

HUMAN RIGHTS ADVOCACY IN THE POETRY OF CONTEMPORARY  
UGANDAN WOMEN POETS: SUSAN KIGULI AND MILDRED BARYA

BY

SHALLON ATUHAIRE MOREEN

M.A (LITERATURE)

2005/HD03/1619U

A DISSERTATION FOR THE DEGREE OF MASTER OF ARTS IN LITERATURE  
THE DEPARTMENT OF LITERATURE, FACULTY OF ARTS, MAKERERE  
UNIVERSITY

## **DECLARATION**

I, SHALLON MOREEN ATUHAIRE, declare that this is my original work and has never been submitted to any institution for an academic award. All the cited sources have been acknowledged.

SHALLON MOREEN ATUHAIRE

Signature .....

Date .....

Reg. No 2005/HD03/1619U

## **SUPERVISOR**

PROF. ARTHUR GAKWANDI

Signature .....

Date .....

## **DEDICATION**

Dedicated to my grand parents, Nyakwenkuru, Irene Kainganabusha and in memory of Shwenkuru, the late Rev. Can. Blasio Itima.

## **ACKNOWLEDGEMENTS**

By the grace of God, I have been able to finish this project and I am grateful to Him who has enabled me. My sincere thanks go to the Belgian Technical Cooperation in Uganda who fully sponsored my Masters Degree and this research project - may the Lord Bless your efforts in educating Ugandans. I am grateful to my supervisor, Prof. Arthur Gakwandi, who not only guided me in the study but assisted me to make an intellectual approach to the work. My sisters Barbara and Immaculate sincerely prayed for me whenever I got stuck and your probing of when I intended to finish the course usually got me back to the reading room. Thank you Mum and Dad for the models you have been to me in education and for supervising my progress even when you were far. The Makerere University Library staff, thank you for being cooperative and enabling me to access the journals I would never have obtained from anywhere else. Alex, knowing that I have your support gives me courage to aim higher. The Lord bless you all in every way.

## **TABLE OF CONTENTS**

Title Page	
Declaration	ii
Dedication	iii
Acknowledgements	iv
Table of Contents	v
Abstract	vi

### **CHAPTER ONE: METHODOLOGY AND LITERATURE REVIEW**

1.1	Introduction	1
1.2	Background to the study	2
1.3	Statement of the problem	3
1.4	Scope of the study	4
1.5	Definition of key terms	5
1.6	Purpose of the study	6
1.7	Review of literature	6
1.8	Hypothesis	15
1.9	Justification	15
1.10	Theoretical framework	16
1.11	Research methodology	19
1.12	Constraint	21

## **CHAPTER TWO: HUMAN RIGHTS ADVOCACY IN KIGULI'S POETRY**

2.1	Introduction	22
2.2	Kiguli's poetry	23

## **CHAPTER THREE: HUMAN RIGHTS ADVOCACY IN BARYA'S POETRY**

3.1	Introduction	47
3.2	Barya's poetry	47

## **4.0 CHAPTER FOUR: COMPARING KIGULI AND BARYA 58**

## **5.0 CHAPTER FIVE: DISCUSSION, RECOMMENDATIONS**

### **AND CONCLUSION**

5.1	Discussion and conclusion	68
5.2	Recommendations	71

## **APPENDICES 75**

## ABSTRACT

The purpose of the study on “*Human Rights Advocacy in the Poetry of Contemporary Ugandan Women Poets: Susan Kiguli and Mildred Barya*” was to investigate the contribution made by Ugandan women poets in their society as well as investigate whether women writers have other human rights to advocate for beyond and above advocacy for women’s rights. The objectives of the study were to identify the human rights concerns addressed in Kiguli and Barya’s poetry, the lessons learnt from those poems, and the effectiveness of the stylistic devices used by the poets to achieve human rights advocacy.

This study investigated the view that women writers in Uganda have dwelt on their point of view at the expense of the issues that affect the Ugandan community. We proved that much as they have handled some issues from the woman’s point of view, the women poets have not been blind to the plight of other people regardless of their gender

The researcher found out that the themes of death, tyranny, bad governance, and poor living conditions are major characteristics in Ugandan poetry in general and in most of the selected poems in this study in particular.

Whereas some critics have claimed that whatever a woman does, she is competing with the man, this research has found out that women writers are not necessarily fighting for space but rather are contributing to humanity’s existence and the development of their society at large.

The researcher concluded that Kiguli and Barya address similar concerns in respect of human rights advocacy, for instance the rights to life and other civil and

political rights, rights against torture and other forms of cruel treatment, the rights of the children as well as rights against discrimination against women. The two poets differ in style, language use and presentation. They are concerned with the rights of all individuals and are not limited to only the women's rights and their contribution to the field of poetry and development of their society cannot be over emphasised.

Finally, an analysis of the two poets found out that their contribution to the development of poetry and their society goes beyond feminist concerns and cuts across almost all universal human rights concerns.



# CHAPTER ONE

## INTRODUCTION, METHODOLOGY AND LITERATURE REVIEW

### 1.1 Introduction

This research analysed the human rights concerns that Susan Kiguli and Mildred Barya have addressed in their poetry and how each has achieved this.

Human rights have been defined as 'basic moral guarantees that people in all countries and cultures allegedly have simply because they are people. Calling these guarantees "rights" suggests that they attach to particular individuals who can invoke them, that they are of high priority, and that compliance with them is mandatory rather than discretionary. Human rights are frequently held to be universal in the sense that all people have and should enjoy them.

Jack Donnelly (2003:58)<sup>1</sup> argues that the idea and practice of human rights arose from two interrelated pairs of changes associated with modernity: the rise of modern markets and modern states and the rise of political claims of equality and toleration. This resulted into the transformation of a hierarchical world of rulers and subjects into a more egalitarian world of office holders and citizens.

Donnelly (2003: 60) further notes that recognition of the rights of working men arose from violent political conflict in the nineteenth and early twentieth century in Europe and North America. The rights of colonised peoples were a major global political

---

<sup>1</sup> Jack Donnelly, (2003), Universal Human Rights in Theory and Practice, 2<sup>nd</sup> Edition, London: Cornell University Press.

issue during the 1950s, 1960s, and 1970s while struggles to eliminate discrimination based on race and gender have been prominent in many countries over the past 30 years.

This research has considered the following human rights concerns: civil and political rights, rights of the child, rights against torture and other cruel treatment, elimination of discrimination against women, economic, social and cultural rights and rights of all workers.

## **1.2 Background to the study**

Up to the twentieth century, most people felt that the woman's rightful place was in the home and writing was unacceptable for her society. As a result, especially, European women who wrote adopted pseudonyms or published their works anonymously. The history of women writers was not independent of the social, political and cultural assumptions of their societies and Uganda is no exception.

For Uganda, the events that followed the British declaration of the nation as independent were disastrous to the intellectuals as much as it was for other people in the society. When Idi Amin Dada overthrew Obote in 1971, a reign of terror ensued for nine years. Amin deliberately controlled power and silenced any dissenting voice leaving the economy, the intellectuals and the social structures under oppression with the expulsion of the Indians who controlled a big part of the economy in the country. There was no legal backing to justify Amin's repressive actions. The arts were not spared in this regime; they suffered censorship and people were murdered for performances that the state regarded as anti-government. This went on up to 1986 when President Yoweri Museveni came to power promising relative peace in the country. It is in this regime

which reigns to date that organisations advocating for human rights observation have sprung up. The formerly disadvantaged groups like the disabled, the children and women have come up to claim their rights. The relative freedom of expression has seen women writers like Susan Kiguli and Mildred Barya come up to express themselves in poetry and advocate for promotion of human rights in their society.

Susan Kiguli is a Ugandan poet who started writing as early as her high school days at Gayaza High School. She composes, writes and recites her poetry in Luganda and English, but this research concentrated on her poetry written in English because they have reached a wider readership. She published *The African Saga* in 1998 and has had her poems published in many anthologies like *Michael's Eyes* (2005), *Gifts of Harvest* (2006) and *Stand Magazine*.

Mildred Barya is another Ugandan woman poet whose publications include a poetry collection, *Men Love Chocolates but they Don't Say* and *The Price of Memory: after the tsunami*. She has also published poetry in several anthologies and magazines nationally and internationally.

### **1.3 Statement of the problem**

Studies carried out on Ugandan poetry have not been particularly focussed on the woman poet. Therefore, this study analysed the woman poet's contribution to Ugandan poetry and her role in advocating for basic human rights. The study investigated the contribution made by Kiguli and Barya's poetry in their society considering that the two poets averagely represent the Ugandan women writers both in terms of content and time. Like

their contemporary writers, the two poets write about governance and politics, human relations and human rights concerns which formed the content of this thesis.

#### **1.4 Scope of the study**

There are many Ugandan poets, but this study looked at only two of them, Susan Kiguli from Central Uganda and Mildred Barya from Western Uganda. In terms of time, the study tackled the years from the 1990s to date. Although Kiguli and Barya may have written other works in prose or drama forms, this study only considered their poetic works. Kiguli and Barya have published their poetry in different local and international anthologies, but the researcher heavily relied on Kiguli's *The African Saga* and Barya's *Men Eat Chocolates but They don't Say* and *The Price of Memory: after the tsunami*. Particular attention was given to those poems that reflect human rights concerns. The themes of death, tyranny, bad governance, and poor living conditions were investigated in these poems. The other poems in the poets' anthologies that do not address these themes are a potential area worth investigating in future since they were left out in this thesis.

## 1.5 DEFINITION OF KEY TERMS

**Contemporary poetry:** It refers to the poetry written and published in the 1990s to date.

**Convention:** A formal and legally binding agreement between sovereign states. In this study, it has been used also to mean *covenant*

**Feminism:** A social movement, with varying points of views but under the umbrella of working for women's rights and against female oppression.

**Human rights:** Basic moral guarantees that people in all countries and cultures allegedly have simply because they are people and as spelt out in the International Human Rights Conventions and the Universal Declaration of Human Rights.

**Irony:** Use of language with some kind of mockery.

**Satire:** A style of ridiculing human folly or vice aiming at bringing about reform.

**State:** A recognised political and geographical entity, otherwise called nation.

### **Universal Declaration**

**of Human Rights:** A title of a book containing an advisory declaration adopted by the United Nations General Assembly on December 10 1948 outlining the view of the General Assembly on the human rights guaranteed to all people.

## **1.6 Purpose and objectives of the study**

The main purpose of this study was to investigate the contribution made by Ugandan women poets in their society. The researcher tried to prove that women writers have basic human rights to advocate for beyond and above advocacy for women's rights. The objectives of the study were to identify the human rights concerns addressed in Kiguli and Barya's poetry, to point out the lessons learnt from those poems, and to evaluate the effectiveness of the stylistic devices used by the poets to achieve human rights advocacy.

## **1.8 Review of Literature**

We must note that finding literature in regard to the two poets, Kiguli and Barya, was never an easy task to undertake. This was partly the reason behind this study - to analyse and give credit to the contemporary Ugandan women writers.

Evan Mwangi writes, "Kiguli and her contemporaries treat cultural contacts not necessarily as alienation or conflict, but as sites of social renewal, in which they reach out to communities beyond the colonizer-colonized divide. They develop the hybridity employed by earlier poets, but depart from the tradition by being more pointed in criticizing pre-colonial African traditions without accepting assimilation to the West. I argue that their rejection of rigid scripts and techniques, in favor of protean hybrid forms and themes, should be read not as a capitulation to foreignness, but as an articulation of the desire for freedom and democracy—an articulation that earlier poetry may have expressed, but not with such poignancy and force."<sup>2</sup>

---

<sup>2</sup> [http://muse.jhu.edu/login?uri=/journals/africa\\_today/v053/53.3mwangi.html](http://muse.jhu.edu/login?uri=/journals/africa_today/v053/53.3mwangi.html)

Literature written on human rights, poetry and East African Poetry by other scholars was also considered for this literature review.

Andrew Fagan<sup>3</sup>, quotes W.N. Hohfeld's (1919) as having identified four categories of rights: liberty rights, claim rights, power rights, and immunity rights. He further notes that, however, numerous scholars have subsequently tended to collapse the last two within the first two and hence to restrict attention to liberty rights and claim rights.

Peter Jones (1994)<sup>4</sup> defines a claim right as a right one holds against another person or persons who owe a corresponding duty to the right holder while he defines liberty rights as rights which exist in the absence of any duties not to perform some desired activity and thus consist of those actions one is not prohibited from performing.

Fagan further classifies rights as legal and moral rights. He defines a legal right as a right that enjoys the recognition and protection of the law. "Questions as to its existence can be resolved by simply locating the relevant legal instrument or piece of legislation. A legal right cannot be said to exist prior to its passing into law and the limits of its validity are set by the jurisdiction of the body which passed the relevant legislation."<sup>5</sup>

On the other hand, Fagan defines moral rights as rights that, it is claimed, exist prior to and independently from their legal counterparts. "The existence and validity of a moral right is not deemed to be dependent upon the actions of jurists and legislators."

I agree with Fagan in his assertion that human rights share an essential quality of moral rights, namely, that their valid existence is not deemed to be conditional upon their

---

<sup>3</sup> Andrew Fagan, (2006) The Internet Encyclopedia of Philosophy ([www.iep.utm.edu/h/hum-rts.htm](http://www.iep.utm.edu/h/hum-rts.htm))  
Human Rights Centre, University of Essex

<sup>4</sup> Jones, Peter. (1994), *Rights*, Basingstoke; Macmillan

<sup>5</sup> Fagan, A (2006) Op.Cit

being legally recognized. But rather, human rights are meant to apply to all human beings everywhere, regardless of whether they have received legal recognition by all countries everywhere. Human rights are therefore best thought of as being both moral and legal rights.

However, Fagan does not recognise the “evolutionary”<sup>6</sup> nature of human rights. He writes,

“...if one delves into all of the various documents that together form the codified body of human rights, one can identify and distinguish between five different categories of substantive human rights. These are as follows: rights to life; rights to freedom; rights to political participation; rights to the protection of the rule of law; rights to fundamental social, economic, and cultural goods.”<sup>7</sup>

Fagan’s categorisation leaves out the rights of children, rights of workers, the rights against torture and the rights against discrimination against women. On the contrary, this research acknowledges that there are more rights than listed by Fagan and that human rights are not restricted in nature and breadth.

Like Jack Donnelly (2003:57) writes, the list of human rights has evolved and will continue to change in response to social and technological changes, the emergence of new techniques of repression, changing ideas of human dignity, the rise of new political forces and even past human rights successes<sup>8</sup>...

Donnelly acknowledges that lists of human rights they emerge from the concrete experiences, especially the sufferings of real human beings and their political struggles to defend or realise their dignity. Therefore this researcher herself could not come up with a concrete list of human rights bearing in mind the shifting nature of human needs.

---

<sup>6</sup> “Evolutionary” in a sense that human rights are not static and change depending on the development trends, cultural transformations and variations in the needs of humanity.

<sup>7</sup> Fagan. Op.Cit

<sup>8</sup> Jack Donnelly, (2003), Universal Human Rights in Theory and Practice, 2<sup>nd</sup> Edition, London: Cornell University Press



Numerous relativists have argued that human rights are unduly biased towards morally individualist societies and cultures, at the necessary expense of the communal moral complexion of many Asian and African societies. At best, some human rights' articles may be considered to be redundant within such societies, and at worse they may appear to be positively harmful if fully implemented, replacing the fundamental values of one civilization with those of another and thereby perpetuating a form of cultural and moral imperialism.

On the other hand, there are arguments that merely pointing to moral diversity and the presumed integrity of individual cultures and societies does not, by itself, provide a philosophical justification for relativism, nor a sufficient critique of universalism. After all, there have existed and continue to exist many cultures and societies whose treatment of their own people leaves much to be desired.

This researcher did not set out to dispute or confirm the universality of human rights but rather debated with the expectation that if any State ratifies a particular convention of human rights, then that State should be committed to upholding the requirements of the convention irrespective of the diversity in cultural values and norms.

Jack Donnelly (2003:211), classifying rights of women as group rights argues that such rights are unnecessary, unworkable, and even counterproductive. He argues that although women have a sad history of near universal systematic suffering in virtually every area of the globe, the idea of group human rights for women is fatally undermined by problems of collective agency for a diverse group that includes half of humanity.<sup>9</sup>

---

<sup>9</sup> Jack Donnelly, Ibid

Jack's argument is considered unfortunate by the researcher on grounds that the extensiveness of a problem, logically, should not warrant its dismissal as a challenge that requires a solution. The fact that women form half or even more of humanity, and the challenges that solving a violation of rights of such a magnitude pose, are not convincing reasons to deny women the benefit of enjoying what Donnelly calls "group rights".

At the same time, Donnelly notes that "women along with "savages", servants, and wage laborers, were never imagined to be holders of natural rights. Human rights struggles in the subsequent three centuries have gradually expanded the recognised subjects of human rights pushing us significantly closer to the ideal of full and equal inclusion of all members of the species *Homo sapiens*"<sup>10</sup>

By his own confession, Donnelly acknowledges the universal suffering of women but shies away from the need to address it at a time he is most needed as a writer. This research recognises the rights against discrimination against women as fundamental as the rights of children, civil and political rights and all other recognised human rights.

In a thesis entitled *Thematic patterns in contemporary East African Poetry* (1979), Fred Opoli identifies five major thematic patterns in East African poetry based on morality and eternity, the poet and nature, portrayal of identity, isolation and social inequality. Opoli's categorisation gives an impression that East African writers have been given specific themes, as listed by Opoli, and all they have to do is fit their works within these thematic concerns. This is not necessarily true since East African poets have written on many other themes, including wars that Opoli does not consider in his thesis.

He observes that social inequality permeates the social, economic and political problems of living in contemporary East Africa, stressing that these problems are so

---

<sup>10</sup> Ibid, P.60

overwhelming that nearly every poet writes about them. This observation is correct as this thesis has proved.

Opali analyses the works of Okot p'Bitek, Richard Ntiru, John Ruganda and Henry Barlow and no woman poet has been talked about in his works. This research has brought out the works of the East African poets in general and the Ugandan poets in particular and their role in advocating human rights observation in their society.

Opali further predicts that the 1980 period and onwards was bound to create a generation of angry poets; castigating themselves and expressing dejection. And true to Opali's prophecy, Kiguli and Barya represent a generation of angry poets and this too has been pointed out in this research. Opali observes that;

Much of the East African poetry of the sixties gave such a convincing defence of indigenous African culture that the poet of the seventies had to diversify his themes and techniques. A majority of the poets seem to examine the ills of their society while others entertain egocentric pursuits. There is also a romantic group that glorifies nature and another to whom life in the world of the dead is an obsession.<sup>11</sup>

Such an observation is true of East African poetry although it does not specifically address the issues of human rights that have been dealt with by East African poets. This research, therefore, is an analysis of the extent to which East African poets, represented by Kiguli and Barya in this study, have gone to address the human rights concerns of their society.

Ken Goodwin says African poetry has undergone the process, first of modernisation and then of radicalisation and indigenisation. He says it has been a transitional period in which the emphasis has shifted from the English nature of the

---

<sup>11</sup> Opali, Fred. (1979) *Thematic patterns in contemporary East African poetry*: MA Dissertation Makerere University Kampala, p. 4

medium to the African nature of the content.<sup>12</sup> He says that the need to make a political statement has often directed a poet's attention away from poetic quality<sup>13</sup>. His analysis has the poetry of John Peper Clark, Soyinka, Okot p'Bitek and Gabriel Okara in mind and focuses on the transitional nature of African poetry. Much as the transition process is vital in understanding African poetry, this study concentrated on the content rather than the style and investigated the human rights advocacy in the poetry of Kiguli and Barya. The two poets have not replaced their artistic potential with the need to make political statements as Goodwin asserts. Instead, they have been able to manage style and language use on one hand and make a political statement on the other in regard to the human rights concerns of their society.

