the communities concerned.
- avoid the disruption of family life and of traditional social units
- close study of the causes and effect of migratory movements and appropriate action where necessary
- promotion of town and village planning
- prevention and elimination of congestion in urban areas
- improvement of living conditions in rural areas
- establishment of suitable industries in rural areas where adequate manpower is available

**Article 4** addresses the following issues regarding agricultural producers:

- chronic indebtedness
- control of the alienation of agricultural land in the best interests of the country
- control of ownership and use of land resources; customary rights, in the best interests of the inhabitants of the country
- supervision of tenancy arrangements and of working conditions
- equitable share in any advantages which may result from improvements in productivity or in price levels

- reduction of production and distribution costs by co-operatives.

**Article 5** Independent producers and wage earners conditions

## PART III. PROVISIONS CONCERNING MIGRANT WORKERS

**Article 6** Circumstances under which workers are employed involve their living away from their homes; normal family needs.

Adoption: 22 June 1962

Entry into force: 23 April 1964

Access status [here](#).

Access full text [here](#).

**Article 7** Labour supply and utilization

**Article 8** provides that when the labour resources of a country are used in an area under a different administration, the competent authorities of the countries concerned shall, whenever necessary or desirable, enter into agreements for the purpose of regulating matters of common concern arising in connection with the application of the provisions of this Convention.

2. Such agreements shall provide that the worker shall enjoy protection and advantages not less than those enjoyed by workers resident in the area of labour utilisation.
3. Such agreements shall provide for facilities for enabling the worker to transfer part of his wages and savings to his home.

**Article 9** Movement of families to high-cost areas**PART IV. REMUNERATION OF WORKERS AND RELATED QUESTIONS**

**Article 10** addresses the following issues respecting wages:

- fixing of minimum wages by collective agreements
- ensuring that the employers and workers concerned are informed of the minimum wage rates
- right to recover for underpaid work

**Article 11** Proper payment of all wages**Article 12** Competent authority of wages**Article 13** Protection against usury**PART V. NON-DISCRIMINATION ON GROUNDS OF RACE, COLOUR, SEX, BELIEF, TRIBAL ASSOCIATION OR TRADE UNION AFFILIATION**

**Article 14** provides that it shall be an aim of policy to abolish all discrimination among workers on grounds of race, colour, sex, belief, tribal association or trade union affiliation in respect of:

- labour legislation and agreements which shall afford equitable economic treatment to all those lawfully resident or working in the country
- admission to public or private employment
- conditions of engagement and promotion
- opportunities for vocational training
- conditions of work
- health, safety and welfare measures
- discipline
- participation in the negotiation of collective agreements
- wage rates, which shall be fixed according to the principle of equal pay for work of equal value in the same operation and undertaking.

All practicable measures shall be taken to lessen, by raising the rates applicable to the lower-paid workers, any existing differences in wage rates due to discrimination by reason of race, colour, sex, belief, tribal association or trade union affiliation.

Workers from one country engaged for employment in another country may be granted in addition to their wages benefits in cash or in kind to meet any reasonable personal or family expenses resulting from employment away from their homes.

## PART VI. EDUCATION AND TRAINING

**Article 15** Education, vocational training and apprenticeship; minimum age requirements

**Article 16** Development of skilled labour

## PART VII. FINAL PROVISIONS

Articles omitted.

# Convention No.118 Concerning Equality of Treatment of Nationals and Non-Nationals in Social Security

**Preamble** omitted.

## Article 1

In this Convention--

- (a) the term **legislation** includes any social security rules as well as laws and regulations;
- (b) the term **benefits** refers to all benefits, grants and pensions, including any supplements or increments;
- (c) the term **benefits granted under transitional schemes** means either benefits granted to persons who have exceeded a prescribed age at the date when the legislation applicable came into force, or benefits granted as a transitional measure in consideration of events occurring or periods completed outside the present boundaries of the territory of a Member;
- (d) the term **death grant** means any lump sum payable in the event of death;
- (e) the term **residence** means ordinary residence;
- (f) the term **prescribed** means determined by or in virtue of national legislation as defined in subparagraph (a) above;
- (g) the term **refugee** has the meaning assigned to it in Article 1 of the Convention relating to the Status of Refugees of 28 July 1951;
- (h) the term **stateless person** has the meaning assigned to it in Article 1 of the Convention relating to the Status of Stateless Persons of 28 September 1954.

## Article 2

1. Each Member may accept the obligations of this Convention in respect of any one or more of the following branches of social security for which it has in effective operation legislation covering its own nationals within its own territory:

- (a) medical care;
- (b) sickness benefit;
- (c) maternity benefit;
- (d) invalidity benefit;
- (e) old-age benefit;
- (f) survivors' benefit;
- (g) employment injury benefit;
- (h) unemployment benefit; and
- (i) family benefit.

**Provisions** omitted.

Adoption: 22 June 1962

Entry into force: 23 April 1964

Access status [here](#).

Access full text [here](#).

### Article 3

1. Each Member for which this Convention is in force shall grant within its territory to the nationals of any other Member for which the Convention is in force **equality of treatment** under its legislation with its own nationals, both as regards coverage and as regards the right to benefits, in respect of every branch of social security for which it has accepted the obligations of the Convention.
2. In the case of survivors' benefits, such equality of treatment shall also be granted to the survivors of the nationals of a Member for which the Convention is in force, irrespective of the nationality of such survivors.
3. Nothing in the preceding paragraphs of this Article shall require a Member to apply the provisions of these paragraphs, in respect of the benefits of a specified branch of social security, to the nationals of another Member which has legislation relating to that branch but does not grant equality of treatment in respect thereof to the nationals of the first Member.

### Article 4

1. Equality of treatment as regards the grant of benefits shall be accorded without any condition of residence: Provided that equality of treatment in respect of the benefits of a specified branch of social security may be made conditional on residence in the case of nationals of any Member the legislation of which makes the grant of benefits under that branch conditional on residence on its territory.
2. Notwithstanding the provisions of paragraph 1 of this Article, the grant of the benefits referred to in paragraph 6 (a) of Article 2--other than medical care, sickness benefit, employment injury benefit and family benefit--may be made subject to the condition that the beneficiary has resided on the territory of the Member in virtue of the legislation of which the benefit is due, or, in the case of a survivor, that the deceased had resided there, for a period which shall not exceed--
  - (a) six months immediately preceding the filing of claim, for grant of maternity benefit and unemployment benefit;
  - (b) five consecutive years immediately preceding the filing of claim, for grant of invalidity benefit, or immediately preceding death, for grant of survivors' benefit;
  - (c) ten years after the age of 18, which may include five consecutive years immediately preceding the filing of claim, for grant of old-age benefit.
3. Special provisions may be prescribed in respect of benefits granted under transitional schemes.
4. The measures necessary to prevent the cumulation of benefits shall be determined, as necessary, by special arrangements between the Members concerned.

### Article 5

1. In addition to the provisions of Article 4, each Member which has accepted the obligations of this Convention in respect of the branch or branches of social security concerned shall guarantee both to its own nationals and to the nationals of any other Member which has accepted the obligations of the Convention in respect of the branch or branches in question, when they are resident abroad, provision of invalidity benefits, old-age benefits, survivors' benefits and death grants, and employment injury pensions, subject to measures for this purpose being taken, where necessary, in accordance with Article 8.

2. In case of residence abroad, the provision of invalidity, old-age and survivors' benefits of the type referred to in paragraph 6 (a) of Article 2 may be made subject to the participation of the Members concerned in schemes for the maintenance of rights as provided for in Article 7.
3. The provisions of this Article do not apply to benefits granted under transitional schemes.

## Article 6

In addition to the provisions of Article 4, each Member which has accepted the obligations of this Convention in respect of family benefit shall guarantee the grant of family allowances both to its own nationals and to the nationals of any other Member which has accepted the obligations of this Convention for that branch, in respect of children who reside on the territory of any such Member, under conditions and within limits to be agreed upon by the Members concerned.

## Article 7

1. Members for which this Convention is in force shall, upon terms being agreed between the Members concerned in accordance with Article 8, endeavour to participate in schemes for the maintenance of the acquired rights and rights in course of acquisition under their legislation of the nationals of Members for which the Convention is in force, for all branches of social security in respect of which the Members concerned have accepted the obligations of the Convention.
2. Such schemes shall provide, in particular, for the totalisation of periods of insurance, employment or residence and of assimilated periods for the purpose of the acquisition, maintenance or recovery of rights and for the calculation of benefits.
3. The cost of invalidity, old-age and survivors' benefits as so determined shall either be shared among the Members concerned, or be borne by the Member on whose territory the beneficiaries reside, as may be agreed upon by the Members concerned.

## Article 8

The Members for which this Convention is in force may give effect to their obligations under the provisions of Articles 5 and 7 by ratification of the Maintenance of Migrants' Pension Rights Convention, 1935, by the application of the provisions of that Convention as between particular Members by mutual agreement, or by any multilateral or bilateral agreement giving effect to these obligations.

## Article 9

The provisions of this Convention may be derogated from by agreements between Members which do not affect the rights and duties of other Members and which make provision for the maintenance of rights in course of acquisition and of acquired rights under conditions at least as favourable on the whole as those provided for in this Convention.

## Article 10

1. The provisions of this Convention apply to refugees and stateless persons without any condition of reciprocity.
2. This Convention does not apply to special schemes for civil servants, special schemes for war victims, or public assistance.

3. This Convention does not require any Member to apply the provisions thereof to persons who, in accordance with the provisions of international instruments, are exempted from its national social security legislation.

### Article 11

The Members for which this Convention is in force shall afford each other administrative assistance free of charge with a view to facilitating the application of the Convention and the execution of their respective social security legislation.

**Articles 12 through 21** omitted.

# Convention No.157 Maintenance of Rights in Social Security

**Summary:** This Convention ensures the rights of all protected persons to various forms of Social Security and State Assistance. Protected persons are defined in the Convention, but the coverage is broad, often encompassing all regular residents and their families. The treaty only applies to the 4 State Parties.

