

An aerial photograph of a lush tropical waterfall cascading into a clear, green pool. The water is surrounded by dense green foliage and trees. A large, stylized graphic overlay in shades of blue and green curves across the right side of the image. The letters 'edp' are prominently displayed in the center in a white, lowercase, sans-serif font.

edp

Human and Labor Rights Report 2022

We Choose Earth



## Our Purpose

# Our energy

Speaks of our stamina, our track record and what drives us to continuously deliver green energy

# and heart

Highlights our people and their key role in delivering our commitment to our clients, partners and communities

# drive a better

Reflects our ambition and leadership in making change happen

# tomorrow

The reason why we work every day

# This report



The present document proceeds to the structured publication of the material assessments related to the Respect of Human and Labor Rights. The information is organized to promote the internal debate, including operational teams, the Human Rights working committee, the Sustainability Committee and the Executive Board of Directors. Its public disclosure is intended to provide EDP's stakeholders an integrated view of the risks and challenges that the company faces in this matter, the way they are approached and the distinctive importance they occupy in the company's day-to-day activities.

Companies' subscribers to the United Nations Guiding Principles on Business and Human Rights, known as the Ruggie Framework, as is the case with EDP, internalize the procedures for identifying, preventing and mitigating the risks of negative impacts on human and labor rights at all operational levels and are in need of periodically assess the degree and quality of implementation of their commitments. In this sense, this document reports the progress on the topics considered most relevant and provides the Company's approach for the future.

This report was prepared by the Sustainability Direction, that is the operational guardian of human rights policy, and does not provide substantially new information regarding that published in the Group reports or permanently available and updated on its websites. However, it is now edited to satisfy an integrated analysis of all issues, procedures and events related to Human and Labor Rights. It covers all business units, participated companies and partnerships over which the Group has influence on management, as well, its employees and managers, suppliers, customers and local communities in any country where EDP has operations.

In EDP's policies, a substantial part of their commitments are oriented towards the active promotion of Human and Labor Rights, for the creation of shared value and societal profit, which far exceeds the scope of this Report.

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# Message from the CEO



Human and labor rights are essential pillars of a fair and just society, ensuring the well-being and dignity of individuals, including in their workplaces. Today, many people around the world continue to face violations of their human and labor rights. Climate change represents a threat in this regard – global warming impacts health, safety, jobs, food, and biodiversity, with vulnerable communities increasingly exposed to extreme weather.

Accelerating investment in the energy transition and contributing for the democratization of access to clean, reliable and affordable energy are ways to secure the Paris agreement goals and uphold human rights. Other initiatives are also important in this regard, such as the European climate taxonomy, that establishes minimum human rights' safeguards for financing, the implementation of due diligence legislation in OECD countries to extend corporate responsibility in international business, and the role played by financial markets in placing human rights at the top of investor's minds.

At EDP, we are focused in implementing concrete measures for the protection of human rights – promoting adequate standards and contract clauses, and setting rules for transparency and supply chain traceability, in addition to actively listening, auditing and reporting within the sector

while connecting with international organizations. When investing in new infrastructure, our specialized teams and procedures aim at ensuring early engagement and continuous engagement with local and vulnerable communities. We have been working to ensure we are a responsible company with the right policies in place.

And our efforts go beyond our direct relationships. We are committed to contribute for the traceability and prevention of indirect forced and child labor, violence, and discrimination at work. As corporate organizations, we can leverage the renewables push to bring human rights to the table, establishing joint industry-led due diligence procedures. Our industry partners must pave the way for total transparency in their human rights management, contractual reciprocity and supply chain traceability. Besides companies, institutions must also play an important role in the promotion of freedom of association, fair pay and dignified work, diversity and inclusion, and health and safety.

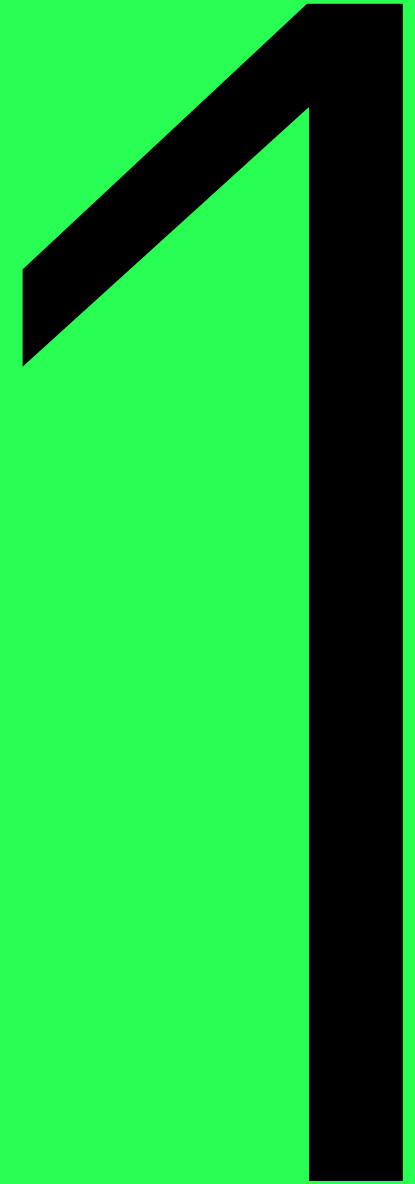
Let us strive to create and maintain workplaces that uphold human and labor rights, fostering a more equitable and prosperous future for all. At EDP, we place this at the heart of our mission to decarbonize the planet and accelerate the energy transition.

**Miguel Stilwell d'Andrade**





# EDP Human and Labor Rights Policy



# EDP's Human and Labor Rights Policy

## A – Purpose and scope

### 1. SUBSTANTIATION

In 2003 the EDP Group subscribed to the United Nations Global Compact, the following year approved its Sustainable Development Principles and, in 2005, published the first edition of the Code of Ethics. No longer than 2006, the EDP Group established a new business strategy setting the priority to renewable energy investment. In 2021, the EDP Group reinforced its growth and internationalization strategy, assuming the “All Green by 2030” ambition and enlarged international recognition, for its ethical excellence and deep respecting of human and labor rights in all dimensions of its activity.

Since the founding years of the internationalization and decarbonization strategy, the Code of Ethics has been updated and revised enabling the organization to face new challenges and risks, tackling the contemporary social transformation, and, in the same way, several policies were published, orienting specific themes, developing the principles established in the Code of Ethics. In this sense, in 2017, the Declaration of Respect for Human and Labor Rights was approved, committing to the United Nations Guiding Principles on Business and Human Rights, including the development of risk maps, deeper reporting on human and labor rights management, enhanced internal procedures, particularly in supply chain management.

Now, taking the strengthening of the internationalization strategy through investment in renewable energy and the revision of the EDP Group's Code of Ethics, carried out in September 2020, it became necessary to update related policies and procedures, namely the specific policy of respect for Human and Labor Rights.

Accordingly, and informed by international references, listening to stakeholders, the complaints system and the media, the Executive Board of Directors (EBD) decided to update the EDP Group's Declaration of Respect for Human and Labor Rights Policy (article 14-a), transforming it into the Human and Labor Rights Policy, on July 2021, as follows.

### 2. OBJECTIVE

The Human and Labor Rights Policy aims to ensure respect for Human and Labor Rights in the EDP Group's sphere of activity, implementing the commitments defined in its policies, specifying the international reference treaties and standards and establishing the procedures that ensure compliance with them.

The Policy establishes the procedures to ensure implementation of Human and Labor Rights respect

### 3. SCOPE

The Policy applies to all EDP Group companies and employees, business relationship and activities, in all its geographic locations, regardless of the local practices or level of social and economic development.

In implementing the Policy, the EDP Group respects national legislation and international treaties and standards according to the stringent standards. The Policy is in force even though national law may not transpose the international treaties and standards.

### B – Internal and external references

#### 4. EDP’s REFERENCES

This Policy develops and implements the principles of respect for human and labor rights established in the following EDP fundamental policies:

- a. Code of Ethics
- b. Stakeholder Relationship Policy
- c. Supplier Code of Conduct

#### 5. INTERNATIONAL STANDARDS AND DIRECTIVES

This Policy transposes to EDP’s sphere of activity the human and labor rights commitments and procedures defined by international standards and directives, namely:

- a. United Nations Global Compact
- b. United Nations Guiding Principles on Business and Human Rights
- c. OECD Due Diligence Guidance for Responsible Business Conduct
- d. Directive of the European Parliament and of the Council on Corporate Due Diligence and Corporate Accountability

The Policy applies to all EDP’s activities and business relationship.

EDP’s implements the stringent human rights standards

The Human and Labor Rights Policy is linked to other fundamental EDP’s policies

The Policy transposes to EDP the United Nations, OECD, and European Union due diligence standards.

## 6. INTERNATIONAL TREATIES AND CONVENTIONS

The Policy sets out for the EDP Group’s sphere of activity its commitment to respect all internationally recognized human and labor rights, namely:

- a. Within the scope of the United Nations Organization:
  - i. “International Bill of Human Rights”, including:
    - i. Universal Declaration of Human Rights, 1948
    - ii. International Covenant on Civil and Political Rights, 1966
    - iii. International Covenant on Economic, Social and Cultural Rights, 1966
  - ii. Instruments to protect vulnerable people and groups, including:
    - i. International Convention on the Elimination of All Forms of Racial Discrimination (1965)
    - ii. Convention on the Elimination of All Forms of Discrimination against Women, 1979
    - iii. Convention on the Rights of the Child, 1989
    - iv. International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990
    - v. Convention on the Rights of Persons with Disabilities, 2006
    - vi. Declaration on the Rights of Indigenous Peoples, 2007
- b. Within the scope of the International Labor Organization (ILO):
  - i. Eight Fundamental Principles and Rights at Work and related conventions, including:
    - i. Freedom of Association and Protection of the Right to Organize Convention, (No.87), and the Right to Organize and Collective Bargaining Convention, (No.98)
    - ii. The elimination of all forms of forced or compulsory labor (Conventions 29 and 105)
    - iii. The effective abolition of child labor (Conventions 138 and 182)
    - iv. The elimination of discrimination in relation to employment and occupation (Conventions 100 and 111)
    - v. Respect Labor Standards on Working time (Conventions 1, 14 and 106)
    - vi. Protection of Occupational Health and Safety (Conventions 155 and 187, Protocol 2002)
    - vii. The guarantee of payment of a minimum wage (2008 ILO Declaration on Social Justice for a Fair Globalization).
    - viii. Understanding the Indigenous and Tribal Peoples Convention, 1989 (No. 169)
  - ii. The Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy regarding the principles and conventions not included in the eight Fundamental Principles and Rights at Work where applicable.

Principles set in the International Bill of Human Rights are recognized as the universal principles

Women, children, migrants, disabled, indigenous and racial diversity are specially protected by EDP’s policy.

ILO fundamental labor and Indigenous rights are the minimum standard applied in EDP activities

## C – Description and responsibilities

### 7. STRATEGIC COMMITMENTS

The EDP Group is committed to respecting and enforcing all internationally recognized human and labor rights, identified in article 6. This commitment means:

- a. Support the International Bill of Human Rights, subscribe to and implement the Principles of the Global Compact and the instruments to protect vulnerable people and groups.
- b. Apply the ILO Declaration on Fundamental Principles and Rights at Work and related conventions and the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy.
- c. Operate a human and labor rights management system that is active and present in all its activities, implementing the United Nations Guiding Principles on Business and Human Rights, the OECD Due Diligence Guidance for Responsible Business Conduct and the Directive of the European Parliament and of the Council on Corporate Due Diligence and Corporate Accountability.