Goodwin observes that there is a marked dearth of good women poets and an imbalance so evident in the short story as well as the novel. He says;

In some countries, it is true women have been less encouraged than men to seek higher education and proficiency in a foreign language. But one literary difficulty in the way of a woman poet is the prevalence in both Anglophone and Francophone poetry of a myth that presents the land of Africa as a woman. She was in the past raped and pillaged by foreign invaders. Now, however, she is in the process of returning to natural subjectivity to (rather than partnership with) her indigenous lover. Whether found in Senghor or in Okara, Peters, Brutus or Soyinka, the hints of such a myth are patently unsuitable for use by a woman poet.<sup>14</sup>

Whereas his claim that in most countries women have been discouraged from attaining further education and thus have not been writing in foreign languages is valid,

---

<sup>12</sup> Goodwin, Ken, (1982) *Understanding African Poetry; a study of ten poets*; London, Heinemann Educational Books, p. v

<sup>13</sup> Ibid, p. xiii

<sup>14</sup> Goodwin Ibid, p. xvii

we note from this research that Kiguli and Barya represent a generation of women poets, however few they may be, who have transcended the cultural restrictions and have gone ahead to study and write literary works.

David Cook in discussing the role of a poet says,

Whatever else a poet is, he is honest and does not lie to himself or to others about his feelings and that a poet must be prepared to expose his inner self so that to play safe is a denial of his role.<sup>15</sup>

In view of Cook's assertion, Kiguli has not minced words in attacking the rotten governments that have ruled in her age; she has openly attacked those that have propagated discrimination, corruption, murder and wars in their society.

Emmanuel Ngara further expands the poet's role saying that,

The poet speaks not for himself only but for his fellowmen. His cry is their cry which only he can utter. That is what gives it its depth. But if he is to speak for them, he must suffer with them, rejoice with them, work with them, fight with them. Otherwise what he says will not appeal to them and so will lack significance.<sup>16</sup>

Ngara says that poetry has a social function and for a poet to be able to cry the cry of humanity, they must strive to keep harmony between poetry and life. This role, Kiguli and Barya successfully play as will be discussed in the following chapters.

Other African poets who have written in advocating for human rights include Jack Mapanje, Kofi Anyidoho, Niyi Osundare, among others. Like Jack Mapanje, Kiguli's poetry is of the protest genre, which asserts the necessity for preserving freedom and other humanistic values. Kofi Anyidoho is interested not just in the civil liberties, but in

---

<sup>15</sup> Cook, David. (1965) *African Literature; a critical view*. London; Longman, p. 39

<sup>16</sup> Ngara, Emmanuel. (1990) *Ideology and Form in African poetry*. London; James Currey, p. 200

the transformation of society while Onsundare in *Village Voices* devotes his poetic energies to the service of the exploited African peasantry.<sup>17</sup>

There have been some comments made about Kiguli and Barya mostly in the press and not in full-fledged studies. Some critics have referred to Barya as a romanticist and a feminist. Commenting on Mildred Barya's poems, *Daily Monitor* (16 April 2006, p. 25) published a story stating that,

The innocence the poetry exudes reveals the romanticist in Barya for she subsequently draws so much from nature in her other poems....Just like her first collection, Barya takes another direct shot at men in this collection (The price of memory) "Some men find it hard to complete sentences" can be likened to "Men love chocolates but they don't say".

On the other hand, Susan Kiguli's straight forward approach to societal challenges has currently made her Uganda's most famous poet according to *The Sunday Monitor* (25 March 2001, p. 16) and given her poetry a universal face with writers and other people directly quoting her poetry to address issues of concern.

In an interview with *The Monitor* (March 25 2003, p. 27), Ugandan playwright, John Ruganda, commented thus, "For a long time, we have been writing reality from a man's point of view. But I hope the women writers do not make a mistake of ignoring the man's point of view."

Some critics have assumed that whatever the woman does, she is competing with the man. Deborah McDowell (1989:191) believes that members who feel like the minority must compete for a few coveted places because those coveted places signify the approbation of the father who represents the cultural authority. This study differs from

---

<sup>17</sup> Ngara, Ibid, p. 176

this view and asserts that the woman writer does not need to fight for space as a woman but as any other human being.

For Kiguli and Barya and all other women writers, writing is not to fight for space but to contribute to humanity's existence. In Kiguli's poem, '*I am tired of talking in metaphors*' she clearly points out that she is not at all fighting to take the man's place but rather demands her freedom as a human being. Likewise, her writings and those of other women are done in their capacity as scholars. For that reason they address issues beyond feminism that affect society. This study therefore illustrated the contribution made by women poets in the development of their society as a whole in addition to their advocacy for the rights of women.

## **1.7 Hypothesis**

Women are sensitive not only to issues that concern them as women but to the needs of their people irrespective of gender.

## **1.9 Justification**

Debates and comments have been made on the poetry of Ugandan men poets including Timothy Wangusa, Okot p'Bitek and Henry Barlow. However, no research so far has been made to recognise the distinctive contribution made by the Ugandan women poets in the development of poetry, but also of the society they live in. This study, therefore, has unveiled the otherwise ignored contribution made by female writers to Ugandan poetry. This study also celebrates the contribution of poetry and in particular

women's poetry to development. It further provokes intellectual debate and exposes possible avenues for further research.

## **1. 10. Theoretical Framework**

The sociological approach to literature, advanced by the French scholar Hippolyte Taine in the 19<sup>th</sup> Century was used in this study. The theory advocates principles which include: art for man's sake, the value of social context in literature and the writer as an agent of change.

Taine argued that a literary text must be regarded as the expression of the psychology of an individual, which in turn is the expression of the milieu and the period in which the individual lived, and of the race to which he belonged. All human achievements can be explained by reference to these causes, summarised by Taine in his famous three formula "la race, le milieu et le moment". By this formula, according to Taine, a literary scholarship will become a form of scientific history comparable in its status and methods to the natural sciences.<sup>18</sup>

Mushengyezi (2003:72) says Literature for man's sake is when literature is used as a tool for social transformation; not only for entertainment but also for teaching, correcting and transforming society for the better. The researcher, therefore, demonstrated how these elements of 'art for man's sake' have been captured in Kiguli's and Barya's poetry.

Closely related to this is the emphasis on the role of the social context and literature by the sociological theorists. This view suggests that one cannot divorce literature from the physical, social and time setting in which it is set. Thus a poem cannot

---

<sup>18</sup> Jefferson, A and D Robey (Eds) (1991) *Modern Literary Theory*: London; B.T Bartsford, p.9



be separated from the cultural practices, values, economy, politics and the history of the people in which it is set. Like Marxists, sociological theorists hold that a theory which treats literature in isolation, for instance as pure structure, or as a product of a writer's individual mental processes, and keeps it in isolation, divorcing it from society and history will be deficient in its ability to explain what literature is.<sup>19</sup> Therefore, the researcher investigated the poets' attempt to meet the demands of these variables in transforming their society.

The other important element of the sociological theory that was investigated is the role of the artist as an agent of change. The study discussed ways in which Kiguli and Barya have advocated for positive change in their society. Emphasis was put on the themes the poets develop in relation to the sociological theory.

The sociological theory advances that a work of art of any period achieves its quality by expressing a high level of social conditions and feelings of a particular epoch. It also possesses a progressive outlook, glimpsing the developments of the future in lineaments of the present, and giving a sense of the ideal possibilities of social development from the point of view of the mass of working people.<sup>20</sup>

It is difficult to divorce the works of Kiguli and Barya from the feminist theory, the two being women poets. However, this research has made it clear that the poets have been concerned with the rights of women as a human rights concern just like they have addressed the other universal human rights concerns.

Jan Montefiore (1998:59) thinks the woman does not exist at all in the learned world of literary fellows:

---

<sup>19</sup> Jefferson Ibid, p. 167

<sup>20</sup> Selden R, Widdowson p, Brooker P. (1997) *A reader's guide to contemporary literary theory*; London; Prentice Hall, p. 91

However necessary it may be to think in terms of “the woman poet” or “the woman writer” in the early stages of constructing feminist criticism, she is entirely mythical; she does not exist in real life, anymore than “the archetypal male poet” does. What does exist is an immense variety of women poets, often divided by major differences of class, race and circumstances, and writing is multiplicity of discourses;... it is arguable that the necessary task for feminists is not recreating a “woman’s tradition” but asking in “which tradition”, feminine and otherwise do particular writers belong?

Such an assertion is chauvinistic and deliberately misinforming since there are many women writers whose existence and contribution to their societal needs cannot be doubted, Kiguli and Barya being just a few among many.

### **1.11 Research Methodology**

The study was based on content analysis and textual interpretation of Kiguli's and Barya's poetry. The poems were selected from Kiguli's Anthology, *The African Saga* and Barya's two anthologies, *Men love Chocolate But they Don't say* and *The price of Memory: after the tsunami*. The researcher specifically analysed poems that address human rights concerns and the other poems were left out of this study.

The research methods were mainly qualitative. Human rights concerns were analysed on the basis of content and the researcher investigated how successful the poets had been in addressing the human rights concerns.

#### **1.11.1. Data Collection and Analysis**

The primary data which comprised the poems was obtained from the poets' anthologies while other data was obtained using documentary research methods. The selected poems were analysed in view of the human rights concerns they address. There was a comparison made at the end of the study in the way the two poets addressed the human rights concerns highlighting the differences in style and content as well as the similarities.

The information was categorised into human rights advocacy in Kiguli's poetry, human rights advocacy in Barya's poetry, comparison of Kiguli's and Barya's poetry in addressing human rights concerns.

The researcher discussed the approach and style used by the poets, Kiguli and Barya, in delivering the message to their audience in advocating human rights observation.

The research was guided by the hypotheses that women poets' contribution in advocating for basic human rights cannot be underestimated in the development of their society. And secondly, that, women are sensitive not only to issues that concern them as women but to the needs of their people irrespective of the gender.

On the basis of the sociological literary theory, the researcher made an analysis and textual interpretation of selected poems that address human rights concerns in the poetry of Kiguli and Barya. Some poems were written out fully in the main text of the thesis while others were referred to and have been appended to the thesis.

The human rights concerns that were discussed in this study are, civil and political rights, rights of the child, rights against torture and other cruel treatment, rights against discrimination against women and the economic, social and cultural rights

In carrying out the study, the researcher identified a poem, discussed the human rights concerns addressed in that poem, analysed the style and pointed out the lessons learnt from the poem.

Each poet's poetry was independently discussed in view of human rights advocacy and then a comparative study of the two poets was done to make an objective discussion and conclusion.

The analysis and presentation was guided by the following questions:

- i. What poems have elements of human rights advocacy?
- ii. What human rights concerns does the poem address?
- iii. How does the poet achieve human rights advocacy in the poem?
- iv. What lessons are there to learn from the poem?

Some of the poems appear in the main text of the work while others were only referred to and appear as appendices.

### **1.12. Constraint**

Kiguli and Barya being relatively “young” poets, it was difficult if not impossible to get relevant archival information about them. This thesis has been documented in the hope that the archival gap will be reduced to an extent.

# CHAPTER TWO

## HUMAN RIGHTS ADVOCACY IN KIGULI'S POETRY

### 2.1. INTRODUCTION

In this chapter, the researcher looked at Kiguli as a poet appreciating her contribution to advocacy for human rights in her society. Human rights are the rights every human being is entitled to enjoy and have protected because they are human<sup>21</sup>. These rights are embedded in different international covenants as well as the Universal Declaration of Human Rights (1948) to recognise the inherent dignity and the equal and inalienable rights of all humans as a foundation of freedom, justice and peace. It has been noted that many people have used the term 'human rights' in a very narrow sense referring to only the civil and political rights set out in the Declaration. As a result, the term 'human rights' is often misused to mean only civil and political rights and to exclude from consideration as a matter of rights, fundamental issues such as the right to food, health, education and social security<sup>22</sup>.

The human rights covenants bind member states as well as individuals by imposing a duty on all individuals and the community to which they belong to strive for observance and protection of the rights contained in the covenants. There are seven basic human rights that have been internationally recognised including; civil and political rights, rights against torture and other cruel treatment, rights of the child, rights against discrimination against women, economic, social and cultural rights and rights of all

---

<sup>21</sup> *Human Rights: The New Consensus* (1994), London: Regency Press, p. 11

<sup>22</sup> *Ibid*, p. 13

workers. All States party to the human rights covenants are bound to respect and observe the rights set out in these agreements. The following discussion will analyse how Kiguli and Barya, have addressed the human rights concerns in their poetry.

## **2.2. KIGULI'S POETRY**

Kiguli, one of Uganda's contemporary poets, has been celebrated for her forceful attack on bad governance in the form of oppression, tyranny and murder that run through her poetry. Although Kiguli writes on nature, love and life, her poetry can best be regarded as political and social poetry and, in a bid to address these social and political challenges in her society, Kiguli comes out strongly to defend the human rights and freedoms that all human beings should enjoy without discrimination. Fear, frustration, death, corruption, oppression and tyranny are some of Kiguli's major concerns and her defence of fundamental freedoms cannot be over emphasised. The Ugandan socio-political environment has had an influence on Kiguli's poetry and its turbulent political history has been a matter of concern for the poet. This is reflected not only in her collection's title *The African Saga*, but also in many of the poems, '*I laugh at Amin*' being just an example.

Kiguli's stance is consistent with the Civil and Political Rights Covenant (1976); she advocates for the right to life spelt out in Article 6 of the named covenant entitling every human being to an inherent right to life that shall be protected by law and ensuring that no one is arbitrarily deprived of their life. The speaker in the poem '*I laugh at*

*Amin*’\*<sup>23</sup> sarcastically laughs at former Ugandan President Amin’s dictatorship characterised by tyranny and bloodshed with its climax of terror in the 1977 firing squad in which many Ugandans were murdered. Kiguli attacks the murder and dictatorship exhibited by Amin and his regime.

I laugh with all the skulls  
Amin holds in his hand  
With all those perched on his shoulder  
And the ones in an infinite queue  
Behind his back

The sarcastic laughter expressed by the speaker provokes sadness as the reader views the skulls of people that have died at Amin’s hand. The persona suggests that Amin has been crowned with many skulls. The speaker in the second stanza begins to unlock the sources of the many skulls; with some emanating from the firing squad of 1977. The fear and terror that surrounded the scene killed the victims even before the guns were fired. The speaker thinks the guns were wasted since the victims were already dead. Despite the killings and the misery that befell the widows, the headteachers are not shy to insist on extracting money from the widows as shown in the third stanza. Amin did not only kill the political suspects but his ruthlessness drove him to kill his own wife in front of their children.

The poem ‘*I laugh at Amin*’ refers to a historical event that took place during the late President Amin’s regime characterised by bloodshed, torture and dictatorship. Being a dictatorship, there was no Constitution, Parliament was in abeyance and therefore no

---

<sup>23</sup> Kiguli, Susan. (1998) *The African Saga: Kampala: Femrite Publications Ltd.* p. 11

\***Amin** is a fallen dictator and President of Uganda between 1971 - 1979



rights were observed in Uganda. Kiguli without mincing words denounces this kind of governance that totally has no respect for people's human rights.

Confrontation and bitterness characterise the tone of Kiguli's poetry and the bold attack on the social political vices in her society comes out clearly. Her fight for the right to life and security of person can be traced in the attack on tyranny and murder running through her poetry. Guns and bayonets used against humanity are a common phenomenon in Kiguli's poems. In '*Freedom fire*'<sup>24</sup>, "Guns and bayonets have gouged out their eyes" and the vehicle of injustice has blinded people's eyes for protesting against it. Her poem "Uganda" is a criticism on the use of a gun as a spokesman and on arbitrary detention.

The gun is the spokesman

Prison is the courtroom

Detention is the password

Genocide is no crime<sup>25</sup>

There is irony in the name 'Pearl of Africa' referred to in the poem "Uganda". Whereas the country has resources that cannot be exhausted is the source of the famous and ever flowing River Nile that traverses many countries supplying water and signifying life; with the most favourable climatic conditions of both rain and sunshine; endowed with species like the graceful crested crane and other birds and animals; it has been stripped of its beauty and the rivers that should be a source of life are releasing blood with ghosts of murdered people all around the place. Guns which have drowned the people's language speak more and better than people. Justice has been defiled by

---

<sup>24</sup> Kiguli, S, Op.Cit. p. 17

<sup>25</sup> Ibid, p. 19

imprisonment and detentions without trial while masses of people face killings defencelessly. Crime is no longer crime in the so-called 'Pearl of Africa'.

The reference to darkness in broad day light is an allusion to Arthur Koestler's *Darkness at Noon*<sup>26</sup> where the government had turned to brutality, killing people, detaining them and subjecting them to inhuman treatment in rotting and poorly aerated detention cells. Kiguli alludes to the dictatorship that *Darkness at Noon's* No.1 exposed his subjects to and this is what the 'Pearl of Africa' has turned to be. The only celebrations the 'Pearl of Africa' knows are funerals and people do not have the freedom of speech in their motherland – they can only whisper, lest they face the gallows. Such a government has not at all protected the Civil and Political Rights Covenant, Article 9 (1) which asserts that “*No one shall be subjected to arbitrary arrest or detention;*” as well as Article 6 (2) and (3) which advocate for punishment of those involved in the crime of genocide.<sup>27</sup>

The strength of the poem 'Uganda' lies in the message of the last stanza which states:

Yet the children are perched on the branches  
And amidst the illusive shadows  
Shafts of light are hidden  
Life will not die  
Sanity will not be buried.

---

<sup>26</sup> Koestler, Arthur. (1940) *Darkness at Noon*, London: Bantam Books

<sup>27</sup> International Covenant on Civil and Political Rights (1976)

In the above stanza, the speaker asserts that irrespective of all this misconduct in the 'Pearl of Africa', there are children still hanging on branches; there are shafts of light and rays of hope amidst illusive shadows and life will not die; neither will sanity be buried<sup>28</sup>. Therefore, much as the people's rights to life, freedom of expression and right to justice are undermined, it does not mean that they do not know their rights. When time is ripe, when the children have grown and when the light is bright enough, there will be revival in the 'Pearl of Africa'. And this hope for Uganda, Kiguli has successfully projected.

Kiguli's speakers time and again lament about one person or the other's death. In the poem '*Broken*'<sup>29</sup>, the speaker confesses having a scar but underneath it is a festered wound – it may never heal. She hurts over the murder of an innocent loved one under the ruthless hands of a brutal regime. She wishes the loved one had died of cancer or any natural disease, maybe then she would have endured the sorrow.

The poem '*Fishers of men*'<sup>30</sup> alludes to the disciples whom Jesus called fishers of men supposed to fish men from death to salvation, but the poem exposes a grim picture of fishers who instead of getting fish, exhume dead bodies of murdered people dumped in the waters.

The nets are out in the depth

Doing the job –

- Full of the moonlit harvest

---

<sup>28</sup> Kiguli, S, *The African Saga*. P. 19

<sup>29</sup> Ibid, p. 20

<sup>30</sup> Ibid, p. 8

As the silver wonder  
Turns into bullet riddled chests  
And water logged eyes

Looking at the surface waters under a beautiful silver grey moon, one would not imagine that instead of fish the fishermen would get meshes or skeletons of bulleted chests and eyes sagging with water. In only two stanzas - the first stanza longer than the second one - the speaker expresses his disappointment. The difference in length indicates the abrupt disappointment the fishermen faced on the fateful night having set out to fish but unceremoniously stopped when the first catch turns out to be men instead of fish. The job has come to an end and so has the poem.

The poem further builds the theme of death that cuts across Kiguli's poetry. The poem is short but its strong imagery is loaded with a message of advocacy for the right to life and condemnation for murder. The bullet symbol bears a message of torture, wars, fighting and death. The people are denied the right to life and descent burial; they are killed and discarded in lakes and water bodies.

The theme of death is further reflected in '*Viewers may find these pictures disturbing*'<sup>31</sup> with:

Barbecued flesh  
Desolate coach  
The vultures have stayed away.  
Red flags  
Fly on the grey hearse.

