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## **APPENDIXES**

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## APPENDIX A

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### UNIVERSAL DECLARATION OF HUMAN RIGHTS

#### 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.<sup>1</sup>

#### 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,

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<sup>1</sup>Hundred and eighty-third plenary meeting; Resolution 217(A)(III) of the United Nations General Assembly, December 10, 1948.

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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 the 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 defense.

2. No one shall be held guilty without any limitation due to race, of any penal offence on account of nationality or religion, have the any act or omission which did not constitute a penal offence, under national or international law, at the time when it 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 be 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 cooperation 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 insuring 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.

## APPENDIX B

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### INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS

and

### THE DECLARATION ON THE ELIMINATION OF ALL FORMS OF INTOLERANCE AND OF DISCRIMINATION BASED ON RELIGION OR BELIEF

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#### INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS

##### 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 judgement rendered by a competent court.

3. When deprivation of life constitutes the crime of genocide, it is understood that nothing in this article shall authorize any State Party to the present Covenant to derogate in any way from any obligation assumed under the provisions of the Convention on the Prevention and Punishment of the Crime of Genocide.

4. Anyone sentenced to death shall have the right to seek pardon or commutation of the sentence. Amnesty, pardon or commutation of the sentence of death may be granted in all cases.

5. Sentence of death shall not be imposed for crimes committed by persons below eighteen years of age and shall not be carried out on pregnant women.

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

#### ARTICLE 7

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

#### ARTICLE 8

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

2. No one shall be held in servitude.

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

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

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

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

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

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

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

#### ARTICLE 9

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

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

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

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

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

#### ARTICLE 10

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

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

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

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

#### ARTICLE 11

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

#### ARTICLE 12

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

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

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

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

#### ARTICLE 13

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

#### ARTICLE 14

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

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

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

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

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

(c) To be tried without undue delay;

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

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

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

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

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

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

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

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

#### ARTICLE 15

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

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

#### ARTICLE 16

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

#### ARTICLE 17

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

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

#### ARTICLE 18

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

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

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

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

#### ARTICLE 19

1. Everyone shall have the right to hold opinions without interference.

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

3. The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:

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

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

#### ARTICLE 20

1. Any propaganda for war shall be prohibited by law.

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

## ARTICLE 21

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

## ARTICLE 22

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

2. No restrictions may be placed on the exercise of this right other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others. This article shall not prevent the imposition of lawful restrictions on members of the armed forces and of the police in their exercise of this right.

3. Nothing in this article shall authorize States Parties to the International Labour Organization 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 practice 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 I 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 tie 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 I 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.

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**DECLARATION ON THE ELIMINATION OF ALL FORMS OF INTOLERANCE AND OF DISCRIMINATION BASED ON RELIGION OR BELIEF**

*The General Assembly,<sup>1</sup>*

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

*Considering* that the Universal Declaration of Human Rights and the International Covenants on Human Rights proclaim the principles of non-discrimination and equality before the law and the right to freedom of thought, conscience, religion and belief;

*Considering* that the disregard and infringement of human rights and fundamental freedoms, in particular of the right to freedom of thought, conscience, religion or whatever belief, have brought, directly or indirectly, wars and great suffering to mankind, especially where they serve as a means of foreign interference in the internal affairs of other States and amount to kindling hatred between peoples and nations;

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<sup>1</sup>Proclaimed by General Assembly resolution 36/55 of 25 November 1981.

*Considering* that religion or belief, for anyone who professes either, is one of the fundamental elements in his conception of life and that freedom of religion or belief should be fully respected and guaranteed;

*Considering* that it is essential to promote understanding, tolerance and respect in matters relating to freedom of religion and belief and to ensure that the use of religion or belief for ends inconsistent with the Charter of the United Nations, other relevant instruments of the United Nations and the purposes and principles of the present Declaration is inadmissible;

*Convinced* that freedom of religion and belief should also contribute to the attainment of the goals of world peace, social justice and friendship among peoples and to the elimination of ideologies or practices of colonialism and racial discrimination;

*Noting* with satisfaction the adoption of several, and the coming into force of some, conventions, under the aegis of the United Nations and of the specialized agencies, for the elimination of various forms of discrimination;

*Concerned* by manifestations of intolerance and by the existence of discrimination in matters of religion or belief still in evidence in some areas of the world;

Resolved to adopt all necessary measures for the speedy elimination of such intolerance in all its forms and manifestations and to prevent and combat discrimination on the ground of religion or belief;

*Proclaims* this Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief:

#### ARTICLE 1

1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have a religion or whatever 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 a religion or belief of his choice.