## PART I. GENERAL PROVISIONS

### Article 1 Terms and Definitions

- Member
- legislation
- competent Member
- institution
- refugee
- stateless person
- members of the family
- survivors
- residence
- temporary residence
- periods of insurance
- periods of employment and periods of occupational activity
- periods of residence
- non-contributory
- benefits awarded under transitional arrangements

Article 2 – application to legislation by Member legislation in force:

- medical care
- sickness benefit
- maternity benefit
- invalidity benefit
- old-age benefit
- survivors' benefit
- employment injury benefit
- unemployment benefit
- family benefit.

**Article 3** provides that this Convention applies to persons who are or have been subject to the legislation of one or more Members, as well as to the members of their families and to their survivors.

**Article 4** Bilateral and multilateral agreements

## PART II. APPLICABLE LEGISLATION

**Article 5** The legislation applicable in respect of the persons covered by this Convention shall be determined by mutual agreement between the Members concerned, with a view to avoiding conflicts of laws and the undesirable consequences that might ensue for those concerned either through lack of protection, or as a

Adoption: 21 June 1982

Entry into force: 11 September 1986

Access status [here](#).

Access full text [here](#).

result of undue plurality of contributions or other liabilities or of benefits, in accordance with the following rules:

- (a) employees who are normally employed in the territory of a Member shall be subject to the legislation of that Member, even if they are resident in the territory of another Member or if the undertaking which employs them has its registered office, or their employer has his place of residence, in the territory of another Member;
- (b) self-employed persons who normally engage in their occupation in the territory of a Member shall be subject to the legislation of that Member, even if they are resident in the territory of another Member;
- (c) employees and self-employed persons sailing on board a ship flying the flag of a Member shall be subject to the legislation of that Member even if they are resident in the territory of another Member or if the undertaking which employs them has its registered office, or their employer has his place of residence, in the territory of another Member;
- (d) persons who are not part of the economically active population shall be subject to the legislation of the Member in whose territory they are resident, in so far as they are not protected in virtue of subparagraphs (a) to (c) of this paragraph.

2. Notwithstanding the provisions of subparagraphs (a) to (c) of paragraph 1 of this Article, Members concerned may agree that certain categories of persons, in particular self-employed persons, shall be subject to the legislation of the Member in whose territory they are resident.

3. Members concerned may determine by mutual agreement other exceptions to the rules set forth in paragraph 1 of this Article, in the interest of the persons concerned.

### **PART III. MAINTENANCE OF RIGHTS IN COURSE OF ACQUISITION**

**Article 6** Active Member participation

**Articles 2 through 28** omitted.

# Nationality and Statelessness

## Convention on Certain Questions Relating to the Conflict of Nationality Law

**Summary:** This League of Nations treaty recognizes the importance of settling by international agreement questions relating to the **conflict of nationality laws**. It proclaims that **a person should have a nationality**. It deals with renunciation of **nationality, expatriation**, the rights of women and children, and the process of **adoption**.

### CHAPTER I GENERAL PRINCIPLES

**Article 1** provides that it is for each State to determine under its own law who are its nationals. This law shall be recognised by other States in so far as it is consistent with international conventions, international custom, and the principles of law generally recognised with regard to nationality.

**Article 2** provides that any question as to whether a person possesses the nationality of a particular State shall be determined in accordance with the law of the State.

**Article 3** provides that, subject to the provisions of the present Convention, person having two or more nationalities may be regarded as its national by each of the States whose nationality he possesses.

**Article 4** provides that a State may not afford diplomatic protection to one of its national against a State whose nationality such person also possesses.

**Article 5** provides that, within a third State, a person having more than one nationality shall be treated as if he had only one.

**Article 6** Renouncing citizenship

### CHAPTER II EXPATRIATION PERMITS.

**Article 7** Expatriation permits and loss of nationality

### CHAPTER III NATIONALITY OF MARRIED WOMEN

**Article 8** provides that if the national law of the wife causes her to lose her nationality on marriage with a foreigner, this consequence shall be conditional on her acquiring the nationality of the husband.

**Article 9** provides that if the national law of the wife causes her to lose her nationality upon a change in the nationality of her husband occurring during marriage, this consequence shall be conditional on her acquiring her husband's new nationality.

**Article 10** provides that naturalisation of the husband during marriage shall not involve a change in the nationality of the wife except with her consent.

Adoption: 12 April 1930

Entry into force: 1 July 1937

Access status [here](#).

Access full text [here](#).

**Article 11** Dissolution of marriage

#### **CHAPTER IV NATIONALITY OF CHILDREN**

**Article 12** Foreign-born children of dignitaries

**Article 13** Naturalization of children

**Article 14** Parentage and place of birth as nationality for children

**Article 15** Stateless children

**Article 16** Illegitimate children and loss of nationality

#### **CHAPTER V ADOPTION**

**Article 17** Loss of nationality

**CHAPTER VI GENERAL AND FINAL PROVISIONS** omitted.

# Protocol Relating to a Certain Case of Statelessness

**Summary:** In this League of Nations Protocol, Article 1 provides that in a State whose nationality is not conferred by the mere fact of birth in its territory, a person born in its territory of a mother possessing the nationality of that State and of a father without nationality or of unknown nationality shall have the nationality of the said State.

**Article 2** Entry into force and international law.

**Article 3** Other treaties.

**Article 4** Reservations

**Articles 5 through 15**  
omitted.

Adoption: 12 April 1930

Entry into force: 1 July 1937

Access status [here](#).

Access full text [here](#).

# Convention Relating to the Status of Stateless Persons

**Summary:** the purpose of this Convention is to ensure the full **human rights and protections of stateless persons**, especially those not covered by the Convention relating to the Status of Refugees of 28 July 1951. Most provisions require Member States to provide **treatment** no less favourable than that of nationals (or of aliens) and sympathetic treatment of stateless persons. Some provisions are limited to stateless persons "**lawfully within the territory**" of Member States (Article 26).

## GENERAL PROVISIONS

**Article 1** Definition of the term "stateless person" (full text)

1. For the purpose of this Convention, the term "stateless person" means a person who is not considered as a national by any State under the operation of its law.

2. This Convention shall not apply to:

(i) To persons who are at present receiving from organs or agencies of the United Nations other than the United Nations High Commissioner for Refugees protection or assistance so long as they are receiving such protection or assistance;

(ii) To persons who are recognized by the competent authorities of the country in which they have taken residence as having the rights and obligations which are attached to the possession of the nationality of that country;

(iii) To persons with respect to whom there are serious reasons for considering that:

(a) They have committed a crime against peace, a war crime, or a crime against humanity, as defined in the international instruments drawn up to make provisions in respect of such crimes;

(b) They have committed a serious non-political crime outside the country of their residence prior to their admission to that country;

(c) They have been guilty of acts contrary to the purposes and principles of the United Nations.

**Article 2** General obligations of stateless persons to follow domestic law

**Article 3** Non-discrimination (full text)

The Contracting States shall apply the provisions of this Convention to stateless persons without discrimination as to race, religion or country of origin.

**Article 4** Religious freedom and treatment at least as favourable as that accorded to nationals

**Article 5** Rights granted apart from this Convention

**Article 6** The term "in the same circumstances"

**Article 7** Exemption from reciprocity

Adoption: 28 September 1954

Entry into force: 6 June 1960

Access status [here](#).

Access full text [here](#).

**Article 8** Exemption from exceptional measures (previous nationality)

**Article 9** Provisional measures for national security in grave and exceptional situations

**Article 10** Continuity of residence for persons forcibly displaced by WWII

**Article 11** Stateless seamen

## **Chapter II JURIDICAL STATUS**

**Article 12** Personal status governed by the law of the country of his domicile or, if he has no domicile, by the law of the country of his residence.

**Article 13** Movable and immovable property acquisition

**Article 14** Artistic rights and industrial property

**Article 15** Right of association

**Article 16** Access to courts

## **Chapter III GAINFUL EMPLOYMENT**

**Article 17** Wage-earning employment

**Article 18** Self-employment

**Article 19** Liberal professions

## **Chapter IV WELFARE**

**Article 20** Rationing

**Article 21** Housing

**Article 22** Public education

**Article 23** Public relief

**Article 24** Labour legislation and social security provisions

## **Chapter V ADMINISTRATIVE MEASURES**

**Article 25** Administrative assistance

**Article 26** Freedom of movement (full text)

Each Contracting State shall accord to stateless persons lawfully in its territory the right to choose their place of residence and to move freely within its territory, subject to any regulations applicable to aliens generally in the same circumstances.

**Article 27** Identity papers (issuance of)

**Article 28** Travel documents (issuance of)

**Article 29** Fiscal charges

**Article 30** Transfer of assets**Article 31** Expulsion

- The Contracting States shall not expel a stateless person lawfully in their territory save on grounds of national security or public order.
- The expulsion of such a stateless person shall be only in pursuance of a decision reached in accordance with due process of law (national security exception omitted).
- The Contracting States shall allow such a stateless person a reasonable period within which to seek legal admission into another country.

**Article 32** Naturalization**Chapter VI FINAL CLAUSES****Articles 33 through 41** omitted.

# Convention on the Nationality of Married Women

**Summary:** The intention of this treaty is to address conflicts in law with reference to nationality which arise as a result of provisions concerning the **loss or acquisition of nationality by women** as a result of marriage, of its dissolution or of the change of nationality by the husband during marriage.

**Article 1** Neither the celebration nor the dissolution of a marriage between one of its nationals and an alien, nor the change of nationality by the husband during marriage, shall automatically affect the nationality of the wife.

Adoption: 29 January 1957

Entry into force: 11 August 1958

Access status [here](#).

Access full text [here](#).

**Article 2** Neither the voluntary acquisition of the nationality of another State nor the renunciation of its nationality by one of its nationals shall prevent the retention of its nationality by the wife of such national.

**Article 3** The alien wife of one of its nationals may, at her request, acquire the nationality of her husband through specially privileged naturalization procedures; the grant of such nationality may be subject to such limitations as may be imposed in the interests of national security or public policy.

The present Convention shall not be construed as affecting any legislation or judicial practice by which the alien wife of one of its nationals may, at her request, acquire her husband's nationality as a matter of right.