---

<sup>31</sup> Ibid, p. 9

“Their blood be on their heads’

The vultures say.

The vultures love eating flesh but this time they have stayed off. The grass grows in the eyes of dead bodies and ironically the people are providing humus for the grass to grow. The bodies have been denied a descent burial, the flags a mere mockery and, “The glory of the nation costs that nation so dearly. The price for glory is paid in blood.”<sup>3233</sup>

The poem ‘*Tempting a troubled past*’ reveals a lot of misery and pain that wars leave in people’s lives. The recollections of war are fresh in people’s minds; they are frightened, have lost their legs to war but are still at gunpoint. In disregard of Article 9 (1) of the Civil and Political Rights Covenant, there is no security of person observed. This also contravenes the International Covenant on Rights against Torture and other Cruel Treatment (1987).

It all seems a hopeless situation where babies are extracted from their mothers’ wombs as fetuses as if mothers are pregnant of guerrillas, disregarding their right to protection as spelt out in Article 24 (1) of the Civil and Political Rights Covenant. The article states that,

Every child shall have, without any discrimination as to race, colour, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as are required by his status as a minor, on the part of his family, society and the State.<sup>34</sup>

---

<sup>32</sup> In Breitingner (Ed.) (2000). Uganda: The Cultural Landscape. Kampala: Fountain Publishers. P. 127

<sup>34</sup> International Covenant on Civil and Political Rights (1976)

Kiguli shrewdly chooses her diction to satirise those who propagate wars leaving people in endless pain and misery. The cheering bayonets and applauding guns are all symbols of death that runs through Kiguli's poetry. Images of extracted fetuses, one-legged people, raped girls and holed hearts all add up to paint a picture of destruction and pain that wars cause and a subsequent undermining of the right against torture and ill treatment.

The use of flashback becomes a significant technique to reveal the lasting pain and destruction that wars leave on people not only physically but more so psychologically. Memories of homeless people that deserted their butcheries because of war cannot be forgotten. They abandoned their pangas which the soldiers used to chop little girls in a bid to rape the girls. The poet in reference to rape says to "make entrance for lustful soldiers" as if they were entering a house, to communicate the brutal invasion of the innocent girls by the brutal soldiers. The war has left people diseased and they cough thick mucus because of the horrific scenes of daughters who were made to practice incest with their fathers before audiences. Such a scene paints a picture of theatre and drama only that the audiences this time were guns and bayonets. All that the people are left with are holed hearts and stitched souls. They are as good as dead.

The poem exudes a grim situation in which almost all human rights have been violated. The right to security as highlighted in Article 22 of the Universal Declaration of Human Rights has been undermined. The article says;

Everyone, as a member of society, has the right to social security and is entitled to realisation, through national effort and international co-operation and in accordance with the organisation and resources of each State, of the economic,

social and cultural rights indispensable for his dignity and the free development of his personality.<sup>35</sup>

The security of the people who jumped on one leg was at stake because they were at gunpoint. The state has provided no security at all for its citizens and most unfortunate is that the state may be inflicting this pain and tyranny on the people it should be protecting.

While Article 25 (2) of the Universal Declaration of Human Rights states that: “Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection”<sup>36</sup>, the children in the poem ‘*Tempting a Troubled Past*’<sup>37</sup> are hacked out of their mothers’ wombs and the mothers have to undergo the pain of explaining that they are carrying babies not guerrillas. They are denied the right to life and mothers are exposed to torture instead of special care and assistance.

As a political poet, Kiguli addresses the issue of the unfair and unjust election process in Africa in her poem ‘*The African Saga*’<sup>38</sup>, on the basis of which her collection is titled. The speaker describes a typical African election characterised by rigging, violence and gunshots. The results are neither accurate nor genuine. The image of fire cuts across the whole poem and the aggression is emphasised by the cock symbol and its red plumage that flames red and masks fire. The snake-like venomous arrows of destruction shot at the expectant but innocent audience and the bellies that are roasted by

---

<sup>35</sup> Universal Declaration of Human Rights (1948)

<sup>36</sup> Ibid.

<sup>37</sup> Kiguli, (1998) P. 16

<sup>38</sup> Ibid, p. 12

fire and mouths stuffed with red hot charcoal all expose the unfairness in the whole process. Unfortunately, it is the peasant that votes but also suffers the wrath of the antagonistic candidates. All these images yield an effect of terror that characterises the African election, contrary to the Covenant on Civil and Political Rights, Article 25 which states that;

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;<sup>39</sup>

Kiguli further decries the death of democracy and this can be traced in the poem '*Festival*'<sup>40</sup>. The one stanza poem states;

The hare finally fooled us  
The vultures are now feasting  
Having orgies  
On the carcass of democracy.

The speaker laments the death of democracy and all that is left is a carcass that vultures are feasting on. In a stanza of only four lines, Kiguli has been able to tell her

---

<sup>39</sup> International Covenant on Civil and Political Rights (1976)

<sup>40</sup> Kiguli. S, op cit., p. 41



audience how the leader that the speaker calls the 'hare' lied to the people that he would practice democracy only to deliver its carcass symbolising the death of democracy.

The poem '*Freedom Fire*'<sup>41</sup>, ironically juxtaposes freedom and fire showing how much we cry 'freedom' without anything to show for it. The people are starved in a state of limbo almost to death. Malnutrition has handcuffed the children denying them the right to a standard of living adequate for their health and well-being and they have no food, not to mention the lack of clothing, housing and medical care and necessary social services. The speaker criticises the chariot led celebrations amidst bloodshed of the poor youth that have died amidst the poor living conditions. There is no logic in celebration when;

Our babies die unattended  
Our sons condemned to  
Bowels of society.  
Our mothers live in hovels  
Our women arrayed in tatters  
Our men unpaid labourers –

The refrain use of pronoun "our" personalises the suffering and the fast pace of the lines facilitates the message of the continuous oppression that people suffer. The injustice seen in '*Freedom Fire*' is also expressed in '*Indefinitely absent*'<sup>42</sup> where the chanting bird calling upon justice hurts the ears of injustice that are ruling. The speaker says;

---

<sup>41</sup> Kiguli. S, Ibid, p. 17

<sup>42</sup> Ibid, p. 22

River bird incessantly calling  
Chanting justice  
The music of your chant  
Stings the ears of injustice  
Causing them to wrench your neck at dawn...

Kiguli writes this poem in honour of Jack Mapanje, the Malawian poet who cried and agitated for justice until he was driven to prison without trial or charge by the Malawian Government in 1987<sup>43</sup>. At the end of the poem, the inscription on the porch of those that call for justice is “indefinitely absent” implying the total absence of justice in the land. It is the same cry for freedom and justice that Kiguli raises in the poems ‘*Jungle sounds*’<sup>44</sup>, ‘*Festival*’<sup>45</sup> and ‘*On Trial*’<sup>46</sup>. In ‘*Jungle Sound*’, the speaker laments about the mockery of promised justice when it is nowhere to be traced.

Farmers rejoice at a love feathery cloud  
A false promise of rain:  
Thus we stand in arid deserts...  
Refusing to believe...  
Justice is not here with us.

The speaker further laments about the absence of justice in festivities supposed to celebrate it saying;

Your absence cuts through our unanesthetised flesh...  
In your continued dearth  
We are cowardly hyenas,  
Running away from jungle sounds  
Soiling our legs...

---

<sup>43</sup> Mapanje, J. (Ed.) (2002) *Gathering Seaweed: African Prison Writing*: Heinemann International (African Writers Series)

<sup>44</sup> Kiguli, S. Op cit, p.29

<sup>45</sup> Ibid. p.41

<sup>46</sup> Ibid, p. 33

People have been denied every form of justice and they cannot even dare mention the word for, “Our shrunken tongues cannot even croak your name”.

The land is so unjust with individuals undermining each others’ rights. The poem ‘*On Trial*’ exemplifies such lawlessness. There is evidence that the suspect is a criminal but he defiantly denies the charges of the Judge. There is evidence of slaughtered people and their skulls hanging from the ceiling, as well as remains of children in the compound, but;

A figure defiant in dock  
Staring at the judge  
Denying the charges

The theme of death can still be seen in this poem like in many others and lawlessness has defiled this society of all justice. The convention on the rights against torture requires that “wherever the alleged torture occurred and whatever the nationality of the torturer or victim, parties must either prosecute alleged torturers or extradite them to a country that will.”<sup>47</sup>

Kiguli attacks such lawlessness, injustice and oppression, and advocates for observance of human rights for all people without discrimination.

Kiguli is popular for her advocacy for freedom and her criticism of bad and oppressive leadership as clearly illustrated in ‘*Did you mention names?*’<sup>48</sup> in which the leader that the speaker calls a ‘leech’ brutally sucks the nation of all life and blood but the speaker cannot mention names lest he gets punished. Instead the speaker asks;

Why talk of creaking bones

---

<sup>47</sup> Donnelly, Ibid. P. 147

<sup>48</sup> Kiguli, op cit, p.27

When the old woman is present?

This appeal to oral literature in the saying quoted above helps to deliver the message of how people's freedom of speech has been undermined even when the leader's corruption and bad governance are evident. There is biting satire of corrupt leaders in '*The Peace lover*'<sup>49</sup>. Kiguli satirises the political propaganda and hypocrisy that politicians engage in pretending to be lovers of peace. In the first stanza of the poem, there is a 'peace lover' with rotund cheeks and a bulging stomach from what he has consumed at the expense of the majority poor. The speaker calls the leader a grotesque peace lover. He can be best described as a monstrous peace lover because around him, just right in the second stanza, we are introduced to children whose bodies are releasing pus. This is because of not only malnutrition but disease and poor living conditions in the regime of the 'peace lover' referred to as a desert because of its lifelessness. The speaker is not shy to provoke the corrupt leader calling him a savage who probably eats his subjects – carving human thighs for dinner, holding cocktails of blood while he immerses his guests in an ocean of crocodiles,<sup>50</sup> sentencing them to death. She prophesies doom for the leader saying he would soon be entangled by his oppression. Such outright attack on the pseudo peace lovers can only be credited to the boldness characteristic of Kiguli's poetry.

Kiguli further exposes this political hypocrisy at the expense of the suppressed people in the poem '*Where Am I*'<sup>51</sup>. She questions the meaningless 'isms' and ideologies that do not benefit the community and leave out the masses. The ideologies never address

---

<sup>49</sup> Ibid, p. 28

<sup>50</sup> Ibid p.28

<sup>51</sup> Ibid, p. 10

the problems of society, like poverty, even when they speak of the so much fancied words like ‘grassroots’. They advocate high level discussions and freedom of expression but this is only in political speeches and not in practice. She criticises a regime that exposes its young girls to defilement leaving malnourished pregnant teenagers amidst the ideological saga. The poet thus attacks the ideological hypocrisy and lack of practicability of governments and those that are in leadership denying the masses the bare basics of life like food. Such is a call upon leaders to be practical rather than waste time in meaningless ideologies.

Part II of the poem ‘*Because I love this land*’<sup>52</sup> evokes Article 7 of the Civil and Political Rights Covenant which states that, “No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment” as well as Article 9 (1), which entitles everyone to a right to life, liberty and security of person<sup>53</sup>.

In the poem, ‘*Because I love this land*’, the persona who is also a spokesperson for many hits at the infringement of the freedom of expression when she says, “So we do not talk about them.” It is possible that that freedom of expression has been denied but also the people do not understand what the cause of rebellion and state cross fire is. The old men are dying of hunger because those who should have looked after them are busy fighting in a politically insurgent state while others have had their children and grand children murdered in violation of the right to life. There is a lot of torture and mistreatment against the spirit of Article 7 of the Civil and Political Covenant with people’s ears, lips and noses cut off and limbs without owners, giving a false impression that the owners have discarded them and refused to claim them. Because of the tumours

---

<sup>52</sup>Ibid, pp. 14 -15

<sup>53</sup>International Covenant on Civil and Political Rights (1976)

and the bitterness that these scandalous happenings are causing, the people would rather keep quiet – “How can we talk about these things without tumours of bitterness teeming in our hearts?”

Characteristic of Kiguli’s poetry, the poem depicts the pain, misery and torture that the speaker is experiencing facilitated by the images of tears and wails that the speaker confesses. In part I of the poem, the five stanzas progressively relate the increasing magnitude of the pain caused by starvation, poor health and living conditions and lack of livelihood. In stanza one, the speaker simply has a thousand tears in her skinny hands affected by starvation and poor health. In the second stanza, the tears have developed into wails in the magnitude of ten thousands as the pain encroaches on the ears which are sick and with hollows. The speaker hosts a million starved and malnourished babies even in her devastated state of health, leading to ten millions of graves that stand for the deaths she has not only witnessed but housed. She too is not far from the grave since her hair is thinning, an indicator of lifelessness. In the fifth stanza, the heart that should be compassionate, strong and supportive to any life is blistered and filled up with pus, a symbol of sickness and rottenness. Kiguli’s diction; “I hold, I carry, I host, I house and I have” in each of the five stanzas respectively tactfully brings out the ongoing progress of the sorrow, torment and pain the speaker has gone through. By the end of the fifth stanza, the speaker says she has stored pouches of pus as if she has owned the situation.

In part III of the poem, the speaker breaks the silence with a better option and she talks of things that will keep her hopeful. Because of the rottenness of her society and the

denial of freedom of speech, she will talk about Jesus Christ who died for us to give us freedom and hope for a future. He suffered, died for our sorrows and rose again as a sign of victory over the sorrow that we may be facing in our miserable world. It is only Christ that can rescue the speaker from the misery that she is facing and this will give her strength. Kiguli is therefore communicating that whereas we may suffer, yet we do not lose hope because there is one, a heavenly prince, most powerful; who loves us, died for us and paid for our misery so we may have life in its fullness. In him we can find peace amidst pain and misery. The religious message seems to come in as a solace amidst hopelessness and despair.

There is a shift from the first person singular to the second person plural and back to the first person singular of the speaking voice in the three parts of the poem '*Because I love this land*'. This indicates that in the first part, the poet has been specific because misery, pain, sickness are individual experiences. The use of "I" is also a personal testimony of the suffering person making it believable and authentic. The second part appeals to shared responsibility and outcry to the torture that the masses have suffered. It is not only an individual that has suffered but many people and, therefore, the use of "We". It is also a call for cooperation in fighting the mistreatment and violation of the rights of people. The third and last part of the poem is again in the first person singular voice, an implication that belief in Christ Jesus is not a communal activity but a personal commitment. People may suffer as a group but the relationship with Christ is a personal and individual decision that disregards bandwagon. Much as Christ saves nations and communities – "The man who hung naked on the tree and sweated sorrow for us" – he does this at an individual basis.

Ironically, the speaker says she undergoes this suffering because she loves her land. This is no doubt a neglected citizen since pus does not develop in one day but after some time of rottenness. One wonders why anyone should love a land in which they have suffered much sorrow, but such biting satire is Kiguli's style in hitting at a rotten situation where people's economic and social rights are deeply undermined.

The poem "Crazy peter prattles"<sup>54</sup> is an attack on discrimination and infringement on people's economic and social rights. Whereas the poor woman, Tina, is in an ugly and disgusting physical state, with pus oozing out of her eyes and maggots crawling on her hospital bed for lack of gloves; and the peasant, Kasajja's only child, dies because oxygen is locked in a room whose custodian is on leave resting and no one is concerned; the minister's son hits the headlines over a minor ailing, which the speaker considers crazy and nonsense. Emaciated mothers are not only lining up in endless queues for medication, but their children are starving and the nurse rudely commands them to leave the line.

In the first three stanzas, Kiguli gives a comparison of the appalling social economic conditions of the masses on one hand and the minister whose son is only facing a minor ailment on the other. There are no drugs, no clinical materials like gloves, women, men and children are all starving and dying and the workers are not performing. The people's social and economic rights to proper health conditions, medication and feeding have been grossly undermined. The poet criticises a government that encourages a continued large economic gap with a few becoming richer while the majority others become poorer. The poet cleverly but suitably uses naming to portray this economic gap between the rich and the poor; the minister's son is Peter and the man whose nameless

---

<sup>54</sup> Kiguli, p. 6



son dies is Kasajja. Peter is a bourgeois class name while Kasajja fits well for a peasant's name.

Kiguli further attacks the discrimination and the increasing economic gap between the rich and the poor in the poem '*You tell me to wait*'<sup>55</sup>. She criticises a system of governance that undermines people's rights to equal access to human rights but relentlessly asks for more patience than people can afford to offer. The persona assures the leader who keeps on telling him to wait; meanwhile the leader builds mansions, eats well and dresses his wife in expensive drapery that he is tired. The persona on the other hand is not clothed and his bare back is scorched by the sun. He is unpaid even when the salary is only peanuts and he has lice and dust for his food. He asserts that he cannot afford the patience required of him because he does not have a well of infinite patience. He advises the leader to change what he calls a 'parody' and song that never materialises. The poem attacks leaders who amass wealth at the expense of the poor. This is marginalisation and inequality where just a few get richer while the others get poorer. When the persona calls for change, the audience hears Kiguli advocating change in the way leaders accumulate wealth at the expense of their poor subjects.

Stanza four of '*Crazy Peter prattles*' is an address to the Judiciary and the Judge who should be the custodian of justice but ironically dismisses a rape case against a female child because she could not testify. This is not only undermining the rights of the children but it strongly speaks of the manly pact against the girl child. The audience notes that it is a male judge dismissing a rape case in favour of the male rapist and against the young helpless and innocent girl. The judge does not consider this defilement but rape, even when the girl is only a child. The speaker implies that such happenings can be

---

<sup>55</sup> Kiguli, p. 18

found is societies whose people's minds are seared of all sensibility, otherwise no sober society would tolerate such injustice.

Kiguli's attack on injustice in her society and defence for the woman's rights is seen in her celebrated poem '*I am tired of talking in metaphors*<sup>56</sup>' in which she clearly advocates freedom for the women.

I will talk plainly  
Because I am moved to abandon riddles.  
I will tell you how we held our heads  
In our hands  
Because the owl hooted throughout the night  
And the dogs howled as if in mourning;  
We awaited bad news  
We received it  
Our mother blinded in one eye  
Crippled in the right leg  
Because she did not vote  
Her husband's candidate.

I will remind you  
Of the time the peeled plantains  
Stood upright in the cooking pot  
We slaughtered a cock  
Anticipating an important visitor  
We got her:  
Our daughter – pieces of flesh in a sack –  
Our present from her husband.

No, I will not use images  
I will talk to you:  
I do not fight to take your place  
Or constantly wave my fist in your face.  
I refuse to argue about  
Your "manly pact"  
With my father –  
Buying me for a bag of potatoes and pepper.

All I want  
Is to stop denying Me  
My presence needs no metaphors,  
I am here  
Just as you are.  
I am not a machine  
For you to dismantle whenever you whim  
I demand for my human dignity.

---

<sup>56</sup> Kiguli, Ibid, P. 4

The poem comes to the reader in a bold and straightforward confrontational tone with the speaker's declaration of her intention to speak plainly. She declares her intention to abandon riddles since persuasion has failed to work and instead to resorts to direct attack. The anger with which she speaks is evident in her tone. She makes use of African superstition as she narrates with disgust the news of their mother's tragedy. "The owl hooted and the dogs howled throughout the night", which in African superstition is an indicator of a bad omen. As it turned out to be, the bad news was that their mother had been crippled and blinded because she did not vote the husband's candidate. Kiguli addresses the vice of domestic violence, torture, denial of freedom in elections and suppression of the civil and political rights in this poem.

In stanza two, the speaker as if to indicate that the list of her quarrels is long, introduces us to another horror of her daughter's murder. She still appeals to African tradition and when the plantains stood upright in the cooking pot, they awaited a visitor. The visitor came but unfortunately in form of pieces and this was their daughter's body - thanks to her husband.

