

BACKGROUND INFORMATION ON THE UNITED KINGDOM

System of Government

The United Kingdom is a constitutional monarchy in which Queen Elizabeth II is currently the Head of State. Our system of Government is a parliamentary democracy. Parliament consists of the House of Commons and the House of Lords.

House of Commons

The House of Commons has 659 members who are elected for a period of up to five years at a time using single member constituencies.

There are currently nine elected Members of Parliament from 'visible' ethnic minority groups.

House of Lords

The House of Lords is composed of hereditary peers, and life peers created by sovereign for outstanding public service. The Government intends to remove the right of hereditary peers to sit and vote in the House of Lords. This will be the first stage in a process of reform to make the House of Lords more representative of the country as a whole. We are currently examining reforms to the system for nominating peers to the House of Lords which retain its expertise and its role in challenging and revising legislation.

Devolution

The intention behind the devolution process has been to bring decision-making as close as possible to the needs and circumstances of the people it most affects. Devolution will help to strengthen the Union by giving the people of Wales, Scotland and Northern Ireland more say in their affairs, while maintaining the sovereignty of the UK Parliament in those matters which impact on the whole of the UK. Powers in certain clearly defined areas have been devolved from a sovereign UK Parliament to the Scottish Parliament and the National Assembly of Wales. Powers are to be devolved to the Northern Ireland assembly in due course.

Scotland

A referendum in 1979 showed a majority of those who voted to be in favour of a devolved Scottish Parliament. The Scotland Act, which provided for the establishment of the Parliament, received Royal Assent in November 1978. Elections to the Scottish Parliament were held on 6 May 1979. The Parliament has met once, to nominate the First Minister. It assumed powers on 1 July 1979.

The Parliament has 129 members, 73 from single member constituencies (elected by the majority voting system) and 56 additional members (selected from party lists drawn up from each of the current European constituencies). Elections to the Parliament will take place every four years. The Parliament has primary legislative powers and full executive powers. It is adopting the Westminster model of Cabinet government – the First Minister will appoint Ministers. The Scottish Executive consists of the First Minister and the team of Scottish Ministers, including Law Officers.

The Scottish Parliament is responsible for health, education and training, local government, social work and housing, economic development and transport, law and home affairs, the environment, agriculture, forestry and fishing and sport and the arts in Scotland.

Wales

Following the general election in May 1997, the people of Wales voted in favour of the proposals set out in the White Paper "A Voice for Wales" to establish a National Assembly for Wales. The Government of Wales Act subsequently received Royal Assent on 31 July 1998 and elections to the Welsh Assembly were held on 6 May 1999.

There are 60 members of the Welsh Assembly – 40 from single member constituencies (elected by the "first past the post" method), and 20 additional members (selected from party lists). Elections to the Assembly will take place every four years. The Assembly has met once, to elect the Assembly First Secretary. The Assembly, which has secondary legislative powers only, assumed its powers on 1 July 1999.

The National Assembly for Wales will take over the responsibilities exercised by the Secretary of State for Wales. These include responsibility for education, health, training, economic development, housing, agriculture, transport, industry, the environment, sport and recreation and the Welsh language.

Northern Ireland

A referendum held in Northern Ireland on 22 May 1998 allowed people to vote on, among other things, proposals to set up a devolved legislative body. Following a vote in favour, elections to the Assembly took place in June 1998.

The Northern Ireland Act received Royal Assent on 19 November 1998. It provides for the devolution package to be implemented when it appears to the Secretary of State for Northern Ireland that sufficient progress has been made in implementing the Belfast Agreement to do so. This has not yet taken place.

The Northern Ireland Assembly has 108 members (6 from each of 18 constituencies) elected by single transferable vote. It will have primary legislative powers. The Assembly will have a system of weighted majorities to ensure cross community consent on all major issues. The First Minister, Deputy First Minister and the Executive are elected by the d'Hondt system to ensure a distribution of portfolios between all the major parties.

Legislation

There are four sources of law administered by the courts in England and Wales: Statute Law, which is written law and consists mainly of Acts of Parliament; Common Law, which originated in ancient usage and has not been formerly enacted; Equity which is a system evolved by the Lord Chancellor's Court to mitigate the strictness of some of the Common Law rules; and international law.

Since Scotland has retained its own legal system, Scottish common and statute law differ in some respects from that current in the rest of the UK.

Legislation can be initiated by either House but usually originates in the House of Commons. Each legislative bill will be debated in the House of Commons before it is passed to the House of Lords who may return it with amendments. The House of Lords may delay but cannot prevent a bill from becoming law once it has been passed by the House of Commons.

Judicial System

The UK has two main systems of court dealing with criminal and civil law. Judges in these courts sit summarily or with a jury of at least twelve citizens who will hear the facts of the case and reach agreement (by majority, if necessary) on a verdict.

Economic Affairs

In 1996, according to estimates by the World Bank, the UK's gross national product (GNP) was equivalent to US\$19,600 per head. During 1990-1996 it was estimated that GNP increased per head in real terms at an average annual rate of 1.5%. Over the same period, the population increased by an average of 0.3%. The UK's gross domestic product (GDP) declined in real times by an annual average of 1.3% in 1990-92 but increased by 2.2% in 1993, 4.4% in 1994, 2.9% in 1995 and by 2.6% in 1996.

Ethnic Minority Population

History

As the first major industrialised nation and a whole centre of trade and commerce, the UK has a long experience of immigration. However, it was only after the Second World War that substantial numbers of immigrants from the former colonies of the Commonwealth began to respond to the post-war demand on labour. In 1948, the first immigrants from the West Indies arrived in Britain in response to the call for labour and ten years later their numbers had increased to around 125,000. From the early 1950's, our other ethnic minority communities began to arrive from the Indian sub-continent and by the end of 1958 they numbered around 55,000. All these immigrants were granted British citizenship under the 1948 Nationality Act.

Since 1962, a series of legislative measures has tightened immigration control. The number of people permitted to settle in the UK has risen in recent years and reached a figure of

around 66,000 in 1998. These communities come mainly from Asia, Africa and the Americas.

Demographic Make-up

The total resident population of Great Britain, based on the 1991 Census was 54,900,000 of which just over 3 million (or 5.5%) were from ethnic minority groups. The ethnic minority population is less dispersed geographically than the white population: people of ethnic minority origin are much more likely to live in metropolitan areas. For example, over 60% live in the London area. Ethnic minorities make up 1.3% of Scotland's population (63,000) with around half of them living in Glasgow or Edinburgh. And in Wales over 40% of its ethnic minority population (41,155) live in Cardiff. In Northern Ireland ethnic minorities make up about 1% of the population but the demographic make-up will not be known until after the 2001 Census. There are approximately 240 Traveller families resident in Northern Ireland totalling just over 1100 people. There is also a sizeable Chinese community (estimated at between 2808-4808 people) and smaller Indian (approximately 1021 people) and Pakistani (approximately 611 people).

Nearly half of all ethnic minorities living in the UK were born here. Recent surveys indicate that there are a growing number of people of mixed ethnic origin and we are now witnessing the birth of a third generation of ethnic minority communities. Within different communities we are already seeing differences of educational achievements, disadvantage and socio-economic profiles.

We are undertaking research to gain a clearer understanding of the position of young people in multi-ethnic Britain. The Runnymede Trust has established a Commission on the Future of Multi-Ethnic Britain which will complement our research and help us to develop our thinking in the future.

Policy on Minority issues

The Home Office is responsible for policy on ethnic minority issues. The Race Equality Unit is taking forward work to promote race equality and is the Government department with overall responsibility for race issues. It sponsors the Commission for Racial Equality and helps with the reception and resettlement of refugees.

The Scottish Office, Welsh Office and Northern Ireland Office are responsible for affairs in Scotland, Wales and Northern Ireland.