### 8. ACTION PRINCIPLES

The EDP Group implements its strategic commitments to respect all internationally recognized human and labor rights, identified in article 6, through the application of the following action principles:

- a. Identify, prevent and monitor the risks related to human and labor rights that are salient in its sector of activity, developing and keeping a Human and Labor Rights Risk Map up to date.
- b. Guarantee it will not be complicit in human and labor rights abuses or disrespect.
- c. Recognize as stakeholders: workers and their families, local communities, and any other person or group of people whose lives and environment may be influenced by EDP’s activities, including their legitimate representatives, labor unions, social or environmental organizations.
- d. Engage constructively with its stakeholders, especially those affected or likely to be affected by its activities, incorporating their views and concerns within business decisions and the development of its approach to human and labor rights.
- e. Avoid adverse impacts that may arise from business operations or relationships, ensuring remediation in the event of their occurrence and undertaking not to retaliate against accusations, and cooperating in initiatives that promote access to remediation through legitimate judicial or non-judicial mechanisms.
- f. Ensure the proper functioning of a system to report occurrences and make complaints, with a guarantee of confidentiality and non-retaliation.
- g. Communicate and report with transparency its approach to human and labor rights, identifying risks and impacts, mitigation, compensation and remediation measures taken and the results of such actions.
- h. Extend the same commitments to its business partnerships and suppliers, working towards to extend these same commitments to their supply chains and their partnerships.
- i. Work with its partners and suppliers to mitigate adverse impacts that are directly linked to its operations, products or services through its own mechanisms or through cooperation in the development of third-party non-judicial solutions.

EDP is committed to implement the international standards respect though operational rules

Action principles include:

- Mapping the risks
- Engaging with stakeholders
- Avoiding negative impacts and complicity
- Ensuring a complaint mechanism
- Communicating and reporting
- Working with suppliers

## 9. ASSIGNMENTS

To ensure effective management of respect for Human and Labor Rights established in this Policy, the EDP Group:

- a. Establishes the Human Rights Working Committee, chaired by a director of the EBD, managed by the corporate director responsible for Human and Labor Rights, and made up of the corporate directors with assigned responsibilities in the area of this policy, that is, ethics, sustainability, compliance, legal, auditing, management and labor relations, procurement and supplier management, prevention and safety, risk, and stakeholder management.
- b. Assigns a corporate senior director to the strategic and operational management of the Policy implementation, that assumes direct responsibility to the EBD.

## 10. HUMAN RIGHTS WORKING COMMITTEE

The Human Rights Working Committee works closely together with the Policy director, giving statements on issues to be submitted to the EBD and ensuring consistency of the procedures across all departments and business units. The duties of the Human Rights Working Committee are:

- a. Assess the Annual Report and the Improvement Plan, prepared by the Human and Labor Rights corporate director, submitting it to the EBD.
- b. Analyze impact assessment and due diligence procedures.
- c. Consider and contribute to the salient Human and Labor Rights Risk Map.
- d. Advice on the development of performance indicators and provide an opinion on external assessments related to Human and Labor Rights.
- e. Analyze negative occurrences relating to Human and Labor Rights and the measures taken.
- f. Consider matters submitted to it by the corporate director of Human and Labor Rights.

## 11. OPERATIONAL PROCEDURES

Policy implementation in field activities is ensured through the adoption of operational procedures that include, in particular:

- a. Adopting a risk mapping methodology involving the ongoing updating and quality control of the risk map and salient impacts on human rights related to the EDP Group's activities, informed by international references, by proactive listening to stakeholders, by the complaints system and by the media.
- b. Carrying out and publishing human rights impact assessments (HRIA) or environmental and social impact assessments (ESIA) covering human and labor rights, prepared by independent third parties, whenever substantial infrastructure projects or closures are undertaken, or when entering new businesses or geographies.
- c. Communicating human and labor rights to its target audiences in an accessible and appropriate manner, especially to affected stakeholders who raise issues, providing quality information to assess the appropriateness of the response(s), in a way that does not pose risks to stakeholders or affected personnel.

EBD has the ultimate human rights responsibility

The operational management of the Policy is attributed to a senior corporate director.

The Human Rights committee annually assess and advice on Human Rights performance

- d. Applying human and labor rights criteria when establishing investment partnerships, implementing a Due Diligence system ensuring the United Nations Guiding Principles on Business and Human Rights, as well as the OECD Guidelines for Multinational Enterprises.
- e. Applying requirements for assessment, contracting, training, auditing, and exclusion of suppliers regarding human and labor rights practices. Specially for supply chains that are internationally recognized as being at risk, suppliers shall be bound to the following obligations:
  - i. The obligation to provide complaint channels or mechanisms (proprietary, third-party, or shared).
  - ii. The obligation to apply conflict minerals regulations and ensure import minerals and metals come from responsible sources.
  - iii. The obligation to certify contractors that provides infrastructure security.
  - iv. The application of a Human and Labor Rights Policy and a Due Diligence system implementing the United Nations Guiding Principles on Business and Human Rights, as well as the OECD Guidelines for Multinational Enterprises.

Suppliers exposed to risk activities shall be bound to special qualification rules and obligations

## 12. ETHICS CHANNEL

The Ethics Channel is accessible to all individuals, workers and citizens, and communities or organizations, that may be adversely impacted by the company or, irrespective of this, that wish to complain, denounce, clarify or expose any situation, i.e. those related to human and labor rights.

The Complaint mechanism shall be opened and accessible to all

## 13. COMMUNICATION

The communication of this Policy is carried out on a permanent basis, as follows:

- a. Published on the corporate website and intranet, as well as on the institutional websites of the business units.
- b. Communicated, explained, and explicitly made known to and acknowledged by the employees.
- c. Integrated within the training plans on Ethics, with special attention given to decision-makers and managers and the salient issues of human and labor rights.
- d. Included in the EDP Group's business relationships with other companies, namely suppliers, equity stakes and joint ventures.
- e. Published in the body of the annual report on Human and Labor Rights and disclosed together with the other policies of the EDP Group.

The Policy shall be strongly and formally communicated

## D – Final provisions

### 14. ENTRY INTO FORCE

- a. This Policy replaces the Declaration of Respect for Human and Labor Rights approved in May 2017.
- b. The Policy is effective from the date of its approval and for an indefinite period, and may be updated or revised, by deliberation of the EBD.
- c. The EDP Group companies are responsible, within the scope of their action, to implement the necessary procedures and actions for the correct implementation of the Policy.
- d. The internal standards and procedures impacted by the Policy should be updated to incorporate and ensure their full implementation and periodic updating.

### 15. ETHICS CHANNEL CONTACT

As of today, the Ethics Channel is available on the Internet at:

<https://www.edp.com/en/about-us/speak-up>

<https://www.edpr.com/en/speak-up>

<https://www.contatoseguro.com.br/edpbrasil>

Executive Board of Directors  
July 2021





# Risk Mapping

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# Human and Labor Risk Maps

EDP develops risk maps following the international classification structure of economic activities.

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## ISIC – 3510 Electric power generation, transmission and distribution

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This class includes the generation of bulk electric power, transmission from generating facilities to distribution centers and distribution to end users.

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This class includes:

- operation of generation facilities that produce electric energy, including thermal, nuclear, hydroelectric, gas turbine, diesel and renewable
  - operation of transmission systems that convey the electricity from the generation facility to the distribution system
  - operation of distribution systems (i.e. consisting of lines, poles, meters, and wiring) that convey electric power received from the generation facility or the transmission system to the final consumer
  - sale of electricity to the user
  - activities of electric power brokers or agents that arrange the sale of electricity via power distribution systems operated by others
  - operation of electricity and transmission capacity exchanges for electric power
- 

Mining

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Manufacture of materials

---

Manufacture of fabricated products

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Manufacture of machinery and equipment

---

Installation of machinery and equipment

---

Construction of utility projects

---

Electrical installation

---

Wholesale of solid, liquid and gaseous fuels and related products

---

Wholesale of computers, computer peripheral equipment and software

---

Wholesale of electronic and telecommunications equipment and parts

---

Wholesale of metals and metal ores

---

## Alternative Energy Sector Risks

Reprisk monitors, analyzes and classifies negative news, regardless of its degree of veracity, that impact the reputation of companies according to sustainability taxonomies. Through the analysis by critical themes, it is possible to obtain a rich and substantiated image of the frequency and type of incidence of the issues, not only at the level of each company but also at the level of each sector of activity and region. In spite of everything, the data must be relativized as the news often depends on the level of democracy in each country and the visibility of each company for the news context.

## Negative news by tag

### World wide – 10 years' time frame

The figures display the number of related Risk worldwide incidents registered by RepRisk and related to the global energy sector.

Economic impact	934
Health impact	503
Indigenous people	349
Protected areas	260
Negligence	248
Airborne pollutants	169
Endangered species	161
Land grabbing	155
Marine/Coastal ecosystems	153
Palm oil	148
Greenhouse gas (GHG) emissions	116
Hydropower (dams)	111
Salaries and benefits	98
Wastewater management	67
Money laundering	57
Involuntary resettlement	54

Water scarcity	52
Monocultures	37
Water management	30
Nuclear power	23
Forest burning	18
Racism/Racial inequality	16
Coal-fired power plants	15
Epidemics/Pandemics	14
Security services	13
Migrant labor	13
Genocide/Ethnic cleansing	11
Privacy violations	10
Illegal logging	10
Asbestos	9
Tax havens	8
Fracking	8
Lobbying	7
Energy management	7
Genetically modified organisms (GMOs)	5
Plastics	4
High conservation value forests	4
Gender inequality	4
Soy	3
Human trafficking	3
Access to products and services	3
Coral reefs	2
Arctic drilling	2
Agricultural commodity speculation	2
Seabed mining	1

Sand mining and dredging	1
Rare earths	1
Nuclear weapons	1

## Negative news by Issue

### World wide - 10 years' time frame

The figures display the number of related Risk worldwide incidents registered by RepRisk and related to the alternative energy sector.

Impacts on communities	1437
Impacts on landscapes, ecosystems and biodiversity	1429
Violation of national legislation	992
Local pollution	516
Local participation issues	400
Fraud	366
Human rights abuses and corporate complicity	257
Corruption, bribery, extortion and money laundering	257
Climate change, GHG emissions, and global pollution	197
Occupational health and safety issues	192
Waste issues	179
Misleading communication (including greenwashing)	159
Supply chain issues	130
Poor employment conditions	130
Controversial products and services	119
Anti-competitive practices	71
Violation of international standards	65

Tax evasion	59
Forced labor	56
Overuse and wasting of resources	48
Products (health and environmental issues)	27
Social discrimination	25
Freedom of association and collective bargaining	19
Discrimination in employment	12
Executive compensation issues	11
Tax optimization	6
Child labor	6
Animal mistreatment	3

## EDP's Human and Labor Risk Maps

The figures display EDP country's ranks, based on the frequency and severity of incidents registered by RepRisk, that are related to the alternative energy sector, ordered from high risk to low risk.