# Convention on the Reduction of Statelessness

**Summary:** This Convention complements the 1953 Convention relating to the status of stateless persons. The 1961 Convention is the leading international instrument that sets rules for the **conferral and non-withdrawal of citizenship to prevent cases of statelessness** from arising. By setting out rules to limit the occurrence of statelessness, the Convention gives effect to article 15 of the Universal Declaration of Human Rights which recognizes that “everyone has the right to a nationality.” The Convention seeks to balance the rights of individuals with the interests of States by setting out general rules for the prevention of statelessness, and simultaneously allowing some exceptions to those rules.

**Article 1** provides for circumstances when Contracting States shall grant their nationality to persons who are otherwise stateless, subject to listed exceptions.

Adoption: 30 August 1961

Entry into force: 13 December 1975

Access status [here](#).

Access full text [here](#).

**Article 2** provides that a foundling found in the territory of a Contracting State shall, in the absence of proof to the contrary, be considered to have been born within that territory of parents possessing the nationality of that State.

**Article 3** Birth on a ship or aircraft

**Article 4** persons not born in the territory of a Contracting State, who would otherwise be stateless

**Article 5** provides that if a law entails loss of nationality, such loss shall be conditional upon the person acquiring another nationality.

**Article 6** provides that if a law entails loss of nationality by a spouse or child by virtue of the loss of nationality by the other spouse or a parent, such loss shall be conditional on the person's possession or acquisition of another nationality.

**Article 7** provides that Laws for the renunciation of a nationality shall be conditional upon a person's acquisition or possession of another nationality. (Exceptions: not to frustrate freedom of movement of nationals within a country, not to frustrate return of nationals to their country, not to frustrate a person's ability to seek asylum)

**Article 8** provides that Contracting States shall not deprive people of their nationality so as to render them stateless. (Exceptions: where otherwise provided in the Convention; where nationality has been acquired by misrepresentation or fraud; disloyalty to the Contracting State).

**Article 9** Nationality will not be deprived on racial, ethnic, political or religious grounds.

**Article 10** provides that Treaties providing for transfer of territory between States shall make provisions to preclude the occurrence of statelessness. Absent such provisions, a Contracting State taking territory will give its nationality to persons, otherwise stateless, in that territory.

**Article 11** Persons may apply to the UNHCR to claim the benefit of the Convention.

**Article 12** The Convention applies to persons born either before or after it goes into force. (Exception: only applies to foundlings found *after* going into force)

**Article 13** The Convention is not to be construed to detract from any law or treaty provision otherwise aiding the reduction of statelessness.

**Article 14** Disputes

**Article 15** Territorial application

**Articles 16 through 21** Process of signature and ratification.

# Slavery, Trafficking, Smuggling and Other Crimes

## Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others

**Summary:** This Convention requires state signatories to punish any person who "procures, entices or leads away, for purposes of prostitution, another person, even with the consent of that person." It also prescribes procedures for combating international traffic for the purpose of prostitution, including extradition of offenders. Furthermore, Member States are required to abolish all regulations that subject prostitutes "to special registration or to the possession of a special document or to any exceptional requirements for supervision or notification."

**Article 1** provides that the Parties to the present Convention agree to punish any person who, to gratify the passions of another: (1) Procures, entices or leads away, for purposes of prostitution, another person, even with the consent of that person; (2) Exploits the prostitution of another person, even with the consent of that person.

Adoption: 2 December 1929

Entry into force: 25 July 1951

Access status [here](#).

Access full text [here](#).

**Article 2** provides that the Parties to the present Convention further agree to punish any person who: (1) Keeps or manages, or knowingly finances or takes part in the financing of a brothel; (2) Knowingly lets or rents a building or other place or any part thereof for the purpose of the prostitution of others.

**Article 3** Attempt

**Article 4** intentional participation

**Article 5** provides that in cases where injured persons are entitled under domestic law to be parties to proceedings in respect of any of the offences referred to in the present Convention, aliens shall be so entitled upon the same terms as nationals.

**Article 6** No special registration for persons engaging in prostitution.

**Article 7** Previous convictions pronounced in foreign States for offences referred to in the present Convention

**Article 8** Extraditable offenses

**Article 9** When extradition prohibited by domestic law

**Article 10** Previous convictions and sentences

**Article 11** Domestic criminal jurisdiction under international law

**Article 12** Conformity with domestic law

**Article 13** Letters of request

**Article 14** co-ordination and centralization of the results of investigations

**Article 15** Correspondence between authorities

**Article 16** Measures for the prevention of prostitution, rehabilitation, and social adjustment of the victims of prostitution and of the offences.

**Article 17** provides that the Parties to the present Convention undertake, in connection with immigration and emigration, to adopt or maintain such measures as are required, in terms of their obligations under the present Convention, to check the traffic in persons of either sex for the purpose of prostitution

In particular they undertake:

- (1) To make such regulations as are necessary for the protection of immigrants or emigrants, and in particular, women and children, both at the place of arrival and departure and while en route ;
- (2) To arrange for appropriate publicity warning the public of the dangers of the aforesaid traffic;
- (3) To take appropriate measures to ensure supervision of railway stations, airports, seaports and en route , and of other public places, in order to prevent international traffic in persons for the purpose of prostitution;
- (4) To take appropriate measures in order that the appropriate authorities be informed of the arrival of persons who appear, *prima facie*, to be the principals and accomplices in or victims of such traffic.

**Article 18** Declarations from prostitute and repatriation

**Article 19** Temporary care and repatriation

**Article 20** Employment agencies

**Articles 21 through 28 and final provision** omitted.

# Slavery Convention

**Summary:** This League of Nations treaty defines slavery and mandates that all parties endeavor to prevent and suppress the **slave trade** and to progressively bring about the complete **elimination of slavery in all its forms**, as well as promulgate severe penalties for slave trading, slaveholding, and enslavement. A subsequent protocol entered into force in accordance with article III of the Protocol. The preamble contains references to regional treaties in force at the time.

**Article 1** defines slavery as the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised.

(2) The slave trade includes all acts involved in the capture, acquisition or disposal of a person with intent to reduce him to slavery; all acts involved in the acquisition of a slave with a view to selling or exchanging him; all acts of disposal by sale or exchange of a slave acquired with a view to being sold or exchanged, and, in general, every act of trade or transport in slaves.

Adoption: 25 September 1926

Entry into force: 9 March 1927

Access status [here](#).

Access full text [here](#).

**Article 2** Within recognized territories, Contracting Parties undertake:

- To prevent and suppress the slave trade;
- To bring about, progressively and as soon as possible, the complete abolition of slavery in all its forms.

**Article 3** Vessels under the flag of Contracting Parties.

**Article 4** International Assistance

**Article 5** Compulsory of forced labour.

**Article 6** Adequate provision for the punishment of infractions under domestic law.

**Articles 7 through 14** omitted.

# Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery

**Summary:** This treaty augments the 1926 Convention by acting to ban **debt bondage, serfdom, servile marriage and child servitude**, in an effort to end slavery in all its forms.

## Section I Institutions and practices similar to slavery

**Article 1** Parties commit to abolish and abandon debt bondage, serfdom, servile marriage and child servitude, and any institution or practice whereby women are sold or inherited or children are sold or exploited.

Adoption: 7 September 1956

Entry into force: 30 April 1957

Access status [here](#).

Access full text [here](#).

**Article 2** The parties commit to enacting minimum ages of marriage, encouraging registration of marriages, and encouraging the public declaration of consent to marriage.

## Section II The slave trade

**Article 3** Criminalization of Slave trafficking under domestic law; ships and airfields.

**Article 4** Any slave who takes refuge on board any vessel of a State Party to this Convention shall ipso facto be free.

## Section III Slavery and institutions and practices similar to slavery

**Article 5** Criminalization of the marking, mutilation, and branding of slaves and servile persons for any reason.

**Article 6** Criminalization of the act of enslaving another person or of inducing another person into slavery, its attempt, as an accessory, or in a conspiracy.

## Section IV Definitions

**Article 7** defines:

- Slavery
- A person of servile status
- Slave trade

## Section V Cooperation between States Parties and communication of information

**Articles 8 through 15** omitted.

# Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power

**Summary:** The purpose of this Convention is to adequately recognize the **rights of victims**, their families, and witnesses, of **crimes around the world**. The instrument calls upon all Member States to implement social, health, including mental health, educational, economic and specific crime prevention policies to reduce victimization and encourage assistance to victims in distress. The ANNEX provides a Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, including access to justice and fair treatment, restitution, compensation, assistance.

Adoption: 29 November 1985

Access full text [here](#).

# United Nations Convention against Transnational Organized Crime

**Summary:** This Convention is the main international instrument in the fight against transnational organized crime. The Convention is further supplemented by three Protocols, which target specific areas and manifestations of organized crime, including the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and the Protocol against the Smuggling of Migrants by Land, Sea and Air. States that ratify this instrument commit themselves to taking a series of measures against transnational organized crime, including the creation of domestic criminal offences; the adoption of new and sweeping frameworks for extradition, mutual legal assistance and law enforcement cooperation; and the promotion of training and technical assistance for building or upgrading the necessary capacity of national authorities.

**Article 1** Statement of purpose

**Article 2** Use of terms

- "Organized criminal group"
- "Serious crime"
- "Structured group"
- "Property"
- "Proceeds of crime"
- "Freezing" or "seizure"
- "Confiscation"
- "Predicate offence"
- "Controlled delivery"
- "Regional economic integration organization"

**Article 3** Scope of application:

- Serious crimes
- Transnational crimes

**Article 4** Protection of sovereignty

**Article 5** Criminalization of participation in an organized criminal group

**Article 6** Criminalization of the laundering of proceeds of crime

**Article 7** Measures to combat money-laundering

**Article 8** Criminalization of corruption

**Article 9** Measures against corruption

**Article 10** Liability of legal persons

**Article 11** Prosecution, adjudication and sanctions

**Article 12** Confiscation and seizure

**Article 13** International cooperation for purposes of confiscation

**Article 14** Disposal of confiscated proceeds of crime or property

**Article 15** provides for jurisdiction, stating that each State Party shall adopt such measures as may be necessary to establish its jurisdiction over the offences established in accordance with articles 5, 6, 8 and 23 of this Convention when:

Adoption: 15 November 2000

Entry into force: 29 September 2003

Access status [here](#).

Access full text [here](#).