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

#### ARTICLE 2

1. No one shall be subject to discrimination by any State, institution, group of persons, or person on the grounds of religion or other belief.

2. For the purposes of the present Declaration, the expression "intolerance and discrimination based on religion or belief" means any distinction, exclusion, restriction or preference based on religion or belief and having as its purpose or as its effect nullification or impairment of the recognition, enjoyment or exercise of human rights and fundamental freedoms on an equal basis.

#### ARTICLE 3

Discrimination between human being on the grounds of religion or belief constitutes an affront to human dignity and a disavowal of the principles of the Charter of the United Nations, and shall be condemned as a violation of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights and enunciated in detail in the International Covenants on Human Rights, and as an obstacle to friendly and peaceful relations between nations.

#### ARTICLE 4

1. All States shall take effective measures to prevent and eliminate discrimination on the grounds of religion or belief in the recognition, exercise and enjoyment of human rights and fundamental freedoms in all fields of civil, economic, political, social and cultural life.

2. All States shall make all efforts to enact or rescind legislation where necessary to prohibit any such discrimination, and to take all appropriate measures to combat intolerance on the grounds of religion or other beliefs in this matter.

#### ARTICLE 5

1. The parents or, as the case may be, the legal guardians of the child have the right to organize the life within the family in accordance with their religion or

belief and bearing in mind the moral education in which they believe the child should be brought up.

2. Every child shall enjoy the right to have access to education in the matter of religion or belief in accordance with the wishes of his parents or, as the case may be, legal guardians, and shall not be compelled to receive teaching on religion or belief against the wishes of his parents or legal guardians, the best interests of the child being the guiding principle.

3. The child shall be protected from any form of discrimination on the ground of religion or belief. He shall be brought up in a spirit of understanding, tolerance, friendship among peoples, peace and universal brotherhood, respect for freedom of religion or belief of others, and in full consciousness that his energy and talents should be devoted to the service of his fellow men.

4. In the case of a child who is not under the care either of his parents or of legal guardians, due account shall be taken of their expressed wishes or of any other proof of their wishes in the matter of religion or belief, the best interests of the child being the guiding principle.

5. Practices of a religion or belief in which a child is brought up must not be injurious to his physical or mental health or to his full development, taking into account article 1, paragraph 3, of the present Declaration.

#### ARTICLE 6

In accordance with article I of the present Declaration, and subject to the provisions of article 1, paragraph 3, the right to freedom of thought, conscience, religion or belief shall include, inter alia, the following freedoms:

- (a) To worship or assemble in connection with a religion or belief, and to establish and maintain places for these purposes;
- (b) To establish and maintain appropriate charitable or humanitarian institutions;
- (c) To make, acquire and use to an adequate extent the necessary articles and materials related to the rites or customs of a religion or belief;
- (d) To write, issue and disseminate relevant publications in these areas;
- (e) To teach a religion or belief in places suitable for these purposes;
- (f) To solicit and receive voluntary financial and other contributions from individuals and institutions;
- (g) To train, appoint, elect or designate by succession appropriate leaders called for by the requirements and standards of any religion or belief;
- (h) To observe days of rest and to celebrate holidays and ceremonies in accordance with the precepts of one's religion or belief;
- (i) To establish and maintain communications with individuals and communities in matters of religion and belief at the national and international levels.

#### ARTICLE 7

The rights and freedoms set forth in the present Declaration shall be accorded in national legislation in such a manner that everyone shall be able to avail himself of such rights and freedoms in practice.

#### ARTICLE 8

Nothing in the present Declaration shall be construed as restricting or derogating from any right defined in the Universal Declaration of Human Rights and the International Covenants on Human Rights.

## APPENDIX C

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### TRAINING AT THE FOREIGN SERVICE INSTITUTE RELATED TO THE INTERNATIONAL RELIGIOUS FREEDOM ACT

#### I. SUMMARY OF MAJOR DEVELOPMENTS

Since the first report on International Religious Freedom was issued in September 1999, the Foreign Service Institute (FSI) has worked continuously with the Office of International Religious Freedom, Bureau of Democracy, Human Rights, and Labor, in implementing H.R. 2431 (the International Religious Freedom Act). The result of this cooperation has been the integration of religious freedom issues into the regular curriculum at FSI. During the period covered by this report, members of the FSI training staff took part in conferences dealing with religious freedom, persecution, conflict, and reconciliation hosted by academic institutions, think tanks, and nongovernmental organizations. The Political Training Division at FSI has continued to work with the staff of the U.S. Commission on International Religious Freedom to ensure that their insights are reflected in FSI's course offerings.