The poet condemns the torture and denial of freedom to the woman by the man. The speaker clearly states that she is not fighting to be a man and expressly respects the man. She further attacks the practice of bride price, calling it a manly pact between her father and her husband that reduces women to potatoes and pepper. She demands her human rights which she deserves just like the man does. There is an assumption that the man has not recognised her presence which she strongly asserts saying,

My presence needs no metaphors

I am here

Just as you are

These lines are the speaker's assertion that her equality with the man is simply obvious. She opposes the torture she has been subjected to and declares she is a living human being, not a machine that can be dismantled and dented as the man wishes. The speaker is not pleading for mercy upon her but demands her rights as she concludes, "I demand my human dignity". This poem is an epitome of Kiguli's advocacy for observance of the rights of the woman. However, she also advocates the social rights of women in some of her other poems like, '*The Resilient Tree*'<sup>57</sup>, which celebrates the woman's character strength but rejects the unrealistic expectation of society on the woman.

Kiguli is not silent on the rights of the child. She addresses this in her poetry, for example in '*Flat topics*'<sup>58</sup>, the speaker talks about a prostrate sick child due to the poor conditions of the hut the child lives in, breathing contaminated air from the smoke that fills the hut and a mountain of dirty rags. The mother's weak hand does not only indicate sickness but helplessness since the hand that provides and fends is tied and weak. The child's sense of sight is affected and the child is blind, therefore, has no hope for the future. The flies are feeding on him like they would on a corpse. In so short a stanza, the poet has been able to expose the very poor, unhygienic, unhealthy conditions in which mother and son are living.

Poverty has hit the people hard but the person addressing them, whose hand is fat at the expense of starving masses, accuses them of 'non performance' and 'dependence syndrome'. He ignores the fact that the people are tired of tilling the exhausted soil that

---

<sup>57</sup> Kiguli, P. 1

<sup>58</sup> Ibid, p. 13

no longer yields fruit. Whereas the privileged few have a panoramic view of this sorry and worrying reality, the speaker emphasises that some other people do not just view it but live it. These are indeed ‘flat topics’ for even the prattling poets do not dare creep there. The speaker wonders who will tread on the deadly road of addressing this reality of poor living conditions and violated human rights if the poets themselves do not find it comfortable. Such conditions as depicted in ‘*Flat topics*’ contravene Article 25 of the Universal Declaration of Human Rights (1948), which states that;

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

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

The child in ‘*Viewers may find these pictures disturbing*<sup>59</sup>’ has grown in a wild environment having lost her parents and has now become like a monkey - she walks on four and has been totally animated. Her crown, supposed to be a dressing of beauty, is roasting flesh and the little that is remaining of her clothing is rotting on her. Her health is at stake and she is endangered. She has never enjoyed the right to decent living, feeding and parenthood and the monkeys are her parents. The state has not nurtured its children and they are parented by animals. This contravenes Article 25 (2) of the Universal Declaration of Human Rights as stated above.

---

<sup>59</sup> Kiguli, Ibid, P. 9

While the owls celebrate and feast away on the chicken, the child is starving. We can feel the silence that erodes the whole scene of life and what is left is for the owls to pray for human beings.

In her relational poems, one would expect poems to do with life and human relationships. However, Kiguli still uses this section to tackle the social and political challenges of her society and more so the theme of death and the symbol of the gun are still portrayed in the poem. In '*The head tie*'<sup>60</sup> the speaker explains the various roles of her head tie and one of them turns out to be;

She is my next of kin  
She houses the blood  
Of my old father which was vomited  
By his protesting chest  
Against a bullet.

Again, Kiguli addresses the vice of bloodshed developing a key theme of death in her poetry as already noted.

The above discussion and a general reading of Kiguli's poetry portrays her as a political social poet who is preoccupied with the social, political and economic issues of her society more than she is concerned about other aspects of life. She does not just lament as a woman struggling to overtake or replace the man, but ably advocates for the fundamental human rights every individual is entitled to. She tackles issues that concern the well being of all people irrespective of their gender.

---

<sup>60</sup> Kiguli, Ibid, P.44

# CHAPTER THREE

## HUMAN RIGHTS ADVOCACY IN BARYA'S POETRY

### 3.1 INTRODUCTION

Barya, another contemporary Ugandan poet, has published two collections of poetry; *Men love chocolates but they don't say* (2002) and *The price of memory* (2006). She comes across as a spiritually oriented poet with much of her poetry carrying a religious element or preoccupied with spiritual matters. Her poetry is reflective and provokes contemplation and imagination and comes in categories as indicated by the headings she puts on her poetry. Thus, Poems of Pleasure and Pain, Poems of weakness and Strength and Poems of Identity and Renunciation that form her collection, *The price of Memory*. This categorisation of her poetry presents her as a realist with a classifying mind and who looks at life objectively, although life does not only come to us in binary combinations.

### 3.2 BARYA'S POETRY

Barya also addresses the political and social concerns of her society and advocates for human rights in her poetry. Her much celebrated poem and collection "*Men love chocolate but they Don't say*" though not a direct address on men's rights vis-a-vis women's rights addresses the hypocrisy exhibited by men in despising certain practices like eating chocolates as female practices when in actual fact they too find them

delicious. Apart from this seemingly playful poem, Barya deals with more intricate political, social and economic aspects of her environment as discussed in this chapter.

In her social political poetry, Barya like most of her contemporaries addresses the issue of bloodshed and death. The poem '*I see Images*'<sup>61</sup> clearly portrays this theme.

I see Images-  
Bodies afloat  
Human fingers lodged  
Inside the Nile perch.

The poor fishermen  
Whose children are starved  
Cast their nets,  
In deep rivers of blood.

I see images-  
Boats in the dock  
Seas raging  
And the images speak.

The blood of the murdered people that the poor fishermen cast their nets into is disheartening. The water bodies have been used as dumping grounds for murdered people whose bodies are floating and whose fingers have become part of the fish. The fish in the indicated water bodies is considered inedible because it is contaminated with human bodies and there is more blood in the lake than there is water. The fishermen's children are in turn starved because the fish is not edible. The images that the speaker sees are also clear and haunting to the reader. They paint the grim picture of death and bloodshed that has engulfed the community, denying people their right to life.

The theme of bloodshed is extended in the poem '*The blood bath*'<sup>62</sup> with the gun symbol emphasising the horror of death and bloodshed. Barya cynically satirises

---

<sup>61</sup> Barya, Mildred. (2002) *Men Love Chocolates but they Don't Say*, Kampala: The New Vision Publications, P. 49

<sup>62</sup> Barya. Ibid, P. 62



bloodshed that has eroded her society of every sense of life. The title impresses that blood is shed in plenty and people can bathe in it. It is a poem among Barya's poetry in which she has used the most crude and vulgar language to attack those who are murdering the people.

#### THE BLOOD BATH

Don't look at me with kind eyes  
Don't ask me water for your bath  
In this land we bathe in blood  
And delight in meals of mutilated flesh  
Served on human skull unfit for the museum.  
Trouble not yourself going to the market  
You will find meat on the road side  
The fragrance of piled bodies will attract you.  
We quench our thirst by cutting men's throats and  
Drinking their blood, licking our lips as it oozes out  
We've drunk blood before, we still drink blood.  
We inflict pain on the defenceless ones  
Pulling out the 'untimely-fortunate un-borns.'  
We enjoy the senseless, orgies of violence  
As we send the virtuous to their graves so early.  
Seated on the mounds of human carcasses to amuse ourselves,  
We love to stare at the accursed lot  
We set ablaze human beings as pleasing offerings  
And give a ghoulish laugh at deed done in secret  
We carry a banner painted with blood  
Betrayal and treachery, our theme song.  
News of sweet massacres, plundered homes  
And girls take into captivity make headlines  
Our fires are cooled in the blood bath  
Prepared for the old and young  
The good, the wicked, the innocent imps.  
Look on keenly and admire me  
I'm not adorned with beads of my ancestors  
I have no anklets, ringlets or necklaces  
Yet, I carry on the work of my predecessors  
Who have taught me how to dance.  
I wear blood marks on my face  
I have blood shot eyes  
I drink blood, I live in blood.  
Come nearer and give me a handshake  
Notice my hands are covered with blood  
I've sank deep in blood, my soul is drenched with blood  
In the night I hear the howling melody of the banshee  
Yes, I have drank blood, I've sunk deep in blood!

The poem is a scathing attack on a community that has accepted bloodshed as part of life. People are mutilated, their throats are sliced and massacres are the order of the day. The community is presented as one that enjoys violence and human carcasses seem to be comfortable seats for those that propagate murder and bloodshed. The young girls are abducted into captivity and people treacherously betray one another. The speaker states that the bloodshed is not a new phenomenon and has gone on for generations because the speaker claims he was trained by his predecessors. The paradox in the use of language helps to build the satire intended in the poem. The speaker says they enjoy senseless orgies of violence, they sit on carcasses to amuse themselves, burnt human beings are their preferred offerings, while the howling of the banshee is a melody to the ears of the speaker. The poet portrays this community as a people who are sadists, inhuman and crude. The crude language reflects the crudeness of the community. The people bathe in blood, they drink blood, they are covered with blood and they live in blood.

Barya successfully uses crude language to describe the bloodshed, the torture and pain that the people have been subjected to. The ghostly atmosphere created in the poem makes the reader hate the community that has embraced murder and bloodshed. The poem is an attack on endless wars, bloodshed and inhuman practices against humanity that are not foreign to Uganda where wars have been fought for more than 20 years leaving thousands dead and many others mutilated and abducted.

In '*Peeping during the stone age period*'<sup>63</sup>, Barya criticises an imposed leadership characterised by tyranny and murder of innocent citizens. The speaker makes reference to the firing squad and decries the use of the gun saying;

Who would wait for a common disease to take their toll  
And not let bullets and tear gas do the role

The theme of death, and other forms of bloodshed and use of the gun, is further developed in the poem '*Bust cisterns*'<sup>64</sup> in which the speaker laments the monotonous gunshots that have deprived people of security and life.

Night brings the moon stricken with sadness  
And grief swells in our hearts  
Gunshots declare the dirge  
Terror claims us  
Wails of a thousand widows tear the environs  
Rivers of blood  
Congeal in thick black clots

In '*Just another day*'<sup>65</sup> Barya condemns the leadership that has subjected the masses to poor living conditions, starvation and hopelessness. The heavy sighs expressed in verse three of the poem are a sign of hunger. The poem relates a condition of depression and exhaustion under a scorching sun and poor housing conditions in 'crowded ghettos'. Women cannot afford to look after their babies and so 'nascent beings thrown in the dust bins' while flies buzz over carcasses of those that have lost their lives.

---

<sup>63</sup> Barya. M. Ibid, pp. 66-67

<sup>64</sup> Barya. M (2006). *The price of memory after the tsunami*. Kampala: Femrite Publications Ltd, p. 91.

<sup>65</sup> Barya (2002), p. 8

The homeless children are all over the streets and the best description to this state of affairs is 'stage play'. The people talked about in the poem have never tested any economic or social rights and the poem's title is an expression of despair, hopelessness and exhaustion. People have lost the desire to live; they simply see days pass without knowing how to go through them.

The same sense of exhaustion is expressed in the poem '*Maybe*'<sup>66</sup> where uncertainty and hopelessness surround the atmosphere created in the poem. The children are sick and their eyes are hollow:

Maybe,  
The hollow-eyed children will run into the house  
Once with prancing steps  
And announce Papa is back.-<sup>67</sup>

The short stanza tells a long story of children who lack parentage because their father disappeared, they are starving and diseased; they can hardly walk well but stagger with faulty steps because their living conditions are appalling. The ensuing stanzas speak about experiences of an outbreak of a plague and loss of many lives of people for the 'hyenas and jackals are fighting over bones of the dead' and finally the speaker resigns as she declares,

Maybe  
I shall simply lie here  
And let my skeleton carry the tale  
'She died of exhaustion'.<sup>68</sup>

---

<sup>66</sup> Barya, (2006), p. 39

<sup>67</sup> Ibid, P. 39

<sup>68</sup> Ibid

The use of ‘maybe’ is a clear indication of uncertainty in the life of the widowed woman and her fatherless children. They are such people whose economic and social rights Barya wants observed.

Barya decries injustice and the absence of democracy in the poem ‘*Gaza*’<sup>69</sup>. The people in Gaza do not have the right to own land and instead the woman pleading for mercy in the poem has her cries falling on deaf ears of marching soldiers taking over her land. She shouts;

Give us our Gaza!  
Her shouts fall upon dead hearts of captors  
Her mouth sags and drools  
Releasing a tale of detention in old age...

This contravenes Article 1 of the Civil and Political Rights Covenant which grants that, “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.” The poem reflects the conflicting story of Gaza Strip which has become a fighting ground for the Israelites and Palestinians at the expense of the traditional inhabitants of the strip. Barya in this poem advocates the right to own property and use it at one’s own discretion for their social, economic and cultural development. Her advocacy for basic human freedoms is further traced in the poem ‘*They asked too many questions*’.<sup>70</sup> The people’s right to freedom of expression has been undermined against the spirit of Article 19 (2) of the Civil and Political Rights Convention which advances that;

---

<sup>69</sup> Barya. M, (2006) P. 95

<sup>70</sup> Barya (2006) Ibid, P. 67

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.<sup>71</sup>

*'They asked too many questions'* exposes how people's right to freedom of expression has been undermined such that people risk being killed if they question the whereabouts of their loved ones who have disappeared.

They asked too many questions  
And became victims of their own devotion  
When are our husbands coming back?  
Where are you taking the children? -  
Tongues cling to our palate  
Heavy with silent grief.

Barya addresses the social challenge of joblessness in her poetry and this can be seen in some of her poems like *'At the inauguration of a pauper'*<sup>72</sup> and *'Is there an escape route'*<sup>73</sup>. In the latter poem, Barya examines the problems faced by the job seekers, the hopelessness in the passing days and the futility of education. She exposes another challenge of those who are educated and employed but their money has no value due to inflation and the poor economic situation, all of which render life meaningless. The despair caused by unemployment and a poor economy prompts the speaker to question if

---

<sup>71</sup> The International Covenant on Civil and Political Rights (1976)

<sup>72</sup> Barya M (2006) Ibid. P 88

<sup>73</sup> Barya, (2002), p.5

there can ever be an escape route. The poem identifies so well with any job seeker as it tells their difficult story.

Barya dedicates considerable attention to the issue of rights of women in both of her poetry collections, *Men Love chocolate But They Don't Say* and *The Price of Memory: after the tsunami*. She is not confrontational but in her usual subtle tone, she questions the gender imbalances in her society. Her poems, '*I will be*'<sup>74</sup>, '*I wasn't born a woman*'<sup>75</sup>, '*You tell us*'<sup>76</sup>, '*A woman called tradition*'<sup>77</sup> and '*The knock of liberation*'<sup>78</sup> all address the gender imbalances and misconceptions in her society.

In '*A woman called tradition*', we are presented with an endless list of the duties a woman has to perform in just a single day. The woman does not only wake up but springs out of bed before dawn, tethers the goats and sets the sheep to go and graze. With the baby tied on her back, a panga and a hoe in her hand and on her shoulder respectively, and a heavy basket on her head, she goes to till the land. She must clear the whole field, but also be home in time to prepare a meal for her drunkard of a husband who only comes home at noon stinking booze and expecting to find a ready meal. The woman then carries the satisfied sleeping man to bed in addition to the baby she carries on her back.

In just a few words, Barya has taken us through the tedious day of the woman while the man preoccupies himself with boozing. There is unfairness and unequal distribution of the family chores but the woman does not complain. Her decision not to

---

<sup>74</sup> Barya Op cit (2006), p. 80

<sup>75</sup> Ibid p. 82

<sup>76</sup> Ibid p. 81

<sup>77</sup> Barya (2002), p. 14

<sup>78</sup> Ibid p.77

complain may be out of denial of a right to express herself but what is more evident is that tradition has connived with the man to overwork the woman.

This unfair treatment of the woman, Barya further criticises in the poem '*The Knock of liberation*'<sup>79</sup> where the speaker takes us through the women emancipation journey starting from the time when the woman had to bear the man's blame, she was confined to the kitchen and bedroom being reduced to a working machine in the kitchen and a sexual object in the bedroom. She worked too hard like a truck but was always insulted by the man. But there came emancipation and the woman was allowed to go to school. This emancipation came with education that promoted the value of the woman where she excelled and her potential was brought out. "To school she flew and... on councils and in seminars she also sits." She no longer had to depend on the man because she could earn and meet her financial needs. But this posed a threat to the men who risked losing their hold on the women they formerly owned. The women started demanding their rights and seeking legal redress where their rights were undermined. This emancipation has come with changes in tradition, for example, the woman can now make a proposal to a man for marriage and there is balance in the roles of men and women in a home and society at large. The poem as a whole celebrates women's emancipation.

In the poem '*I wasn't born a woman*', the attitudes held by society of what traits make a man and what traits make a woman are questioned. Barya examines such notions as one that home chores are meant to be done by women while the males are meant to pursue education. When the speaking girl in the poem bruised herself as she washed clothes and did other home chores, she was told she was never born a girl and when she

---

<sup>79</sup> Barya (2002) P. 77



went to school and excelled, the teachers said she should have been a male because of her brilliance. Barya questions this attitude and belief system that confines the woman at home working for the man who freely goes to benefit from education. Even when the girl has gone to school, the mother insists she must settle like a woman, meaning she needs to be at home as expected of all women. These stereotypes Barya questions in her society.

The poet further examines the woman's dilemma in the poem '*You tell us*' where the speaker complains that she is told to do one thing but whenever she attempts it, the male dominated society complains that she is going overboard. The poem addresses the challenges emancipated women face for they still have strings holding them back from enjoying their freedom or savouring their achievement like the men do. The speaker wonders;

You tell us to be hawks  
The world is managed by sharks  
When we soar skywards  
You ask; what kind of women are these.

The speaker confronts the society that sets survival standards for its people but refuses to release the woman to exercise their potential just like the men. Barya challenges the limits that are imposed on the woman even when society expects her to favourably compete for survival in life.

This study acknowledges the difficulty involved in separating women concerns from the works of a female writer and this can be seen in analysing Barya's poetry. However, the researcher noted that Barya does not only promote the rights of women, but

advocates the rights of children, workers, and all people whose rights have been undermined irrespective of their gender.

# CHAPTER FOUR

## COMPARING KIGULI AND BARYA

Recent political developments in their society have affected the two women poets, Kiguli and Barya, as has been discussed in the previous chapters. Issues like dictatorship and bad governance, injustice, war, bloodshed and corruption that have greatly marred the Ugandan scene as well as Africa at large are reflected in the poets' works. Both Kiguli and Barya criticise governments that have resorted to wars and bloodshed in their society. They criticise the bad leaders that have ruled their subjects with tyranny, murdering them and turning water bodies into a dumping ground for the dead bodies. They criticise leaders who promote wars that have become rampant in Uganda and Africa, leaving people orphaned, widowed, tortured and in pain. Kiguli's poem, '*Fishers of men*<sup>80</sup>', has a close link to Barya's '*I see Images*<sup>81</sup>'. The speaker in Barya's '*I see Images*' says:

The poor fishermen  
Whose children are starved  
Cast their nets,  
In deep rivers of blood.

The above quotation is not very different from the following passage from Kiguli's '*Fishers of men*' that:

Fishermen pull their nets

---

<sup>80</sup> Kiguli, S (1998) Op.cit, P. 8

<sup>81</sup> Barya. M (2002), Op.cit, p. 49

With big hearts waiting for fish  
Out come the meshes –  
Turns into bullet riddled chests  
And water logged eyes.

In these poems, both Kiguli and Barya respectively present defilement of water bodies by making them a dumping ground for bodies of murdered people. The lakes and rivers that should be symbols of life have been used to deprive people of their right to life, not to mention the undermined economic social rights of the starving children and the families whose standards of living have deteriorated due to lack of food, shelter and medical care.