- The offence is committed in the territory of that State Party
- The offence is committed on board a vessel that is flying the flag of that State Party or an aircraft that is registered under the laws of that State Party at the time that the offence is committed.
- The offence is committed against a national of that State Party (Subject to article 4)
- The offence is committed by a national of that State Party or a stateless person who has his or her habitual residence in its territory
- The offence is one of those established in accordance with article 5, paragraph 1, of this Convention and is committed outside its territory with a view to the commission of a serious crime within its territory

**Article 16** Extradition

**Article 17** Transfer of sentenced persons

**Article 18** Mutual legal assistance

**Article 19** Joint investigations

**Article 20** Special investigative techniques

**Article 21** Transfer of criminal proceedings

**Article 22** Establishment of criminal record

**Article 23** Criminalization of obstruction of justice

**Article 24** Protection of witnesses

**Article 25** Assistance to and protection of victims

**Article 26** Measures to enhance cooperation with law enforcement authorities

**Article 27** Law enforcement cooperation

**Article 28** Collection, exchange and analysis of information on the nature of organized crime

**Article 29** Training and technical assistance

**Article 30** Other measures: implementation of the Convention through economic development and technical assistance

**Article 31** Prevention

**Articles 32 through 42** omitted.

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

**Summary:** This instrument declares that states must protect the rights and interests of child victims of **trafficking**, child prostitution and child pornography, child labour and especially the worst forms of child labour. It also outlines the standards for international law enforcement covering diverse issues such as **jurisdictional factors**, mutual assistance in investigations, criminal or **extradition proceedings** and seizure and confiscation of assets as well.

**Article 1** States Parties shall prohibit the sale of children, child prostitution and child pornography as provided for by the present Protocol.

**Article 2** Definitions:

- Sale of children
- Child prostitution
- Child pornography

**Article 3** Criminalization under domestic law of offering, delivering or accepting, by whatever means, a child for the purpose of:

- The sale of children
- Sexual exploitation of the child
- Transfer of organs of the child for profit;
- Engagement of the child in forced labour;
- Improperly inducing consent, as an intermediary, for the adoption of a child in violation of applicable international legal instruments on adoption;
- Offering, obtaining, procuring or providing a child for child prostitution
- Producing, distributing, disseminating, importing, exporting, offering, selling or possessing for the above purposes child pornography

- Attempt and complicity

Each State Party shall: make such offences punishable by appropriate penalties that take into account their grave nature; establish the liability of legal persons for offences; ensure that all persons involved in the adoption of a child act in conformity with applicable international legal instruments.

**Article 4** Territorial jurisdiction; ships and aircraft; nationals and residents; physical presence and extradition. International criminal law not excluded.

**Article 5** Extradition; conditional extradition; non-extradition.

**Article 6** Assistance by States Parties

**Article 7** Confiscating goods and proceeds from offenses.

**Article 8** Measures to protect the rights and interests of child victims

**Article 11** More conducive law not affected

**Articles 12 through 17** omitted.

Adoption: 25 May 2000

Entry into force: 18 January 2002

Access status [here](#).

Access full text [here](#).

# Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children

**Summary:** The intention of this instrument is to mandate that State Members take effective action to prevent and combat **trafficking in persons, especially women and children**. It requires a comprehensive international approach in the **countries of origin, transit and destination** that includes measures to prevent such trafficking, to punish the traffickers and to protect the victims of such **trafficking**, including by protecting their internationally recognized human rights. This instrument is a supplement to the Convention against Transnational Organized Crime. Notably, this is the first global legally binding instrument with **an agreed definition on trafficking in persons**. The intention behind this definition is to facilitate convergence in national approaches with regard to the establishment of domestic criminal offences that would support efficient international cooperation in investigating and prosecuting trafficking in persons cases. An additional objective of the Protocol is to protect and assist the victims of trafficking in persons with full respect for their human rights.

## I. General provisions

**Article 1** Supplement to the United Nations Convention against Transnational Organized Crime

**Article 2** Statement of purpose:

- To prevent and combat trafficking in persons, paying particular attention to women and children
- To protect and assist the victims of such trafficking, with full respect for their human rights
- To promote cooperation among States Parties in order to meet those objectives

**Article 3** Use of terms for the purposes of this Protocol:

"Trafficking in persons" shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

- When the consent of a victim is irrelevant
- The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered "trafficking in persons"
- "Child" shall mean any person under eighteen years of age

**Article 4** Scope of application.

**Article 5** Domestic criminalization

- Attempt
- Participation
- Organizing or directing

Adoption: 15 November 2000

Entry into force: 25 December 2003

Access status [here](#).

Access full text [here](#).

## II. Protection of victims of trafficking in persons

### Article 6 Assistance to and protection of victims of trafficking in persons

- Protecting the privacy and identity of victims of trafficking in persons
- Information on relevant court and administrative proceedings for victims
- Right to present at criminal proceedings
- Physical, psychological and social recovery of victims of trafficking in persons
- Appropriate housing
- Counselling
- Medical, psychological and material assistance
- Employment, educational and training opportunities
- Age, gender and special needs of victims of trafficking in persons
- Physical safety of victims of trafficking in persons while they are within its territory.
- possibility of obtaining compensation for damage suffered under domestic law

**Article 7** Status of victims of trafficking in persons in receiving States, provides that each State Party shall consider adopting legislative or other appropriate measures that permit victims of trafficking in persons to remain in its territory, temporarily or permanently, in appropriate cases.

### Article 8 Repatriation of victims of trafficking in persons

- Return of that person without undue or unreasonable delay.
- due regard for the safety of that person and for the status of any legal proceedings related to the fact that the person is a victim of trafficking and shall preferably be voluntary
- Verification that a victim had the right of permanent residence
- Travel documents or other authorization necessary to enable victim to travel to territory
- Domestic law
- Bilateral and multilateral agreements

## III. Prevention, cooperation and other measures

### Article 9 Prevention of trafficking in persons through establishment of comprehensive policies, programmes and other measures

### Article 10 Information exchange and training between law enforcement, immigration, or other relevant authorities of States Partie to determine:

- Whether travelers are perpetrators or victims
- The types of travel document that individuals have used or attempted to use to cross an international border for the purpose of trafficking in persons
- The means and methods used by organized criminal groups for the purpose of trafficking in persons

### Article 11 Border measures and border controls as may be necessary to prevent and detect trafficking in persons, commercial carriers, other means of transport, denial of visas.

### Article 12 Security and control of documents to prevent fraudulent documents

### Article 13 Legitimacy and validity of documents verification

#### IV. Final provisions

**Article 14** Saving clause for consistency and non-discrimination

**Article 15** Settlement of disputes

**Article 16** Signature, ratification, acceptance, approval and accession

**Articles 17 through 20** omitted.

# International Maritime Law

## Convention on the Facilitation of International Maritime Traffic

**Summary:** The Convention's main objectives are to prevent unnecessary delays in maritime traffic, to aid co-operation between Governments, and to secure the highest practicable degree of uniformity in formalities and other procedures. The instrument also contains provisions related to stowaways, documentation of travelers, and illegal immigration. The provisions are distinguished as recommendations or standards.

**Section 1** omitted.

**2.7** The Passenger List shall be the basic document providing public authorities with information relating to passengers on the arrival and departure of a ship.

Adoption: 9 April 1965

Entry into force: 5 March 1967

Access status [here](#).

Access full text [here](#).

### **2.7.2** Recommended

Practice. Public authorities should not require Embarkation or Disembarkation Cards in addition to Passenger Lists in respect of passengers whose names appear on those Lists. However, where public authorities have special problems constituting a grave danger to public health a person on an international voyage may on arrival be required to give a destination address in writing.

**2.7.3** Recommended Practice. In the Passenger List public authorities should not require more than the following information:

- Name and nationality of the ship
- Family name
- Given names
- Nationality

- Date of birth
- Place of birth
- Port embarkation
- Port of disembarkation
- Port and date of arrival of the ship.

**2.7.4 through 2.09** contain other provisions for related to passenger lists.

C. DOCUMENTS REQUIRED UPON ARRIVAL

D. DOCUMENTS REQUIRED UPON DEPARTURE

E. MEASURES TO FACILITATE CLEARANCE OF CARGO, PASSENGERS, CREW AND BAGGAGE

F. CONSECUTIVE CALLS AT TWO OR MORE PORTS IN THE SAME STATE

G. COMPLETION OF DOCUMENTS

## H. SPECIAL MEASURES OF FACILITATION FOR SHIPS CALLING AT PORTS IN ORDER TO PUT ASHORE SICK OR INJURED CREW MEMBERS, PASSENGERS OR OTHER PERSONS FOR EMERGENCY MEDICAL TREATMENT

### SECTION 3 ARRIVAL AND DEPARTURE OF PERSONS

This section contains the provisions concerning the formalities required by public authorities from crew and passengers on the arrival or departure of a ship.

#### A. ARRIVAL AND DEPARTURE REQUIREMENTS AND PROCEDURES

- 3.1 Standard. A valid passport shall be the basic document providing public authorities with information relating to the individual passenger on arrival or departure of a ship 3.1.1
- Recommended Practice. Bilateral or multilateral agreements to accept official documents of identity in lieu of passports.
- 3.2 Recommended Practice. Inspection by the immigration authorities only once at the time of arrival and once at the time of departure.
- 3.3 Recommended Practice. Authorities should hand back such documents immediately after examination.
- 3.4 Recommended Practice. Public authorities should not require any information in writing supplementary to or repeating that already presented in their passports or official documents of identity, other than as necessary.
- 3.5 Recommended Practice. Public authorities should accept the Embarkation/Disembarkation Card when completed by the passenger and should not require that it be completed or checked by the shipowner.
- 3.6 Recommended Practice. In the Embarkation/Disembarkation Card public authorities should not require more than the following information:
  - Family name
  - Given names
  - Nationality
  - Number of passport or other official identity document
  - Date of birth
  - Place of birth
  - Occupation
  - Port of Embarkation/Disembarkation
  - Sex
  - Destination address
  - Signature.
- 3.7 Standard. In cases where evidence of protection against cholera, yellow fever or smallpox is required from persons on board a ship, public authorities shall accept the International Certificate of Vaccination or Re-Vaccination in the forms provided for in the International Health Regulations.