ANNEX B

LIST OF UK NGOS WORKING IN THE FIELD OF RACISM WHICH WERE CONSULTED ON THE REPORT

Commission for Racial Equality

The Runnymede Trust

Churches Commission for Racial Justice

West Indian Standing Conference

National Council of Hindu Temples

The Sikh Council for Inter-Faith Relations

Board of Deputies of British Jews

Joint Council for Anglo-Caribbean Churches

Union Muslim Organisations

The Sikh Forum (UK)

Anti-Racist Alliance

1990 Trust

The Muslim College

Joint Council for the Welfare of Immigrants

Black Jewish Forum

Interfaith Network

Society of Black Lawyers

Al-Khoei Foundation

Inner Cities Religious Council

Muslim Council of Great Britain

Justice

Liberty

Human Rights Commission for Northern Ireland

Institute of Race Relations

Chinese in Britain Forum

The African and Caribbean Finance Forum

Inter-Parliamentary Council Against Antisemitism

Policy Studies Institute

Greater Sylhet Development & Welfare Council in the UK

The Consortium of Bengali Associations
c/o Voluntary Action Westminster

NI Council for Ethnic Minorities

CAJ
Belfast

African Caribbean Leadership

Belfast Travellers Education and Development Group

Commission for Racial Equality (Northern Ireland)

The Islamic Foundation

Minority Rights Group

Confederation of Indian Organisations

Charter 88 Ltd

Society of Asian Lawyers

Islamic Cultural Centre

Three Faiths Forum

Imams and Mosques Council (UK)

ANNEX C

RACE RELATIONS ACT 1976

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ANNEX D

EUROPE AGAINST RACISM CONFERENCE REPORT

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Home Office
Race Equality Unit
Room 1273
50 Queen Anne's Gate
London
SW1H 9AT

EUROPEAN MONITORING CENTRE - BACKGROUND

Aims

In June 1997 the European Council agreed to set up a European Monitoring Centre on Racism and Xenophobia based in Vienna. The Monitoring Centre aims to help the Community and Member States to take account of the effects of racism and xenophobia in the development of policy and practice, especially in areas like:

- the free movement of persons within the Community;
- information and television broadcasts and the other media and means of communication;
- education, vocational training and youth;
- social policy including employment;
- culture; and
- free movement of goods.

These areas were chosen because they were areas already covered by Community competence.

Management Board

Jean Kahn is Chairman of the Centre's Management Board and Bob Purkiss is the UK member and Vice-chairman. Beate Winkler is the full-time Director of the Centre in Vienna.

Function

The Monitoring Centre will gather information on the causes, extent and effect of manifestations of racism and promote examples of good practice. It also aims to set up a European Racism and Xenophobia Information Network (Raxen) comprising national research centres and specialist non-governmental organisations. Full details of its activities are listed below:

- to collect, record and analyse information and data communicated to it by research centres, Member States, Community institutions and international organisations;
- to set up and co-ordinate a European Racism and Xenophobia Information Network (Raxen) consisting of the Centre's own central unit, which is required to cooperate with national university research centres, non-governmental organisations and specialist centres set up by organisations in the Member States or international organisations competent in the field of racist and xenophobic phenomena;

- to develop methods to improve the comparability, objectivity and reliability of data at Community level by establishing indicators and criteria that will improve the consistency of information;
- to build up co-operation between the suppliers of information and develop a policy for concerted use of their databases in order to foster the wide distribution of their information;
- to set up documentation resources open to the public, encourage the promotion of information activities and stimulate scientific research;
- to carry out scientific research and surveys, preparatory studies and feasibility studies and organise meetings of experts;
- to encourage the organisation of regular round-table discussions or meetings of other existing standing advisory bodies within Member States, with the participation of the social partners, research centres and representatives of competent public authorities and other persons or bodies involved in dealing with racism and xenophobia;
- to publish an annual report on the situation regarding racism and xenophobia in the Community, highlighting examples of good practice.

ANNEX F

APPENDIX I

Extracts from UN General Assembly resolution 52/111

Third Decade to Combat Racism and Racial Discrimination and the convening of a world conference on racism, racial discrimination and related intolerance

The General Assembly,

...

II WORLD CONFERENCE AGAINST RACISM AND RACIAL DISCRIMINATION, XENOPHOBIA AND RELATED INTOLERANCE

28) Decide to convene a world conference on racism and racial discrimination, xenophobia and related intolerance, whose main objectives will be:

- a) to review progress made in the fight against racism, racial discrimination, xenophobia and related intolerance, particularly since the adoption of the Universal Declaration of Human Rights, and to reappraise the obstacles to further progress in the field and ways to overcome them;
- b) to consider ways and means to better ensure the application of existing standards and the implementation of the existing instruments to combat racism, racial discrimination, xenophobia and related intolerance;
- c) to increase the level of awareness about the scourges of racism and racial discrimination, xenophobia and related intolerance;
- d) to formulated concrete recommendations on ways to increase the effectiveness of the activities and mechanisms of the United Nations through programmes aimed at combating racism, racial discrimination, xenophobia and related intolerance;
- e) to review the political, historical, economic, social, cultural and other factors leading to racism, racial discrimination, xenophobia and related intolerance;
- f) to formulate concrete recommendations to further action-oriented national, regional and international measures to combat all forms of racism, racial discrimination, xenophobia and related intolerance;

g) to draw up concrete recommendations for ensuring that the United Nations has the financial and other necessary resources for its actions to combat racism, racial discrimination, xenophobia and related intolerance;

29) Also decides:

a) that the world conference on racism and racial discrimination, xenophobia and related intolerance will be convened not later than the year 2001;

b) that, when the agenda of the world conference is decided, there will be a taking into consideration of, inter alia, the need to address in a comprehensive manner all forms of racism, racial discrimination, xenophobia and related contemporary forms of intolerance;

c) that the world conference will be action-oriented and focus on practical measures to eradicate racism, including measures of prevention, education and protection and the provision of effective remedies, taking into full consideration the existing human rights instruments;

d) that the Commission on Human Rights will act as the preparatory committee for the world conference on racism and racial discrimination, xenophobia and related intolerance and that its deliberations should be open-ended, allowing for the full participation of all States Members of the United Nations, members of specialised agencies and observers, in accordance with established practice;

30) Requests Governments, the specialised agencies, other international organisations, concerned United Nations bodies, regional organisations, non-governmental organisations, the Committee on the Elimination of Racial Discrimination, the Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, and other human rights mechanisms to assist the preparatory committee, to undertake reviews and submit recommendations concerning the conference and the preparations therefor to the preparatory committee through the Secretary General, and to participate actively in the conference.

31) Stresses the importance of taking systematically into account a gender perspective throughout the preparations for and the outcome of the conference;

32) Calls upon States and regional organisations to hold national or regional meetings or to take other initiatives in preparation for the world conference and requests the regional preparatory meetings to submit reports to the preparatory committee through the Secretary General on the outcome of their deliberations,

including practical and action-oriented recommendations to combat racism, racial discrimination, xenophobia and related intolerance;

33) decides that the world conference on racism and racial discrimination, xenophobia and related intolerance will be conducted effectively and efficiently and that its size, duration and other cost factors should be determined with due regard for economy;

34) Also decides to keep the item entitled "Elimination of racism and racial discrimination" on its agenda and to consider it as a matter of high priority at its fifty-third session.

ANNEX G

**STEPHEN LAWRENCE INQUIRY
HOME SECRETARY'S ACTION PLAN**

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ANNEX H

HUMAN RIGHTS ACT 1998

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ANNEX I

PART I
CHAPTER III

(b) to remove an item worn by him.”.

Retention and disposal of things seized.

26. After section 60 of the 1994 Act there shall be inserted the following section—

“Retention and disposal of things seized under section 60.

60A.—(1) Any things seized by a constable under section 60 may be retained in accordance with regulations made by the Secretary of State under this section.

(2) The Secretary of State may make regulations regulating the retention and safe keeping, and the disposal and destruction in prescribed circumstances, of such things.

(3) Regulations under this section may make different provisions for different classes of things or for different circumstances.

(4) The power to make regulations under this section shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.”

Power of arrest for failure to comply with requirement. 1994 c.33.

27.—(1) In section 24(2) (arrestable offences) of the Police and Criminal Evidence Act 1984 (“the 1984 Act”), after paragraph (n) there shall be inserted—

“(o) an offence under section 60(8)(b) of the Criminal Justice and Public Order Act 1994 (failing to comply with requirement to remove mask etc.);”.

(2) After section 60A of the 1994 Act there shall be inserted the following section—

“Arrest without warrant for offences under section 60: Scotland.

60B. In Scotland, where a constable reasonably believes that a person has committed or is committing an offence under section 60(8) he may arrest that person without warrant.”

PART II

CRIMINAL LAW

Racially-aggravated offences: England and Wales

Meaning of “racially aggravated”.

28.—(1) An offence is racially aggravated for the purposes of sections 29 to 32 below if—

- (a) at the time of committing the offence, or immediately before or after doing so, the offender demonstrates towards the victim of the offence hostility based on the victim’s membership (or presumed membership) of a racial group; or
- (b) the offence is motivated (wholly or partly) by hostility towards members of a racial group based on their membership of that group.

(2) In subsection (1)(a) above—

“membership”, in relation to a racial group, includes association with members of that group;

“presumed” means presumed by the offender.