### Reprisk – Country level exposure

Cambodia	71
Colombia	57
Mexico	54
Brazil	52

China	48
Indonesia	48
Thailand	47
Viet Nam (Vietnam)	45
Malaysia	40
Greece	39
Romania	37
Chile	34
Spain	32
Poland	32
United States of America	31
France	28
Italy	26
Hungary	25
Korea, the Republic of (South Korea)	25
Taiwan	23
United Kingdom	22
Belgium	20
Portugal	18
Japan	18
Singapore	17
Germany	16
Netherlands	16
Canada	14



## Risk Map: Employees

The ethical process is the main system that captures disrespect for people's individual rights. The detailed information is published in the EDP Group's Integrated Report .

POTENTIAL ISSUES	EUROPE	NORTH AMERICA	SOUTH AMERICA	APAC
Salary arrears / non-payment				
Excessive overtime hours	1	1	1	1
Excessive continuous work hours	1	1	1	1
Violation of the right to weekly rest/vacation	1	1	1	1
Wages below the legal/contractual minimum				
Inhibition of Collective Bargaining/association rights				
Child labour				
Youth work in hazardous activities				
Lack of training and protection/safety equipment				
Violation of the right to medical leave				
Violation of the right to care for one's family				
Forced labour situation				
Use of illegal workers				
Use of non-contract workers				
Inadequate conditions for posted workers				
Health & Safety risks	1	1	1	1
Breach of personal data	1	1	1	1
Gender discrimination in careers	1	1	1	1
Gender discrimination in salaries and duties	1	1	1	1
Racial/ethnic discrimination	1	1	1	1
Sexual harassment	1	1	1	1
Verbal harassment	1	1	1	1
Physical violence				

Risk scales, from 1-Low exposure to 3 – High exposure



## Risk Map: Customers / End users

Personal data protection, quality of service, invoicing, and responsible marketing are relevant issues that must be managed. Undue power cuts and maintenance operations in private property keep going relevant risks on customer rights.

POTENTIAL ISSUES	PORTUGAL	SPAIN	BRAZIL
Unjustified power cuts	1	1	1
Unjustified power cuts: patients	1		
Violation of personal data/privacy	1	1	1
Physical violence			1
Violation of private property	1	1	1
Commercial Harassment	1	1	1
Commercial Misinformation	1	1	1
Digital illiteracy	1	1	1
Energy accidents			2

Risk scales, from 1-Low exposure to 3 – High exposure





## Risk Map: vulnerable communities

The construction of wind and photovoltaic parks, as well hydro energy, always has an impact on local populations. Wind farms have a very significant visual, sound and flying impact that can be mitigated but is not nullable. Although less visible, and not being a noise generator or a threat to flying species, photovoltaic parks “urbanize” wide territorial areas and generate a mirror effect. Dams transform vast areas of the territory, in an almost irreversible way. Likewise, the transmission network continuously interferes with the landscape. This is the general cause that can affect the rights of people facing the construction of a renewable energy site, which includes the impact of construction work. Local authorities, landowners or users, neighbors, environmental organizations, all shall express their opinion and make a point in relation to the new construction. In regions where communities, and not just indigenous peoples, use collective territory, it is necessary to address additional aspects that can have a negative impact.

Likewise, the closure of coal-fired power plants generates local unemployment, which deserves appropriate local plans for the creation of new jobs and job retraining.

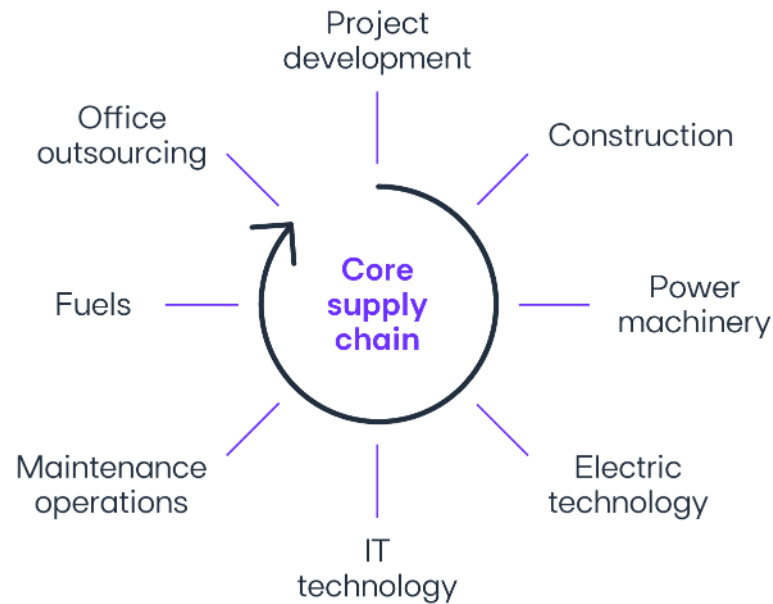
POTENTIAL ISSUES	WIND OFFSHORE	WIND FARMS	SOLAR FARMS	LARGE HYDROPOWER	SMALL HYDROPOWER	COAL POWER PLANTS	GAS POWER PLANTS	TRANSMISSION	DISTRIBUTION
Visual	2	3	1	3		2	2	3	2
Noise/vibration		3		1	1	2	1	1	
Fishing/farming	1	2	1	3	1	1	1	1	
Historical Heritage				3					
Natural Heritage		3		3		1	1	3	
Land ownership		2		3				2	1
Electromagnetic risks		1						1	1
Safety risks		1		2				2	2
Pollution						3	2		
Resettlements				3					
Unemployment						3			
Unshared Value		2		3		2	2	1	
Accesses		1		3		1	2		
Construction works		1		3		1	1	1	
Migrant workers influx				3		1	1		
O&M works		1				3	2	1	1

Risk scales, from 1-Low exposure to 3 – High exposure



## Risk Map: core supply chain

EDP develops and manage renewable energy generation infrastructure and, to that extent, does not produce any equipment or technology. EDP purchases equipment and technology from brands and final manufacturers. EDP also purchase turnkey services that include the installation of equipment.



## Suppliers Tier 1

Labor accidents are frequent in the construction/demolition and maintenance of infrastructures.

In the outsourcing of services and subcontracting, labor rights compliance must be systematically assessed.

IT services must be managed to mitigate cybersecurity and data protection risks.

## Suppliers Tier 1 + n

The manufacture of renewable technologies may consume mineral resources from regions with forced labor and child labor evidence. Polysilicon, cobalt, aluminium production are industries with salient risks.

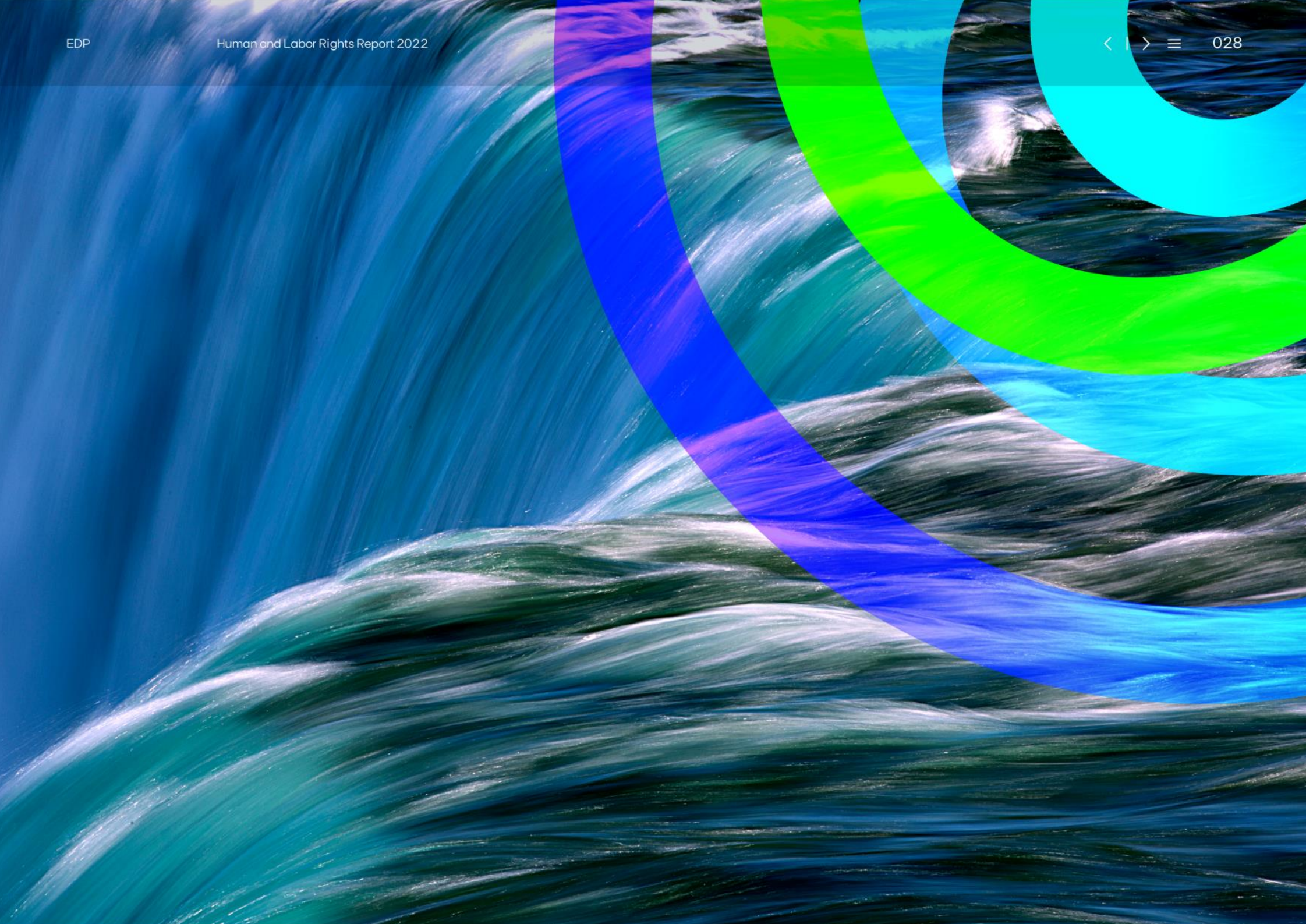
Manufacturer activities, transports, mining, and energy facilities are exposed to labor accidents.

Working conditions and equality in the global economy are often disregarded.

POTENTIAL ISSUES	TECHNICAL SERVICES AND CONSTRUCTION	CORPORATE SERVICES AND IT	ELECTRICAL/ INDUSTRIAL TECHNOLOGY	FUELS
Salary arrears / non-payment	1	1	1	1
Excessive overtime hours	2	2	2	2
Excessive continuous work hours	2	2	2	2
Violation of the right to weekly rest/vacation	1	1	1	2
Wages below the legal/contractual minimum	1	1	1	2
Inhibition of Collective Bargaining/association rights	1	1	1	2
Child labour	1	1	1	1
Youth work in hazardous activities	1	1	1	2
Lack of training and protection/safety equipment	1	1	1	2
Violation of the right to medical leave	1	1	1	2
Violation of the right to care for one's family	1	1	1	2
Forced labour situation	1	1	1	1
Use of illegal workers	1	1	1	1
Use of non-contract workers	1	1	1	2
Inadequate conditions for posted workers	1	1	1	2
Health & Safety risks	2	1	2	3
Breach of personal data	1	1	1	1
Gender discrimination in careers	1	1	1	2
Gender discrimination in salaries and duties	1	1	1	2
Racial/ethnic discrimination	1	1	1	2
Sexual harassment	1	1	1	2
Verbal harassment	1	1	1	2
Physical violence	1	1	1	2

Risk scales, from 1-Low exposure to 3 – High exposure





# Human and Labor Rights Management



## Is the Climate a fundamental human right?

EDP subscribes to the United Nations declaration that establishes climate as a fundamental human right. The right to a human and biodiverse, healthy and safe climate is the ultimate purpose of the decarbonization strategy.