**Articles 3.7 through 5.8 omitted.**

# State Security

## Convention on International Civil Aviation

**Summary:** Also known as the Chicago Convention, established the International Civil Aviation Organization (ICAO), a specialized agency of the United Nations charged with **coordinating and regulating international air travel**. The Convention provides for **entry and clearance regulations**, prevention of the spread of disease, the **right to refuse aircraft, immigration procedures**, and the right to search aircraft.

**Article 1** Every state has complete and exclusive sovereignty over airspace above its territory.

**Article 5** Non-scheduled flights over State's Territory

**Article 6** (Scheduled air services) No scheduled international air service may be operated over or into the territory of a contracting State, except with the special permission or other authorization of that State.

**Article 7** Sabotage

**Article 10** Landing at customs airports

**Article 13** provides Entry and Clearance Regulations: A state's laws and regulations regarding the admission and departure of passengers, crew or cargo from aircraft shall be complied with on arrival, upon departure and whilst within the territory of that state.

**Article 14** Prevention of the spread of disease

**Article 16** The authorities of each state shall have the right to search the aircraft of other states on landing or departure, without unreasonable delay...

**Article 22** Facilitation of formalities

**Article 23** Customs and immigration procedures, states that each contracting State undertakes, so far as it may find practicable, to establish customs and immigration procedures affecting international air navigation in accordance with the practices which may be established or recommended from time to time, pursuant to this Convention. Nothing in this Convention shall be construed as preventing the establishment of customs-free airports.

**Article 40** Permission of the state or states whose territory is entered.

Adoption: 7 December 1944

Entry into force: 4 April 1947

Access status [here](#).

Access full text [here](#).

# Convention on Offenses and Certain Other Acts Committed on Board Aircraft

**Summary:** Also known as the Tokyo Convention, this instrument is applicable to offences against penal law and to any acts jeopardizing the **safety of persons or property on board civilian aircraft while *in-flight*** and engaged in international air navigation. The Convention, for the first time in the history of international aviation law, recognizes certain **powers and immunities of the aircraft commander** who on international flights may restrain any person(s) he has reasonable cause to believe is committing or is about to commit an offence liable to interfere with the safety of persons or property on board or who is jeopardizing good order and discipline.

**Article 4** provides for Jurisdiction: A Contracting State which is not the State of registration may not interfere with an aircraft in flight in order to exercise its criminal jurisdiction over an offence committed on board except in the following cases:

- the offence has effect on the territory of such State;
- the offence has been committed by or against a national or permanent resident of such State;
- the offence is against the security of such State;
- the offence consists of a breach of any rules or regulations relating to the flight or manoeuvre of aircraft in force in such State;
- the exercise of jurisdiction is necessary to ensure the observance of any obligation of such State under a multilateral international agreement.

Adoption: 14 September 1963

Entry into force: 4 December 1969

Access status [here](#).

Access full text [here](#).

**Article 9** Powers of the aircraft commander over suspected offenders

**Article 11** Plane theft and hijacking

**Article 13** Custody and delivery of offending persons

**Article 14** Admission to enter and disembarkation of offenders

**Article 15** Continuation of journey by offenders

# Vienna Convention on Consular Relations

**Summary:** The Vienna Convention consists of 79 articles, most of which provide for the operation of consulates; outline the **functions of consular agents**; and address the **privileges and immunities** granted to consular officials when posted to a foreign country. A few other articles specify consular officials' **duties when citizens of their country face difficulties in a foreign nation.**

**Article 3** The functions of a diplomatic mission consist, *inter alia*, in:

- Representing the sending State in the receiving State;
- Protecting in the receiving State the interests of the sending State and of its nationals, within the limits permitted by international law;
- Negotiating with the Government of the receiving State;
- Ascertaining by all lawful means conditions and developments in the receiving State, and reporting thereon to the Government of the sending State;
- Promoting friendly relations between the sending State and the receiving State, and developing their economic, cultural and scientific relations.

Adoption: 24 April 1961

Entry into force: 19 March 1967

Access status [here](#).

Access full text [here](#).

Article 5 provides the Consular functions, including the function of **assisting its nationals and providing travel and immigration documentation.**

## Article 5

### Consular functions

Consular functions consist in:

- protecting in the receiving State the interests of the sending State and of its nationals, both individuals and bodies corporate, within the limits permitted by international law;
- furthering the development of commercial, economic, cultural and scientific relations between the sending State and the receiving State and otherwise promoting friendly relations between them in accordance with the provisions of the present Convention;
- ascertaining by all lawful means conditions and developments in the commercial, economic, cultural and scientific life of the receiving State, reporting thereon to the Government of the sending State and giving information to persons interested;
- issuing passports and travel documents to nationals of the sending State, and visas or appropriate documents to persons wishing to travel to the sending State;
- helping and assisting nationals, both individuals and bodies corporate, of the sending State;
- acting as notary and civil registrar and in capacities of a similar kind, and performing certain functions of an administrative nature, provided that there is nothing contrary thereto in the laws and regulations of the receiving State;
- safeguarding the interests of nationals, both individuals and bodies corporate, of the sending States in cases of succession *mortis causa* in the territory of the receiving State, in accordance with the laws and regulations of the receiving State;

- safeguarding, within the limits imposed by the laws and regulations of the receiving State, the interests of minors and other persons lacking full capacity who are nationals of the sending State, particularly where any guardianship or trusteeship is required with respect to such persons;
- subject to the practices and procedures obtaining in the receiving State, representing or arranging appropriate representation for nationals of the sending State before the tribunals and other authorities of the receiving State, for the purpose of obtaining, in accordance with the laws and regulations of the receiving State, provisional measures for the preservation of the rights and interests of these nationals, where, because of absence or any other reason, such nationals are unable at the proper time to assume the defence of their rights and interests;
- transmitting judicial and extrajudicial documents or executing letters rogatory or commissions to take evidence for the courts of the sending State in accordance with international agreements in force or, in the absence of such international agreements, in any other manner compatible with the laws and regulations of the receiving State;
- exercising rights of supervision and inspection provided for in the laws and regulations of the sending State in respect of vessels having the nationality of the sending State, and of aircraft registered in that State, and in respect of their crews;
- extending assistance to vessels and aircraft mentioned and their crews, taking statements regarding the voyage of a vessel, examining and stamping the ship's papers, and, without prejudice to the powers of the authorities of the receiving State, conducting investigations into any incidents which occurred during the voyage, and settling disputes of any kind between the master, the officers and the seamen insofar as this may be authorized by the laws and regulations of the sending State;
- performing any other functions entrusted to a consular post by the sending State which are not prohibited by the laws and regulations of the receiving State or to which no objection is taken by the receiving State or which are referred to in the international agreements in force between the sending State and the receiving State.

**Article 36** Communication and contact with nationals of the sending state

**Article 37** Information in case of deaths, guardianship or trusteeship, wrecks and air accidents

**Article 38** Communication with the authorities of the receiving state

**Article 45** If diplomatic relations are broken off between two States, or if a mission is permanently or temporarily recalled:

- The receiving State must, even in case of armed conflict, respect and protect the premises of the mission, together with its property and archives;
- The sending State may entrust the custody of the premises of the mission, together with its property and archives, to a third State acceptable to the receiving State;
- The sending State may entrust the protection of its interests and those of its nationals to a third State acceptable to the receiving State.

**Article 46** A sending State may with the prior consent of a receiving State, and at the request of a third State not represented in the receiving State, undertake the temporary protection of the interests of the third State and of its nationals.

# Declaration to Supplement the 1994 Declaration on Measures to Eliminate International Terrorism

**Summary:** as a supplement to the 1994 Declaration on Measures to Eliminate International Terrorism, this instrument contains provisions dealing with **refugees, asylum seekers, extradition, and the movements of suspected terrorists.**

3. The States Members of the United Nations reaffirm that States should take appropriate measures in conformity with the relevant provisions of national and international law, including international standards of human rights, before granting refugee status, for the purpose of ensuring that the asylum-seeker has not participated in terrorist acts, considering in this regard relevant information as to whether the asylum-seeker is subject to investigation for or is charged with or has been convicted of offences connected with terrorism and, after granting refugee status, for the purpose of ensuring that that status is not used for the purpose of preparing or organizing terrorist acts intended to be committed against other States or their citizens;

4. The States Members of the United Nations emphasize that asylum seekers who are awaiting the processing of their asylum applications may not thereby avoid prosecution for terrorist acts;
5. The States Members of the United Nations reaffirm the importance of ensuring effective cooperation between Member States so that those who have participated in terrorist acts, including their financing, planning or incitement, are brought to justice; they stress their commitment, in conformity with the relevant provisions of international law, including international standards of human rights, to work together to prevent, combat and eliminate terrorism and to take all appropriate steps under their domestic laws either to extradite terrorists or to submit the cases to their competent authorities for the purpose of prosecution;
6. In this context, and while recognizing the sovereign rights of States in extradition matters, States are encouraged, when concluding or applying extradition agreements, not to regard as political offences excluded from the scope of those agreements offences connected with terrorism which endanger or represent a physical threat to the safety and security of persons, whatever the motives which may be invoked to justify them;
7. States are also encouraged, even in the absence of a treaty, to consider facilitating the extradition of persons suspected of having committed terrorist acts, insofar as their national laws permit;
8. The States Members of the United Nations emphasize the importance of taking steps to share expertise and information about terrorists, their movements, their support and their weapons and to share information regarding the investigation and prosecution of terrorist acts.

Adoption: 17 December 1996

Access full text [here](#).

# Minorities

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

**Summary:** Adopted by General Assembly resolution and 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 and linguistic minorities, this instrument provides for the **promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities.**

### Article 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.
- adopt appropriate legislative and other measures to achieve those ends.

Adoption: 18 December 1992

Access full text [here](#).

**Article 2** 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 practise 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;
- 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;
- establish and maintain their own associations;
- 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** 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** State measures to ensure human rights and fundamental freedoms without any discrimination and in full equality before the law, including:

- Favourable conditions to enable persons belonging to minorities to express their characteristics and to develop their culture, language, religion, traditions and customs
- Adequate opportunities to learn their mother tongue or to have instruction in their mother tongue
- 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
- Full participation in the economic progress and development in their country.