#### II. COURSES OFFERED

The School of Professional and Area Studies (SPAS) at FSI offers training relevant to the International Religious Freedom Act of 1998 (IRFA) in a variety of courses. Following are brief descriptions of courses offered by the divisions of Political Training, Orientation, Consular Training, and Area Studies:

##### FOREIGN SERVICE OFFICER ORIENTATION (A-100)

During the A-100 Course, we address Religious Freedom in two different sessions on human rights. A senior State Department official from the Bureau of Democracy, Human Rights, and Labor (DRL) presents one session. For the past year, a representative from the Congressional Executive Committee on China has presented the second session. Additionally, we provide key background materials on religious freedom to all students via a CD-ROM we distribute to each officer. We also direct them to key websites of related materials.

##### POLITICAL/ECONOMIC TRADECRAFT (PG-140)

This is a 3-week-long course. The students have been assigned for the first time to work in an embassy's or consulate's political, economic, or combined political/economic section overseas. Political/Economic Tradecraft is essentially a required course, in that State Department officers are assigned to take it by the personnel system and exceptions are rare. The State Department expects that a large proportion of these officers/students during their careers will be directly responsible for preparing their post's human rights and religious freedom reports.

Each student is provided with the Annual Report on Religious Freedom and the report of the US Commission on International Religious Freedom listed in Section III. In addition the Bureau of Democracy, Human Rights, and Labor provides at least a half-day session during which religious freedom issues are featured prominently. There also usually is a segment that includes a discussion of religious persecution, religious identity, and religious reconciliation as important factors in contemporary international conflicts.

##### GLOBAL ISSUES (PP-510)

This 3-day course is given twice a year and is geared toward mid-level foreign affairs and national security professionals working for the Department of State and

other agencies. In the fall, this course is combined with a separate module on human rights.

Students are provided with a course notebook that contains materials addressing religious freedom issues. As in the Tradecraft courses, the Bureau of Democracy, Human Rights, and Labor provides presentations during which religious freedom issues are featured together with other aspects of U.S. human rights policy.

#### INTERNATIONAL CONFLICT WORKSHOP (PP-519)

This weeklong workshop focuses on various aspects of international conflict, especially the enhancement of skills needed to analyze the causes of conflict and develop a plan for preventive diplomacy. This course trains up to 30 foreign affairs and national security professionals at all levels working for the Department of State and other agencies.

The students are provided with reading materials including most of the key documents listed in Section III. Multiple segments in this course (e.g. Bosnia and Afghanistan) deal with religious persecution and identity as a factor in ethnic conflict, and reconciliation as a potential preventive step.

#### BASIC CONSULAR COURSE (PC-530)

PC-530 serves as the prerequisite for obtaining a consular commission in the Foreign Service. It is aimed at new Foreign Services Officers preparing to go overseas to fill consular positions, dependents of U. S. government employees who will work as Consular Associates overseas, and domestic employees of the Bureau of Consular Affairs in order that they may serve temporary duty as consular officers should the need arise.

The PC-530 schedule includes a lecture related to the U.S. Immigration and Naturalization Service (INS), "Working with INS," that incorporates discussion of refugee and asylum issues as they pertain to consular officers. The subject also is covered in further detail in the Self-Instructional Guide (SIG) on immigrant visa processing, which includes a chapter on "Refugees, Asylum, Walk-ins, and Parole." This chapter describes the United Nations High Commissioner for Refugees (UNHCR) refugee criteria, the U.S. refugee program, and processing requirements for refugees. Scenarios involving religious minorities have been incorporated into the "role play" portion of the training on consular prison visits.

#### AREA STUDIES

The Foreign Service Institute and the Appeal of Conscience Foundation annually sponsor a major symposium focused on religious freedom and the role of U.S. diplomats overseas. Officers in FSI language training and area studies courses take part in this symposium. The symposium brings together leading experts on religious issues and foreign affairs practitioners who can speak to the job related aspects of religious freedom issues to provide our officers with a clear understanding of the importance of these issues and the challenges and responsibilities they will face.