## Does the energy transition undermine local community rights?

The closure of fossil power plants creates unemployment, and the development of renewable infrastructure impacts the territory. However, through joint planning by stakeholders, negative impacts can be mitigated through active policies that ensure local value creation.

## Is it inevitable that fossil plant closures will generate unemployment?

The closure plan for EDP's coal-fired power plants, which will be completed by 2025, includes the creation of new local jobs through investment in renewable projects. A positive balance in job creation is expected. The workers affected by the closure benefit from job protection and reintegration measures.

## Who are the stakeholders in a renewable energy project?

A renewable infrastructure project is an investment with three "investors". The company, the community, the state. It is necessary to reach an agreement among all, knowing that for the same project there are multiple entities representing the community and the state. From the outset, it is crucial that there are clear rules and agreement between the state and local communities for companies to operate.

## Does EDP follow the Previous, Prior and Informed Consent?

EDP follows the Previous, Prior and Informed Consent principles established by the United Nations in any country where it works, regardless of whether there is a legal obligation. The principles have been transposed to EDP's policies, especially its code of ethics, human rights policy and stakeholder relations policy.

## What measures generate value creation for local communities?

There is local value creation whenever investment in new renewable energy projects favors the sustainable development of local communities by creating jobs, improving local infrastructure and the environment. In particular, EDP favors the promotion of access to renewable energy by local communities. However, the concrete measures that lead to value creation must result from the local dialogue process.

## What are the expectations of local communities in a negotiation process?

Communities want maximum preservation of their territories and cultures, avoid social imbalances, and improve their living conditions through access to energy, sanitation and water, access to communications and education, employment, and income. But each case has its own specificities.

## What is the most complex issue in a negotiation process?

In the construction of wind farms and transmission lines, the definition of a project's area of influence and the identification of stakeholders is the most critical issue, insofar as if there are owners whose land receives the infrastructure, other people's rights may also be recognized, due to their proximity or uses. Hence the importance of prior studies and dialogue with structures representing local communities.

## Are we seeing an accentuation of criticism towards renewable projects?

The energy transition implies a strong growth of renewable infrastructures with an increase in the occupied areas and covering more communities. In this sense, there are more projects simultaneously, more dialogue processes and more news. In particular, when a project is inserted in a region with a high presence of other renewable energy projects, a contagion effect can be expected, given the magnitude of the whole government plan. Communities may react to the impact of a new project, but their opinion may reflect the overall impact of the government plan and other projects.

## Do renewable technologies rely on ores exposed to the charge of forced labor?

In renewable energy, as for high-tech industries, the risks of forced labor are linked to the mining sector and are present in several countries. It is not only the renewable sector that is exposed to violation of human dignity and labor rights. Therefore, there is an individual, collective and multisectoral duty for companies to identify this risk, preventing and combating it.

## How does EDP identify the risk of forced labor?

The risk of forced or child labor occurs in situations, activities and territories that are very well characterized. EDP closely monitors reports, complaints and news regarding human rights anywhere in the world, using reports from institutions such as the Bureau of International Labor Affairs of the United States government, and specialized platforms such as Reprisk. Based on this prior identification of risks, concrete measures are taken in the relationship with direct suppliers.

## How does EDP avoid exposure to the risks of forced labor?

EDP acquires equipment previously available on the market, developed by large technological companies. To act against forced labor, EDP dialogues with its direct suppliers to establish specific contractual procedures and disclosures, which must be extended to second tier suppliers. The challenge of controlling the entire supply chain back to the origin of the raw materials is considerable since, in international trade, there is no traceability system that allows the identification of the companies that participated in the value chain of a good.

## Should there be an international traceability system for materials?

Yes, this is the position that EDP defends in the international organizations in which it participates. More importantly, EDP already applies traceability contractual rules, including audits, and identifies indirect suppliers. EDP co-funds the Solar Stewardship Initiative project, which aims to certify solar sector industries in Human Rights. Through the joint initiative of several companies in the sector, it is possible to leverage the protection of human rights.

## Is EDP in favor of the European Due Diligence Directive?

Without hesitation. EDP started implementing Due Diligence in 2017. The Board of Directors made this decision in June 2016 and, in the specific case of suppliers, the standard is called the Sustainability Protocol. By 2022, the system was in application in all business units. EDP will have to adjust procedures according to the final text of the directive, but, in essence, the directive is already applied.

## Did the Due Diligence mechanism reveal EDP's association with human rights violations?

No. But essentially because Due Diligence is a system of successive filters, continuous, multidimensional, that anticipates and prevents. For example, in the case of suppliers, we

have 5 due diligence levels of prevention. From the screening phase of counterparties to the continuous evaluation of contractual performance.

### What human rights criteria do you use in the due diligence process?

EDP verifies compliance with international and national standards, acting by the principle of the most complete standard, subscribing to the conventions of the United Nations and the International Labor Organization, and implementing these criteria in the selection of counterparties and in contractual relations.

### Who manages the Human and Labor Rights Policy at EDP?

Responsibility is assigned to the member of the executive board of directors responsible for Sustainability (Rui Teixeira) and executive management belongs to the corporate director responsible for the same area (Miguel Viana). But human and labor rights are also assigned to various corporate departments that can somehow influence the processes, as identified in the policy.

### How will EDP achieve the goal of zero serious occupational accidents?

The main causes of serious accidents are of a behavioral nature, due to non-compliance with existing and trained safety rules. Portugal and Brazil are the countries where the problem persists, but the entire organization is involved in the PlayItSafe program, and the goal belongs to all EDP employees and is especially monitored by the board of directors.

### What measures does EDP have to ensure Diversity, Equity and Inclusion?

EDP promotes collective bargaining that establishes the concrete principles of equal pay, career progression, non-discrimination, decent pay, health coverage, pensions, among others, ensuring the implementation of the ILO conventions rules. Additionally, EDP approved a new strategic DEI plan that aims to accelerate the commitment to diversity, equity and inclusion, both from the perspective of family and work reconciliation, as is the case with the MasFamilia certification, as well as establishing long-term goals for achieving gender balance, equality in professional development and valuing social inclusion measures.





# Exposure to negative impacts



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# Forced labor

## Risk Identification

The manufacture of renewable technologies may consume mineral resources from regions with forced labor and child labor evidence. Polysilicon, cobalt, aluminium production are industries with salient risks. (see Risk Map: core supply chain)

## Exposure to Risk

EDP's business is the development and management of renewable energy generation infrastructure and, to that extent, EDP does not produce any equipment or technology.

- EDP purchases equipment and technology from brands and final manufacturers.
- EDP also purchase turnkey services that include the installation of equipment.
- EDP has no direct exposure to forced or child labor.

## Risk Management

Forced and child labor risks are analysed at top management level, management procedures and training are implemented.

Direct suppliers and subcontractors are qualified by EDP and 3<sup>rd</sup> parties to assure that indirect suppliers are also compliant with the fundamental human rights.

- Suppliers are screened, assessed, audited before and during the contract
- Contracts include human rights rules, transparency, and traceability clauses
- Contracts include obligations and expectations for second tier suppliers

The renewable sector shall act together implementing traceability of the fundamental human rights respect, thus leveraging human rights through combined action.

- EDP participates in the global network for human rights
- EDP supports industry traceability and audit standards

## Due Diligence to all

EDP systematically scrutinises any evidence of human rights violations that may be related to any counterparty through a due diligence process on legal compliance, integrity, human and labour rights to counterparties with deals above €25,000. This process covers 99% of the purchasing volume and results in the exclusion of those who do not guarantee compliance with national and international standards.

## Due Diligence to critical suppliers

Additionally, for the suppliers of the electricity sector's value chain, and according to specific risk maps, there is scrutiny on human rights, climatic and environmental issues, on skills and sustainability management practices, financial risks and business continuity, cybersecurity, prevention and safety management, and quality, among others. Once the contractual relationship has been established, where the ESG requirements are converted into contractual clauses, EDP monitors, audits and evaluates the performance of its critical suppliers.

## Due Diligence to 2<sup>nd</sup> tier suppliers

Conducting audits of the suppliers of suppliers is an emerging issue on the international agenda – it requires time, a change in mentality, and collaborative work from companies. EDP is currently discussing with its suppliers exposed to risks, modifying contractual clauses, requesting equivalent commitments and the principle of independent auditing.

## Solar modules priority

In this area, the photovoltaic panels sector is a priority, insofar as it is a strategic technology in EDP's business plan and is exposed to geopolitical conflict, is affected by accusations of forced labour, customs controls, price rises and logistical disruptions, generating significant medium/long term uncertainty.

## Supporting industry-led mechanisms

Believing that extending the practice of due diligence to indirect suppliers depends on companies from each industry sector working together, EDP is a co-founder of the Solar Stewardship Initiative, a Solar Power Europe programme, which has established a code of

conduct and auditing principles specific to the solar sector. Auditing of companies, especially those exposed to charges of colluding with forced labour, is the action plan for 2023.

## Solar Modules procurement

### **EDPR business case**

For EDPR, it is a priority to engage with its supply chain and, in particular, with strategic suppliers. Firstly, because of the important contribution they make as main partners in achieving the Company's business objectives; and on the other hand, to avoid, manage and mitigate any ESG risk situation that may arise in the supply chain.

From 2022, the Company has launched an additional engagement process with strategic suppliers in sustainability matters. To this end, during the qualification phase, the Company shares its ESG priorities with suppliers in order to assess their performance, analyze their contribution to the EDP Group's goals and identify potential risks. This information analysis process is complemented by specific ESG and traceability meetings, in which both parties share their strategic priorities, commitments and targets regarding transparency, supply chain management and goal alignment: 1) Decarbonization; 2) Human and Labor Rights; 3) Circular Economy; 4) Health and Safety; and 5) Biodiversity.

In addition, during this phase and during the execution of contracts, the traceability of the supply chain is a key issue to monitor and avoid potential human rights risks. The Company establishes as one of the main requirements of the agreements to know the supplier's supply chain management and to have a traceability map of the processes that take place upstream in its value chain. The localization and ownership of the upstream manufacture sites is the key factor in assuring the value chain traceability.

Finally, EDPR includes ESG clauses in the contracting phase. These clauses refer to the measures necessary to avoid forced labour and other environmental, social or governance risks within the supply chain. In addition to ESG audits in the event that a risk situation is identified, during the execution of the contract, the Company requests other information that is essential for its own environmental and social performance, such as environmental information on products or information on health and safety.