**Article 5** National policies, programs, and cooperation among states.

**Article 6** Sharing of information between States.

**Article 7** Cooperation between states.

# Universal Declaration on Cultural Diversity

**Summary:** This instrument provides for **social and cultural rights of all peoples, without discrimination in any form**, allowing for richer diversity, unity and acceptance of pluralism. This encompasses, in addition to art and literature, lifestyles, ways of living together, value systems, traditions and beliefs.

**Article 1** Cultural diversity: the common heritage of humanity

**Article 2** From cultural diversity to cultural pluralism

**Article 3** Cultural diversity as a factor in development

**Article 4** Human rights as guarantees of cultural diversity

**Article 5** Cultural rights as an enabling environment for cultural diversity

**Article 6** Towards access for all to cultural diversity

**Article 7** Cultural heritage as the wellspring of creativity

**Article 8** Cultural goods and services: commodities of a unique kind

Adoption: 2 November 2001

Access full text [here](#).

**Article 9** Cultural policies as catalysts of creativity

**Article 10** Strengthening capacities for creation and dissemination worldwide

**Article 11** Building partnerships between the public sector, the private sector and civil society

**Article 12** The role of UNESCO

# International Humanitarian and Refugee Law

## Geneva Convention Relative to the Protection of Civilian Persons in Times of War

**Summary:** This Convention was drafted in response to the atrocities committed in WWII, and this instrument contains a short part concerning the general protection of populations against certain consequences of war (Part II), leaving aside the problem of the limitation of the use of weapons. The great bulk of the Convention (Part III - Articles 27-141) puts forth the regulations governing the status and treatment of protected persons; these provisions distinguish between the situation of foreigners on the territory of one of the parties to the conflict and that of civilians in occupied territory. The Convention does not invalidate the provisions of the Hague Regulations of 1907 on the same subjects but is supplementary to them (see Article 154 of the Convention).

**Part I.** General Provisions and application to all cases of declared war or of any other armed conflict which may arise between two or more of the High Contracting Parties, even if the state of war is not recognized by one of them, and all cases of partial or total occupation of the territory of a High Contracting Party, even if the said occupation meets with no armed resistance.

Adoption: 12 August 1949

Entry into force: 21 October 1950

Access status [here](#)

Access full text [here](#).

Non-combatants and those placed hors de combat by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria.

To this end the following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above-mentioned persons:

- violence to life and person, murder of all kinds, mutilation, cruel treatment and torture;
- taking of hostages;
- outrages upon personal dignity, in particular humiliating and degrading treatment;
- the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples.

The wounded and sick shall be collected and cared for. The Parties to the conflict should further endeavour to bring into force, by means of special agreements, all or part of the other provisions of the present Convention. The application of the preceding provisions shall not affect the legal status of the Parties to the conflict.

**Article 4** Persons protected: those who find themselves in a case of a conflict or occupation, in the hands of a Party to the conflict or Occupying Power of which they are not nationals.

Nationals of a State which is not bound by the Convention are not protected by it. Nationals of a neutral State who find themselves in the territory of a belligerent State, and nationals of a co-belligerent State, shall not be regarded as protected persons while the State of which they are nationals has normal diplomatic representation in the State in whose hands they are.

**Article 5** Where protected person is definitely suspected of or engaged in activities hostile to the security of the State: spies; subversion; hostilities; trial and rights.

**Article 6** Application start and duration

**Article 7** Other special agreements

**Article 8** Renouncement prohibited

**Article 9** Cooperation and under the scrutiny of the Protecting Powers

**Article 10** Humanitarian activities by impartial humanitarian organizations

**Article 11** Entrusting duties of Protecting Powers to an international organization

**Article 12** Protecting Powers to settle disagreements.

## **Part II. General Protection of Populations Against Certain Consequences of War**

**Article 13** The provisions of Part II cover the whole of the populations of the countries in conflict, without any adverse distinction based, in particular, on race, nationality, religion or political opinion, and are intended to alleviate the sufferings caused by war.

**Article 14** Hospital and safety zones and localities in occupied areas.

**Article 15** Establishing neutral zones

**Article 16** The wounded and sick, as well as the infirm, and expectant mothers, shall be the object of particular protection and respect; killed and wounded persons.

**Article 17** Local agreements for removal of non-combatants

**Article 18** Civilian hospitals may in no circumstances be the object of attack; regulations.

**Article 19** Duration of protection for civilian hospitals

**Article 20** Hospital personnel entitled to respect

**Article 21** Transfer of the wounded, sick and civilians: boat and convoy

**Article 22** Transfer of wounded, sick and civilians: Aircraft

**Article 23** Free passage of medical and hospital stores and objects necessary for religious worship intended only for civilians of another High Contracting Party, even if the latter is its adversary, and for essential foodstuffs, clothing and tonics intended for children under fifteen, expectant mothers and maternity cases; exceptions.

**Article 24** The Parties to the conflict shall take the necessary measures to ensure that children under fifteen, who are orphaned or are separated from their families as a result of the war, are not left to their own

resources, and that their maintenance, the exercise of their religion and their education are facilitated in all circumstances. Their education shall, as far as possible, be entrusted to persons of a similar cultural tradition.

The Parties to the conflict shall facilitate the reception of such children in a neutral country for the duration of the conflict with the consent of the Protecting Power, if any, and under due safeguards for the observance of the principles stated in the first paragraph.

They shall, furthermore, endeavour to arrange for all children under twelve to be identified by the wearing of identity discs, or by some other means.

**Article 25** Personal correspondence to family

**Article 26** Reunification of families

### **Part III. Status and Treatment of Protected Persons**

#### **Section I. Provisions common to the territories of the parties to the conflict and to occupied territories**

**Article 27** Protected persons are entitled, in all circumstances, to respect for their persons, their honour, their family rights, their religious convictions and practices, and their manners and customs. They shall at all times be humanely treated, and shall be protected especially against all acts of violence or threats thereof and against insults and public curiosity. Women shall be especially protected against any attack on their honour, in particular against rape, enforced prostitution, or any form of indecent assault.

Without prejudice to the provisions relating to their state of health, age and sex, all protected persons shall be treated with the same consideration by the Party to the conflict in whose power they are, without any adverse distinction based, in particular, on race, religion or political opinion.

However, the Parties to the conflict may take such measures of control and security in regard to protected persons as may be necessary as a result of the war.

**Article 28** The presence of a protected person may not be used to render certain points or areas immune from military operations.

**Article 29** The Party to the conflict in whose hands protected persons may be, is responsible for the treatment accorded to them by its agents, irrespective of any individual responsibility which may be incurred.

**Article 30** Protected persons shall have every facility for making application to the Protecting Powers.

**Article 31** No physical or moral coercion shall be exercised against protected persons, in particular to obtain information from them or from third parties.

**Article 32** Physical suffering or extermination of protected persons in their hands.

**Article 33** No protected person may be punished for an offence he or she has not personally committed. Collective penalties and likewise all measures of intimidation or of terrorism are prohibited.

Pillage is prohibited.

Reprisals against protected persons and their property are prohibited.

**Article 34** The taking of hostages is prohibited

## Section II. Aliens in the territory of a party to the conflict

**Article 35** All protected persons who may desire to leave the territory at the outset of, or during a conflict, shall be entitled to do so; exceptions.

**Article 36** Departures permitted under the foregoing Article

**Article 37** Humane treatment for those confined under the foregoing Article.

**Article 38** The situation of protected persons shall continue to be regulated, in principle, by the provisions concerning aliens in time of peace. In any case, the following rights shall be granted to them:

- they shall be enabled to receive the individual or collective relief that may be sent to them
- they shall, if their state of health so requires, receive medical attention and hospital treatment to the same extent as the nationals of the State concerned
- they shall be allowed to practise their religion and to receive spiritual assistance from ministers of their faith.
- if they reside in an area particularly exposed to the dangers of war, they shall be authorized to move from that area to the same extent as the nationals of the State concerned.
- children under fifteen years, pregnant women and mothers of children under seven years shall benefit by any preferential treatment to the same extent as the nationals of the State concerned.

**Article 39** Protected persons who, as a result of the war, have lost their gainful employment.

**Article 40** Protected persons may be compelled to work only to the same extent as nationals of the Party to the conflict in whose territory they are; compulsory labor.

**Article 41** Assigned residence or internment, in accordance with the provisions of Articles 42 and 43.

**Article 42** The internment or placing in assigned residence of protected persons may be ordered only if the security of the Detaining Power makes it absolutely necessary.

**Article 43** Detained and interned persons.

**Article 44** In applying the measures of control mentioned in the present Convention, the Detaining Power shall not treat as enemy aliens exclusively on the basis of their nationality de jure of an enemy State, refugees who do not, in fact, enjoy the protection of any government.

**Article 45** Protected persons shall not be transferred to a Power which is not a party to the Convention.

This provision shall in no way constitute an obstacle to the repatriation of protected persons, or to their return to their country of residence after the cessation of hostilities.

Protected persons may be transferred by the Detaining Power only to a Power which is a party to the present Convention and after the Detaining Power has satisfied itself of the willingness and ability of such transferee Power to apply the present Convention. If protected persons are transferred under such circumstances, responsibility for the application of the present Convention rests on the Power accepting them, while they are in its custody. Nevertheless, if that Power fails to carry out the provisions of the present Convention in any important respect, the Power by which the protected persons were transferred shall, upon being so notified by the Protecting Power, take effective measures to correct the situation or shall request the return of the protected persons. Such request must be complied with.

In no circumstances shall a protected person be transferred to a country where he or she may have reason to fear persecution for his or her political opinions or religious beliefs.

The provisions of this Article do not constitute an obstacle to the extradition, in pursuance of extradition treaties concluded before the outbreak of hostilities, of protected persons accused of offences against ordinary criminal law.

**Article 46** In so far as they have not been previously withdrawn, restrictive measures taken regarding protected persons shall be cancelled as soon as possible after the close of hostilities.

Restrictive measures affecting their property shall be cancelled, in accordance with the law of the Detaining Power, as soon as possible after the close of hostilities.

### Section III. Occupied territories

**Article 47** Protected persons who are in occupied territory shall not be deprived, in any case or in any manner whatsoever, of the benefits of the present Convention by any change introduced, as the result of the occupation of a territory, into the institutions or government of the said territory, nor by any agreement concluded between the authorities of the occupied territories and the Occupying Power, nor by any annexation by the latter of the whole or part of the occupied territory.