Throughout the year, the course chairs in the Area Studies Division, in cooperation with the Bureau of Democracy, Human Rights, and Labor, ensure that their courses address both regional and country specific issues of religion, religious freedom and human rights. Participants receive substantial information encompassing the full range of issues affecting particular regions, including religious freedom and human rights, religious history and religious traditions. Students also receive reading lists (and World Wide Web guidance) that direct them to even more detailed material.

#### AMBASSADORIAL AND DEPUTY CHIEF OF MISSION TRAINING

The Ambassadorial Seminar hands out a photocopied and bound publication put together by the Office of International Religious Freedom. The Under Secretary for Global Affairs regularly is scheduled to speak to the Ambassadorial Seminar.

### III. BACKGROUND MATERIAL ON RELIGIOUS FREEDOM

The following materials related to religious freedom are made available to FSI students:

#### BACKGROUND MATERIALS:

1. Mission Statement for the State Department Office of International Religious Freedom

2. "Preparing the Annual report on Religious Freedom for 2001"—State Department Telegram April 13, 2001 (MRN 66404)
3. 2001 Annual Report on International Religious Freedom (Executive Summary)
4. Main Web Page of the U.S. Commission on International Religious Freedom
5. List of Members (current and former) of the U.S. Commission on International Religious Freedom
6. Report of the U.S. Commission on International Religious Freedom (Executive Summary) May 1, 2001

## HIGHLIGHTS FROM KEY INTERNATIONAL DOCUMENTS:

1. Universal Declaration of Human Rights (article 18)
2. International Covenant on Civil and Political Rights (articles 18, 26 & 27)

## LINKS TO INTERNATIONAL RELIGIOUS FREEDOM MATERIALS:

1. "Preparing the Annual Report on Religious Freedom for 2001"—State Department Telegram: April 13, 2001 (MRN 66404) <http://www.state.gov/drl/irf>
2. 2001 Annual Report on International Religious Freedom (Executive Summary) <http://www.state.gov/g/drl/rls/irf/2001/5531.html>
3. Main Web Page of the U.S. Commission on International Religious Freedom <http://www.uscirf.gov>
4. List of Members (current & former) of the U.S. Commission on International Religious Freedom <http://www.uscirf.gov/cirfPages/faqs.php3?mode=print>
5. Report of the U.S. Commission on International Religious Freedom (Executive Summary) October 26, 2001 <http://www.uscirf.gov/dos01Pages/irf-exec.php3?mode=print>
6. Universal Declaration of Human Rights <http://www.un.org/Overview/rights.html>
7. International Covenant on Civil & Political Rights <http://www.unhchr.ch/html/menu3/b/a-ccpr.html>



## APPENDIX D

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### INS AND THE INTERNATIONAL RELIGIOUS FREEDOM ACT (IRFA)

The Immigration and Naturalization Service (INS) is committed to ensuring that all claims for refugee and asylum protection are treated with fairness, respect, and dignity and that all mandates of IRFA are properly implemented. This appendix summarizes the agency's actions during FY2002, as required under Section 102 (b)(1)(E) of IRFA.

#### I. TRAINING OF ASYLUM OFFICERS AND REFUGEE ADJUDICATORS

The INS provides extensive training to Asylum Officers in order to prepare them to perform their duties of adjudicating asylum claims. The training covers all grounds on which an asylum claim may be based, including religion. Asylum Officers receive approximately 5 weeks of specialized training related to international human rights law, non-adversarial interview techniques, and other relevant national and international refugee laws and principles.<sup>1</sup> During the 5-week training, as well as in local asylum office training, the INS provides Asylum Officers with specialized training on religious persecution issues.

The INS also provides Refugee Adjudicators with a specialized two-week training course in refugee law and overseas refugee procedures, as mandated by IRFA. The course was largely adapted from the Asylum Officer Basic Training Course (AOBTC), with some new modules developed specifically for overseas refugee processing. The training program pays special attention to religious persecution issues. Refugee training is conducted as needed when new officers are deployed overseas.

The Resource Information Center (RIC) in the INS Office of International Affairs Asylum Division serves both Asylum Officers and Refugee Adjudicators and is responsible for the collection or production, and distribution, of materials regarding human rights conditions around the world. The RIC has published an online guide to web research that is posted on the internal INS website, the INS Intranet. An INS Intranet site was created with links to government and non-government websites that contain information on religious persecution. The RIC separately catalogues religious freedom periodicals and separately codes RIC responses to field queries that involve religious issues.