PART II

(3) It is immaterial for the purposes of paragraph (a) or (b) of subsection (1) above whether or not the offender's hostility is also based, to any extent, on—

- (a) the fact or presumption that any person or group of persons belongs to any religious group; or
- (b) any other factor not mentioned in that paragraph.

(4) In this section "racial group" means a group of persons defined by reference to race, colour, nationality (including citizenship) or ethnic or national origins.

29.—(1) A person is guilty of an offence under this section if he commits—

Racially-
aggravated
assaults.
1861 c.100.

- (a) an offence under section 20 of the Offences Against the Person Act 1861 (malicious wounding or grievous bodily harm);
- (b) an offence under section 47 of that Act (actual bodily harm); or
- (c) common assault,

which is racially aggravated for the purposes of this section.

(2) A person guilty of an offence falling within subsection (1)(a) or (b) above shall be liable—

- (a) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum, or to both;
- (b) on conviction on indictment, to imprisonment for a term not exceeding seven years or to a fine, or to both.

(3) A person guilty of an offence falling within subsection (1)(c) above shall be liable—

- (a) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum, or to both;
- (b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine, or to both.

30.—(1) A person is guilty of an offence under this section if he commits an offence under section 1(1) of the Criminal Damage Act 1971 (destroying or damaging property belonging to another) which is racially aggravated for the purposes of this section.

Racially-
aggravated
criminal damage.
1971 c.48.

(2) A person guilty of an offence under this section shall be liable—

- (a) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum, or to both;
- (b) on conviction on indictment, to imprisonment for a term not exceeding fourteen years or to a fine, or to both.

(3) For the purposes of this section, section 28(1)(a) above shall have effect as if the person to whom the property belongs or is treated as belonging for the purposes of that Act were the victim of the offence.

PART II

Racially-
aggravated public
order offences.
1986 c.64.

31.—(1) A person is guilty of an offence under this section if he commits—

- (a) an offence under section 4 of the Public Order Act 1986 (fear or provocation of violence);
- (b) an offence under section 4A of that Act (intentional harassment, alarm or distress); or
- (c) an offence under section 5 of that Act (harassment, alarm or distress),

which is racially aggravated for the purposes of this section.

(2) A constable may arrest without warrant anyone whom he reasonably suspects to be committing an offence falling within subsection (1)(a) or (b) above.

(3) A constable may arrest a person without warrant if—

- (a) he engages in conduct which a constable reasonably suspects to constitute an offence falling within subsection (1)(c) above;
- (b) he is warned by that constable to stop; and
- (c) he engages in further such conduct immediately or shortly after the warning.

The conduct mentioned in paragraph (a) above and the further conduct need not be of the same nature.

(4) A person guilty of an offence falling within subsection (1)(a) or (b) above shall be liable—

- (a) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum, or to both;
- (b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine, or to both.

(5) A person guilty of an offence falling within subsection (1)(c) above shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(6) If, on the trial on indictment of a person charged with an offence falling within subsection (1)(a) or (b) above, the jury find him not guilty of the offence charged, they may find him guilty of the basic offence mentioned in that provision.

(7) For the purposes of subsection (1)(c) above, section 28(1)(a) above shall have effect as if the person likely to be caused harassment, alarm or distress were the victim of the offence.

Racially-
aggravated
harassment etc.
1997 c.40.

32.—(1) A person is guilty of an offence under this section if he commits—

- (a) an offence under section 2 of the Protection from Harassment Act 1997 (offence of harassment); or
- (b) an offence under section 4 of that Act (putting people in fear of violence),

which is racially aggravated for the purposes of this section.

PART II

(2) In section 24(2) of the 1984 Act (arrestable offences), after paragraph (o) there shall be inserted—

“(p) an offence falling within section 32(1)(a) of the Crime and Disorder Act 1998 (racially-aggravated harassment);”.

(3) A person guilty of an offence falling within subsection (1)(a) above shall be liable—

- (a) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum, or to both;
- (b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine, or to both.

(4) A person guilty of an offence falling within subsection (1)(b) above shall be liable—

- (a) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum, or to both;
- (b) on conviction on indictment, to imprisonment for a term not exceeding seven years or to a fine, or to both.

(5) If, on the trial on indictment of a person charged with an offence falling within subsection (1)(a) above, the jury find him not guilty of the offence charged, they may find him guilty of the basic offence mentioned in that provision.

(6) If, on the trial on indictment of a person charged with an offence falling within subsection (1)(b) above, the jury find him not guilty of the offence charged, they may find him guilty of an offence falling within subsection (1)(a) above.

(7) Section 5 of the Protection from Harassment Act 1997 (restraining orders) shall have effect in relation to a person convicted of an offence under this section as if the reference in subsection (1) of that section to an offence under section 2 or 4 included a reference to an offence under this section. 1997 c.40.

Racially-aggravated offences: Scotland

33. After section 50 of the Criminal Law (Consolidation) (Scotland) Act 1995 there shall be inserted the following section— Racially-aggravated offences.

“Racially-aggravated harassment

1995 c.39.

Racially-aggravated harassment.

50A.—(1) A person is guilty of an offence under this section if he—

- (a) pursues a racially-aggravated course of conduct which amounts to harassment of a person and—
 - (i) is intended to amount to harassment of that person; or
 - (ii) occurs in circumstances where it would appear to a reasonable person that it would amount to harassment of that person; or
- (b) acts in a manner which is racially aggravated and which causes, or is intended to cause, a person alarm or distress.

PART II

(2) For the purposes of this section a course of conduct or an action is racially aggravated if—

- (a) immediately before, during or immediately after carrying out the course of conduct or action the offender evinces towards the person affected malice and ill-will based on that person's membership (or presumed membership) of a racial group; or
- (b) the course of conduct or action is motivated (wholly or partly) by malice and ill-will towards members of a racial group based on their membership of that group.

(3) In subsection (2)(a) above—

“membership”, in relation to a racial group, includes association with members of that group;

“presumed” means presumed by the offender.

(4) It is immaterial for the purposes of paragraph (a) or (b) of subsection (2) above whether or not the offender's malice and ill-will is also based, to any extent, on—

- (a) the fact or presumption that any person or group of persons belongs to any religious group; or
- (b) any other factor not mentioned in that paragraph.

(5) A person who is guilty of an offence under this section shall—

- (a) on summary conviction, be liable to a fine not exceeding the statutory maximum, or imprisonment for a period not exceeding six months, or both such fine and such imprisonment; and
- (b) on conviction on indictment, be liable to a fine or to imprisonment for a period not exceeding seven years, or both such fine and such imprisonment.

(6) In this section—

“conduct” includes speech;

“harassment” of a person includes causing the person alarm or distress;

“racial group” means a group of persons defined by reference to race, colour, nationality (including citizenship) or ethnic or national origins,

and a course of conduct must involve conduct on at least two occasions.”

Miscellaneous

Abolition of rebuttable presumption that a child is doli incapax.

34. The rebuttable presumption of criminal law that a child aged 10 or over is incapable of committing an offence is hereby abolished.

PART IV
CHAPTER I

“offence” means an indictable offence.

The Sentencing
Advisory Panel.

81.—(1) The Lord Chancellor, after consultation with the Secretary of State and the Lord Chief Justice, shall constitute a sentencing panel to be known as the Sentencing Advisory Panel (“the Panel”) and appoint one of the members of the Panel to be its chairman.

(2) Where, in a case falling within subsection (1)(a) of section 80 above, the Court decides to frame or revise guidelines under that section for a particular category of offence, the Court shall notify the Panel.

(3) The Panel may at any time, and shall if directed to do so by the Secretary of State, propose to the Court that guidelines be framed or revised under section 80 above for a particular category of offence.

(4) Where the Panel receives a notification under subsection (2) above or makes a proposal under subsection (3) above, the Panel shall—

- (a) obtain and consider the views on the matters in issue of such persons or bodies as may be determined, after consultation with the Secretary of State and the Lord Chief Justice, by the Lord Chancellor;
- (b) formulate its own views on those matters and communicate them to the Court; and
- (c) furnish information to the Court as to the matters mentioned in section 80(3)(b) and (c) above.

(5) The Lord Chancellor may pay to any member of the Panel such remuneration as he may determine.

Increase in
sentences for
racial aggravation.

82.—(1) This section applies where a court is considering the seriousness of an offence other than one under sections 29 to 32 above.

(2) If the offence was racially aggravated, the court—

- (a) shall treat that fact as an aggravating factor (that is to say, a factor that increases the seriousness of the offence); and
- (b) shall state in open court that the offence was so aggravated.

(3) Section 28 above applies for the purposes of this section as it applies for the purposes of sections 29 to 32 above.

Miscellaneous and supplemental

Power to make
confiscation
orders on
committal for
sentence.
1988 c.33.
1980 c.43.
1967 c.80.