**Article 48** Protected persons who are not nationals of the Power whose territory is occupied, may avail themselves of the right to leave the territory subject to the provisions of Article 35, and decisions thereon shall be taken according to the procedure which the Occupying Power shall establish in accordance with the said Article.

**Article 49** Individual or mass forcible transfers, as well as deportations of protected persons from occupied territory to the territory of the Occupying Power or to that of any other country, occupied or not, are prohibited, regardless of their motive.

Nevertheless, the Occupying Power may undertake total or partial evacuation of a given area if the security of the population or imperative military reasons so demand. Such evacuations may not involve the displacement of protected persons outside the bounds of the occupied territory except when for material reasons it is impossible to avoid such displacement. Persons thus evacuated shall be transferred back to their homes as soon as hostilities in the area in question have ceased.

The Occupying Power undertaking such transfers or evacuations shall ensure, to the greatest practicable extent, that proper accommodation is provided to receive the protected persons, that the removals are effected in satisfactory conditions of hygiene, health, safety and nutrition, and that members of the same family are not separated.

The Protecting Power shall be informed of any transfers and evacuations as soon as they have taken place.

The Occupying Power shall not detain protected persons in an area particularly exposed to the dangers of war unless the security of the population or imperative military reasons so demand.

The Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies.

**Article 50** Occupying Power care and education of children.

**Article 51** Prohibition of compelling work or military service and propaganda; regulations.

**Article 52** Workers' right to petition protecting power.

**Article 53** Any destruction by the Occupying Power of real or personal property belonging individually or collectively to private persons, or to the State, or to other public authorities, or to social or cooperative organizations, is prohibited, except where such destruction is rendered absolutely necessary by military operations.

**Article 64** Penal laws of the occupied territory

**Article 65** The penal provisions enacted by the Occupying Power

**Article 66** In case of a breach of the penal provisions promulgated by Occupying Power

**Article 67** The courts shall apply only those provisions of law which were applicable prior to the offence, and which are in accordance with general principles of law, in particular the principle that the penalty shall be proportionate to the offence. They shall take into consideration the fact the accused is not a national of the Occupying Power.

**Article 68** Penal provisions and penalties

**Article 69** Credit for time served

**Article 70** Protected persons shall not be arrested, prosecuted or convicted by the Occupying Power for acts committed or for opinions expressed before the occupation, or during a temporary interruption thereof, with the exception of breaches of the laws and customs of war.

Nationals of the occupying Power who, before the outbreak of hostilities, have sought refuge in the territory of the occupied State, shall not be arrested, prosecuted, convicted or deported from the occupied territory, except for offences committed after the outbreak of hostilities, or for offences under common law committed before the outbreak of hostilities which, according to the law of the occupied State, would have justified extradition in time of peace.

**Article 71** No sentence shall be pronounced by the competent courts of the Occupying Power except after a regular trial; trial rights.

**Article 72** Trial rights.

**Article 73** Right to appeal.

**Article 74** Representatives of the protected person and Protecting Powers

**Article 75** Death Sentences

**Article 76** Imprisonment

**Article 77** Protected persons who have been accused of offences or convicted by the courts in occupied territory, shall be handed over at the close of occupation, with the relevant records, to the authorities of the liberated territory.

**Article 78** Necessary assigned residence and internment.

#### **Section IV. Regulations for the treatment of internees**

##### **Chapter I. General provisions relating to interment**

**Articles 79 through 82 relate to internment****Chapter II. Places of Internment**

**Article 83** The Detaining Power shall not set up places of internment in areas particularly exposed to the dangers of war.

The Detaining Power shall give the enemy Powers, through the intermediary of the Protecting Powers, all useful information regarding the geographical location of places of internment.

Whenever military considerations permit, internment camps shall be indicated by the letters IC, placed so as to be clearly visible in the daytime from the air. The Powers concerned may, however, agree upon any other system of marking. No place other than an internment camp shall be marked as such.

**Article 84** Internees shall be accommodated and administered separately from prisoners of war and from persons deprived of liberty for any other reason.

**Article 85** Living conditions for interned persons

**Article 86** Religious services

**Article 87** Sale of foodstuffs and articles of everyday use

**Article 88** Safety regulations for places of internment

**Chapter III. Food and Clothing**

**Article 89** Daily food rations, sufficient drinking water, and tobacco

**Article 90** Clothing, footwear and change of underwear appropriate for climate.

**Chapter IV. Hygiene and Medical Attention**

**Article 91** Mandate for an adequate infirmary, under the direction of a qualified doctor

**Article 92** Medical inspections of internees

**Chapter V. Religious, Intellectual and Physical Activities**

**Article 93** Religious practice and enjoyment

**Article 94** Intellectual, educational and recreational pursuits, sports, games and physical exercise amongst internees.

**Article 95** Employment of internees.

**Article 96** Labour detachments.

**Chapter VI. Personal Property and Financial Resources**

**Article 97** Articles of personal use, including monies, cheques, bonds, etc., and valuables in their possession; searching women.

**Article 98** Regular allowances.

**Articles 99 through 158** and annex omitted.

# Convention Relating to the Status of Refugees

**Summary:** This instrument is grounded in Article 14 of the Universal Declaration of human rights of 1948, which recognizes the **right of persons to seek asylum from persecution in other countries**. As a post-Second World War instrument, it was originally limited in scope to persons fleeing events occurring before 1 January 1951 and within Europe. The 1967 Protocol removed these limitations and thus gave the Convention **universal coverage**. It has since been supplemented by refugee and subsidiary protection regimes in several regions, as well as via the progressive development of international human rights law.

## Article 1 Definitions:

“refugee”: any person who (1) under previous earlier standards (2) As a result of events occurring before 1 January 1951 and owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it. Persons with more than one nationality and the definition of events occurring before 1 January 1951 are defined.

Adoption: 28 July 1951

Entry into force: 22 April 1954

Access status [here](#).

Access full text [here](#).

## C. Non-application of Convention:

- Persons who have re-availed himself of the protection of the country of his nationality;
- Persons who have voluntarily re-acquired it;
- Persons who have acquired a new nationality, and enjoys protection the country of new nationality;
- Persons who have voluntarily re-established in country he left or outside which he remained owing to fear of persecution;
- Circumstances in connexion with which he has been recognized as a refugee have ceased to exist;
- Circumstances in connexion with which he has been recognized as a refugee have ceased to exist, able to return to the country of his former habitual residence;
- Persons who are *at present* receiving from organs or agencies of the United Nations other than the United Nations High Commissioner for Refugees protection or assistance;
- A person who is recognized by the competent authorities of the country as a national;
- Any person with respect to whom there are serious reasons for considering that he has committed a crime against peace, a war crime, or a crime against humanity, as defined in the international instruments drawn up to make provision in respect of such crimes;
- A person who has committed a serious non-political crime outside the country of refuge prior to his admission to that country as a refugee or has been guilty of acts contrary to the purposes and principles of the United Nations.

**Article 2** General obligations of refugees to obey domestic law

**Article 3** Non-discrimination as to race, religion, or country of origin.

**Article 4** Religion: treatment at least as favourable; freedom to practice and education.

**Article 5** Rights granted not to impair any rights and benefits apart from this Convention.

**Article 7** Reciprocity

**Article 8** Exemption from exceptional measures: refugee who is formally a national of the said State.

**Article 9** Provisional measures essential to the national security.

**Article 10** Continuity of residence:

- Where forcibly displaced during WWII to a Contracting State
- Where forcibly displaced during WWII from territory of Contracting State

**Article 11** Refugee seamen: sympathetic consideration.

**Article 12** Personal status: governed by the law of the country of his domicile or, if he has no domicile, by the law of the country of his residence; Rights previously acquired and rights attaching to marriage respected

**Article 13** Movable and immovable property: treatment not less favourable

**Article 14** Artistic rights and industrial property: the same protection as is accorded to nationals

**Article 15** Right of association: the most favourable treatment accorded to nationals

**Article 16** Access to courts: free access; legal assistance; same treatment

**Article 17** wage-earning employment: the most favourable treatment accorded to nationals; restrictive measures imposed for the protection of the national labour market shall not be applied to a refugee who was already exempt from them at the date of entry into force of this Convention for the Contracting State concerned, or who fulfils one of the following conditions:

- He has completed three years' residence in the country;
- He has a spouse possessing the nationality of the country of residence; a refugee may not invoke the benefits of this provision if he has abandoned his spouse;
- He has one or more children possessing the nationality of the country of residence.
- Sympathetic consideration

**Article 18** Self-employment: treatment not less favorable

**Article 19** Liberal professions: treatment not less favorable.

**Article 20** Rationing: same treatment as nationals

**Article 21** Housing: treatment not less favourable than that accorded to aliens

**Article 22** Public education: the same treatment as is accorded to nationals with respect to elementary education; treatment as favourable with respect to education other than elementary education and, in particular, as regards access to studies, the recognition of foreign school certificates, diplomas and degrees, the remission of fees and charges and the award of scholarships.

**Article 23** Public relief: the same treatment accorded to nationals

**Article 24** Labour legislation and social security, including same treatment for:

- remuneration, including family allowances, holidays with pay, restrictions on home-work, minimum age of employment, apprenticeship and training, women's work and the work of young persons, and the enjoyment of the benefits of collective bargaining;
- Social security (legal provisions in respect of employment injury, occupational diseases, maternity, sickness, disability, old age, death, unemployment, family responsibilities and any other contingency which, according to national laws or regulations, is covered by a social security scheme), subject to limitations [omitted]:
- Compensation for the death of a refugee resulting from employment injury or from occupational disease
- Benefits of agreements concluded between them

**Article 25** Administrative assistance from domestic or international authorities

**Article 26** Freedom of movement. Each Contracting State shall accord to refugees lawfully in its territory the right to choose their place of residence to move freely within its territory, subject to any regulations applicable to aliens generally in the same circumstances.

## CHAPTER V. Administrative Measures

**Article 27** Identity papers: the Contracting States shall issue identity papers to any refugee in their territory who does not possess a valid travel document.