#### II. TRAINING OF IMMIGRATION OFFICERS PERFORMING DUTIES UNDER SECTION 235 (B) OF THE INA (EXPEDITED REMOVAL)

Approximately 4,500 Immigration Inspectors and 2,500 Detention and Deportation Officers may at some time be involved in the expedited removal/credible fear process and therefore are subject to the training provisions of Section 603(b) of IRFA. The INS has produced a training video that will be used to ensure that all officers who may be involved in the expedited removal/credible fear process under INA Section 235 (b) understand the need for sensitivity to persecution claims. The video will be disseminated to field offices in the near future.

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<sup>1</sup>Asylum Officers are required to complete two 5-week training courses, the Adjudication and Asylum Officer Basic Training Course (AAOBTC), and the Asylum Officer Basic Training Course (AOBTC). The AAOBTC, covers the Immigration and Nationality Act (INA) and basic immigration law. The AOBTC, includes international human rights law, asylum and refugee law, interviewing techniques, decision-making and decision-writing skills, effective country conditions research skills, and computer skills. In addition compulsory in-service training for all asylum officers is held weekly.

## III. GUIDELINES FOR ADDRESSING HOSTILE BIASES

The INS has included specific anti-bias provisions in the language services contract used by Asylum Officers in the Asylum Pre-Screening Program. The contract and interpreter oath also include special provisions that ensure the security and confidentiality of the credible fear process. The INS is in the final stages of incorporating anti-bias provisions in procedures for handling interpretation at all stages of the inspection process.

## APPENDIX E

### OVERVIEW OF U.S. REFUGEE POLICY

The United Nations High Commissioner for Refugees (UNHCR) estimates the world's refugee population to be 12 million. Millions more are displaced within their own countries by war, famine, and civil unrest. The United States works with other governments and international and nongovernmental organizations to protect refugees, internally displaced persons, and conflict victims, while striving to ensure that survival needs for food, health care, and shelter are met. The United States has been instrumental in mobilizing a community of nations to work through these organizations to alleviate the misery and suffering of refugees worldwide, supporting major relief and repatriation programs in FY 2002.

In seeking durable long-term solutions for most refugees, the United States gives priority to the safe, voluntary return of refugees to their homelands. This policy, recognized in the Refugee Act of 1980, also is the preference of the UNHCR and the international community of nations that supports refugees. If safe, voluntary repatriation is not feasible, other durable solutions are sought, including resettlement in countries of asylum within the region and in other regions. Resettlement in other countries, including the United States, is appropriate for refugees in urgent need of protection and for refugees for whom other durable solutions are inappropriate or unavailable.

The United States considers for admission as refugees persons of special humanitarian concern who can establish that they experienced past persecution or have a well-founded fear of future persecution in their home country on account of race, religion, nationality, membership in a particular social group, or political opinion. The legal basis of the refugee admissions program is the Refugee Act, which embodies the American tradition of granting refuge to diverse groups suffering or fearing persecution. The Act adopted the definition of "refugee" contained in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol.

Over the past decade, the U.S. Refugee Admissions Program has been adjusting its focus away from the large refugee admissions programs that had developed during the Cold War for nationals of Communist countries and toward more diverse refugee groups that require protection for a variety of reasons, including religious belief. The following describes the program's efforts, by region, in meeting the needs of refugees worldwide who have faced religious persecution.

#### AFRICA

For the majority of countries in sub-Saharan Africa, religious freedom and peaceful coexistence are the rule, even where other conflicts hold sway. The primary exception to the rule is Sudan, where the long ongoing civil war has a religious dimension. Islam is the state religion and Muslims dominate the Government. The Government continues to restrict the activities of Christians, practitioners of traditional indigenous religions, and other non-Muslims. Security forces reportedly harass and use violence against persons based on their religious beliefs. In areas controlled by the Government, access to education as well as other social services is far easier for Muslims than for Christians and non-Muslims. The Government has conducted or tolerated attacks on civilians, indiscriminate bombing raids, and slave raids in the south, all with a religious as well as an ethnic dimension.

The U.S. admissions program has in recent years increased its focus in Egypt, Ethiopia, and Kenya on these Sudanese victims of religious discrimination and repression. The refugee-processing program in Cairo was expanded in 1999 with Sudanese refugees as the primary beneficiaries. During FY 2001, some 3,600 young Sudanese refugees who were in camps in Kenya were resettled in the United States. This effort included some 500 unaccompanied minors who entered foster care programs in various states. Religious freedom also is a growing concern in Nigeria,

where northern states have adopted and expanded Islamic law (Shari'a). Many non-Muslims have left the northern states and gone to the south because they fear the application of Shari'a. These internally displaced persons face harassment and loss of opportunities if they remain in the north.