# Vulnerable communities

## Risk Identification

The construction of renewable farms and power infrastructures always have physical impact on territories and local populations. Local authorities, landowners or users, neighbors, environmental organizations, all shall express their opinion and be engaged in the project. In regions where communities use collective territory it is necessary to address additional issues, especially tackling impacts on vulnerable communities. Developing infrastructures in indigenous peoples' territories demands extended agreements to assure local shared development. (see Risk Map: vulnerable communities)

## Exposure to Risk

EDP is exposed to vulnerable communities impacts in Brazil and Colombia.

## Risk Management

### La Guajira

EDPR's projects in Colombia

Colombia is making historic strides toward the goal of being carbon neutral by 2050. As one of nine Latin American countries working toward a target of 70 percent renewable energy use by 2030, Colombia aims to contribute 4 gigawatts of renewable energy to its total energy mix supporting the 2030 regional goal. With its renewable energy targets and a growing share of wind and solar resources, Colombia is designing a future power system that is fundamentally different from that of today—one that uses new technologies, embraces new actors and investors, and creates new opportunities to enhance energy security, affordability, and reliability.

In this context, and as a historic milestone, the first long-term auction of non-conventional renewable sources in Colombia was held in 2019, allocating 2.2 GW of solar and wind power generation capacity with the aim of the National Government to take a major step in the energy transition policy.

At this auction organized by the Colombian Government, EDPR secured two 20-year contracts for the construction of two wind farms, allowing the Company to enter the Colombian market for the first time. The contracts refer to the Alpha (212 MW) and Beta (280 MW) onshore wind projects, which are currently being developed.

La Guajira region, home to the six awarded wind projects in the auction (including EDPR's two projects) and nearby to 4 GW of other registered non-hydro renewable energy projects, historically has been marginalized and energy poor. The province's energy poverty has triggered community opposition to large-scale renewable energy projects, and some projects have been halted. Renewable asset deployment in the region must therefore involve environmental and socio-economic impact assessments on local communities. This can be done by fostering local community participation, including consultation on project permitting and development.

Furthermore, some projects, including EDPR's, are in Indigenous Reservations areas – territories of a collective nature in which projects can be developed through compensation agreed upon in prior consultations. Taking this into consideration, we have been in contact with the local communities since our entry in the Colombian market, working closely with them and participating in different initiatives in the country. EDPR is especially active in the region of La Guajira in which the Wayuu (an Indigenous American ethnic group) are present, and where we have a social local team of 7 people with previous specific experience in relations and prior consultation with Wayuu communities, complemented by a team of 20 contractors of which 18 are Wayuus, ensuring we have a close connection and understanding of the reality.

As stated, prior consultation is a fundamental right that ethnic groups in Colombia have in order to be able to decide on measures (legislative and administrative) or projects, works or activities that are going to be carried out within their territories, with the aim of protecting their cultural, social, and economic integrity, and guarantee the right to participation. It is a mandatory process that must be carried out before the execution of a project that may affect their living conditions through a two-way dialogue with the communities. Some commitments emerge from the prior consultation with the purpose of preventing, mitigating, correcting, or compensating the impacts generated by the project in the territories, which are determined through impact identification workshops.

This process was followed by EDPR with the acquiescence and presence of the Ministry of Interior, complying with all legal obligations and applicable due diligence procedures such as impact studies and prior consultations with local communities, and making sure that the

Company's contacts and formal agreements with the communities were always made with the registered Traditional Authority.

The projects are expected to have several other benefits for the local communities, such as local job creation (currently, 60% of the labour force is from the Department of La Guajira), and access to renewable electricity supply through "solar communities" in some areas. The distribution of energy in the region is the responsibility of the Colombian Government, but commitments were established within the prior consultation agreements for all stages of the project to help achieve this, such as the construction of solar plants in the community centre.

In addition, resulting from the agreements made with the communities and in our efforts to support their development, we committed to a budget of 66 billion COP (~15 million USD) for 30 years with the objective of increasing the quality of life of local communities and contribute to their continued socio-economic development. Accordingly, EDPR is working closely with local communities and participating in different initiatives in the country, especially in the La Guajira region. For example, EDPR contributed to the Colombian Food Bank in 2020 with an investment of 83 million COP (~19 thousand USD), and during the Covid-19 pandemic EDPR played an active role in donating sanitary materials such as masks, gels, detection tests, among others, for the municipality of Uribia (La Guajira), amounting to 60 million COP (~14 thousand USD). More recently, EDPR donated 100 million COP (~23 thousand USD) to the representation of the Colombian Red Cross in La Guajira to assist those affected by the winter wave affecting the municipalities of Uribia, Maicao and Albania.

Please note that these agreements with the communities were initially determined considering the number of wind turbines installed, and even though there was a review of the license of the projects to change the number of turbines (to generate the same energy with fewer but larger wind turbines), there will be no adjustment to the commitment previously made.

Therefore, by complying with the agreements reached between the community and the Company, we hope to strongly contribute to improving the quality of life of the areas surrounding the projects. We would also highlight that the Colombian State, through its Ministries (Ministry of the Interior, and Ministry of Mines and Energy), follows up and monitors the progress of the project and compliance with the agreements established with the communities. Government support in management and compensation to local communities is essential to accelerate the energy transition in Colombia and Latin America

In conclusion, the Company has been continuously working together with the Government and the local communities so that our projects can start operating and so they can further benefit from them as soon as possible.

## Serra da Borborema

EDPR's projects in Brazil

### The new wind energy region in Brazil

Last year there was a significant increase in criticism of wind farm projects in the Northeast region of Brazil. The launch of the "Para quem sopra os ventos" [For Whom the Wind Blows] series, on the impact of wind farms in the Northeast region, created by the *Cáritas e Misereor* organization took place in February 2022. The material included testimony from people who had been adversely impacted as well as those from academics against the implementation of such projects. Local and trade union movements organized actions in the Northeast region against the implementation of wind energy projects. Most NGOs and associations opposed to wind farms are focusing on the region of Paraíba, a state with numerous operating licenses in progress and the new wind energy region in Brazil. The movement is raising concerns both on environmental and social issues.

Environment: i) The noise of the wind turbine propellers, both in terms of health and scaring off local fauna; ii) Interference in bird flight routes; iii) Risk of reduced access to water by the communities; iv) Construction of roads that will cause cracks in homes and cisterns; v) Excessive dust (health); vi) Concern regarding the transmission of radiation from the wind towers; vii) Mental health and hearing problems caused by the interference of the wind towers; viii) Degradation of the Caatinga [semi-arid tropical vegetation] due to the building of new roads.

Social: i) Reduction of the area used for family agriculture, affecting food supply and nutrition. Harassment of women and girls by the non-local workforce hired: "filhos do vento" [children of the wind]; ii) Payment dependent on wind changes – abusive lease contracts; iii) Alterations of rural and peaceful way of life; iv) Impact on local production chains; v) Existence of "wind brokers", who negotiate contracts between residents and the company; vi) Potential conflicts among neighbors concerning land.

## EDPR's projects

On 05/27/2022 EDPR successfully won the bid for two Power Purchase Agreements (“CAEs”) of 15 years in the Brazilian renewable energy auction (A-4 2022) to sell clean energy produced by 93 MW in a wind farm with 124 MW of total installed capacity.

These wind farms are in the municipality of Pocinhos, in the state of Paraíba, and are scheduled to start construction in December 2023. The municipality of Pocinhos forms part of the region of Pólo da Serra da Borborema, comprising 15 municipalities in this mountainous region of the interior of the Northeast area of Brazil. Three municipalities of the Paraíba state fall within the Wind Power Generation and Transmission Lines of the Serra da Borborema Project: Pocinhos, Areial and Montadas (Wind farms) and Pocinhos, Puxinanã and Campina Grande (TL). The entire Wind Farm Complex is situated in the municipality.

This is EDPR's first project in the state of Paraíba and a social diagnosis was carried out in advance, in September 2022, aiming to plan the social and communication actions to be carried out in these communities.

As a result of this diagnosis, the departments of Environment, Social and Public Affairs & Community Relations drew up an action plan to be executed throughout 2023, which included initiatives addressing (i) education and improvement of school environment, catering for almost 500 students in the municipal educational network; (ii) cultural events throughout the year, with theater plays and movies in public spaces; (iii) sports events throughout the year designed to promote socio-emotional benefits of sport; (iv) development of rural enterprise to inject economic dynamism into socioeconomically deprived regions, through technology involving agroecological production, combating drought, water security and food supply safety; v) development of a social project to train young people for the job market; vi) Creation of a narrative aligned and coordinated with the rest of the industry and vii) preparation of a differentiated communication plan for the region.

Moreover, the Social Communication Program for the region was launched in April 2023, involving the appointment of a local communication agent, physical and digital ombudsperson and regular meetings with local communities, public authorities, and other local stakeholders to ensure the transparency of business information.

# Just Transition

## Risk Identification

The closure of fossil fuel thermal power stations generates unemployment, negatively impacting local communities, especially in non-urban regions. (see Risk Map: vulnerable communities.)

## Exposure to Risk

At the core of EDP's green strategy is the commitment to the energy transition, working towards being coal-free by 2025 and achieving carbon neutrality by 2030. This strategy implies the closure of EDP's fossil fuel power plants.

Portugal	Sines	Closure: January 2021
Spain	Aboño Soto Ribera Los Barrios	The decommissioning processes of Soto 3, Los Barrios and Aboño 1 are expected to be concluded until 2025, and Aboño 2 will be converted to a gas-fired power plant, guaranteeing the security of the electric system in the Asturias region
Brazil	Pecém	Commitment to phasing out its ownership of the power plant until 2025

EDP's coal plants effects on job creation, at the local economic level, on the to 7% of the population in the municipality of Carreno and 20% of the population of Ribera de Arriba, in Asturias, as well as 2% of the population of Sines, in the Alentejo. Thus, considering this results, EDP set out a policy commitment to Just Transition.

## EDP's Just Transition Commitments

- Plan the closure of coal plants in order to mitigate negative social impacts on their affected stakeholders
- Invest in new job-creating renewable projects for affected stakeholders
- Promote social dialogue and joint action with impacted stakeholder groups
- Ensure social protection for unemployed direct and indirect workers

- Promote the redeployment of affected workers to new employment opportunities, ensuring reskilling and mitigating their relocation
- Defend public policies for social protection and reskilling of the affected direct and indirect workers
- Support Access to energy Programs to vulnerable off-grid communities
- Promote gender balance and the inclusion of vulnerable people in employment opportunities generated by renewable investment

Likewise, in adopting its commitment to be Coal Free by 2025, EDP has also undertaken the responsibility of working together with governments and local authorities in promoting a Just Transition in the regions affected by the closure of its plants.

## Risk Management

### Closure of the Sines Power Plant

In Portugal, the closure of the Sines Power Plant, which took place in January 2021, was prepared for throughout year 2020 and this included the drawing up of a plan to minimize the negative repercussions on local employment. To this end, EDP has identified stakeholders, including local authorities, trade unions, employment and professional qualification institutions, and service providers. EDP presented its direct employees with proposals for early retirement and transfer to other company activities, always assuring their social protection. To support indirect workers, it mapped out and listened to interested parties and established partnerships with the Municipality of Sines and other public and local entities. A local support office was created to clarify and help the population in finding investments for green hydrogen production in Sines, as employment alternatives. The office has physical premises and direct contact lines to provide clarification, rechannelled interested parties and to handle complaints.