The poets' attack on bloodshed is also seen in Kiguli's '*Broken*'<sup>82</sup> as well as Barya's '*R.I.P*'<sup>83</sup>. The speaker in '*Broken*' finds herself at a loss for words and is forced to admit that she has gone insane since she cannot understand why innocent citizens should be killed. One cannot resist the temptation to think that instead the regime is insane and not the speaker in the poem. The speaker mourns:

Had you died of cancer  
Died of tropical malaria  
I would have been drugged –  
In lakes of sorrow –  
But never have been shattered

---

<sup>82</sup> Kiguli (1998) P. 20

<sup>83</sup> Barya (2002) P. 21

Almost the same cry is met in Barya's '*R.I.P*' with the speaker grieving over the same kind of death where innocent people are killed. She says:

Had you been ill  
Bout of flu, malaria, typhoid  
It would have made sense –  
You were just found,  
With nine bullets  
Shot through your chest  
And your head axed off

The two poets use guns and bullets as symbols of murder, tyranny and torture that the people are faced with. The poets agitate for the right to life that people should enjoy with no limits.

This agitation against death and denial of the right to life is further developed in Kiguli's poem '*Birth Attendants*'<sup>84</sup>. One would expect birth attendants to be custodians of life but in this poem, the fishermen who attend to *Nalubaale* (Lake Victoria) deliver it of mutilated bodies. The fishermen should be fishing to get food and earn a living. It must be shock for them to deliver *Nalubaale*, their source of food, of bodies. The results the fishermen get in Barya's '*I see Images*' are the same results that those in Kiguli's '*Birth attendants*' get - dead bodies. The poems speak volumes about the multitudes of people that have lost their lives in the lakes and water bodies of Uganda not because they have drowned but because of the actions by the ruthless political regimes. *Nalubaale*, like River Nile in '*Uganda*'<sup>85</sup>, sweats blood and not water. The blood comes in handy for any

---

<sup>84</sup> Kiguli. S *ibid.* p.21.

<sup>85</sup> *Ibid*, p. 19

birth; the only difference is that the blood at birth brings life but *Nalubaale* violently gives birth to dead bodies of murdered people.

The gunshots in Kiguli's poetry are also seen in Barya's poetry. In the latter's '*Bust Cisterns*'<sup>86</sup> the speaker laments the monotonous gunshots that have deprived people of security and life.

Night brings the moon stricken with sadness  
And grief swells in our hearts  
Gunshots declare the dirge  
Terror claims us  
Wails of a thousand widows tear the environs  
Rivers of blood  
Congeal in thick black clots

This is like in Kiguli's 'Freedom fire' in which;

Guns and bayonets  
Have gouged out their eyes.

The bad leaders are criticised by both Kiguli and Barya in their poems '*Freedom fire*'<sup>87</sup> and '*Peeping during the stone age period*'<sup>88</sup> respectively. In these poems, both poets attack tyranny and dictatorship under which bad leaders hold their subjects. The firing squad that Kiguli refers to in '*I laugh at Amin*'<sup>89</sup> is also referred to by Barya in '*Peeping through the stone age period*'. Barya's speaker says she "wishes to witness the

---

<sup>86</sup> Barya. M (2006). Op cit, p. 91.

<sup>87</sup> Kiguli (1998) p. 17

<sup>88</sup> Barya (2002) Op. Cit p. 66

<sup>89</sup> Kiguli Op cit, p. 11

glorious spot of a firing squad” while Kiguli says “I laugh at the victims of the 1977 firing squad”.

The difference lies in the tone of the two poets; whereas Kiguli is confrontational and straightforward in her language, Barya is rather soft spoken and subtle but she uses strong biting satire to criticise the bad political regimes. There are only a few instances where Barya has been bold and uses crude images and language like in ‘*The blood bath*<sup>90</sup>, but she is generally a calm and subtle poet in addressing the political and social challenges of her society.

Barya presents a satirical approach to her society in grim images of blood in the poem ‘*The Blood bath*’. The speaker says,

Don't look at me with kind eyes  
Don't ask me water for your bath  
In this land we bathe in blood  
And delight in meals of mutilated flesh  
Served on human skull unfit for the museum.  
Trouble not yourself going to the market  
You will find meat on the road side  
The fragrance of piled bodies will attract you.  
We quench our thirst by cutting men's throats and  
Drinking their blood...

---

<sup>90</sup> Barya. M (2002), Op. cit. p. 62

The theme of grief and pain caused by wars is highlighted in both Kiguli's and Barya's poetry as seen in Kiguli's '*Birth attendants*'<sup>91</sup> where Lake Victoria delivers mutilated bodies,

She heaves and writhes  
Lets off siren-scrams  
And sweats gallons of blood...

Kiguli and Barya are talking about the same society where mutilation of people and bloodshed are the order of the day. They both regret such a situation and advocate observance of people's right to life and security of person.

In '*Peeping during the stone age period*'<sup>92</sup>, Barya criticises leadership that has ripped its people of all civil and political rights. Again, the right to life and security of person is undermined with bullets and tear gas killing people.

Who would wait for a common disease to take their toll  
And not let bullets and tear gas do the role

The above quotation is thematically related to Kiguli's '*Broken*'<sup>93</sup> where the speaker mourns her loved who loses his life to a gunshot. Barya bitinglly satirises the use of the bullet to kill people instead of them dying of natural diseases, just like Kiguli. The two poets are pointing to a situation where people lose lives to bullets instead of dying a natural death.

They both criticise the arbitrary detentions. Barya satirically questions in this poem,

Who wouldn't boast of obnoxious cells and dungeons

---

<sup>91</sup> Kiguli. S. Op. cit, p. 21

<sup>92</sup> Barya. M. (2002) Op.cit., pp. 66-67

<sup>93</sup> Kiguli. S. Op. cit, p. 20



Who wouldn't imagine sins of innocent masses  
Going to the slaughter house  
Under the hands of hooded killers, plotters and political thugs?

Barya and Kiguli ardently advocate observance of the civil and political rights of the people in their society using satirical but clear language to call for the restoration of the undermined rights of the people. Kiguli adopts a confrontational and bitter tone when writing about war, death or politics<sup>94</sup>. Putting it in Kiguli's own words, "*It is evident that oppression, instability, murder and war have affected all Ugandans throughout their country's brief post colonial history. It is no wonder then that most of the literary output reflects this unfavourable socio-political climate during these turbulent years.*"<sup>95</sup> This assertion is true of both Kiguli and Barya as discussed above.

Just like in Kiguli's '*Flat topics*'<sup>96</sup>, Barya seeks remedy to the poor living conditions, starvation and hopelessness in the poem '*Just another day*'<sup>97</sup>. The poem communicates a condition of depression and exhaustion under a scorching sun and poor housing conditions in 'crowded ghettos'. Women cannot afford to look after their babies and so they resort to abortion. Kiguli on the other hand calls these 'flat topics' about emaciated and dying children, diseased mothers and begging singers. The two poets acknowledge the poor living conditions of most people in Uganda where people live in abject poverty with no hope for anything to eat.

---

<sup>94</sup> In Breitingner. E, (ed) (2000), *Uganda; The Cultural Landscape*. Kiguli, "*Ugandan Poets and their Major Thematic Concerns*". Op. Cit., p126.

<sup>95</sup> Ibid, p. 119

<sup>96</sup> Kiguli, (1998) Op. cit, p. 13

<sup>97</sup> Barya (2002), Op.cit, p. 8

Much as Kiguli and Barya address women's plight and seek observance of their rights in their poetry, Barya is more extensive in view of the various angles from which she handles the topic. Kiguli on the other hand seems to be rather limited to agitation against oppression. Barya extensively talks about traditional beliefs about the woman and man's role in society; she analyses the journey and role of women emancipation and its effects on society as well as expose the dilemma that women face in trying to get emancipated.

Kiguli uses a confrontational tone to aggressively demand for recognition of the woman's rights in '*I am tired of talking in metaphors*'<sup>98</sup> while Barya seems to be more analytical than confrontational. She only poses the gender imbalance challenge and allows the reader to make their decision. This is unlike Kiguli who outrightly demands for the freedom, compelling the reader to agitate for the freedom along with her. Kiguli dedicates just a few poems to the issue of women rights compared to Barya, and as already noted, she is generally more politically driven than Barya.

Whereas Barya handles some civil and political rights, she does not measure up to Kiguli who emerges stronger and more boldly in agitating for the civil and political rights of the people. Barya instead comes out more expressly on the rights of the workers with poems like, '*Is there an escape route*'<sup>99</sup>, children's rights with, '*What crime have ye*'<sup>100</sup> and women's rights.

---

<sup>98</sup> Kiguli (1998) Op.cit, p. 4

<sup>99</sup> Barya (2002) Op.cit, P. 5

<sup>100</sup> Ibid, p.56

As a whole, the two poets both advocate fundamental human rights for all people irrespective of gender, including rights of women. The concerns addressed in their poetry are similar but they differ in language use and style.

# CHAPTER FIVE

## DISCUSSION, RECOMMENDATIONS AND CONCLUSION

### 5.1 Discussion and Conclusion

The researcher analysed the human rights concerns that Susan Kiguli and Mildred Barya address in their poetry and how each has achieved this. It was noted that up until the twentieth century, the woman was expected to be in the home and not in the academia. As a result, women's works came to be recognised far later than their male counter parts.

The researcher also noted that the socio-political events that have unfolded in Uganda since it gained independence in the 1960s affected all writers. It was not until the mid 1980s when Uganda realised relative freedom of expression that writers like Susan Kiguli and Mildred Barya came up to express themselves in poetry and advocate promotion of human rights in their society.

The researcher investigated the assertion that women poets have been not only concerned about the rights of women but the general human rights as needed by every individual. The human rights concerns that were discussed in this project include, civil and political rights, rights of the child, rights against torture and other cruel treatment, rights against discrimination against women and the economic, social and cultural rights.

The researcher analysed the poetry of Kiguli and Barya pointing out the areas of human rights advocacy that the two poets address in their respective works. It was observed that Kiguli and Barya have written on a number of topics ranging from nature, religion and love among others, but the researcher was more interested in their poetry that

addresses human rights issues. However, the researcher noted that the poets' works are not based on human rights per se but that in their poetry issues of human rights concerns are evident and this is what the researcher laboured to investigate and eventually found out. The researcher identified those poems in the works of each of the two women poets that address human rights concerns.

The researcher presented the thesis in four main chapters with a conclusive fifth chapter. Chapter one addresses issues of the theoretical basis of the study, the hypothesis and objectives of the study, the methodology and other literature that has been written on the subjects of human rights and poetry.

Chapter two is an analysis of Kiguli's poetry and the manner in which she addresses human rights concerns. Kiguli's forceful attack on bad governance in the form of oppression, tyranny and murder run through her poetry. Fear, frustration, death, corruption, oppression and tyranny are some of the major concerns in Kiguli's poetry that were discussed in the study. This was identified in poems like '*I laugh at Amin*', '*Why the Vultures laugh*', '*The African saga*', '*Fishers of men*', '*Tempting a troubled past*', '*Crazy peter prattles*', '*Freedom fire*' among others. Kiguli's defence of the rights of women against discrimination has been epitomised in her celebrated poem '*I am tired of talking in metaphors*' as discussed in the previous chapters.

Chapter three is an analysis of Barya's poetry in regard to human rights advocacy. Whereas Barya comes across as a spiritually oriented poet, her interest in the social political and other human rights has been identified and discussed in the research. She addresses the issue of bloodshed in '*Blood bath*', '*I see images*', '*Peeping during the stone age period*', and '*Bust cisterns*' as well as other civil political rights in '*Maybe*',

*'Just another day', 'Gaza', 'They asked too many questions'*, among others. She also addresses the plight of the woman at the hands of the man in poems like *'A woman called tradition', 'The knock of liberation', 'I wasn't born a woman' and 'You tell us'*.

During the research, the researcher noted that Kiguli and Barya have some similarities as well as differences in content, style and language use. Thus, chapter four brings us to a comparison of the two poets identifying the common areas of concern for the two poets as well as the areas of difference. It was observed that recent political developments and vices including dictatorship and bad governance, injustice, war, bloodshed and corruption on the African scene in general and Ugandan scene in particular, have been areas of attack by both Kiguli and Barya.

The two poets criticise governments that have resorted to wars and bloodshed and have ruled their subjects with tyranny, murdering them and turning water bodies into a dumping ground for the dead bodies. Kiguli's *'Fishers of men'*, and Barya's *'I see Images'* are a reflection of defilement of water bodies by making them a dumping ground for bodies of murdered people. The themes of bloodshed and murder are passionately addressed in the poetry of both Barya and Kiguli.

The two poets again address the economic, social and cultural rights and this is seen, for example, in Kiguli's *'Flat topics'* and Barya's *'Just another day'*. It was noted, however, that Kiguli uses a confrontational tone to aggressively demand for recognition of rights while Barya tends to be more observational than confrontational. While Kiguli emerges stronger and bolder in agitating for the civil and political rights of the people, Barya comes out more expressly on the rights of the workers and children.

The researcher noted that Kiguli and Barya respectively have not addressed all the human rights concerns as universally known. For example, the rights of workers were not addressed by the two poets. Also, Kiguli does not address the rights of children and the rights of workers as Barya does.

In conclusion, Kiguli and Barya, representing contemporary women poets, advocate for observation of the universal human rights as much as they advocate for the rights against all forms of discrimination against women in their poetry. They have made a tremendous contribution in the development of poetry as well as in advocating observance of human rights in their society.

## **5.2 Recommendations**

There is room for further research in comparative studies in poetry, in women's creative writing and gender studies. There is also room for further investigation on literature as a discipline for advocating for human rights. Rights for the minorities and minority rights as well as group rights are areas for further research that have not been considered in this research.

It is important that the Department of Literature at Makerere University and the Main Library continuously stock and update the book shelves with literature on critical analysis of human rights and advocacy to ease accessibility for scholars and researchers.

## BIBLIOGRAPHY

### Primary sources

Kiguli, S. (1998). *The African Saga*, Kampala: Femrite Publications Ltd

Barya. M (2002). *Men Love Chocolates but they Don't Say*, Kampala: The New Vision Publications

Barya. M (2006). *The price of memory: after the tsunami*, Kampala: Femrite Publications

### Other sources

Amin, M. (2005). *Social Science Research: Conception, Methodology and Analysis*. Kampala: Makerere University.

Andrew Fagan, (2006), The Internet Encyclopedia of Philosophy

Breightinger Eckhard (Ed) (2000). *Uganda: The Cultural Landscape*. Kampala: Fountain Publishers

Burns H. Weston, Human Rights,

(<http://www.britannica.com/eb/article?eu=109242&tocid=04query=human%20rights>)

Cook, David. (1965) *African Literature; a critical view*. London: Longman

Cronyn, et al. (Eds.) (1995). *Voices of Conscience: Poetry from Oppression*. Manchester: Iron Press.

Eagleton, M. (2000). *Working with Feminist Criticism*. Oxford: Blackwell Publishers Ltd.

Evan Mwangi,

[http://muse.jhu.edu/login?uri=/journals/africa\\_today/v053/53.3mwangi.html](http://muse.jhu.edu/login?uri=/journals/africa_today/v053/53.3mwangi.html)



- Fishman, P. (1978). "Interaction: the work woman does", *Social Problems*. New York: Penguin
- Goodwin, Ken, (1982) *Understanding African Poetry; a study of ten poets*; London: Heinemann Educational Books
- Hiatt, M. (1977). *The way Women Write*, Teachers' College Press: New York
- Human Rights Centre, University of Essex ([www.iep.utm.edu/h/hum-rts.htm](http://www.iep.utm.edu/h/hum-rts.htm))
- Human Rights: The New Consensus* (1994), London: Regency Press,
- Jack Donnelly (2003) *Universal Human Rights in Theory and Practice*, London: Cornell University Press
- Jefferson, A and D Robey (Eds) (1991) *Modern Literary Theory*: London: B.T Bartsford.
- Jones, Peter. (1994), *Rights*, Basingstoke; Macmillan
- Keesing, R. & Keesing, F. (1971). *New Perspectives in Cultural Anthropology*, New York: Rinehart & Winston
- Koestler. A, (1940). *Darkness at Noon*, London: Bantam Books
- Mapanje. J, (2002) *Gathering Seaweed: African Prison Writing* (African Writers Series) Heinemann International
- Micheline R. Ishay (2004), *The History of Human Rights from Ancient Times to the Globalisation Era*, California: California Press
- Miller, R & Greenberg R, (1981) *Poetry*: London: Macmillan
- Mushengyezi, A. (2003). *Twentieth Century Literary Theory*. Kampala: Department of Distance Education, Makerere University
- Ngara, Emmanuel. (1990) *Ideology and Form in African poetry*. London: James Currey.
- Ngugi, J. (1981) *Writers in Politics*: London: Heinemann

Opali, Fred. (1979) *Thematic patterns in contemporary East African poetry*: MA  
Dissertation Makerere University Kampala.

Selden R, Widdowson p, Brooker P. (1997) *A reader's guide to contemporary literary  
theory*; London: Prentice Hall.

## **APPENDICES**

1. A list of all referred to poems according to poets.
2. Human Rights International Conventions ref
3. Universal Declaration of Human Rights

## Appendix 1

### **List of poems referred to in the thesis**

#### **Poems referred to from Kiguli's African Saga**

I am tired of talking in Metaphors

The resilient tree

Crazy Peter Prattles

Why vultures laugh

Fishers of men

Viewer may find these pictures disturbing

Where Am I

I laugh at Amin

The African Saga

Flat topics

Because I love this land

Tempting a troubled past

Freedom fire

You tell me to wait

Uganda

Broken

Birth Attendants

Indefinitely absent

Read these lips

Did you mention names?

The peace lover

Jungle sounds

Festival

The head tie

On trial

**Poems from Barya's *Men love Chocolate But They Don't Say***

Is there an escape route

Just another day

A woman called tradition

RIP

I see images

The blood bath

What crime have ye

Peeping during the Stone Age period

The knock of liberation

**Poems from Barya's *The price of memory***

Maybe

Silhouettes

They asked too many questions

You tell us

I will be

I wasn't born a woman

That old man on a bench in a park

At the inauguration of a pauper

Bust cisterns

Gaza

I know who you are

## **Appendix II**

### **SELECTED HUMAN RIGHTS CONVENTIONS**

#### **INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS**

*Adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966  
entry into force 23 March 1976*

##### ***Preamble***

The States Parties to the present Covenant,

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

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

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

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

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

Agree upon the following articles:

#### **PART I**

##### ***Article 1***

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

## **PART II**

### ***Article 2***

1. Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

2. Where not already provided for by existing legislative or other measures, each State Party to the present Covenant undertakes to take the necessary steps, in accordance with its constitutional processes and with the provisions of the present Covenant, to adopt such laws or other measures as may be necessary to give effect to the rights recognized in the present Covenant.

3. Each State Party to the present Covenant undertakes:

(a) To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity;

(b) To ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy;

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

### ***Article 3***

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

### ***Article 4***

1. In time of public emergency which threatens the life of the nation and the existence of which is officially proclaimed, the States Parties to the present Covenant may take measures derogating from their obligations under the present Covenant to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with their other obligations under international law and do not involve discrimination solely on the ground of race, colour, sex, language, religion or social origin.

2. No derogation from articles 6, 7, 8 (paragraphs I and 2), 11, 15, 16 and 18 may be made under this provision.

3. Any State Party to the present Covenant availing itself of the right of derogation shall immediately inform the other States Parties to the present Covenant, through the intermediary of the Secretary-General of the United Nations, of the provisions from which it has derogated and of the reasons by which it was actuated. A further communication shall be made, through the same intermediary, on the date on which it terminates such derogation.

### ***Article 5***

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

2. There shall be no restriction upon or derogation from any of the fundamental human rights recognized or



existing in any State Party to the present Covenant pursuant to law, conventions, regulations or custom on the pretext that the present Covenant does not recognize such rights or that it recognizes them to a lesser extent.