#### EAST ASIA

Most countries in the region permit freedom of worship. However, the religious freedom situation in China continues to be very poor. The Government actively suppresses those groups that it cannot control directly, most notably the Vatican-affiliated (underground) Catholic Church, Protestant "house churches," some Muslim groups, Tibetan Buddhists, and members of the Falun Gong spiritual movement. The Vietnamese Constitution provides for freedom of worship; however, the Government restricts those organized activities of religious organizations that it defines as being at variance with state laws and policies. Most independent religious activities either are prohibited or restricted severely. For example, Buddhist monks are required to work under a party-controlled umbrella organization. The situation for some religious groups in Laos is similar. In Burma the Government actively suppresses most non-Buddhist religions (particularly for minority ethnic groups such as the Karen and Chin). The religious freedom situation in North Korea is particularly hard to gauge given the extreme lack of access provided by the Government; however, most indications are that it circumscribed religious freedom severely. The U.S. admissions program for East Asia accepts refugee cases referred by the UNHCR and U.S. Embassies. Over the past several years, the Department of State has worked closely with the UNHCR to strengthen the referral process so those individuals in need of resettlement can have access to the program.

#### EUROPE

The breakup of the Soviet Union initially led to a resurgence of religious practice throughout the region, but in recent years, the fear of newer religious groups, many of them with ties to coreligionists in other countries, has led to a backlash in a number of the newly independent states. Most states regulate religious groups and activities, favoring a specified set of "traditional" religions while denying certain privileges to other groups. In some countries, one's faith may be associated with ethnicity, patriotism, nationalism, or even with terrorism, and authorities may be suspicious of religious groups perceived as having political agendas and organizations. This is especially true in the Central Asian republics where, in the case of Uzbekistan and Turkmenistan, Muslims groups not approved by the State are seen as potential terrorists and suffer harassment or imprisonment. The U.S. refugee admission program provides resettlement opportunities to religious minority members (as identified in the Lautenberg Amendment) with close family ties to the United States. In addition, UNHCR recently has increased the number of referrals to the program. Refugee admissions based on grounds of religious persecution have been significant in both the Bosnia and Kosovo resettlement efforts. The U.S. refugee admissions program has provided protection to Muslims, Catholics, and Orthodox Christians as well as individuals of other religious minorities. The Department of State plans to continue to work with the UNHCR, nongovernmental organizations (both faith-based and non-sectarian), human rights groups, and U.S. missions to identify persons who qualify on religious grounds under the 1980 Act and for whom resettlement is appropriate.

#### LATIN AMERICA/CARIBBEAN

In general, religious freedom is recognized and enjoyed widely in Latin America. The key exception is Cuba, where the Government engages in active efforts to monitor and control religious institutions, including surveillance, infiltration, and harassment of clergy and members; evictions from and confiscation of places of worship; and preventive detention of religious activists. It also uses registration as a mechanism of control; by refusing to register new denominations it makes them vulnerable to charges of illegal association. However, despite these obstacles to religious expression, church attendance has grown in recent years. The U.S. refugee admissions program specifically includes religious minorities and other human rights activists among the list of eligible groups.

#### NEAR EAST AND SOUTH ASIA

Repression of religious minorities is common in many countries in the Middle East and South Asia. In Pakistan discriminatory legislation has encouraged an at-

mosphere of violence, which has led to acts by extremists against religious minorities, including Christians, Hindus, Ahmadis, and Zikris. Pakistan's support of America's War on Terror has exacerbated existing anti-Western feelings in elements of Pakistani society and led to fatal attacks against local and international Christian targets. In India responses by state and local authorities to extremist violence often were inadequate. In Saudi Arabia public non-Muslim worship is a criminal offense, as is conversion of a Muslim to another religion. In Iran members of minority religions continue to face arrest, harassment, and discrimination. Iranian refugees who belong to religious minorities (Baha'is, Jews, Zoroastrians, and Christians) are able to apply directly for U.S. resettlement. In addition the UNHCR and U.S. Embassies in the region facilitate access to the admissions program for individuals of other nationalities who may qualify on religious grounds. The Department of State plans to continue efforts to improve access to refugee processing through dialog with non-governmental organizations and human rights groups who may identify victims with valid claims based on grounds of religious persecution. The UNHCR also has addressed religious persecution issues in several regional workshops to increase the sensitivity of protection and resettlement officers to victims of religious persecution.