83. After subsection (9) of section 71 of the Criminal Justice Act 1988 (confiscation orders) there shall be inserted the following subsection—

“(9A) Where an offender is committed by a magistrates’ court for sentence under section 38 or 38A of the Magistrates’ Courts Act 1980 or section 56 of the Criminal Justice Act 1967, this section and sections 72 to 74C below shall have effect as if the offender had been convicted of the offence in the proceedings before the Crown Court and not in the proceedings before the magistrates’ court.”

Football
spectators: failure
to comply with
reporting duty.
1989 c.37.

84.—(1) In section 16(5) of the Football Spectators Act 1989 (penalties for failure to comply with reporting duty imposed by restriction order)—

- (a) for the words “one month” there shall be substituted the words “six months”; and

ANNEX J

RACE RELATIONS FORUM: TERMS OF REFERENCE

The terms of reference were redrafted after discussion at the Forum's first meeting. A minor amendment, shown in italics, was agreed at the second meeting. The agreed terms are:

"The Forum will assist the Home Secretary to work towards racial justice and equality of opportunity and the promotion of the benefits of a diverse society, *including ethnic and faith communities*, by:

- advising him on issues which he raises with it;
- identifying issues of particular concern to ethnic minority communities;
- proposing solutions to problems of particular concern to it, either at the request of the Home Secretary or on its own initiative;
- considering developing issues across Government which are intended to, or might have, significant impact upon ethnic minority communities;
- ensuring that Home Secretary is kept informed of the positive contribution made to the life of the nation by ethnic minority communities."

Home Office
Race Equality Unit

5 February 1999

ANNEX K

RACE RELATIONS (NORTHERN IRELAND) ORDER 1997

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ANNEX L

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PART VII

HUMAN RIGHTS AND EQUAL OPPORTUNITIES

Human rights

68.—(1) There shall be a body corporate to be known as the Northern Ireland Human Rights Commission. The Northern
Ireland Human
Rights
Commission.

(2) The Commission shall consist of a Chief Commissioner and other Commissioners appointed by the Secretary of State.

(3) In making appointments under this section, the Secretary of State shall as far as practicable secure that the Commissioners, as a group, are representative of the community in Northern Ireland.

(4) Schedule 7 (which makes supplementary provision about the Commission) shall have effect.

69.—(1) The Commission shall keep under review the adequacy and effectiveness in Northern Ireland of law and practice relating to the protection of human rights. The Commission's
functions.

(2) The Commission shall, before the end of the period of two years beginning with the commencement of this section, make to the Secretary of State such recommendations as it thinks fit for improving—

- (a) its effectiveness;
- (b) the adequacy and effectiveness of the functions conferred on it by this Part; and
- (c) the adequacy and effectiveness of the provisions of this Part relating to it.

(3) The Commission shall advise the Secretary of State and the Executive Committee of the Assembly of legislative and other measures which ought to be taken to protect human rights—

- (a) as soon as reasonably practicable after receipt of a general or specific request for advice; and
- (b) on such other occasions as the Commission thinks appropriate.

(4) The Commission shall advise the Assembly whether a Bill is compatible with human rights—

- (a) as soon as reasonably practicable after receipt of a request for advice; and
- (b) on such other occasions as the Commission thinks appropriate.

(5) The Commission may—

- (a) give assistance to individuals in accordance with section 70; and
- (b) bring proceedings involving law or practice relating to the protection of human rights.

(6) The Commission shall promote understanding and awareness of the importance of human rights in Northern Ireland; and for this purpose it may undertake, commission or provide financial or other assistance for—

- (a) research; and
- (b) educational activities.

PART VII

(7) The Secretary of State shall request the Commission to provide advice of the kind referred to in paragraph 4 of the Human Rights section of the Belfast Agreement.

(8) For the purpose of exercising its functions under this section the Commission may conduct such investigations as it considers necessary or expedient.

(9) The Commission may decide to publish its advice and the outcome of its research and investigations.

(10) The Commission shall do all that it can to ensure the establishment of the committee referred to in paragraph 10 of that section of that Agreement.

(11) In this section—

- (a) a reference to the Assembly includes a reference to a committee of the Assembly;
- (b) "human rights" includes the Convention rights.

Assistance by Commission.

70.—(1) This section applies to—

- (a) proceedings involving law or practice relating to the protection of human rights which a person in Northern Ireland has commenced, or wishes to commence; or
- (b) proceedings in the course of which such a person relies, or wishes to rely, on such law or practice.

(2) Where the person applies to the Northern Ireland Human Rights Commission for assistance in relation to proceedings to which this section applies, the Commission may grant the application on any of the following grounds—

- (a) that the case raises a question of principle;
- (b) that it would be unreasonable to expect the person to deal with the case without assistance because of its complexity, or because of the person's position in relation to another person involved, or for some other reason;
- (c) that there are other special circumstances which make it appropriate for the Commission to provide assistance.

(3) Where the Commission grants an application under subsection (2) it may—

- (a) provide, or arrange for the provision of, legal advice;
- (b) arrange for the provision of legal representation;
- (c) provide any other assistance which it thinks appropriate.

(4) Arrangements made by the Commission for the provision of assistance to a person may include provision for recovery of expenses from the person in certain circumstances.

Restrictions on application of rights.

71.—(1) Nothing in section 6(2)(c), 24(1)(a) or 69(5)(b) shall enable a person—

- (a) to bring any proceedings in a court or tribunal on the ground that any legislation or act is incompatible with the Convention rights; or

ANNEX M

COMMISSION FOR RACIAL EQUALITY'S ANNUAL REPORT 1998

Copies available from:

Commission for Racial Equality
Elliot House
10/12 Allington Street
London
SW1E 5EH

ANNEX N

**IN THIS TOGETHER
TACKLING RACIAL INCIDENTS: GOOD PRACTICE IN MULTI-AGENCY
WORKING**

Copies available from:

Racial Incidents Standing Committee
Room 542
Home Office
50 Queen Anne's Gate
London
SW1H 9AT

ANNEX O

Racial Incident Figures By Year Scotland Totals

30-Nov-98

Year	Murders Committed Incidents	Murder Victims	Attempted Murder Incidents	Attempted Murder Victims	Attacks involving explosives arson Incidents	Attacks involving arson explosives victims	Assault Incidents	Assault Victims	Other Crime And Non- Crime Incidents	Total Number of Incidents
1996/97	0	0	0	0	4	4	67	91	739	905
1997/98	0	0	1	1	6	3	118	118	953	1200
Grand Total:	0	0	1	1	10	7	185	209	1692	1200

ANNEX P

(6) A person guilty of an offence under subsection (2) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(7) A person guilty of an offence under subsection (3) is liable on summary conviction to imprisonment for a term not exceeding 3 months or a fine not exceeding level 4 on the standard scale or both, notwithstanding section 45(3) of the Magistrates' Courts Act 1980.

14C Stopping persons from proceeding to trespassory assemblies

(1) If a constable in uniform reasonably believes that a person is on his way to an assembly within the area to which an order under section 14A applies which the constable reasonably believes is likely to be an assembly which is prohibited by that order, he may, subject to subsection (2) below –

(a) stop that person, and

(b) direct him not to proceed in the direction of the assembly.

(2) The power conferred by subsection (1) may only be exercised within the area to which the order applies.

(3) A person who fails to comply with a direction under subsection (1) which he knows has been given to him is guilty of an offence.

(4) A constable in uniform may arrest without a warrant anyone he reasonably suspects to be committing an offence under this section.

(5) A person guilty of an offence under subsection (3) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

17 Meaning of 'racial hatred'

In this Part 'racial hatred' means hatred against a group of persons in Great Britain defined by reference to colour, race, nationality (including citizenship) or ethnic or national origins.

18 Use of words or behaviour or display of written material

A person who uses threatening, abusive or insulting words or behaviour, or displays any written material which is threatening, abusive or insulting, is guilty of an offence if –

(a) he intends thereby to stir up racial hatred, or

(b) having regard to all the circumstances racial hatred is likely to be stirred up thereby.

(2) An offence under this section may be committed in a public or a private place, except that no offence is committed where the words or behaviour are used, or the written material is displayed, by a person inside a dwelling and are not heard or seen except by other persons in that or another dwelling.

(3) A constable may arrest without warrant anyone he reasonably suspects is committing an offence under this section.

(4) In proceedings for an offence under this section it is a defence for the accused to prove that he was inside a dwelling and had no reason to believe that the words or behaviour used, or the written material displayed, would be heard or seen by a person outside that or any other dwelling.