### **PART III**

#### ***Article 6***

1. Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.
2. In countries which have not abolished the death penalty, sentence of death may be imposed only for the most serious crimes in accordance with the law in force at the time of the commission of the crime and not contrary to the provisions of the present Covenant and to the Convention on the Prevention and Punishment of the Crime of Genocide. This penalty can only be carried out pursuant to a final judgment 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 judgment.

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

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

#### ***Article 10***

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

2.

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

(b) Accused juvenile persons shall be separated from adults and brought as speedily as possible for adjudication.

3. The penitentiary system shall comprise treatment of prisoners the essential aim of which shall be their reformation and social rehabilitation. Juvenile offenders shall be segregated from adults and be accorded treatment appropriate to their age and legal status.

#### ***Article 11***

No one shall be imprisoned merely on the ground of inability to fulfill 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 publique), public health or morals or the rights and freedoms of others, and are consistent with the other rights recognized in the present Covenant.

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

### *Article 13*

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

### *Article 14*

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

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

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

(a) To be informed promptly and in detail in a language which he understands of the nature and cause of the charge against him;

(b) To have adequate time and facilities for the preparation of his defense and to communicate with counsel of his own choosing;

(c) To be tried without undue delay;

(d) To be tried in his presence, and to defend himself in person or through legal assistance of his own choosing; to be informed, if he does not have legal assistance, of this right; and to have legal assistance assigned to him, in any case where the interests of justice so require, and without payment by him in any such case if he does not have sufficient means to pay for it;

(e) To examine, or have examined, the witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;

(f) To have the free assistance of an interpreter if he cannot understand or speak the language used in court;

(g) Not to be compelled to testify against himself or to confess guilt.

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

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

higher tribunal according to law.

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

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

#### ***Article 15***

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

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

#### ***Article 16***

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

#### ***Article 17***

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

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

#### ***Article 18***

1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.

2. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.

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

4. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.

#### ***Article 19***

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

#### ***Article 20***

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

#### ***Article 21***

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

#### ***Article 22***

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

#### ***Article 23***

1. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.
2. The right of men and women of marriageable age to marry and to found a family shall be recognized.
3. No marriage shall be entered into without the free and full consent of the intending spouses.
4. States Parties to the present Covenant shall take appropriate steps to ensure equality of rights and

responsibilities of spouses as to marriage, during marriage and at its dissolution. In the case of dissolution, provision shall be made for the necessary protection of any children.

#### ***Article 24***

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

#### ***Article 25***

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

- (a) To take part in the conduct of public affairs, directly or through freely chosen representatives;
- (b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;
- (c) To have access, on general terms of equality, to public service in his country.

#### ***Article 26***

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

#### ***Article 27***

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

### **PART IV**

#### ***Article 28***

1. There shall be established a Human Rights Committee (hereafter referred to in the present Covenant as the Committee). It shall consist of eighteen members and shall carry out the functions hereinafter provided.
2. The Committee shall be composed of nationals of the States Parties to the present Covenant who shall be persons of high moral character and recognized competence in the field of human rights, consideration being given to the usefulness of the participation of some persons having legal experience.
3. The members of the Committee shall be elected and shall serve in their personal capacity.

#### ***Article 29***

1. The members of the Committee shall be elected by secret ballot from a list of persons possessing the qualifications prescribed in article 28 and nominated for the purpose by the States Parties to the present Covenant.
2. Each State Party to the present Covenant may nominate not more than two persons. These persons shall be nationals of the nominating State.
3. A person shall be eligible for renomination.

### ***Article 30***

1. The initial election shall be held no later than six months after the date of the entry into force of the present Covenant.
2. At least four months before the date of each election to the Committee, other than an election to fill a vacancy declared in accordance with article 34, the Secretary-General of the United Nations shall address a written invitation to the States Parties to the present Covenant to submit their nominations for membership of the Committee within three months.
3. The Secretary-General of the United Nations shall prepare a list in alphabetical order of all the persons thus nominated, with an indication of the States Parties which have nominated them, and shall submit it to the States Parties to the present Covenant no later than one month before the date of each election.
4. Elections of the members of the Committee shall be held at a meeting of the States Parties to the present Covenant convened by the Secretary General of the United Nations at the Headquarters of the United Nations. At that meeting, for which two thirds of the States Parties to the present Covenant shall constitute a quorum, the persons elected to the Committee shall be those nominees who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.

### ***Article 31***

1. The Committee may not include more than one national of the same State.
2. In the election of the Committee, consideration shall be given to equitable geographical distribution of membership and to the representation of the different forms of civilization and of the principal legal systems.

### ***Article 32***

1. The members of the Committee shall be elected for a term of four years. They shall be eligible for re-election if renominated. However, the terms of nine of the members elected at the first election shall expire at the end of two years; immediately after the first election, the names of these nine members shall be chosen by lot by the Chairman of the meeting referred to in article 30, paragraph 4.
2. Elections at the expiry of office shall be held in accordance with the preceding articles of this part of the present Covenant.

### ***Article 33***

1. If, in the unanimous opinion of the other members, a member of the Committee has ceased to carry out his functions for any cause other than absence of a temporary character, the Chairman of the Committee shall notify the Secretary-General of the United Nations, who shall then declare the seat of that member to be vacant.

2. In the event of the death or the resignation of a member of the Committee, the Chairman shall immediately notify the Secretary-General of the United Nations, who shall declare the seat vacant from the date of death or the date on which the resignation takes effect.

#### ***Article 34***

1. When a vacancy is declared in accordance with article 33 and if the term of office of the member to be replaced does not expire within six months of the declaration of the vacancy, the Secretary-General of the United Nations shall notify each of the States Parties to the present Covenant, which may within two months submit nominations in accordance with article 29 for the purpose of filling the vacancy.

2. The Secretary-General of the United Nations shall prepare a list in alphabetical order of the persons thus nominated and shall submit it to the States Parties to the present Covenant. The election to fill the vacancy shall then take place in accordance with the relevant provisions of this part of the present Covenant.

3. A member of the Committee elected to fill a vacancy declared in accordance with article 33 shall hold office for the remainder of the term of the member who vacated the seat on the Committee under the provisions of that article.

#### ***Article 35***

The members of the Committee shall, with the approval of the General Assembly of the United Nations, receive emoluments from United Nations resources on such terms and conditions as the General Assembly may decide, having regard to the importance of the Committee's responsibilities.

#### ***Article 36***

The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Covenant.

#### ***Article 37***

1. The Secretary-General of the United Nations shall convene the initial meeting of the Committee at the Headquarters of the United Nations.

2. After its initial meeting, the Committee shall meet at such times as shall be provided in its rules of procedure.

3. The Committee shall normally meet at the Headquarters of the United Nations or at the United Nations Office at Geneva.

#### ***Article 38***

Every member of the Committee shall, before taking up his duties, make a solemn declaration in open committee that he will perform his functions impartially and conscientiously.

#### ***Article 39***

1. The Committee shall elect its officers for a term of two years. They may be re-elected.

2. The Committee shall establish its own rules of procedure, but these rules shall provide, inter alia, that:



- (a) Twelve members shall constitute a quorum;
- (b) Decisions of the Committee shall be made by a majority vote of the members present.

#### ***Article 40***

1. The States Parties to the present Covenant undertake to submit reports on the measures they have adopted which give effect to the rights recognized herein and on the progress made in the enjoyment of those rights:
  - (a) Within one year of the entry into force of the present Covenant for the States Parties concerned;
  - (b) Thereafter whenever the Committee so requests.
2. All reports shall be submitted to the Secretary-General of the United Nations, who shall transmit them to the Committee for consideration. Reports shall indicate the factors and difficulties, if any, affecting the implementation of the present Covenant.
3. The Secretary-General of the United Nations may, after consultation with the Committee, transmit to the specialized agencies concerned copies of such parts of the reports as may fall within their field of competence.
4. The Committee shall study the reports submitted by the States Parties to the present Covenant. It shall transmit its reports, and such general comments as it may consider appropriate, to the States Parties. The Committee may also transmit to the Economic and Social Council these comments along with the copies of the reports it has received from States Parties to the present Covenant.
5. The States Parties to the present Covenant may submit to the Committee observations on any comments that may be made in accordance with paragraph 4 of this article.

#### ***Article 41***

1. A State Party to the present Covenant may at any time declare under this article that it recognizes the competence of the Committee to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under the present Covenant. Communications under this article may be received and considered only if submitted by a State Party which has made a declaration recognizing in regard to itself the competence of the Committee. No communication shall be received by the Committee if it concerns a State Party which has not made such a declaration. Communications received under this article shall be dealt with in accordance with the following procedure:
  - (a) If a State Party to the present Covenant considers that another State Party is not giving effect to the provisions of the present Covenant, it may, by written communication, bring the matter to the attention of that State Party. Within three months after the receipt of the communication the receiving State shall afford the State which sent the communication an explanation, or any other statement in writing clarifying the matter which should include, to the extent possible and pertinent, reference to domestic procedures and remedies taken, pending, or available in the matter;
  - (b) If the matter is not adjusted to the satisfaction of both States Parties concerned within six months after the receipt by the receiving State of the initial communication, either State shall have the right to refer the matter to the Committee, by notice given to the Committee and to the other State;
  - (c) The Committee shall deal with a matter referred to it only after it has ascertained that all available domestic remedies have been invoked and exhausted in the matter, in conformity with the generally recognized principles of international law. This shall not be the rule where the application of the remedies is unreasonably prolonged;
  - (d) The Committee shall hold closed meetings when examining communications under this article;

(e) Subject to the provisions of subparagraph (c), the Committee shall make available its good offices to the States Parties concerned with a view to a friendly solution of the matter on the basis of respect for human rights and fundamental freedoms as recognized in the present Covenant;

(f) In any matter referred to it, the Committee may call upon the States Parties concerned, referred to in subparagraph (b), to supply any relevant information;

(g) The States Parties concerned, referred to in subparagraph (b), shall have the right to be represented when the matter is being considered in the Committee and to make submissions orally and/or in writing;

(h) The Committee shall, within twelve months after the date of receipt of notice under subparagraph (b), submit a report:

(i) If a solution within the terms of subparagraph (e) is reached, the Committee shall confine its report to a brief statement of the facts and of the solution reached;

(ii) If a solution within the terms of subparagraph (e) is not reached, the Committee shall confine its report to a brief statement of the facts; the written submissions and record of the oral submissions made by the States Parties concerned shall be attached to the report. In every matter, the report shall be communicated to the States Parties concerned.

2. The provisions of this article shall come into force when ten States Parties to the present Covenant have made declarations under paragraph 1 of this article. Such declarations shall be deposited by the States Parties with the Secretary-General of the United Nations, who shall transmit copies thereof to the other States Parties. A declaration may be withdrawn at any time by notification to the Secretary-General. Such a withdrawal shall not prejudice the consideration of any matter which is the subject of a communication already transmitted under this article; no further communication by any State Party shall be received after the notification of withdrawal of the declaration has been received by the Secretary-General, unless the State Party concerned has made a new declaration.

## ***Article 42***

1.

(a) If a matter referred to the Committee in accordance with article 41 is not resolved to the satisfaction of the States Parties concerned, the Committee may, with the prior consent of the States Parties concerned, appoint an ad hoc Conciliation Commission (hereinafter referred to as the Commission). The good offices of the Commission shall be made available to the States Parties concerned with a view to an amicable solution of the matter on the basis of respect for the present Covenant;

(b) The Commission shall consist of five persons acceptable to the States Parties concerned. If the States Parties concerned fail to reach agreement within three months on all or part of the composition of the Commission, the members of the Commission concerning whom no agreement has been reached shall be elected by secret ballot by a two-thirds majority vote of the Committee from among its members.

2. The members of the Commission shall serve in their personal capacity. They shall not be nationals of the States Parties concerned, or of a State not Party to the present Covenant, or of a State Party which has not made a declaration under article 41.

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

4. The meetings of the Commission shall normally be held at the Headquarters of the United Nations or at the United Nations Office at Geneva. However, they may be held at such other convenient places as the Commission may determine in consultation with the Secretary-General of the United Nations and the States Parties concerned.

5. The secretariat provided in accordance with article 36 shall also service the commissions appointed under this article.

6. The information received and collated by the Committee shall be made available to the Commission and the Commission may call upon the States Parties concerned to supply any other relevant information.

7. When the Commission has fully considered the matter, but in any event not later than twelve months after having been seized of the matter, it shall submit to the Chairman of the Committee a report for communication to the States Parties concerned:

(a) If the Commission is unable to complete its consideration of the matter within twelve months, it shall confine its report to a brief statement of the status of its consideration of the matter;

(b) If an amicable solution to the matter on the basis of respect for human rights as recognized in the present Covenant is reached, the Commission shall confine its report to a brief statement of the facts and of the solution reached;

(c) If a solution within the terms of subparagraph (b) is not reached, the Commission's report shall embody its findings on all questions of fact relevant to the issues between the States Parties concerned, and its views on the possibilities of an amicable solution of the matter. This report shall also contain the written submissions and a record of the oral submissions made by the States Parties concerned;

(d) If the Commission's report is submitted under subparagraph (c), the States Parties concerned shall, within three months of the receipt of the report, notify the Chairman of the Committee whether or not they accept the contents of the report of the Commission.

8. The provisions of this article are without prejudice to the responsibilities of the Committee under article 41.

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

10. The Secretary-General of the United Nations shall be empowered to pay the expenses of the members of the Commission, if necessary, before reimbursement by the States Parties concerned, in accordance with paragraph 9 of this article.

#### ***Article 43***

The members of the Committee, and of the ad hoc conciliation commissions which may be appointed under article 42, shall be entitled to the facilities, privileges and immunities of experts on mission for the United Nations as laid down in the relevant sections of the Convention on the Privileges and Immunities of the United Nations.

#### ***Article 44***

The provisions for the implementation of the present Covenant shall apply without prejudice to the procedures prescribed in the field of human rights by or under the constituent instruments and the conventions of the United Nations and of the specialized agencies and shall not prevent the States Parties to the present Covenant from having recourse to other procedures for settling a dispute in accordance with general or special international agreements in force between them.

#### ***Article 45***

The Committee shall submit to the General Assembly of the United Nations, through the Economic and Social Council, an annual report on its activities.

### **PART V**

#### ***Article 46***

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

#### ***Article 47***

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

### **PART VI**

#### ***Article 48***

1. The present Covenant is open for signature by any State Member of the United Nations or member of any of its specialized agencies, by any State Party to the Statute of the International Court of Justice, and by any other State which has been invited by the General Assembly of the United Nations to become a Party to the present Covenant.
2. The present Covenant is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.
3. The present Covenant shall be open to accession by any State referred to in paragraph 1 of this article.
4. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.
5. The Secretary-General of the United Nations shall inform all States which have signed this Covenant or acceded to it of the deposit of each instrument of ratification or accession.

#### ***Article 49***

1. The present Covenant shall enter into force three months after the date of the deposit with the Secretary-General of the United Nations of the thirty-fifth instrument of ratification or instrument of accession.
2. For each State ratifying the present Covenant or acceding to it after the deposit of the thirty-fifth instrument of ratification or instrument of accession, the present Covenant shall enter into force three months after the date of the deposit of its own instrument of ratification or instrument of accession.

#### ***Article 50***

The provisions of the present Covenant shall extend to all parts of federal States without any limitations or exceptions.

#### ***Article 51***

1. Any State Party to the present Covenant may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General of the United Nations shall thereupon communicate any proposed amendments to the States Parties to the present Covenant with a request that they notify him whether they favour a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that at least one third of the States Parties favours such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of the States Parties present and voting at the conference shall be submitted to the General

Assembly of the United Nations for approval.

2. Amendments shall come into force when they have been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of the States Parties to the present Covenant in accordance with their respective constitutional processes.

3. When amendments come into force, they shall be binding on those States Parties which have accepted them, other States Parties still being bound by the provisions of the present Covenant and any earlier amendment which they have accepted.

#### ***Article 52***

Irrespective of the notifications made under article 48, paragraph 5, the Secretary-General of the United Nations shall inform all States referred to in paragraph 1 of the same article of the following particulars:

(a) Signatures, ratifications and accessions under article 48;

(b) The date of the entry into force of the present Covenant under article 49 and the date of the entry into force of any amendments under article 51.

#### ***Article 53***

1. The present Covenant, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.

2. The Secretary-General of the United Nations shall transmit certified copies of the present Covenant to all States referred to in article 48.

## **Appendix III**

### **INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

*Adopted and opened for signature, ratification and accession by General Assembly  
resolution 2200A (XXI) of 16 December 1966  
entry into force 3 January 1976*

#### ***Preamble***

The States Parties to the present Covenant,

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

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

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

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

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

Agree upon the following articles:

#### **PART I**

##### ***Article 1***

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

#### **PART II**

##### ***Article 2***

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

### ***Article 3***

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

### ***Article 4***

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

### ***Article 5***

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

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

## **PART III**

### ***Article 6***

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

### ***Article 7***

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

- (a) Remuneration which provides all workers, as a minimum, with:

- (i) Fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work;
- (ii) A decent living for themselves and their families in accordance with the provisions of the present Covenant;
- (b) Safe and healthy working conditions;
- (c) Equal opportunity for everyone to be promoted in his employment to an appropriate higher level, subject to no considerations other than those of seniority and competence;
- (d) Rest, leisure and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays

### ***Article 8***

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

### ***Article 9***

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

### ***Article 10***

The States Parties to the present Covenant recognize that:

1. The widest possible protection and assistance should be accorded to the family, which is the natural and fundamental group unit of society, particularly for its establishment and while it is responsible for the care and education of dependent children. Marriage must be entered into with the free consent of the intending spouses.
2. Special protection should be accorded to mothers during a reasonable period before and after childbirth. During such period working mothers should be accorded paid leave or leave with adequate social security



benefits.

3. Special measures of protection and assistance should be taken on behalf of all children and young persons without any discrimination for reasons of parentage or other conditions. Children and young persons should be protected from economic and social exploitation. Their employment in work harmful to their morals or health or dangerous to life or likely to hamper their normal development should be punishable by law. States should also set age limits below which the paid employment of child labour should be prohibited and punishable by law.

#### ***Article 11***

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

2. The States Parties to the present Covenant, recognizing the fundamental right of everyone to be free from hunger, shall take, individually and through international co-operation, the measures, including specific programmes, which are needed:

(a) To improve methods of production, conservation and distribution of food by making full use of technical and scientific knowledge, by disseminating knowledge of the principles of nutrition and by developing or reforming agrarian systems in such a way as to achieve the most efficient development and utilization of natural resources;

(b) Taking into account the problems of both food-importing and food-exporting countries, to ensure an equitable distribution of world food supplies in relation to need.

#### ***Article 12***

1. The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.

2. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for:

(a) The provision for the reduction of the stillbirth-rate and of infant mortality and for the healthy development of the child;

(b) The improvement of all aspects of environmental and industrial hygiene;

(c) The prevention, treatment and control of epidemic, endemic, occupational and other diseases;

(d) The creation of conditions which would assure to all medical service and medical attention in the event of sickness.

#### ***Article 13***

1. The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace.

2. The States Parties to the present Covenant recognize that, with a view to achieving the full realization of this right:

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

#### ***Article 14***

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

#### ***Article 15***

1. The States Parties to the present Covenant recognize the right of everyone:
  - (a) To take part in cultural life;
  - (b) To enjoy the benefits of scientific progress and its applications;
  - (c) To benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.
2. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for the conservation, the development and the diffusion of science and culture.
3. The States Parties to the present Covenant undertake to respect the freedom indispensable for scientific research and creative activity.
4. The States Parties to the present Covenant recognize the benefits to be derived from the encouragement and development of international contacts and co-operation in the scientific and cultural fields.