The numbers evolved in 2022 showing the success of its implementation: [EDP website public info on the Programme](#) also disclosed at [Sines Municipality site on EDP social Programme](#). A support office was put together with the Municipality and the National Institute for Skilling and Employment (IEFP): 111 registrations were held there, from 128 ex-workers that were registered at the IEFP. 67% are now working; 4% still under support from the Institute; 9% retired or are under health leave, and 20% undertook reskilling programs. 19 social entities received material from the dismantled plant; and 11 local ONG received from the Fund created to support the region, EDP Solidária Sines, a total of [141.000€](#). A reskilling program was created



and an entrepreneurship scholarship created: [EDP website on the entrepreneurship skilling](#) also public at [Sines Public Technological school site, on the entrepreneurship skilling](#).

The case study of Sines inspired and fed the [World Economic Forum toolkit for the Coal to Renewables engagement](#). Presented at the Davos meeting in 2022, the **Programme won the Community Involvement Program of the Year at Environmental Finance's Sustainable Company Awards 2022**.

## Preparing Spain coal abatement

Throughout 2022, EDP Spain engaged in its path to a Just Transition. At Aboño, the H2 “fase 150MW” proceeds with the Basic Project and has started the environmental processes ESIA and MS AAI. The Natural Gas exchange is building its Basic Project, and already started the environmental procedures ESIA and MNS AAI. There’s a Synchronous Compensator being studied for implementation after Aboño 1 is definitely closed. Side-by-side with the technical transition, the social process was engaged to focus on communities: The municipalities of Carreño, Gozón, Corvera de Asturias, Llanera y Villaviciosa had an entrepreneur program called ENTAMA, previous to EDP Spain but now focused on the JT regions; the recovery of rural paths and ecosystem services was established by the Mi Entorno program (Mi Entorno program) at Soto de Ribera, the H2 “fase 5 MW” has its Basic Project being completed and has started the environmental procedures ESIA and MS AAI. The synchronous compensator is being studied and will only apply after the closing of Soto 3. Storage: several distinct long term technology approaches are being studied. Socially, over 18,000€ were invested in upskilling (EDP + Joven) through technological scholarships to 75 young men also on the municipalities of Ribera de Arriba, Morcín, Riosa, Quirós, Teverga, Mieres, Aller y Lena, along with other programs recovering the Nalón River or the planting of trees in Los Barrios and Puente Nuevo, those programs (EDP + cerca; ENTAMA; mi entorno) were also applied, in order to reinforce the social network and the communities affected by the energy transition. Scholarships for electrical skills were very much appreciated by young people in those areas.

## Working with European Union institutions

EDP worked closely with the European Union institutions in to fasten the policy making, the funds and the acts protecting the energy transition. Several steps were taken at stakeholder engagement level by the EDP group towards the policy makers of the European Union:

July 2022: Joint letter with ENEL and Iberdrola, pushing for a rapid adoption of H2 Delegated Act. [EDP on LinkedIn: Delegated Act – Joint Letter](#) letter to the EC with EDP Positioning on

RePowerEU: supporting RePowerEU strategy and calling for a rapid adoption of H2 Delegated Act response to Commissioner of Energy Kadri Simson’s response to EDP letter June 2022: EBD member meeting with Commissioner for Innovation and Research Mariya Gabriel

October 2022: Letter with environment groups and civil society calling the EC to publish **h2 delegated act**

November 2022: **Business Letter** Urging the Commission to Issue a Strong RFNBO Delegated Act promoted by Google and other partners

*In this letter, EDP claimed an hourly correlation of consumption with renewable electricity generation for electrolytic hydrogen to justifiably be named renewable, geographic correlation in terms that hydrogen and renewable electricity production should occur within the same geography and the introduction of the principle of additionality.*

Meeting with the cabinet of VP for the EC, Frans Timmermans, on the H2 delegated act.

## Investing in new job-creating renewable projects

Within the just transition action plan, we made progress in the transformation of our coal sites in Spain and Brazil into Green Hubs alongside 4 business streams: green hydrogen, renewables, storage and flexibility.

# Labor rights

## Gender equality and inclusion goals

In the past 10 years, EDP has been focusing on promoting an inclusive workplace, taking important steps regarding Diversity, Equity, Inclusion & Belonging (DEIB) topics. As a key part of delivering a best-in-class employee experience, several commitments and partnerships have been made in various markets that have helped to achieve a significant impact, increasing the diversity of our workforce.

Through five public targets, 15 business-identified challenges, and 30 initiatives, EDP established clear metrics to accelerate the progress on its main commitments: Gender Equality, Inclusion of People with Disabilities, Generations, and Culturalities.

The defined action plan, highly focused on increasing diversity and representation, paved the way for a new focus on equity, inclusion & belonging going forward. The first step of this more holistic approach was the launch of the Diversity, Equity, Inclusion & Belonging Policy in 2022 with the following principles:

- Diversity: welcoming representation of traits and characteristics that make each person unique (e.g. goal of increasing underrepresented groups representation)
- Equity: ensuring that all individuals have equal access to opportunities and are treated fairly (e.g. goal of driving bias-free employee experience processes)
- Inclusion & Belonging: the psychological and social function of a higher perceived sense of acceptance and being valued in the workplace (e.g. goal of yearly assessing the subjective perception of inclusion & belonging)

Specifically on gender equality, EDP has been focusing on increasing representation in the overall workforce and in leadership positions.

This approach is complemented by a wide range of processes and initiatives that ensure equity, inclusion, and belonging on top of representation increase – which can be consulted in EDP’s Gender Equality Plan 2022–2023.

	METRIC	2019	2020	2021	2022	TARGETS 2025
Gender Equality	% Female representation globally	25,0%	25,6%	26,7%	27,4%	30%
	% Female representation in leadership	24,7%	24,6%	26,5%	28,4%	30%
Inclusion of People with Disabilities	% People with disabilities	1,4%	1,2%	1,5%	1,5%	2%
Generations	% Gen Y in leadership positions	25,0%	30,7%	36,6%	42,0%	40%
Culturalities	% HC working outside of the country of origin	2,2%	2,1%	2,2%	3,6%	5%

Aligned with EDP’s new Business Plan for 2023–2026, the DEIB agenda is currently being reviewed to continue promoting an inclusive workplace based on a common purpose (“Our energy and heart drive a better tomorrow”) for EDP Group.

Currently under discussion for approval by the Executive Board of Directors, there are already three targets defined:

- 31% of overall female representation by 2026
- 31% of female representation in leadership positions by 2026
- 2% of people with disabilities by 2026

This new 2023–2026 Plan will be approved and implemented in the second semester of 2023.

## Reskilling

In 2022, EDP organized digital learning programs focused on key topics, such as effective digital Leadership, Cybersecurity best practices, Agile methodologies, the fundamentals and applications of Artificial Intelligence, Cloud Computing, and leveraging digital tools for enhanced Productivity and Innovation. These engaging programs aimed to equip participants with the skills and knowledge required to navigate the rapidly evolving digital landscape, resulting in a total training volume of more than 340,000 hours and more than 820 training courses. By embracing these technologies, EDP is positioned to continue driving digital transformation, fostering a culture of collaboration and agility, and achieving sustainable growth in the digital era.

Regarding renewable energies, the technical courses organized at EDP Renewables (EDPR) during 2022 revolved around 5 technologies, namely Wind, which has always been EDPR's strongest business; Solar PV, due to the considerable growth established by the new Business Plan; or more innovative technologies such as Green Hydrogen, covering aspects such as their fundamentals, markets, regulations, logistics, and production. Topics such as Hybridization and Storage were also addressed, focusing on how to involve the integration of technologies such as wind energy, solar energy, and storage. More than 14,600 hours of training volume were achieved through 545 training courses in 2022.

## Turnover

Despite being a growing number in recent years (5.7% in 2022, an increase of 1.6 percentage points compared to 2021), the EDP Group continues to work hard to tackle voluntary turnover, through an attractive and engaging employee experience that allows it to retain its best talent. In fact, in the North American region where voluntary turnover figures are usually higher, for example, this figure has fallen by one percentage point compared to 2021.

To mitigate these levels of voluntary turnover, the EDP Group's action has focused on the entire employee journey, starting with its clear and attractive global purpose ("Our energy and heart drive a better tomorrow"), which mobilizes all its people towards a common goal and with an impact on all the core processes of people and organization.

EDP has therefore invested in the implementation of a global onboarding experience to encourage faster integration of new employees and foster their engagement with the company from day one.

The Internal Mobility Policy in the EDP Group was also revised, as this is one of the aspects with the greatest impact on employee retention, considering the geographical distribution of the group in different markets around the world and that companies that excel at internal mobility are able to retain employees nearly twice as long as companies that struggle with it (LinkedIn's Global Talent Trends 2020 Report).

EDP also implemented a global compensation framework in 2022 to reinforce internal equity and external competitiveness. This framework makes it possible to clarify and standardize compensation concepts in all markets where EDP is present, as well as the organizational segments and their relationship with an organizational matrix, a tool that has provided global alignment in 2022 and makes it possible to ensure internal equity and define clear career paths within EDP.

On the other hand, to enhance an even more impactful development environment, a Global Development Mindset was implemented in 2022 that takes a holistic view of each employee and is supported by regular development conversations. This allows not only to align individual and business needs but also to manage employee motivation and performance.

To support this development-driven culture and employee retention, EDP, through its corporate university, has also invested in a vast portfolio of learning and development opportunities consisting of different types of content adjusted to each person's needs and accessible anytime, anywhere, anyhow.

This learning and sharing environment is also enhanced through 8 global EDP communities aiming to improve the employee experience and collaboration and sharing between different business units and markets, connecting 36.5% of the global population in 2022 and exceeding the goal set for 2025 (30%).

Another key aspect of retaining EDP employees also involves continuously promoting a work environment characterized by flexibility, balance, and inclusiveness, taking advantage of all the technological and digital innovations that improve their productivity.

## Fundamental Principles and Rights at Work

At EDP, the labor legislation in force in each country applies, as well as the collective regulatory instruments in force there, which differ in terms of their scope and content, depending on the company or sector of activity to which they relate, and also what is contractually established individually. Due to the difference in legal regimes, collective regulations do not exist in all geographies. Both the law and the mentioned instruments provide specific rules regarding working hours and wages.

Overall, 79% of the work force is covered by collective agreements.

In addition, EDP recently disclosed internally its global compensation framework, which establishes a global compensation model applicable to all countries and which may constitute the company's global commitment to "wages" and other benefits. This model was widely promoted in different internal channels and made known individually to each employee.

# Labor accidents

## Risk Identification

Labor accidents are frequent in the construction/demolition and maintenance of infrastructures, manufacturer activities, transports, mining, and energy facilities. (see Risk Map: core supply chain;)

## Exposure to Risk

The EDP Group's activities are exposed to high occupational risks in the construction/demolition and maintenance of generation, energy distribution and building infrastructures, as well as the operational activities of energy supply and services. In the last 10 years, there has been a significant number of fatal accidents in the sphere of the EDP Group activities, of which almost half are of recurrent origin and occur in key activities for the electricity sector. Portugal and Brazil are the geographies with the highest occurrence of serious and fatal accidents in energy transmission and distribution activities. It should be noted that most of these accidents are due to falls from height, electrical origin and interaction with objects/movement of loads.