**Article 28** Travel documents

**Article 29** Fiscal charges: no higher than that levied upon nationals.

**Article 30** Transfer of assets shall be allowed

**Article 31** Refugees unlawfully in the country of refugee: no penalties where their life or freedom was threatened in the sense of article 1, enter or are present in their territory without authorization, provided they present themselves without delay to the authorities and show good cause for their illegal entry or presence.

2. The Contracting States shall not apply to the movements of such refugees restrictions other than those which are necessary and such restrictions shall only be applied until their status in the country is regularized or they obtain admission into another country. The Contracting States shall allow such refugees a reasonable period and all the necessary facilities to obtain admission into another country.

**Article 32** Expulsion: the Contracting States shall not expel a refugee lawfully in their territory save on grounds of national security or public order.

2. The expulsion of such a refugee shall be only in pursuance of a decision reached in accordance with due process of law. Except where compelling reasons of national security otherwise require, the refugee shall be allowed to submit evidence to clear himself, and to appeal to and be represented for the purpose before competent authority or a person or persons specially designated by the competent authority.

The Contracting States shall allow such a refugee a reasonable period within which to seek legal admission into another country. The Contracting States reserve the right to apply during that period such internal measures as they may deem necessary.

**Article 33** Prohibition of expulsion or return ("refoulement"): No Contracting State shall expel or return ("refouler") a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would

be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.

2. The benefit of the present provision may not, however, be claimed by a refugee whom there are reasonable grounds for regarding as a danger to the security of the country in which he is, or who, having been convicted by a final judgment of a particularly serious crime, constitutes a danger to the community of that country.

**Article 34** Naturalization: the Contracting States shall as far as possible facilitate the assimilation and naturalization of refugees. They shall in particular make every effort to expedite naturalization proceedings and to reduce as far as possible the charges and costs of such proceedings.

**Article 35** Co-operation of the national authorities with the United Nations

- The condition of refugees,
- The implementation of this Convention, and;
- Laws, regulations and decrees which are, or may hereafter be, in force relating to refugees.

**Articles 36 through 38** omitted.

# Protocol to the Convention Relating to the Status of Refugees

**Summary:** States parties to the Protocol, which can be ratified or acceded to by a State without becoming a party to the Convention, agree to apply articles 2 to 34 of the Convention to refugees defined in article 1 thereof, as if the dateline were omitted (article I of the Protocol). Importantly, this Protocol **expands coverage to refugees** resulting from circumstances other than only those who have become refugees as a result of events occurring before the events of January 1951. Parties undertake to apply articles 2 to 34 inclusive of the Convention to refugees as hereinafter defined. The term "refugee" now means any person within the definition of article I of the Convention as if the words "As a result of events occurring before 1 January 1951 and..." and the words "...as a result of such events", in article 1 A (2) were omitted. The present Protocol shall be applied by the States Parties hereto **without any geographic limitation**, save that existing declarations made by States already Parties to the Convention in accordance with article I B (I) (a) of the Convention, shall, unless extended under article I B (2) thereof, apply also under the present Protocol.

## General Provisions:

- 1** The States Parties to the present Protocol undertake to apply articles 2 to 34 inclusive of the Convention to refugees as hereinafter defined.
- 2** For the purpose of the present Protocol, the term "refugee" shall, except as regards the application of paragraph 3 of this article, mean any person within the definition of article 1 of the Convention as if the words "As a result of events occurring before 1 January 1951 and ..." "and the words"..." "a result of such events", in article 1 A (2) were omitted.
- 3** The present Protocol shall be applied by the States Parties hereto without any geographic limitation, save that existing declarations made by States already Parties to the Convention in accordance with article 1 B (1) (a) of the protocol relating to the status of refugees. Convention, shall, unless extended under article 1 B (2) thereof, apply also under the present Protocol.

Adoption: 31 January 1967

Entry into force: 4 October 1967

Access status [here](#).

Access full text [here](#).

**Article 2** Co-operation of the national authorities with the United Nations on:

- The condition of refugees;
- The implementation of the present Protocol;
- Laws, regulations and decrees which are, or may hereafter be, in force relating to refugees.

**Article 3** Information on national legislation

**Articles 4 through 11** omitted.

# Agreement Relating to Refugee Seamen

**Summary:** This treatment is intended to protect **refugee seamen**. The Convention applies to seamen **who fear persecution for reasons including nationality**. The Convention also calls for the **same treatment** of all seamen with regard to admissions and sympathetic consideration for those seamen who do not qualify as **staying lawfully under the convention**.

## Chapter I

### Article 1 Definitions

- "Convention" refers to the Convention relating to the Status of Refugees of 28 July 1951;
- "Refugee seaman" shall apply to any person who, being a refugee according to the definition in Article 1 of the Convention and the declaration or notification made by the Contracting State concerned in accordance with Section B of that Article, is serving as a seafarer in any capacity on a mercantile ship, or habitually earns his living as a seafarer on such a ship.

Adoption: 23 November 1957

Entry into force: 27 December 1961

Access status [here](#)

Access full text [here](#)

## Chapter II

**Article 2** Seamen unlawfully staying with well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, shall become entitled to be regarded, for the purpose of Article 28 of the Convention, as lawfully staying in the territory.

**Article 3** provides that a refugee seaman who on the date when this Agreement enters into force:

(i)is not lawfully staying in the territory of any State and is not entitled to admission for the purpose of so staying to the territory of any State, other than a State where he has well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, and

(ii)is not in accordance with Article 2 of this Agreement regarded as lawfully staying in the territory of a Contracting Party shall become entitled to be regarded, for the purpose of Article 28 of the Convention, as lawfully staying in the territory

(a)of the Contracting Party which after 31 December 1945 and before the entry into force of this Agreement last issued to, or extended or renewed for him, while a refugee, a travel document valid for return to that territory whether or not that document is still in force; or, if there is no such Contracting Party,

(b)of the Contracting Party where he, while a refugee, after 31 December 1945 and before the entry into force of this Agreement was last lawfully staying; or if there is no such Contracting Party,

(c) of the Contracting Party under whose flag he, while a refugee, after 31 December 1945 and before the entry into force of this Agreement last has served as a seafarer for a total of 600 days within any period of three years on ships calling at least twice a year at ports in that territory.

**Article 4** When a refugee Seamen will cease to be regarded as lawfully staying in territory:

- He has established his residence in the territory of another State;

- He has, within any period of six years following that date, has been serving a total of 1350 days on ships flying the flag of one other State;
- He has, within any period of three years following that date, neither has served at least a total of 30 days as a seafarer on ships flying the flag of that Contracting Party and calling at least twice a year at ports in its territory nor has stayed for at least a total of 10 days in the territory of that Party.

**Article 5** For the purpose of improving the position of the greatest possible number of refugee seamen, a Contracting Party shall give sympathetic consideration to extending the benefits of this Agreement to refugee seamen who, according to its provisions, do not qualify for those benefits.

### Chapter III

**Article 6** Same treatment as regards admission

**Article 7** Sympathetic consideration for temporary admission to territory by refugee seaman who hold a travel document valid for return to the territory of another Contracting Party with a view to facilitating his establishment in another State or for other good reason.

**Article 8** State shall ensure refugee seamen valid identity papers.

**Article 9** No refugee seaman shall be forced, as far as it is in the power of the Contracting Parties, to stay on board a ship if his physical or mental health would thereby be seriously endangered.

**Article 10** No refugee seaman shall be forced, as far as it is in the power of the Contracting Parties, to stay on board a ship which is bound for a port, or is due to sail through waters, where he has well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinion.

**Article 11** The Contracting Party in the territory of which a refugee seaman is lawfully staying or, in accordance with this Agreement, is for the purpose of Article 28 of the Convention regarded as lawfully staying, shall admit him to its territory if so requested by the Contracting Party in whose territory that seaman finds himself.

**Article 12** Nothing in this Agreement shall be deemed to impair any rights or benefits granted by a Contracting Party to refugee seamen apart from this Agreement.

**Article 13** A Contracting Party's right to be released from the obligations under this Agreement

### Chapter IV

**Articles 14 through 21** omitted.

# Annex

## Other Instruments Relating to Migration

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### Declaration on the Human Rights of Individuals Who are Not Nationals of the Country in Which They Live

Access full text [here](#).

### Declaration on Social and Legal Principles relating to the Protection and Welfare of Children, with Special Reference to Foster Placement and Adoptions

#### Nationally and Internationally

Access full text [here](#).

### Vienna Declaration and Programme of Action (World Conference on Human Rights)

Access full text [here](#).

### Principles on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Access full text [here](#).

### Declaration and Plan of Action, World Conference against Racism, Racial Discrimination, Xenophobia, and Related Intolerance

Access full text [here](#).

## **Recommendation 86 Concerning Migration for Employment**

Access full text [here](#).

## **Recommendation 100 Concerning the Protection of Migrant Workers in Underdeveloped Countries and Territories**

Access full text [here](#).

## **Recommendation 151 Concerning Migrant Workers**

Access full text [here](#).

## **ILO Declaration on Fundamental Principles and Rights at Work**

Access full text [here](#).

## **Convention 109 Concerning Wages, Hours of Work on Board Ship and Manning**

Access full text [here](#).

Access status [here](#).

## **Convention 166 Concerning Repatriation of Seafarers**

Access full text [here](#).

Access status [here](#).

## **Convention 29 Concerning Forced or Compulsory Labour**

Access full text [here](#).

Access status [here](#).

## **Convention 105 Concerning the Abolition of Forced Labour**

Access full text [here](#).

Access status [here](#).

## Convention 138 Concerning the Minimum Age for Admission to Employment

Access full text [here](#).

Access status [here](#).

## Convention 182 Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour

Access full text [here](#).

Access status [here](#).

## Recommended Principles and Guidelines on Human Rights and Human Trafficking

Access full text [here](#).

## Convention for the Suppression of Unlawful Seizure of Aircraft

Access full text [here](#).

Access status [here](#).

## International Convention for the Suppression of Terrorist Bombing

Access full text [here](#).

Access status [here](#).

## International Convention for the Suppression of the Financing of Terrorism

Access full text [here](#).

Access status [here](#).

## Declaration on Territorial Asylum

Access full text [here](#).

## Guiding Principles on Internal Displacement

Access full text [here](#).

## General Assembly Resolution on the Protection of and Assistance to Internally Displaced Persons

Access full text [here](#).