### **PART IV**

#### ***Article 16***

1. The States Parties to the present Covenant undertake to submit in conformity with this part of the Covenant reports on the measures which they have adopted and the progress made in achieving the observance of the rights recognized herein.

2.

(a) All reports shall be submitted to the Secretary-General of the United Nations, who shall transmit copies to the Economic and Social Council for consideration in accordance with the provisions of the present Covenant;

(b) The Secretary-General of the United Nations shall also transmit to the specialized agencies copies of the reports, or any relevant parts therefrom, from States Parties to the present Covenant which are also members of these specialized agencies in so far as these reports, or parts therefrom, relate to any matters which fall within the responsibilities of the said agencies in accordance with their constitutional instruments.

### ***Article 17***

1. The States Parties to the present Covenant shall furnish their reports in stages, in accordance with a programme to be established by the Economic and Social Council within one year of the entry into force of the present Covenant after consultation with the States Parties and the specialized agencies concerned.

2. Reports may indicate factors and difficulties affecting the degree of fulfilment of obligations under the present Covenant.

3. Where relevant information has previously been furnished to the United Nations or to any specialized agency by any State Party to the present Covenant, it will not be necessary to reproduce that information, but a precise reference to the information so furnished will suffice.

### ***Article 18***

Pursuant to its responsibilities under the Charter of the United Nations in the field of human rights and fundamental freedoms, the Economic and Social Council may make arrangements with the specialized agencies in respect of their reporting to it on the progress made in achieving the observance of the provisions of the present Covenant falling within the scope of their activities. These reports may include particulars of decisions and recommendations on such implementation adopted by their competent organs.

### ***Article 19***

The Economic and Social Council may transmit to the Commission on Human Rights for study and general recommendation or, as appropriate, for information the reports concerning human rights submitted by States in accordance with articles 16 and 17, and those concerning human rights submitted by the specialized agencies in accordance with article 18.

### ***Article 20***

The States Parties to the present Covenant and the specialized agencies concerned may submit comments to the Economic and Social Council on any general recommendation under article 19 or reference to such general recommendation in any report of the Commission on Human Rights or any documentation referred to therein.

### ***Article 21***

The Economic and Social Council may submit from time to time to the General Assembly reports with recommendations of a general nature and a summary of the information received from the States Parties to

the present Covenant and the specialized agencies on the measures taken and the progress made in achieving general observance of the rights recognized in the present Covenant.

#### ***Article 22***

The Economic and Social Council may bring to the attention of other organs of the United Nations, their subsidiary organs and specialized agencies concerned with furnishing technical assistance any matters arising out of the reports referred to in this part of the present Covenant which may assist such bodies in deciding, each within its field of competence, on the advisability of international measures likely to contribute to the effective progressive implementation of the present Covenant.

#### ***Article 23***

The States Parties to the present Covenant agree that international action for the achievement of the rights recognized in the present Covenant includes such methods as the conclusion of conventions, the adoption of recommendations, the furnishing of technical assistance and the holding of regional meetings and technical meetings for the purpose of consultation and study organized in conjunction with the Governments concerned.

#### ***Article 24***

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

#### ***Article 25***

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

### **PART V**

#### ***Article 26***

1. The present Covenant is open for signature by any State Member of the United Nations or member of any of its specialized agencies, by any State Party to the Statute of the International Court of Justice, and by any other State which has been invited by the General Assembly of the United Nations to become a party to the present Covenant.
2. The present Covenant is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.
3. The present Covenant shall be open to accession by any State referred to in paragraph 1 of this article.
4. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.
5. The Secretary-General of the United Nations shall inform all States which have signed the present Covenant or acceded to it of the deposit of each instrument of ratification or accession.

#### ***Article 27***

1. The present Covenant shall enter into force three months after the date of the deposit with the Secretary-General of the United Nations of the thirty-fifth instrument of ratification or instrument of accession.

2. For each State ratifying the present Covenant or acceding to it after the deposit of the thirty-fifth instrument of ratification or instrument of accession, the present Covenant shall enter into force three months after the date of the deposit of its own instrument of ratification or instrument of accession.

#### ***Article 28***

The provisions of the present Covenant shall extend to all parts of federal States without any limitations or exceptions.

#### ***Article 29***

1. Any State Party to the present Covenant may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate any proposed amendments to the States Parties to the present Covenant with a request that they notify him whether they favour a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that at least one third of the States Parties favours such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of the States Parties present and voting at the conference shall be submitted to the General Assembly of the United Nations for approval.

2. Amendments shall come into force when they have been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of the States Parties to the present Covenant in accordance with their respective constitutional processes.

3. When amendments come into force they shall be binding on those States Parties which have accepted them, other States Parties still being bound by the provisions of the present Covenant and any earlier amendment which they have accepted.

#### ***Article 30***

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

(a) Signatures, ratifications and accessions under article 26;

(b) The date of the entry into force of the present Covenant under article 27 and the date of the entry into force of any amendments under article 29.

#### ***Article 31***

1. The present Covenant, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.

2. The Secretary-General of the United Nations shall transmit certified copies of the present Covenant to all States referred to in article 26.

## Appendix IV

### CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

*Adopted and opened for signature, ratification and accession by General Assembly resolution 34/180 of 18 December 1979  
entry into force 3 September 1981*

The States Parties to the present Convention,

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

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

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

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

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

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

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

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

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

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

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

promote social progress and development and as a consequence will contribute to the attainment of full equality between men and women,

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

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

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

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

Have agreed on the following:

## **PART I**

### ***Article 1***

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

### ***Article 2***

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

- (a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;
- (b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;
- (c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;
- (d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;
- (e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;
- (f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;

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

### ***Article 3***

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

### ***Article 4***

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

2. Adoption by States Parties of special measures, including those measures contained in the present Convention, aimed at protecting maternity shall not be considered discriminatory.

### ***Article 5***

States Parties shall take all appropriate measures:

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

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

### ***Article 6***

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

## **PART II**

### ***Article 7***

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

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

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

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

### ***Article 8***



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

#### ***Article 9***

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

2. States Parties shall grant women equal rights with men with respect to the nationality of their children.

### **PART III**

#### ***Article 10***

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

(a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training;

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

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

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

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

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

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

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

#### ***Article 11***

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:

(a) The right to work as an inalienable right of all human beings;

(b) The right to the same employment opportunities, including the application of the same criteria for

selection in matters of employment;

(c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;

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

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

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

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

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

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

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

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

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

## ***Article 12***

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

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

## ***Article 13***

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

(a) The right to family benefits;

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

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

## ***Article 14***

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

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

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

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

(c) To benefit directly from social security programmes;

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

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

(f) To participate in all community activities;

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

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

## **PART IV**

### ***Article 15***

1. States Parties shall accord to women equality with men before the law.

2. States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.

3. States Parties agree that all contracts and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void.

4. States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.

### ***Article 16***

1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:

(a) The same right to enter into marriage;

(b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent;

(c) The same rights and responsibilities during marriage and at its dissolution;

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

## **PART V**

### ***Article 17***

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

names of these two members having been chosen by lot by the Chairman of the Committee.

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

8. The members of the Committee shall, with the approval of the General Assembly, receive emoluments from United Nations resources on such terms and conditions as the Assembly may decide, having regard to the importance of the Committee's responsibilities.

9. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Convention.

#### ***Article 18***

1. States Parties undertake to submit to the Secretary-General of the United Nations, for consideration by the Committee, a report on the legislative, judicial, administrative or other measures which they have adopted to give effect to the provisions of the present Convention and on the progress made in this respect:

(a) Within one year after the entry into force for the State concerned;

(b) Thereafter at least every four years and further whenever the Committee so requests.

2. Reports may indicate factors and difficulties affecting the degree of fulfillment of obligations under the present Convention.

#### ***Article 19***

1. The Committee shall adopt its own rules of procedure.

2. The Committee shall elect its officers for a term of two years.

#### ***Article 20***

1. The Committee shall normally meet for a period of not more than two weeks annually in order to consider the reports submitted in accordance with article 18 of the present Convention.

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

#### ***Article 21***

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

2. The Secretary-General of the United Nations shall transmit the reports of the Committee to the Commission on the Status of Women for its information.

#### ***Article 22***

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

## **PART VI**

### ***Article 23***

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

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

### ***Article 24***

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

### ***Article 25***

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

### ***Article 26***

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

### ***Article 27***

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

### ***Article 28***

- 1. The Secretary-General of the United Nations shall receive and circulate to all States the text of reservations made by States at the time of ratification or accession.
- 2. A reservation incompatible with the object and purpose of the present Convention shall not be permitted.
- 3. Reservations may be withdrawn at any time by notification to this effect addressed to the Secretary-

General of the United Nations, who shall then inform all States thereof. Such notification shall take effect on the date on which it is received.

#### ***Article 29***

1. Any dispute between two or more States Parties concerning the interpretation or application of the present Convention which is not settled by negotiation shall, at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration the parties are unable to agree on the organization of the arbitration, any one of those parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court.

2. Each State Party may at the time of signature or ratification of the present Convention or accession thereto declare that it does not consider itself bound by paragraph 1 of this article. The other States Parties shall not be bound by that paragraph with respect to any State Party which has made such a reservation.

3. Any State Party which has made a reservation in accordance with paragraph 2 of this article may at any time withdraw that reservation by notification to the Secretary-General of the United Nations.

#### ***Article 30***

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

## Appendix V

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

*Adopted and opened for signature, ratification and accession by General Assembly resolution 39/46 of 10 December 1984*

*entry into force 26 June 1987*

The States Parties to this Convention,

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition 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 those rights derive from the inherent dignity of the human person,

Considering the obligation of States under the Charter, in particular Article 55, to promote universal respect for, and observance of, human rights and fundamental freedoms,

Having regard to article 5 of the Universal Declaration of Human Rights and article 7 of the International Covenant on Civil and Political Rights, both of which provide that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment,

Having regard also to the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the General Assembly on 9 December 1975,

Desiring to make more effective the struggle against torture and other cruel, inhuman or degrading treatment or punishment throughout the world,

Have agreed as follows:

#### PART I

##### *Article 1*

1. For the purposes of this Convention, the term "torture" means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.

2. This article is without prejudice to any international instrument or national legislation which does or may contain provisions of wider application.

##### *Article 2*



1. Each State Party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction.
2. No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political in stability or any other public emergency, may be invoked as a justification of torture.
3. An order from a superior officer or a public authority may not be invoked as a justification of torture.

### ***Article 3***

1. No State Party shall expel, return ("refouler") or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture.
2. For the purpose of determining whether there are such grounds, the competent authorities shall take into account all relevant considerations including, where applicable, the existence in the State concerned of a consistent pattern of gross, flagrant or mass violations of human rights.

### ***Article 4***

1. Each State Party shall ensure that all acts of torture are offences under its criminal law. The same shall apply to an attempt to commit torture and to an act by any person which constitutes complicity or participation in torture.
2. Each State Party shall make these offences punishable by appropriate penalties which take into account their grave nature.

### ***Article 5***

1. Each State Party shall take such measures as may be necessary to establish its jurisdiction over the offences referred to in article 4 in the following cases:
  - (a) When the offences are committed in any territory under its jurisdiction or on board a ship or aircraft registered in that State;
  - (b) When the alleged offender is a national of that State;
  - (c) When the victim is a national of that State if that State considers it appropriate.
2. Each State Party shall likewise take such measures as may be necessary to establish its jurisdiction over such offences in cases where the alleged offender is present in any territory under its jurisdiction and it does not extradite him pursuant to article 8 to any of the States mentioned in paragraph 1 of this article.
3. This Convention does not exclude any criminal jurisdiction exercised in accordance with internal law.

### ***Article 6***

1. Upon being satisfied, after an examination of information available to it, that the circumstances so warrant, any State Party in whose territory a person alleged to have committed any offence referred to in article 4 is present shall take him into custody or take other legal measures to ensure his presence. The custody and other legal measures shall be as provided in the law of that State but may be continued only for such time as is necessary to enable any criminal or extradition proceedings to be instituted.
2. Such State shall immediately make a preliminary inquiry into the facts.
3. Any person in custody pursuant to paragraph 1 of this article shall be assisted in communicating immediately with the nearest appropriate representative of the State of which he is a national, or, if he is a

stateless person, with the representative of the State where he usually resides.

4. When a State, pursuant to this article, has taken a person into custody, it shall immediately notify the States referred to in article 5, paragraph 1, of the fact that such person is in custody and of the circumstances which warrant his detention. The State which makes the preliminary inquiry contemplated in paragraph 2 of this article shall promptly report its findings to the said States and shall indicate whether it intends to exercise jurisdiction.

#### ***Article 7***

1. The State Party in the territory under whose jurisdiction a person alleged to have committed any offence referred to in article 4 is found shall in the cases contemplated in article 5, if it does not extradite him, submit the case to its competent authorities for the purpose of prosecution.

2. These authorities shall take their decision in the same manner as in the case of any ordinary offence of a serious nature under the law of that State. In the cases referred to in article 5, paragraph 2, the standards of evidence required for prosecution and conviction shall in no way be less stringent than those which apply in the cases referred to in article 5, paragraph 1.

3. Any person regarding whom proceedings are brought in connection with any of the offences referred to in article 4 shall be guaranteed fair treatment at all stages of the proceedings.

#### ***Article 8***

1. The offences referred to in article 4 shall be deemed to be included as extraditable offences in any extradition treaty existing between States Parties. States Parties undertake to include such offences as extraditable offences in every extradition treaty to be concluded between them.

2. If a State Party which makes extradition conditional on the existence of a treaty receives a request for extradition from another State Party with which it has no extradition treaty, it may consider this Convention as the legal basis for extradition in respect of such offences. Extradition shall be subject to the other conditions provided by the law of the requested State.

3. States Parties which do not make extradition conditional on the existence of a treaty shall recognize such offences as extraditable offences between themselves subject to the conditions provided by the law of the requested State.

4. Such offences shall be treated, for the purpose of extradition between States Parties, as if they had been committed not only in the place in which they occurred but also in the territories of the States required to establish their jurisdiction in accordance with article 5, paragraph 1.

#### ***Article 9***

1. States Parties shall afford one another the greatest measure of assistance in connection with criminal proceedings brought in respect of any of the offences referred to in article 4, including the supply of all evidence at their disposal necessary for the proceedings.

2. States Parties shall carry out their obligations under paragraph 1 of this article in conformity with any treaties on mutual judicial assistance that may exist between them.

#### ***Article 10***

1. Each State Party shall ensure that education and information regarding the prohibition against torture are fully included in the training of law enforcement personnel, civil or military, medical personnel, public

officials and other persons who may be involved in the custody, interrogation or treatment of any individual subjected to any form of arrest, detention or imprisonment.

2. Each State Party shall include this prohibition in the rules or instructions issued in regard to the duties and functions of any such person.

#### ***Article 11***

Each State Party shall keep under systematic review interrogation rules, instructions, methods and practices as well as arrangements for the custody and treatment of persons subjected to any form of arrest, detention or imprisonment in any territory under its jurisdiction, with a view to preventing any cases of torture.

#### ***Article 12***

Each State Party shall ensure that its competent authorities proceed to a prompt and impartial investigation, wherever there is reasonable ground to believe that an act of torture has been committed in any territory under its jurisdiction.

#### ***Article 13***

Each State Party shall ensure that any individual who alleges he has been subjected to torture in any territory under its jurisdiction has the right to complain to, and to have his case promptly and impartially examined by, its competent authorities. Steps shall be taken to ensure that the complainant and witnesses are protected against all ill-treatment or intimidation as a consequence of his complaint or any evidence given.

#### ***Article 14***

1. Each State Party shall ensure in its legal system that the victim of an act of torture obtains redress and has an enforceable right to fair and adequate compensation, including the means for as full rehabilitation as possible. In the event of the death of the victim as a result of an act of torture, his dependants shall be entitled to compensation.

2. Nothing in this article shall affect any right of the victim or other persons to compensation which may exist under national law.

#### ***Article 15***

Each State Party shall ensure that any statement which is established to have been made as a result of torture shall not be invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made.

#### ***Article 16***

1. Each State Party shall undertake to prevent in any territory under its jurisdiction other acts of cruel, inhuman or degrading treatment or punishment which do not amount to torture as defined in article 1, when such acts are committed by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. In particular, the obligations contained in articles 10, 11, 12 and 13 shall apply with the substitution for references to torture of references to other forms of cruel, inhuman or degrading treatment or punishment.

2. The provisions of this Convention are without prejudice to the provisions of any other international

instrument or national law which prohibits cruel, inhuman or degrading treatment or punishment or which relates to extradition or expulsion.

## **PART II**

### ***Article 17***

1. There shall be established a Committee against Torture (hereinafter referred to as the Committee) which shall carry out the functions hereinafter provided. The Committee shall consist of ten experts of high moral standing and recognized competence in the field of human rights, who shall serve in their personal capacity. The experts shall be elected by the States Parties, consideration being given to equitable geographical distribution and to the usefulness of the participation of some persons having legal experience.

2. The members of the Committee shall be elected by secret ballot from a list of persons nominated by States Parties. Each State Party may nominate one person from among its own nationals. States Parties shall bear in mind the usefulness of nominating persons who are also members of the Human Rights Committee established under the International Covenant on Civil and Political Rights and who are willing to serve on the Committee against Torture.

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

4. The initial election shall be held no later than six months after the date of the entry into force of this Convention. At least four 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 three 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.

5. The members of the Committee shall be elected for a term of four years. They shall be eligible for re-election if re-nominated. However, the term of five of the members elected at the first election shall expire at the end of two years; immediately after the first election the names of these five members shall be chosen by lot by the chairman of the meeting referred to in paragraph 3 of this article.

6. If a member of the Committee dies or resigns or for any other cause can no longer perform his Committee duties, the State Party which nominated him shall appoint another expert from among its nationals to serve for the remainder of his term, subject to the approval of the majority of the States Parties. The approval shall be considered given unless half or more of the States Parties respond negatively within six weeks after having been informed by the Secretary-General of the United Nations of the proposed appointment.

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

### ***Article 18***

1. The Committee shall elect its officers for a term of two years. They may be re-elected.

2. The Committee shall establish its own rules of procedure, but these rules shall provide, inter alia, that:

- (a) Six members shall constitute a quorum;

- (b) Decisions of the Committee shall be made by a majority vote of the members present.

3. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under this Convention.
4. The Secretary-General of the United Nations shall convene the initial meeting of the Committee. After its initial meeting, the Committee shall meet at such times as shall be provided in its rules of procedure.
5. The States Parties shall be responsible for expenses incurred in connection with the holding of meetings of the States Parties and of the Committee, including reimbursement to the United Nations for any expenses, such as the cost of staff and facilities, incurred by the United Nations pursuant to paragraph 3 of this article.

#### ***Article 19***

1. The States Parties shall submit to the Committee, through the Secretary-General of the United Nations, reports on the measures they have taken to give effect to their undertakings under this Convention, within one year after the entry into force of the Convention for the State Party concerned. Thereafter the States Parties shall submit supplementary reports every four years on any new measures taken and such other reports as the Committee may request.
2. The Secretary-General of the United Nations shall transmit the reports to all States Parties.
3. Each report shall be considered by the Committee which may make such general comments on the report as it may consider appropriate and shall forward these to the State Party concerned. That State Party may respond with any observations it chooses to the Committee.
4. The Committee may, at its discretion, decide to include any comments made by it in accordance with paragraph 3 of this article, together with the observations thereon received from the State Party concerned, in its annual report made in accordance with article 24. If so requested by the State Party concerned, the Committee may also include a copy of the report submitted under paragraph 1 of this article.