(5) A person who is not shown to have intended to stir up racial hatred is not guilty of an offence under this section if he did not intend his words or behaviour, or the written material, to be, and was not aware that it might be, threatening, abusive or insulting.

(6) This section does not apply to words or behaviour used, or written material displayed, solely for the purpose of being included in a programme service.

19 Publishing or distributing written material

(1) A person who publishes or distributes written material which is threatening, abusive or insulting is guilty of an offence if –

- (a) he intends thereby to stir up racial hatred, or
- (b) having regard to all the circumstances racial hatred is likely to be stirred up thereby.

(2) In proceedings for an offence under this section it is a defence for an accused who is not shown to have intended to stir up racial hatred to prove that he was not aware of the content of the material and did not suspect, and had no reason to suspect, that it was threatening, abusive or insulting.

(3) References in this Part to the publication or distribution of written material are to its publication or distribution to the public or a section of the public.

20 Public performance of play

(1) If a public performance of a play is given which involves the use of threatening, abusive or insulting words or behaviour, any person who presents or directs the performance is guilty of an offence if –

- (a) he intends thereby to stir up racial hatred, or
- (b) having regard to all the circumstances (and, in particular, taking the performance as a whole) racial hatred is likely to be stirred up thereby.

(2) If a person presenting or directing the performance is not shown to have intended to stir up racial hatred, it is a defence for him to prove –

- (a) that he did not know and had no reason to suspect that the performance would involve the use of the offending words or behaviour, or
- (b) that he did not know and had no reason to suspect that the offending words or behaviour were threatening, abusive or insulting, or
- (c) that he did not know and had no reason to suspect that the circumstances in which the performance would be given would be such that racial hatred would be likely to be stirred up.

(3) This section does not apply to a performance given solely or primarily for one or more of the following purposes –

- (a) rehearsal,
- (b) making a recording of the performance, or
- (c) enabling the performance to be included in a programme service;

but if it is proved that the performance was attended by persons other than those directly connected with the giving of the performance or the doing in relation to it of the things mentioned in paragraph (b) or (c), the performance shall, unless the contrary is shown, be taken not to have been given solely or primarily for the purposes mentioned above.

(4) For the purposes of this section –

- (a) a person shall not be treated as presenting a performance of a play by reason only of his taking part in it as a performer,
- (b) a person taking part as a performer in a performance directed by another shall be treated as a person who directed the performance if without reasonable excuse he performs otherwise than in accordance with that person's direction, and
- (c) a person shall be taken to have directed a performance of a play given under his direction notwithstanding that he was not present during the performance;

and a person shall not be treated as aiding or abetting the commission of an offence under this section by reason only of his taking part in a performance as a performer.

(5) In this section 'play' and 'public performance' have the same meaning as in the Theatres Act 1968.

(6) The following provisions of the Theatres Act 1968 apply in relation to an offence under this section as they apply to an offence under section 2 of that Act -

- section 9 (script as evidence of what was performed),
- section 10 (power to make copies of script),
- section 15 (power of entry and inspection).

21 Distributing, showing or playing a recording

(1) A person who distributes, or shows or plays, a recording of visual images or sounds which are threatening, abusive or insulting is guilty of an offence if -

- (a) he intends thereby to stir up racial hatred, or
- (b) having regard to all the circumstances racial hatred is likely to be stirred up thereby.

(2) In this Part 'recording' means any record from which visual images or sounds may, by any means, be reproduced; and references to the distribution, showing or playing of a recording are to its distribution, showing or playing to the public or a section of the public.

(3) In proceedings for an offence under this section it is a defence for an accused who is not shown to have intended to stir up racial hatred to prove that he was aware of the content of the recording and did not suspect, and had no reason to suspect, that it was threatening, abusive or insulting.

(4) This section does not apply to the showing or playing of a recording solely for the purpose of enabling the recording to be included in a programme service.

22 Broadcasting or including programme in cable programme service

(1) If a programme involving threatening, abusive or insulting visual images or sounds is included in a programme service, each of the persons mentioned in subsection (2) is guilty of an offence if -

- (a) he intends thereby to stir up racial hatred, or
- (b) having regard to all the circumstances racial hatred is likely to be stirred up thereby.

(2) The persons are –

- (a) the person providing the programme service,
- (b) any person by whom the programme is produced or directed, and
- (c) any person by whom offending words or behaviour are used.

(3) If the person providing the service, or a person by whom the programme was produced or directed, is not shown to have intended to stir up racial hatred, it is a defence for him to prove that –

- (a) he did not know and had no reason to suspect that the programme would involve the offending material, and
- (b) having regard to the circumstances in which the programme was included in a programme service, it was not reasonably practicable for him to secure the removal of the material.

(4) It is a defence for a person by whom the programme was produced or directed who is shown to have intended to stir up racial hatred to prove that he did not know and had no reason to suspect –

- (a) that the programme would be included in a programme service, or
- (b) that the circumstances in which the programme would be so included would be such that racial hatred would be likely to be stirred up.

(5) It is a defence for a person by whom offending words or behaviour were used and who is not shown to have intended to stir up racial hatred to prove that he did not know and had no reason to suspect –

- (a) that a programme involving the use of the offending material would be included in a programme service, or
- (b) that the circumstances in which a programme involving the use of the offending material would be so included, or in which a programme so included would involve the use of the offending material, would be such that racial hatred would be likely to be stirred up.

(6) A person who is not shown to have intended to stir up racial hatred is not guilty of an offence under this section if he did not know, and had no reason to suspect, that the offending material was threatening, abusive or insulting.

23 Possession of racially inflammatory material

(1) A person who has in his possession written material which is threatening, abusive or insulting, or a recording of visual images or sounds which are threatening, abusive or insulting, with a view to –

(a) in the case of written material, its being displayed, published, distributed, or included in a programme service, whether by himself or another, or

(b) in the case of a recording, its being distributed, shown, played, or included in a programme service, whether by himself or another,

is guilty of an offence if he intends racial hatred to be stirred up thereby or, having regard to all the circumstances, racial hatred is likely to be stirred up thereby.

(2) For this purpose regard shall be had to such display, publication, distribution, showing, playing, or inclusion in a programme service as he has, or it may reasonably be inferred that he has, in view.

(3) In proceedings for an offence under this section it is a defence for an accused who is not shown to have intended to stir up racial hatred to prove that he was not aware of the content of the written material or recording and did not suspect, and had no reason to suspect, that it was threatening, abusive or insulting.

38 Contamination of or interference with goods with intention of causing public alarm or anxiety, etc

(1) It is an offence for a person, with the intention –

(a) of causing public alarm or anxiety, or

(b) of causing injury to members of the public consuming or using the goods, or

(c) of causing economic loss to any person by reason of the goods being shunned by members of the public, or

(d) of causing economic loss to any person by reason of steps taken to avoid any such alarm or anxiety, injury or loss,

to contaminate or interfere with goods, or make it appear that goods have been contaminated or interfered with, or to place goods which have been contaminated or interfered with, or which appear to have been contaminated or interfered with, in a place where goods of that description are consumed, used, sold or otherwise supplied.

(2) It is also an offence for a person, with any such intention as is mentioned in paragraph (a), (c) or (d) of subsection (1), to threaten that he or another will do, or to claim that he or another has done, any of the acts mentioned in that subsection.

(3) It is an offence for a person to be in possession of any of the following articles with a view to the commission of an offence under subsection (1) –

ANNEX Q

LIST OF RELIGIOUS ORGANISATIONS

National Council of Hindu Temples

The Sikh Council for Inter-Faith Relations

Board of Deputies of British Jews

Joint Council for Anglo-Caribbean Churches

Union Muslim Organisations

The Sikh Forum (UK)

The Muslim College

Black Jewish Forum

Interfaith Network

Al-Khoei Foundation

Inner Cities Religious Council

Muslim Council of Great Britain

The Islamic Foundation

Islamic Cultural Centre

Three Faiths Forum

Imams and Mosques Council (UK)

ANNEX R

ETHNIC MINORITY LANGUAGES - EXAMPLES OF PUBLICATIONS

- FB22 Which Benefit
- Audio Benefits
- Lets Be Fair
- Help with Council Tax
- Citizen's Charter
- Citizen's Charter guide
- Parents who live Apart
- Parents " " " " " " " " " " Cassette
- Parents " " " " " " " " " " Poster
- Parents " " " " " " " " " " N Ireland
- Parents' Charter
- Children with Special Needs
- Grant-Maintained Schools - Questions Parents Ask
- HEES Grant
- NHS Reforms & You
- Food Hygiene Leaflet
- Keep Warm Keep Well
- Cot Death
- HACCP
- Patients' Charter
- While You Are Pregnant
- Health and Older People
- Patients' Charter & Family Doctor Services
- Why Choose Midwifery?
- Maternity Services
- Food Catering
- Be Breast Aware
- 3 Drugs booklets
- Social Services Inspectorate
- Introduction to Inspection
- NHS Organ Donor Card
- Pregnancy, Folic Acid & You
- Patients' Charter - Comparative Performance Guide
- Assured Safety advert
- National Continence Day
- Crime - Crack it
- Going Abroad
- Fire Leaflets
- Drug Prevention Broadsheet
- Food Sense - Food Safety Booklets
- Help with the Community Charge
- Working with benefits
- Family Credit Leaflet (FC10)
- How to Complain to the Local Government Ombudsman

Protection Electricity Customers
Landlords, Tenants & Electricity Charges
Boundary Leaflets

ANNEX S

SECTION 11 FUNDING

Funding under section 11 of the Local Government Act 1966 (as amended) is available to

- * Local authorities, and
- * Certain education institutions specified in section 211 of the Education Reform Act 1988 (as amended). These are principally granting maintained schools (now foundation schools) and further education colleges.