The main causes of these accidents are due to behavioral factors and non-compliance with safety rules.

## Risk Management

This is why it has never been so important to talk about safety as it is now, both in a personal and professional context: it is no coincidence that this area has a prominent presence in the commitments presented in the strategic plan by the EDP Group. Recognizing this importance, the company launched the playitSAFE program, with the ambition of mobilizing the Group to meet the "zero accidents and no personal injury" target.

We have already done a lot, but there is still a lot to do, and now we need a strong safety culture to help us face the challenges that lie ahead. Therefore, EDP created a program with several safety protocols to help identify and manage accident risks in the workplace: playitSAFE. This is a Group-wide project lasting four years, launched as part of the Changing Tomorrow Now...

With You program (initiative #36), with the aim of ensuring accident prevention by promoting the continuous improvement of the company and its procedures.

Of the various initiatives already implemented or being implemented, the SIF "Serious Injuries and Fatalities" stands out, with the aim of increasing the level of control/supervision of activities in the field.

Service provider safety management is another initiative that stands out for the prevention of serious and fatal accidents. The main focus of this initiative was to define rules and an evaluation questionnaire for the pre-qualification and selection phases, as well as measurable criteria and a service provider evaluation form.

Complementing the two initiatives mentioned above and currently under development is an initiative that will work on consequence management of behaviors that lead to "SIF".

EDP uses Humanisation as one of its fundamental values and places people at the heart of its strategic agenda. Safeguarding the health and safety of employees (both inside and outside the group), suppliers, external service providers (ESP), customers and stakeholders, is an EDP group priority. For the group, no situation or emergency can justify endangering a person's life!

In fact, EDP guides its action in this matter by the principles established in the Health and Safety at Work Policy, a binding document that covers all group employees and external service providers, making the entire hierarchical structure responsible.

To this end, the EDP group requires everyone to adopt practices in line with the principles of this policy, in order to ensure continuous improvement.

## Safety practices

### Audits, inspections, visits and observations

74,642

The implementation of EDP's annual occupational health and safety programme was based on a set of actions aimed at preventing occupational accidents, as measured by a reduction in the frequency rates and the seriousness of accidents and occupational illnesses, and included training for EDP employees and service providers, the ongoing evaluation and control of labour risks and the implementation of an internal and external inspection and audit programme of EDP facilities and works.

### Training EDP workers and esp

349,741h

The Plan of Strategic OHS Objectives contains the repository of commitments and initiatives undertaken by the different organisational units for the execution of the six vectors of intervention defined on a strategic and corporate level, concerning OHS approved for 2020/25: (1) Commitment of leaderships to OHS; (2) Behaviour, preventive activities and learning from mistakes; (3) Streamlining, digitalising and standardising OHS processes in the EDP group; (4) Skills; (5) Communication and involvement; (6) Management of OHS in the contracting of SHP.

With regard to emergency preparedness and response, 460 simulated drills were carried out throughout the EDP group, covering various industrial, administrative and construction sites, in order to test the effectiveness of the planned response capacity in potential emergency situations. These drills included the participation of the civil defence force, the fire brigade, police and public safety authorities, as well as employees, service providers and the surrounding communities.

In order to prevent electrical accidents involving third parties not involved in the group's activity, EDP ensures that the risks associated with its facilities and equipment are identified and communicated. However, in 2022 there were 41 accidents of electrical origin with third parties, which resulted in the deaths of 14 people. These accidents were the result of civil construction activities, tampering with the grid and leisure, among others.

## Safety indicators

The Health and Safety at Work Policy within the EDP group demonstrates its commitment to a model of Health and Safety Work Management based on continuous improvement and the conviction that working in a safe, healthy environment is instrumental for employee satisfaction and provides added value for successful results. To improve management of the Policy objectives, EDP has a Corporate Safety Management System based on ISO 45001:2018 and the ILO-OSH 2021 recommendation. This system can be adopted in its entirety by each of the companies, or, alternatively, taken as a reference for the implementation of their own systems. In 2022, the EDP group counted a total of 10,604 employees covered by ISO 45001:2018 certification. The certification covers 96% of net installed power in production activities.

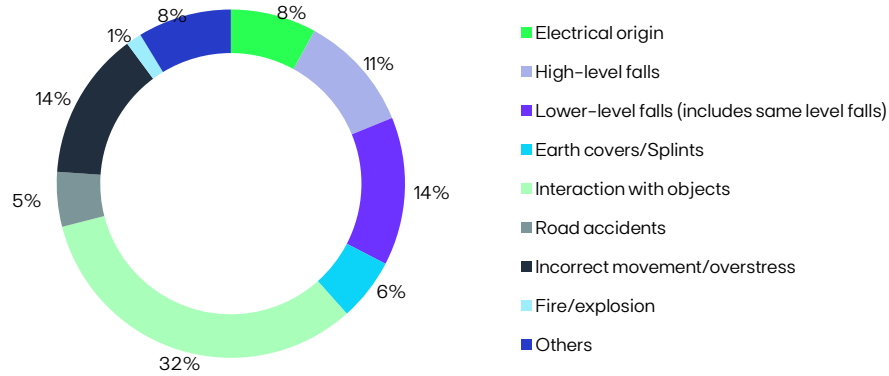
In EDP group, 133 work-related accidents occurred out of all EDP employees and service providers (ESP), representing a reduction of 13% compared with 2021. The frequency rate (FR) amongst EDP employees and service providers in 2022 grew 3% compared with the previous year, consequently we were unable to achieve the target of 1.69 set for 2022.

During 2022, there were six fatal accidents at work with service providers (fall from height, electrical origin) and one accident in commuting (road).

Additional information visit [www.edp.com](http://www.edp.com).

Accidents that occurred due to interaction with objects are responsible for 33% of accidents, followed by incorrect movements or over-straining at 14%, 11% being falls from heights, 8% of electrical origin, and 20% attributed to other causes.

TIPOLOGY OF ACCIDENTS AT WORK (%)



Health promotion

The health and well-being of the group's employees are promoted and protected through compliance with occupational health monitoring requirements, in accordance with applicable legislation.

Health monitoring programmes guarantee fulfilment of the regular medical examinations plan, workplace inspections, participation in the Occupational Health and Safety and Internal Accident Prevention Committees, and the implementation of a range of preventive campaigns.

During 2022, 10,311 medical exams, 1,175 consultations with employees who have nutrition programmes, 1,105 cardiovascular screenings and 3,776 vaccination programmes against influenza, pneumococcal infection, hepatitis B and yellow fever, which covered 1,212 employees, were carried out in the EDP group. Also, within the scope of occupational medicine activities, 11 screening sessions for alcohol and drugs were carried out. EDP group monitors and follows up the occurrence of occupational diseases.

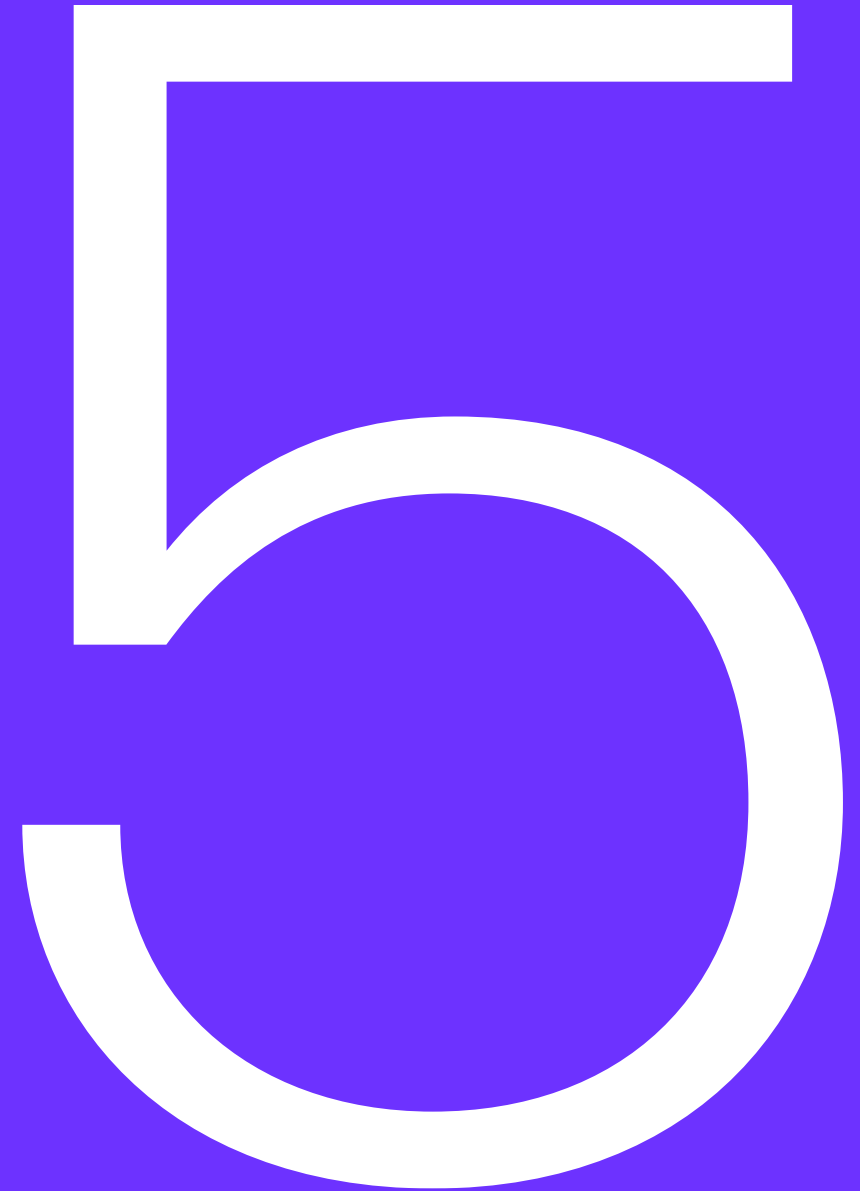
In 2022, two cases of occupational illness were recorded.



# Action Plan and Indicators

Human Rights Goals 2023–2026 49

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# Human Rights Goals 2023–2026

On the 2023–2026 horizon, the EDP Group's main human rights objectives are structured along six axes.