#### ***Article 20***

1. If the Committee receives reliable information which appears to it to contain well-founded indications that torture is being systematically practiced in the territory of a State Party, the Committee shall invite that State Party to co-operate in the examination of the information and to this end to submit observations with regard to the information concerned.
2. Taking into account any observations which may have been submitted by the State Party concerned, as well as any other relevant information available to it, the Committee may, if it decides that this is warranted, designate one or more of its members to make a confidential inquiry and to report to the Committee urgently.
3. If an inquiry is made in accordance with paragraph 2 of this article, the Committee shall seek the co-operation of the State Party concerned. In agreement with that State Party, such an inquiry may include a visit to its territory.
4. After examining the findings of its member or members submitted in accordance with paragraph 2 of this article, the Commission shall transmit these findings to the State Party concerned together with any comments or suggestions which seem appropriate in view of the situation.
5. All the proceedings of the Committee referred to in paragraphs 1 to 4 of this article shall be confidential, and at all stages of the proceedings the co-operation of the State Party shall be sought. After such proceedings have been completed with regard to an inquiry made in accordance with paragraph 2, the Committee may, after consultations with the State Party concerned, decide to include a summary account of the results of the proceedings in its annual report made in accordance with article 24.

## *Article 21*

1. A State Party to this Convention may at any time declare under this article that it recognizes the competence of the Committee to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under this Convention. Such communications may be received and considered according to the procedures laid down in this article only if submitted by a State Party which has made a declaration recognizing in regard to itself the competence of the Committee. No communication shall be dealt with by the Committee under this article if it concerns a State Party which has not made such a declaration. Communications received under this article shall be dealt with in accordance with the following procedure;

(a) If a State Party considers that another State Party is not giving effect to the provisions of this Convention, it may, by written communication, bring the matter to the attention of that State Party. Within three months after the receipt of the communication the receiving State shall afford the State which sent the communication an explanation or any other statement in writing clarifying the matter, which should include, to the extent possible and pertinent, reference to domestic procedures and remedies taken, pending or available in the matter;

(b) If the matter is not adjusted to the satisfaction of both States Parties concerned within six months after the receipt by the receiving State of the initial communication, either State shall have the right to refer the matter to the Committee, by notice given to the Committee and to the other State;

(c) The Committee shall deal with a matter referred to it under this article only after it has ascertained that all domestic remedies have been invoked and exhausted in the matter, in conformity with the generally recognized principles of international law. This shall not be the rule where the application of the remedies is unreasonably prolonged or is unlikely to bring effective relief to the person who is the victim of the violation of this Convention;

(d) The Committee shall hold closed meetings when examining communications under this article;

(e) Subject to the provisions of subparagraph (c), the Committee shall make available its good offices to the States Parties concerned with a view to a friendly solution of the matter on the basis of respect for the obligations provided for in this Convention. For this purpose, the Committee may, when appropriate, set up an ad hoc conciliation commission;

(f) In any matter referred to it under this article, the Committee may call upon the States Parties concerned, referred to in subparagraph (b), to supply any relevant information;

(g) The States Parties concerned, referred to in subparagraph (b), shall have the right to be represented when the matter is being considered by the Committee and to make submissions orally and/or in writing;

(h) The Committee shall, within twelve months after the date of receipt of notice under subparagraph (b), submit a report:

(i) If a solution within the terms of subparagraph (e) is reached, the Committee shall confine its report to a brief statement of the facts and of the solution reached;

(ii) If a solution within the terms of subparagraph (e) is not reached, the Committee shall confine its report to a brief statement of the facts; the written submissions and record of the oral submissions made by the States Parties concerned shall be attached to the report.

In every matter, the report shall be communicated to the States Parties concerned.

2. The provisions of this article shall come into force when five States Parties to this Convention have made declarations under paragraph 1 of this article. Such declarations shall be deposited by the States Parties with the Secretary-General of the United Nations, who shall transmit copies thereof to the other States Parties. A declaration may be withdrawn at any time by notification to the Secretary-General. Such a withdrawal shall not prejudice the consideration of any matter which is the subject of a communication already transmitted under this article; no further communication by any State Party shall be received under

this article after the notification of withdrawal of the declaration has been received by the Secretary-General, unless the State Party concerned has made a new declaration.

## ***Article 22***

1. A State Party to this Convention may at any time declare under this article that it recognizes the competence of the Committee to receive and consider communications from or on behalf of individuals subject to its jurisdiction who claim to be victims of a violation by a State Party of the provisions of the Convention. No communication shall be received by the Committee if it concerns a State Party which has not made such a declaration.
2. The Committee shall consider inadmissible any communication under this article which is anonymous or which it considers to be an abuse of the right of submission of such communications or to be incompatible with the provisions of this Convention.
3. Subject to the provisions of paragraph 2, the Committee shall bring any communications submitted to it under this article to the attention of the State Party to this Convention which has made a declaration under paragraph 1 and is alleged to be violating any provisions of the Convention. Within six 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.
4. The Committee shall consider communications received under this article in the light of all information made available to it by or on behalf of the individual and by the State Party concerned.
5. The Committee shall not consider any communications from an individual under this article unless it has ascertained that:
  - (a) The same matter has not been, and is not being, examined under another procedure of international investigation or settlement;
  - (b) The individual has exhausted all available domestic remedies; this shall not be the rule where the application of the remedies is unreasonably prolonged or is unlikely to bring effective relief to the person who is the victim of the violation of this Convention.
6. The Committee shall hold closed meetings when examining communications under this article.
7. The Committee shall forward its views to the State Party concerned and to the individual.
8. The provisions of this article shall come into force when five States Parties to this Convention have made declarations under paragraph 1 of this article. Such declarations shall be deposited by the States Parties with the Secretary-General of the United Nations, who shall transmit copies thereof to the other States Parties. A declaration may be withdrawn at any time by notification to the Secretary-General. Such a withdrawal shall not prejudice the consideration of any matter which is the subject of a communication already transmitted under this article; no further communication by or on behalf of an individual shall be received under this article after the notification of withdrawal of the declaration has been received by the Secretary-General, unless the State Party has made a new declaration.

## ***Article 23***

The members of the Committee and of the ad hoc conciliation commissions which may be appointed under article 21, paragraph 1 (e), shall be entitled to the facilities, privileges and immunities of experts on mission for the United Nations as laid down in the relevant sections of the Convention on the Privileges and Immunities of the United Nations.

## ***Article 24***

The Committee shall submit an annual report on its activities under this Convention to the States Parties and to the General Assembly of the United Nations.

### **PART III**

#### ***Article 25***

1. This Convention is open for signature by all States.
2. This Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

#### ***Article 26***

This Convention is open to accession by all States. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

#### ***Article 27***

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

#### ***Article 28***

1. Each State may, at the time of signature or ratification of this Convention or accession thereto, declare that it does not recognize the competence of the Committee provided for in article 20.
2. Any State Party having made a reservation in accordance with paragraph 1 of this article may, at any time, withdraw this reservation by notification to the Secretary-General of the United Nations.

#### ***Article 29***

1. Any State Party to this Convention may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate the proposed amendment to the States Parties with a request that they notify him whether they favour a conference of States Parties for the purpose of considering and voting upon the proposal. In the event that within four months from the date of such communication at least one third of the States Parties favours such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of the States Parties present and voting at the conference shall be submitted by the Secretary-General to all the States Parties for acceptance.
2. An amendment adopted in accordance with paragraph 1 of this article shall enter into force when two thirds of the States Parties to this Convention have notified the Secretary-General of the United Nations that they have accepted it in accordance with their respective constitutional processes.
3. When amendments enter into force, they shall be binding on those States Parties which have accepted them, other States Parties still being bound by the provisions of this Convention and any earlier amendments which they have accepted.



### ***Article 30***

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

### ***Article 31***

1. A State Party may denounce this Convention by written notification to the Secretary-General of the United Nations. Denunciation becomes effective one year after the date of receipt of the notification by the Secretary-General .
2. Such a denunciation shall not have the effect of releasing the State Party from its obligations under this Convention in regard to any act or omission which occurs prior to the date at which the denunciation becomes effective, nor shall denunciation prejudice in any way the continued consideration of any matter which is already under consideration by the Committee prior to the date at which the denunciation becomes effective.
3. Following the date at which the denunciation of a State Party becomes effective, the Committee shall not commence consideration of any new matter regarding that State.

### ***Article 32***

The Secretary-General of the United Nations shall inform all States Members of the United Nations and all States which have signed this Convention or acceded to it of the following:

- (a) Signatures, ratifications and accessions under articles 25 and 26;
- (b) The date of entry into force of this Convention under article 27 and the date of the entry into force of any amendments under article 29;
- (c) Denunciations under article 31.

### ***Article 33***

1. This Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.
2. The Secretary-General of the United Nations shall transmit certified copies of this Convention to all States.

## Appendix VI

### CONVENTION ON THE RIGHTS OF THE CHILD

*Adopted and opened for signature, ratification and accession by General Assembly resolution 44/25 of 20 November 1989  
entry into force 2 September 1990*

#### *Preamble*

The States Parties to the present Convention,

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

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

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

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

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

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

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

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

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

Recalling the provisions of the Declaration on Social and Legal Principles relating to the Protection and

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

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

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

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

Have agreed as follows:

## **PART I**

### ***Article 1***

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

### ***Article 2***

1. States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.

2. States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.

### ***Article 3***

1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

2. States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures.

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

### ***Article 4***

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

cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international co-operation.

#### ***Article 5***

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

#### ***Article 6***

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

#### ***Article 7***

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

#### ***Article 8***

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

#### ***Article 9***

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

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

#### ***Article 10***

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

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

#### ***Article 11***

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

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

#### ***Article 12***

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

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

#### ***Article 13***

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

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

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

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

#### ***Article 14***

1. States Parties shall respect the right of the child to freedom of thought, conscience and religion.
2. States Parties shall respect the rights and duties of the parents and, when applicable, legal guardians, to provide direction to the child in the exercise of his or her right in a manner consistent with the evolving capacities of the child.
3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others.

#### ***Article 15***

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

#### ***Article 16***

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

#### ***Article 17***

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

- (a) Encourage the mass media to disseminate information and material of social and cultural benefit to the child and in accordance with the spirit of article 29;
- (b) Encourage international co-operation in the production, exchange and dissemination of such information and material from a diversity of cultural, national and international sources;
- (c) Encourage the production and dissemination of children's books;
- (d) Encourage the mass media to have particular regard to the linguistic needs of the child who belongs to a minority group or who is indigenous;
- (e) Encourage the development of appropriate guidelines for the protection of the child from information and material injurious to his or her well-being, bearing in mind the provisions of articles 13 and 18.

#### ***Article 18***

1. States Parties shall use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child. Parents or, as the case may be, legal guardians, have the primary responsibility for the upbringing and development of the child. The best interests of the child will be their basic concern.

2. For the purpose of guaranteeing and promoting the rights set forth in the present Convention, States Parties shall render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities and services for the care of children.

3. States Parties shall take all appropriate measures to ensure that children of working parents have the right to benefit from child-care services and facilities for which they are eligible.

#### ***Article 19***

1. States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.

2. Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.

#### ***Article 20***

1. A child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State.

2. States Parties shall in accordance with their national laws ensure alternative care for such a child.

3. Such care could include, inter alia, foster placement, kafalah of Islamic law, adoption or if necessary placement in suitable institutions for the care of children. When considering solutions, due regard shall be paid to the desirability of continuity in a child's upbringing and to the child's ethnic, religious, cultural and linguistic background.

#### ***Article 21***

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

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

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

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

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

(e) Promote, where appropriate, the objectives of the present article by concluding bilateral or multilateral

arrangements or agreements, and endeavour, within this framework, to ensure that the placement of the child in another country is carried out by competent authorities or organs.

#### ***Article 22***

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

2. For this purpose, States Parties shall provide, as they consider appropriate, co-operation in any efforts by the United Nations and other competent intergovernmental organizations or non-governmental organizations co-operating with the United Nations to protect and assist such a child and to trace the parents or other members of the family of any refugee child in order to obtain information necessary for reunification with his or her family. In cases where no parents or other members of the family can be found, the child shall be accorded the same protection as any other child permanently or temporarily deprived of his or her family environment for any reason, as set forth in the present Convention.

#### ***Article 23***

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

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

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

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

#### ***Article 24***

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

2. States Parties shall pursue full implementation of this right and, in particular, shall take appropriate measures:



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

#### ***Article 25***

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

#### ***Article 26***

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

#### ***Article 27***

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

different from that of the child, States Parties shall promote the accession to international agreements or the conclusion of such agreements, as well as the making of other appropriate arrangements.

#### ***Article 28***

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

#### ***Article 29***

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

#### ***Article 30***

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

### ***Article 31***

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

### ***Article 32***

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

### ***Article 33***

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

### ***Article 34***

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

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

### ***Article 35***

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

### ***Article 36***

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

### ***Article 37***

States Parties shall ensure that:

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

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

(c) Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age. In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances;

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

### ***Article 38***

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

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

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

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

### ***Article 39***

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

### ***Article 40***

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

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

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

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

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

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

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

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

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

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

(vii) To have his or her privacy fully respected at all stages of the proceedings.

3. States Parties shall seek to promote the establishment of laws, procedures, authorities and institutions specifically applicable to children alleged as, accused of, or recognized as having infringed the penal law, and, in particular:

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

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

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

#### ***Article 41***

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

(a) The law of a State party; or

(b) International law in force for that State.

## **PART II**

#### ***Article 42***

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

#### ***Article 43***

1. For the purpose of examining the progress made by States Parties in achieving the realization of the obligations undertaken in the present Convention, there shall be established a Committee on the Rights of the Child, which shall carry out the functions hereinafter provided.
2. The Committee shall consist of ten experts of high moral standing and recognized competence in the field covered by this Convention. The members of the Committee shall be elected by States Parties from among their nationals and shall serve in their personal capacity, consideration being given to equitable geographical distribution, as well as to the principal legal systems.
3. The members of the Committee shall be elected by secret ballot from a list of persons nominated by States Parties. Each State Party may nominate one person from among its own nationals.
4. The initial election to the Committee shall be held no later than six months after the date of the entry into force of the present Convention and thereafter every second year. At least four months before the date of each election, the Secretary-General of the United Nations shall address a letter to States Parties inviting them to submit their nominations within two months. The Secretary-General shall subsequently prepare a list in alphabetical order of all persons thus nominated, indicating States Parties which have nominated them, and shall submit it to the States Parties to the present Convention.
5. The elections shall be held at meetings of States Parties convened by the Secretary-General at United Nations Headquarters. At those meetings, for which two thirds of States Parties shall constitute a quorum, the persons elected to the Committee shall be those who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.
6. The members of the Committee shall be elected for a term of four years. They shall be eligible for re-election if renominated. The term of five of the members elected at the first election shall expire at the end of two years; immediately after the first election, the names of these five members shall be chosen by lot by the Chairman of the meeting.
7. If a member of the Committee dies or resigns or declares that for any other cause he or she can no longer perform the duties of the Committee, the State Party which nominated the member shall appoint another expert from among its nationals to serve for the remainder of the term, subject to the approval of the Committee.
8. The Committee shall establish its own rules of procedure.
9. The Committee shall elect its officers for a period of two years.
10. The meetings of the Committee shall normally be held at United Nations Headquarters or at any other convenient place as determined by the Committee. The Committee shall normally meet annually. The duration of the meetings of the Committee shall be determined, and reviewed, if necessary, by a meeting of the States Parties to the present Convention, subject to the approval of the General Assembly.
11. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Convention.
12. With the approval of the General Assembly, the members of the Committee established under the present Convention shall receive emoluments from United Nations resources on such terms and conditions as the Assembly may decide.

#### ***Article 44***

1. States Parties undertake to submit to the Committee, through the Secretary-General of the United Nations, reports on the measures they have adopted which give effect to the rights recognized herein and on the progress made on the enjoyment of those rights:

(a) Within two years of the entry into force of the Convention for the State Party concerned;

(b) Thereafter every five years.

2. Reports made under the present article shall indicate factors and difficulties, if any, affecting the degree of fulfillment of the obligations under the present Convention. Reports shall also contain sufficient information to provide the Committee with a comprehensive understanding of the implementation of the Convention in the country concerned.

3. A State Party which has submitted a comprehensive initial report to the Committee need not, in its subsequent reports submitted in accordance with paragraph 1 (b) of the present article, repeat basic information previously provided.

4. The Committee may request from States Parties further information relevant to the implementation of the Convention.

5. The Committee shall submit to the General Assembly, through the Economic and Social Council, every two years, reports on its activities.

6. States Parties shall make their reports widely available to the public in their own countries.

#### ***Article 45***

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

(a) The specialized agencies, the United Nations Children's Fund, and other United Nations organs shall be entitled to be represented at the consideration of the implementation of such provisions of the present Convention as fall within the scope of their mandate. The Committee may invite the specialized agencies, the United Nations Children's Fund and other competent bodies as it may consider appropriate to provide expert advice on the implementation of the Convention in areas falling within the scope of their respective mandates. The Committee may invite the specialized agencies, the United Nations Children's Fund, and other United Nations organs to submit reports on the implementation of the Convention in areas falling within the scope of their activities;

(b) The Committee shall transmit, as it may consider appropriate, to the specialized agencies, the United Nations Children's Fund and other competent bodies, any reports from States Parties that contain a request, or indicate a need, for technical advice or assistance, along with the Committee's observations and suggestions, if any, on these requests or indications;

(c) The Committee may recommend to the General Assembly to request the Secretary-General to undertake on its behalf studies on specific issues relating to the rights of the child;

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

### **PART III**

#### ***Article 46***

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

***Article 47***

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

***Article 48***

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

***Article 49***

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

***Article 50***

1. Any State Party may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate the proposed amendment to States Parties, with a request that they indicate whether they favour a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that, within four months from the date of such communication, at least one third of the States Parties favour such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of States Parties present and voting at the conference shall be submitted to the General Assembly for approval.
2. An amendment adopted in accordance with paragraph 1 of the present article shall enter into force when it has been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of States Parties.
3. When an amendment enters into force, it shall be binding on those States Parties which have accepted it, other States Parties still being bound by the provisions of the present Convention and any earlier amendments which they have accepted.

***Article 51***

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

***Article 52***



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

***Article 53***

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

***Article 54***

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

## Appendix VII

### UNIVERSAL DECLARATION OF HUMAN RIGHTS

*On December 10, 1948 the General Assembly of the United Nations adopted and proclaimed the Universal Declaration of Human Rights the full text of which appears in the following pages. Following this historic act the Assembly called upon all Member countries to publicize the text of the Declaration and "to cause it to be disseminated, displayed, read and expounded principally in schools and other educational institutions, without distinction based on the political status of countries or territories."*

#### **PREAMBLE**

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

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

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

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

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

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

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

**Now, Therefore THE GENERAL ASSEMBLY proclaims THIS UNIVERSAL DECLARATION OF HUMAN RIGHTS** as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

#### **Article 1.**

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

***Article 2.***

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

***Article 3.***

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

***Article 4.***

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

***Article 5.***

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

***Article 6.***

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

***Article 7.***

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

***Article 8.***

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

***Article 9.***

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

***Article 10.***

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

***Article 11.***

(1) Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.

(2) No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

***Article 12.***

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

***Article 13.***

(1) Everyone has the right to freedom of movement and residence within the borders of each state.

(2) Everyone has the right to leave any country, including his own, and to return to his country.

***Article 14.***

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

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

***Article 15.***

(1) Everyone has the right to a nationality.

(2) No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

***Article 16.***

(1) Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.

(2) Marriage shall be entered into only with the free and full consent of the intending spouses.

(3) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

***Article 17.***

(1) Everyone has the right to own property alone as well as in association with others.

(2) No one shall be arbitrarily deprived of his property.

***Article 18.***

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

***Article 19.***

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

***Article 20.***

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

***Article 21.***

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

***Article 22.***

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

***Article 23.***

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

***Article 24.***

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

***Article 25.***

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

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

***Article 26.***

(1) Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

(2) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

(3) Parents have a prior right to choose the kind of education that shall be given to their children.

***Article 27.***

(1) Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.

(2) Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

***Article 28.***

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

***Article 29.***

(1) Everyone has duties to the community in which alone the free and full development of his personality is possible.

(2) In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

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

***Article 30.***

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