What the grant may fund

The grant pays a proportion of the costs of employing staff on projects to address additional needs of ethnic minorities whose language or customs are different from the general community.

In broad terms, funding in 1997/8 covers about 50% of salary and on-costs.

The scope of the grant

Since the Local Government (Amendment) Act 1993, the grant has been available to meet needs of ethnic minority people of any origin.

The purpose of the funding

The essential purpose of the work funded under section 11 is to help members of ethnic minorities to overcome barriers of language or culture, and thereby to play a full part in the political, social and economic life of the country.

Education currently accounts for over 90% of the funding. The largest single use of the grant is to support the cost of employing additional teachers and classroom assistants to teach English as a second language in schools.

Other provision in the education field includes projects to raise educational achievement among school children through other means such as strengthened home/school liaison, and to deliver English language teaching in further education and adult education.

Grant-funded projects in other service areas include the provision of

- * Interpreting and translation services,
- * A range of social services activities concerned with, e.g., the elderly, the physically and mentally ill, and fostering and adoption,
- * Advice and training for adults - e.g., in English language and basic skills to enable people to get a job or enter vocational training,

- * Advice for people wishing to set up or improve their own business,
- * Libraries and information services,
- * Advice and support in overcoming homelessness and racial harassment.

Statistics - 1997/8

- * 470 projects are being funded
- * With a total potential grant cost of £88m.

Funding is being paid to

- * 117 local authorities,
- * 55 grant maintained schools, and
- * 37 colleges.

The funding supports

- * Almost 4900 teacher posts
- * About 1000 bilingual classroom posts
- * Over 1,600 other posts
- * A total of over 7,500 posts.

NB: (i) The above figures include projects originally approved under section 11 but now funded from ring-fenced money within the SRB;

(ii) Numbers of posts are expressed in full-time equivalent (FTE) terms.

How does this work in practice?

Authorities and institutions are invited to bid for available funding in relation to time-limited projects.

To substantiate a bid, the applicant must first demonstrate specific - and, so far as is practicable, quantified - need to be addressed. The applicant must then set out

- Quantified targets and outcomes for addressing that need;
- Practical tasks and activities to be performed by staff employed under the project in tackling the need; and

- Arrangements for the effective management and monitoring of the project.

Projects are normally approved for between 3 and 5 years.

Monitoring and management

Each project has individual, customised targets for each year of its operation, and specific outcomes for each year and for the overall life of the project. Targets and outcomes must be quantified wherever possible.

Grant recipients must have in place internal arrangements for the effective management and monitoring of projects, and are encouraged to report progress on projects to local communities on a regular basis.

In addition, as a minimum, grant recipients are required to submit an annual report to the Home Office about each project, showing what has been achieved against each target and each projected outcome.

The Future

It has been decided that from April 1999 responsibility for the education element of section 11 funding should rest with the Department for Education and Employment in England and the Welsh Office in Wales

Additionally, the Government is currently reviewing more generally how support to ethnic minority communities may be given in future.

ANNEX T

QUANGOS
OPENING UP PUBLIC APPOINTMENTS

Copies available from:

Cabinet Office
Public Appointments Unit
Horse Guards Road
London
SW1P 3AL

ANNEX U

Article A

Article 30

Irrespective of the notifications made under article 26, paragraph 5, the Secretary-General of the United Nations shall inform all States referred to in paragraph 1 of the same article of the following particulars:

- (a) Signatures, ratifications and accessions under article 26;
- (b) The date of the entry into force of the present Covenant under article 27 and the date of the entry into force of any amendments under article 29.

Article 31

1. The present Covenant, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.
2. The Secretary-General of the United Nations shall transmit certified copies of the present Covenant to all States referred to in article 26.

3. International Covenant on Civil and Political rights

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

ENTRY INTO FORCE: 23 March 1976, in accordance with article 49

PREAMBLE

The States Parties to the present Covenant,

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

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

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

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

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

Agree upon the following articles:

PART I

Article 1

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

PART II

Article 2

1. Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.
2. Where not already provided for by existing legislative or other measures, each State Party to the present Covenant undertakes to take the necessary steps, in accordance with its constitutional processes and with the provisions of the present Covenant, to adopt such legislative or other measures as may be necessary to give effect to the rights recognized in the present Covenant.

- 20 Human rights — a compilation of international instruments
3. Each State Party to the present Covenant undertakes:
- (a) To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity;
 - (b) To ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy;
 - (c) To ensure that the competent authorities shall enforce such remedies when granted.

Article 3

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

Article 4

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

Article 5

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

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

PART III

Article 6

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

6. Nothing in this article shall be invoked to delay or to prevent the abolition of capital punishment by any State Party to the present Covenant.

Article 7

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

Article 8

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

2. No one shall be held in servitude.
3. (a) No one shall be required to perform forced or compulsory labour;
- (b) Paragraph 3 (a) shall not be held to preclude, in countries where imprisonment with hard labour may be imposed as a punishment for a crime, the performance of hard labour in pursuance of a sentence to such punishment by a competent court;
- (c) For the purpose of this paragraph the term "forced or compulsory labour" shall not include:
 - (i) Any work or service, not referred to in subparagraph (b), normally required of a person who is under detention in consequence of a lawful order of a court, or of a person during conditional release from such detention;
 - (ii) Any service of a military character and, in countries where conscientious objection is recognized, any national service required by law of conscientious objectors;
 - (iii) Any service exacted in cases of emergency or calamity threatening the life or well-being of the community;
 - (iv) Any work or service which forms part of normal civil obligations.

Article 9

1. Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.
2. Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him.
3. Anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release. It shall not be the general rule that persons awaiting trial shall be detained in custody, but release may be subject to guarantees to appear for trial, at any other stage of the judicial proceedings, and, should occasion arise, for execution of the judgement.
4. Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that that court may decide

without delay on the lawfulness of his detention and order his release if the detention is not lawful.

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

Article 10

1. All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.
2. (a) Accused persons shall, save in exceptional circumstances, be segregated from convicted persons and shall be subject to separate treatment appropriate to their status as unconvicted persons;
- (b) Accused juvenile persons shall be separated from adults and brought as speedily as possible for adjudication.
3. The penitentiary system shall comprise treatment of prisoners the essential aim of which shall be their reformation and social rehabilitation. Juvenile offenders shall be segregated from adults and be accorded treatment appropriate to their age and legal status.

Article 11

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

Article 12

1. Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence.
2. Everyone shall be free to leave any country, including his own.
3. The above-mentioned rights shall not be subject to any restrictions except those which are provided by law, are necessary to protect national security, public order (*ordre public*), public health or morals or the rights and freedoms of others, and are consistent with the other rights recognized in the present Covenant.
4. No one shall be arbitrarily deprived of the right to enter his own country.

Article 13

An alien lawfully in the territory of a State Party to the present Covenant may be expelled therefrom only in pursuance of a decision reached in accordance with law and shall, except where compelling reasons of national security

therwise require, be allowed to submit the reasons against his expulsion and have his case reviewed by, and be represented for the purpose before, the competent authority or a person or persons especially designated by the competent authority.

Article 14

1. All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law. The press and the public may be excluded from all or part of a trial for reasons of morals, public order (*ordre public*) or national security in a democratic society, or when the interest of the private lives of the Parties so requires, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice; but any judgement rendered in a criminal case or in a suit at law shall be made public except where the interest of juvenile persons otherwise requires or the proceedings concern matrimonial disputes of the guardianship of children.

2. Everyone charged with a criminal offence shall have the right to be presumed innocent until proved guilty according to law.

3. In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality:

- (a) To be informed promptly and in detail in a language which he understands of the nature and cause of the charge against him;
- (b) To have adequate time and facilities for the preparation of his defence and to communicate with counsel of his own choosing;
- (c) To be tried without undue delay;
- (d) To be tried in his presence, and to defend himself in person or through legal assistance of his own choosing; to be informed, if he does not have legal assistance, of this right; and to have legal assistance assigned to him, in any case where the interests of justice so require, and without payment by him in any such case if he does not have sufficient means to pay for it;
- (e) To examine, or have examined, the witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;
- (f) To have the free assistance of an interpreter if he cannot understand or speak the language used in court;
- (g) Not to be compelled to testify against himself or to confess guilt.

4. In the case of juvenile persons, the procedure shall be such as will take account of their age and the desirability of promoting their rehabilitation.

5. Everyone convicted of a crime shall have the right to his conviction and sentence being reviewed by a higher tribunal according to law.

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

7. No one shall be liable to be tried or punished again for an offence for which he has already been finally convicted or acquitted in accordance with the law and penal procedure of each country.

Article 15

1. No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time when the criminal offence was committed. If, subsequent to the commission of the offence, provision is made by law for the imposition of the lighter penalty, the offender shall benefit thereby.

2. Nothing in this article shall prejudice the trial and punishment of any person for any act or omission which, at the time when it was committed, was criminal according to the general principles of law recognized by the community of nations.

Article 16

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

Article 17

1. No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation.

2. Everyone has the right to the protection of the law against such interference or attacks.

Article 18

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

Article 19

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

Article 20

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

Article 21

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

Article 22

1. Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests.
2. No restrictions may be placed on the exercise of this right other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order (*ordre public*), the protection of public health or morals or the protection of the rights and freedoms of others. This article shall not prevent the imposition of lawful restrictions on members of the armed forces and of the police in their exercise of this right.

3. Nothing in this article shall authorize States Parties to the International Labour Organisation Convention of 1948 concerning Freedom of Association and Protection of the Right to Organize to take legislative measures which would prejudice, or to apply the law in such a manner as to prejudice the guarantees provided for in that Convention.

Article 23

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

Article 24

1. Every child shall have, without any discrimination as to race, colour, sex, language, religion, national or social origin, property or birth, the right to

2. The Committee shall be composed of nationals of the States Parties to the present Covenant who shall be persons of high moral character and recognized competence in the field of human rights, consideration being given to the usefulness of the participation of some persons having legal experience.

3. The members of the Committee shall be elected and shall serve in their personal capacity.

Article 29

1. The members of the Committee shall be elected by secret ballot from a list of persons possessing the qualifications prescribed in article 28 and nominated for the purpose by the States Parties to the present Covenant.

2. Each State Party to the present Covenant may nominate not more than two persons. These persons shall be nationals of the nominating State.

3. A person shall be eligible for renomination.

Article 30

1. The initial election shall be held no later than six months after the date of the entry into force of the present Covenant.

2. At least four months before the date of each election to the Committee, other than an election to fill a vacancy declared in accordance with article 34, the Secretary-General of the United Nations shall address a written invitation to the States Parties to the present Covenant to submit their nominations for membership of the Committee within three months.

3. The Secretary-General of the United Nations shall prepare a list in alphabetical order of all the persons thus nominated, with an indication of the States Parties which have nominated them, and shall submit it to the States Parties to the present Covenant no later than one month before the date of each election.

4. Elections of the members of the Committee shall be held at a meeting of the States Parties to the present Covenant convened by the Secretary-General of the United Nations at the Headquarters of the United Nations. At that meeting, for which two thirds of the States Parties to the present Covenant shall constitute a quorum, the persons elected to the Committee shall be those nominees who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.

such measures of protection as are required by his status as a minor, on the part of his family, society and the State.

2. Every child shall be registered immediately after birth and shall have a name.

3. Every child has the right to acquire a nationality.

Article 25

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

(a) To take part in the conduct of public affairs, directly or through freely chosen representatives;

(b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;

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

Article 26

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

Article 27

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

PART IV

Article 28

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

International Convention on the Elimination of All Forms of Racial Discrimination

Adopted and opened for signature and ratification by General Assembly resolution 2106 A (XXI) of 21 December 1965

ENTRY INTO FORCE: 4 January 1969, in accordance with article 19

The States Parties to this Convention,

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

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

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

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

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

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

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

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

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

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

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

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

Have agreed as follows:

PART I

Article 1

1. In this Convention, the term "racial discrimination" shall mean any distinction, exclusion, restriction or preference based on

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

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

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

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

Article 2

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

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

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

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

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

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

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

Article 3

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

Article 4

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

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

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

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

Article 5

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

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

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

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

(d) Other civil rights, in particular:

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

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

(iii) The right to nationality;

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

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

(vi) The right to inherit;

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

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

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

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

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

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

(iii) The right to housing;

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

(v) The right to education and training;

(vi) The right to equal participation in cultural activities;

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

Article 6

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

Article 7

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

PART II

Article 8

1. There shall be established a Committee on the Elimination of Racial Discrimination (hereinafter referred to as the Committee) consisting of eighteen experts of high moral standing and acknowledged impartiality elected by States Parties from among their nationals, who shall serve in their personal capacity, consideration being given to equitable geographical distribution and to the representation of the different forms of civilization as well as of the principal legal systems.

2. The members of the Committee shall be elected by secret ballot from a list of persons nominated by the States Parties. Each State Party may nominate one person from among its own nationals.

3. The initial election shall be held six months after the date of the entry into force of this Convention. At least three months before the date of each election the Secretary-General of the United Nations shall address a letter to the States Parties inviting them to submit their nominations within two months. The Secretary-General shall prepare a list in alphabetical order of all persons thus nominated, indicating the States Parties which have nominated them, and shall submit it to the States Parties.

4. Elections of the members of the Committee shall be held at a meeting of States Parties convened by the Secretary-General at United Nations Headquarters. At that meeting, for which two thirds of the States Parties shall constitute a quorum, the persons elected to the Committee shall be nominees who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.

5. (a) The members of the Committee shall be elected for a term of four years. However, the terms of nine of the members elected at the first election shall expire at the end of two years; immediately after the first election the names of these nine members shall be chosen by lot by the Chairman of the Committee.

(b) For a filling of casual vacancies, the State Party whose expert has ceased to function as a member of the Committee shall appoint another expert from among its nationals, subject to the approval of the Committee.

6. States Parties shall be responsible for the expenses of the members of the Committee while they are in performance of Committee duties.

Article 9

1. States Parties undertake to submit to the Secretary-General of the United Nations, for consideration by the Committee, a report on the legislative, judicial, administrative or other measures which they have adopted and which give effect to the provisions of this Convention: (a) within one year after the entry into force of the Convention for the State concerned; and (b) thereafter every two years and whenever the Committee so requests. The Committee may request further information from the States Parties.

2. The Committee shall report annually, through the Secretary-General, to the General Assembly of the United Nations on its activities and may make suggestions and general recommendations based on the examination of the reports and information received from the States Parties. Such suggestions and general recommendations shall be reported to the General Assembly together with comments, if any, from States Parties.

Article 10

1. The Committee shall adopt its own rules of procedure.
2. The Committee shall elect its officers for a term of two years.
3. The secretariat of the Committee shall be provided by the Secretary-General of the United Nations.
4. The meetings of the Committee shall normally be held at United Nations Headquarters.

Article 11

1. If a State Party considers that another State Party is not giving effect to the provisions of this Convention, it may bring the matter to the attention of the Committee. The Committee shall then transmit the communication to the State Party concerned. Within three months, the receiving State shall submit to the Committee written explanations

or statements clarifying the matter and the remedy, if any, that may have been taken by that State.

2. If the matters is not adjusted to the satisfaction of both parties, either by bilateral negotiations or by any other procedure open to them, within six months after the receipt by the receiving State of the initial communication, either State shall have the right to refer the matter again to the Committee by notifying the Committee and also the other State.

3. The Committee shall deal with a matter referred to it in accordance with paragraph 2 of this article after it has ascertained that all available domestic remedies have been invoked and exhausted in the case, in conformity with the generally recognized principles of international law. This shall not be the rule where the application of the remedies is unreasonably prolonged.

4. In any matter referred to it, the Committee may call upon the States Parties concerned to supply any other relevant information.

5. When any matter arising out of this article is being considered by the Committee, the States Parties concerned shall be entitled to send a representative to take part in the proceedings of the Committee, without voting rights, while the matter is under consideration.

Article 12

1. (a) After the Committee has obtained and collated all the information it deems necessary, the Chairman shall appoint an *ad hoc* Conciliation Commission (hereinafter referred to as the Commission) comprising five persons who may or may not be members of the Committee. The members of the Commission shall be appointed with the unanimous consent of the parties to the dispute, and its good offices shall be made available to the States concerned with a view to an amicable solution of the matter on the basis of respect for this Convention;

(b) If the States parties to the dispute fail to reach agreement within three months on all or part of the composition of the Commission, the members of the Commission not agreed upon by the States parties to the dispute shall be elected by secret ballot by a two-thirds majority vote of the Committee from among its own members.

2. The members of the Commission shall serve in their personal capacity. They shall not be nationals of the States parties to the dispute or of a State not Party to this Convention.

3. The Commission shall elect its own Chairman and adopt its own rules of procedure.

4. The meetings of the Commission shall normally be held at United Nations Headquarters or at any other convenient place as determined by the Commission.

5. The secretariat provided in accordance with article 10, paragraph 3, of this Convention shall also service the Commission whenever a dispute among States Parties brings the Commission into being.

6. The States parties to the dispute shall share equally all the expenses of the members of the Commission in accordance with estimates to be provided by the Secretary-General of the United Nations.

7. The Secretary-General shall be empowered to pay the expenses of the members of the Commission, if necessary, before reimbursement by the States parties to the dispute in accordance with paragraph 6 of this article.

8. The information obtained and collated by the Committee shall be made available to the Commission, and the Commission may call upon the States concerned to supply any other relevant information.

Article 13

1. When the Commission has fully considered the matter, it shall prepare and submit to the Chairman of the Committee a report embodying its findings on all questions of fact relevant to the issue between the parties and containing such recommendations as it may think proper for the amicable solution of the dispute.

2. The Chairman of the Committee shall communicate the report of the Commission to each of the States parties to the dispute. These States shall, within three months, inform the Chairman of the Committee whether or not they accept the recommendations contained in the report of the Commission.

3. After the period provided for in paragraph 2 of this article, the Chairman of the Committee shall communicate the report of the

Commission and the declarations of the States Parties concerned to the other States Parties to this Convention.

Article 14

1. A State Party may at any time declare that it recognizes the competence of the Committee to receive and consider communications from individuals or groups of individuals within its jurisdiction claiming to be victims of a violation by that State Party of any of the rights set forth in this Convention. No communication shall be received by the Committee if it concerns a State Party which has not made such a declaration.
2. Any State Party which makes a declaration as provided for in paragraph 1 of this article may establish or indicate a body within its national legal order which shall be competent to receive and consider petitions from individuals and groups of individuals within its jurisdiction who claim to be victims of a violation of any of the rights set forth in this Convention and who have exhausted other available local remedies.
3. A declaration made in accordance with paragraph 1 of this article and the name of any body established or indicated in accordance with paragraph 2 of this article shall be deposited by the State Party concerned with the Secretary-General of the United Nations, who shall transmit copies thereof to the other States Parties. A declaration may be withdrawn at any time by notification to the Secretary-General, but such a withdrawal shall not affect communications pending before the Committee.
4. A register of petitions shall be kept by the body established or indicated in accordance with paragraph 2 of this article, and certified copies of the register shall be filed annually through appropriate channels with the Secretary-General on the understanding that the contents shall not be publicly disclosed.
5. In the event of failure to obtain satisfaction from the body established or indicated in accordance with paragraph 2 of this article, the petitioner shall have the right to communicate the matter to the Committee within six months.
6. (a) The Committee shall confidentially bring any communication referred to it to the attention of the State Party alleged to be vi-

olating any provision of this Convention, but the identity of the individual or groups of individuals concerned shall not be revealed without his or their express consent. The Committee shall not receive anonymous communications;

(b) Within three months, the receiving State shall submit to the Committee written explanations or statements clarifying the matter and the remedy, if any, that may have been taken by that State.

7. (a) The Committee shall consider communications in the light of all information made available to it by the State Party concerned and by the petitioner. The Committee shall not consider any communication from a petitioner unless it has ascertained that the petitioner has exhausted all available domestic remedies. However, this shall not be the rule where the application of the remedies is unreasonably prolonged;

(b) The Committee shall forward its suggestions and recommendations, if any, to the State Party concerned and to the petitioner.

8. The Committee shall include in its annual report a summary of such communications and, where appropriate, a summary of the explanations and statements of the States Parties concerned and of its own suggestions and recommendations.

9. The Committee shall be competent to exercise the functions provided for in this article only when at least ten States Parties to this Convention are bound by declarations in accordance with paragraph 1 of this article.

Article 15

1. Pending the achievement of the objectives of the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in General Assembly resolution 1514 (XV) of 14 December 1960, the provisions of this Convention shall in no way limit the right of petition granted to these peoples by other international instruments or by the United Nations and its specialized agencies.

2. (a) The Committee shall receive copies of the petitions from, and submit expressions of opinion and recommendations on these petitions to, the bodies of the United Nations which deal with matters directly related to the principles and objectives of this Convention in their con-

sideration of petitions from the inhabitants of Trust and Non-Self-Governing Territories and all other territories to which General Assembly resolution 1514 (XV) applies, relating to matters covered by this Convention which are before these bodies:

(b) The Committee shall receive from the competent bodies of the United Nations copies of the reports concerning the legislative, judicial, administrative or other measures directly related to the principles and objectives of this Convention applied by the administering Powers within the Territories mentioned in subparagraph (a) of this paragraph, and shall express opinions and make recommendations to these bodies.

3. The Committee shall include in its report to the General Assembly a summary of the petitions and reports it has received from United Nations bodies, and the expressions of opinion and recommendations of the Committee relating to the said petitions and reports.

4. The Committee shall request from the Secretary-General of the United Nations all information relevant to the objectives of this Convention and available to him regarding the Territories mentioned in paragraph 2 (a) of this article.

Article 16

The provisions of this Convention concerning the settlement of disputes or complaints shall be applied without prejudice to other procedures for settling disputes or complaints in the field of discrimination laid down in the constituent instruments of, or conventions adopted by, the United Nations and its specialized agencies, and shall not prevent the States Parties from having recourse to other procedures for settling a dispute in accordance with general or special international agreements in force between them.

PART III

Article 17

1. This Convention is open for signature by any State Member of the United Nations or member of any of its specialized agencies, by any State Party to the Statute of the International Court of Justice, and

by any other State which has been invited by the General Assembly of the United Nations to become a Party to this Convention.

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

Article 18

1. This Convention shall be open to accession by any State referred to in article 17, paragraph 1, of the Convention.

2. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

Article 19

1. This Convention shall enter into force on the thirtieth day after the date of the deposit with the Secretary-General of the United Nations of the twenty-seventh instrument of ratification or instrument of accession.

2. For each State ratifying this Convention or acceding to it after the deposit of the twenty-seventh instrument of ratification or instrument of accession, the Convention shall enter into force on the thirtieth day after the date of the deposit of its own instrument of ratification or instrument of accession.

Article 20

1. The Secretary-General of the United Nations shall receive and circulate to all States which are or may become Parties to this Convention reservations made by States at the time of ratification or accession. Any State which objects to the reservation shall, within a period of ninety days from the date of the said communication, notify the Secretary-General that it does not accept it.

2. A reservation incompatible with the object and purpose of this Convention shall not be permitted, nor shall a reservation the effect of which would inhibit the operation of any of the bodies established by this Convention be allowed. A reservation shall be considered incompatible or inhibitive if a least two thirds of the States Parties to this Convention object to it.

3. Reservations may be withdrawn at any time by notification to this effect addressed to the Secretary-General. Such notification shall take effect on the date on which it is received.

Article 21

A State Party may denounce this Convention by written notification to the Secretary-General of the United Nations. Denunciation shall take effect one year after the date of receipt of the notification by the Secretary-General.

Article 22

Any dispute between two or more States Parties with respect to the interpretation or application of this Convention, which is not settled by negotiation or by the procedures expressly provided for in this Convention, shall, at the request of any of the parties to the dispute, be referred to the International Court of Justice for decision, unless the disputants agree to another mode of settlement.

Article 23

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

Article 24

The Secretary-General of the United Nations shall inform all States referred to in article 17, paragraph 1, of this Convention of the following particulars:

- (a) Signatures, ratifications and accessions under articles 17 and 18;
- (b) The date of entry into force of this Convention under article 19;
- (c) Communications and declarations received under articles 14, 20 and 23;
- (d) Denunciations under article 21.

Article 25

1. This Convention, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.
2. The Secretary-General of the United Nations shall transmit certified copies of this Convention to all States belonging to any of the categories mentioned in article 17, paragraph 1, of the Convention.