## 2023–2026 GOALS

Human Rights Due Diligence	All critical direct suppliers implementing Human Rights due diligence and traceability
Forced Labor	Forced labor risk is not present in the indirect supply chain
Diversity and Inclusion	Accelerating diversity and inclusion targets and achievements
Vulnerable Communities	The principles of free, prior, and informed consent and shared value are applied in all new projects impacting communities
Just Transition	Renewable investments are implemented in regions impacted by coal-fired power plants abatement
Safety	Zero fatal accidents (employees and contractors)

# Human and Labor Rights Indicators

ETHICS AND COMPLIANCE	UN	2022	2021	2020	2019
<b>CLAIMS</b>					
Total claims <sup>1</sup>	#	427	344	464	588
Claims before the Ethics Commission <sup>2</sup>	#	321	146	147	150
Client	#	22	10	8	7
Citizen	#	15	20	22	16
Employee	#	153	33	27	25
Supplier	#	26	9	8	2
Anonymous	#	105	74	82	100
<b>Claims by category</b>					
Fairness of solutions	#	n.a.	n.a.	19	7
Neglect or disrespect	#	n.a.	n.a.	103	111
Transparency	#	n.a.	n.a.	0	10
Use of information or assets	#	n.a.	n.a.	8	10
Environment and responsibility towards society	#	n.a.	n.a.	0	1
Fraud, corruption and bribery	#	n.a.	n.a.	17	11
Employee well-being	#	140	46	n.a.	n.a.
Health and Safety	#	19	6	n.a.	n.a.
Company representation	#	0	0	n.a.	n.a.
Diversity and inclusion	#	7	4	n.a.	n.a.
Harassment <sup>3</sup>	#	47	24	n.a.	n.a.
Human Rights	#	0	2	n.a.	n.a.
Relationship with shareholders	#	0	0	n.a.	n.a.
Relationship with customers	#	2	4	n.a.	n.a.
Relationship with suppliers	#	3	3	n.a.	n.a.

ETHICS AND COMPLIANCE	UN	2022	2021	2020	2019
Relationship with communities	#	1	3	n.a.	n.a.
Competition	#	0	1	n.a.	n.a.
Environment	#	0	1	n.a.	n.a.
Energy transition	#	0	0	n.a.	n.a.
Digital revolution	#	0	0	n.a.	n.a.
Entrepreneurship and cooperation	#	0	0	n.a.	n.a.
Personal data protection and privacy <sup>3</sup>	#	5	0	n.a.	n.a.
Use of company information	#	34	18	n.a.	n.a.
Conflict of interests	#	32	17	n.a.	n.a.
Corruption and bribery	#	20	12	n.a.	n.a.
Money laundering and countering the financing of terrorism	#	0	1	n.a.	n.a.
Use of assets	#	8	4	n.a.	n.a.
Gifts and entertainment	#	0	0	n.a.	n.a.
Manipulation in financial statements and/or management reports	#	3	0	n.a.	n.a.
Other	#	1	0	n.a.	n.a.
<b>Actions deliberated/determined by the Ethics Commission</b>	<b>#</b>	<b>38</b>	<b>52</b>	<b>39</b>	<b>58</b>
Revisions/improvements of procedures	#	1	26	14	40
Compensation of damages	#	0	1	0	2
Disciplinary action	#	16	13	25	16
Training	#	0	12	0	0
Other	#	21	0	0	0

<sup>1</sup>Entries registered in the complaint channels Ethics of EDP Group.

<sup>2</sup>The remaining complaints were dealt with expeditiously with the Business Units involved.

<sup>3</sup>One of the complaints has two inherent categories, "harassment" and "personal data protection and privacy", which justifies the fact that there is one more category (322) when compared to the total of complaints entered (321).

PEOPLE EXPERIENCE	UN	2022	2021	2020	2019
<b>EMPLOYEES</b>	<b>#</b>	<b>13,211</b>	<b>12,236</b>	<b>12,180</b>	<b>11,660</b>
Female	%	27.5	26.7	25.2	25.0
Male	%	72.1	73.3	74.8	75.0
Not declared	%	0.4	n.d.	n.d.	n.d.
<b>EMPLOYEES DISTRIBUTION BY PROFESSIONAL CATEGORY</b>					
<b>EBD</b>	<b>#</b>	<b>5</b>	<b>5</b>	<b>9</b>	<b>9</b>
Female	#	2	2	2	2
Male	#	3	3	7	7
Not declared	#	0	n.d.	n.d.	n.d.
<b>Senior Management</b>	<b>#</b>	<b>386</b>	<b>962</b>	<b>861</b>	<b>827</b>
Female	#	104	265	215	199
Male	#	281	697	646	628
Not declared	#	1	n.d.	n.d.	n.d.
<b>Supervisors</b>	<b>#</b>	<b>1,323</b>	<b>865</b>	<b>777</b>	<b>783</b>
Female	#	380	218	188	199
Male	#	939	647	589	584
Not declared	#	4	n.d.	n.d.	n.d.
<b>Specialists</b>	<b>#</b>	<b>6,469</b>	<b>5,276</b>	<b>4,717</b>	<b>4,528</b>
Female	#	2417	2010	1773	1649
Male	#	4027	3266	2944	2879
Not declared	#	25	n.d.	n.d.	n.d.
<b>Technicians</b>	<b>#</b>	<b>5,028</b>	<b>5,128</b>	<b>5,246</b>	<b>5,513</b>
Female	#	728	767	790	876
Male	#	4277	4361	4456	4637
Not declared	#	23	n.d.	n.d.	n.d.

PEOPLE EXPERIENCE	UN	2022	2021	2020	2019
<b>EMPLOYEES DISTRIBUTION BY AGE GROUP</b>					
≥ 50	#	2,910	2,971	3,117	3,445
Female	#	646	649	652	683
Male	#	2,261	2,322	2,465	2,762
Not declared	#	3	n.d.	n.d.	n.d.
[30-50[	#	7,973	7,213	6,556	6,324
Female	#	2,239	1,973	1,750	1,709
Male	#	5,712	5,240	4,806	4,615
Not declared	#	22	n.d.	n.d.	n.d.
< 30	#	2,328	2,052	1,937	1,891
Female	#	746	640	566	533
Male	#	1,554	1,412	1,371	1,358
Not declared	#	28	n.d.	n.d.	n.d.
<b>PERCENTUAL DISTRIBUTION OF EMPLOYEES</b>					
Age group					
≥ 50	%	22	24	27	30
[30-50[	%	60	59	56	54
< 30	%	18	17	17	16
Geography					
Portugal	%	43	47	50	50
Spain	%	16	17	13	15
South America	%	25	26	28	27
North America	%	8	7	7	6
Rest of the Europe	%	4	3	2	2
APAC	%	4	0	0	n.a.
Employees with special needs	%	1.45	1.46	1.20	1.40

PEOPLE EXPERIENCE	UN	2022	2021	2020	2019
<b>FEMALE EMPLOYEES IN MANAGEMENT POSITIONS</b>					
<b>In the total workforce</b>	%	<b>28.4</b>	<b>26.5</b>	<b>24.6</b>	<b>24.7</b>
In EBD and Senior Management positions	%	27.1	27.6	23.5	22.1
In Supervisory positions	%	28.7	25.2	24.2	25.4
In revenue-generating positions	%	16.7	15.8	14.5	16.2
In STEM positions <sup>2</sup>	%	33.3	31.1	32.7	32.2
<b>ELIGIBLE EMPLOYEES FOR RETIREMENT</b>					
<b>EBD</b>					
next to 5 years	#	0	0	3	3
next to 10 years	#	0	0	5	5
<b>Senior Management</b>					
next to 5 years	#	32	85	88	104
next to 10 years	#	47	146	162	165
<b>Supervisors</b>					
next to 5 years	#	84	39	42	53
next to 10 years	#	114	90	84	91
<b>Specialists</b>					
next to 5 years	#	298	292	326	322
next to 10 years	#	478	476	518	526
<b>Technicians</b>					
next to 5 years	#	812	967	1,188	1,370
next to 10 years	#	992	1,258	1,450	1,713
<b>RATIO EDP MINIMUM WAGE/NATIONAL MINIMUM WAGE</b>					
Portugal	x	1.47	1.79	1.84	1.75
Spain	x	1.55	1.17	1.19	1.24
South America	x	1.49	1.09	1.15	1.41

PEOPLE EXPERIENCE	UN	2022	2021	2020	2019
North America	x	1.39	2.21	2.21	2.07
Rest of the Europe	x	1.37	0.00	0.00	n.d.
APAC	x	1.01	n.a.	n.a.	n.a.
<b>TYPES OF ENTRIES</b>					
New entries	#	2,064	1,599	1,282	1,255
<b>Gender</b>					
Male	#	1,216	1,047	885	897
Female	#	642	552	397	358
Not declared	#	206	n.d.	n.d.	n.d.
<b>Age Group</b>					
<30	#	854	749	598	636
[30-50[	#	1,069	777	633	568
≥50	#	141	73	51	51
<b>Professional category</b>					
Technicians	#	596	443	403	n.d.
Specialists	#	1,327	1,104	809	n.d.
Supervisors	#	91	18	30	n.d.
Senior Management	#	50	34	40	n.d.
<b>Geography</b>					
Portugal	#	521	471	432	415
Spain	#	272	229	185	150
South America	#	595	434	366	466
North America	#	381	316	229	176
Rest of the Europe	#	161	137	84	80
APAC	#	134	12	0	0
<b>Employees with special needs (new entries)</b>	<b>#</b>	<b>18</b>	<b>25</b>	<b>0</b>	<b>3</b>

PEOPLE EXPERIENCE	UN	2022	2021	2020	2019
Vacancies filled by internal candidates	#	809	947	1,186	n.d.
<b>Gender</b>					
Male	#	555	690	850	n.d.
Female	#	254	257	336	n.d.
Not declared	#	0	n.d.	n.d.	n.d.
<b>Age Group</b>					
<30	#	286	130	159	n.d.
[30-50[	#	444	564	625	n.d.
≥50	#	79	253	402	n.d.
<b>Professional category</b>					
Technicians	#	123	341	413	n.d.
Specialists	#	566	381	472	n.d.
Supervisors	#	65	115	149	n.d.
Senior Management	#	55	110	152	n.d.
<b>Geography</b>					
Portugal	#	382	280	973	n.d.
Spain	#	74	329	77	n.d.
South America	#	281	168	100	n.d.
North America	#	52	168	30	n.d.
Rest of the Europe	#	6	2	6	n.d.
APAC	#	14	0	0	0
<b>Employees with special needs</b>	<b>#</b>	<b>9</b>	<b>0</b>	<b>0</b>	<b>n.d.</b>
<b>REASONS FOR LEAVING</b>					
End of fixed-term contracts	%	3	2	2	2
Terminated by mutual agreement	%	1	9	4	4
Terminated by employee	%	48	34	20	26



PEOPLE EXPERIENCE	UN	2022	2021	2020	2019
Dismissals	%	20	24	14	18
Early retirements	%	7	21	21	39
Age/invalidity retirement	%	8	7	5	6
Other reasons for leaving	%	14	4	35	5
<b>SALARY RATIO F/M BY PROFESSIONAL CATEGORY</b>					
<b>Technicians</b>					
Portugal	x	1.29	1.29	1.25	1.23
Spain	x	0.92	0.87	0.83	0.80
South America	x	0.93	0.97	0.96	0.98
North America	x	0.88	1.00	1.04	1.08
Rest of the Europe	x	0.98	0.00	1.70	1.11
APAC	x	0.97	0.00	0.00	0.00
<b>Specialists</b>					
Portugal	x	0.89	0.93	0.92	0.94
Spain	x	0.88	0.91	0.92	0.93
South America	x	0.86	0.81	0.82	0.81
North America	x	0.96	0.97	0.93	0.92
Rest of the Europe	x	0.85	0.89	0.91	0.90
APAC	x	0.93	0.75	0.00	0.00
<b>Supervisors</b>					
Portugal	x	0.95	0.98	0.99	0.97
Spain	x	0.89	0.86	0.87	0.84
South America	x	0.97	1.05	1.05	1.03
North America	x	0.92	0.97	1.06	0.96
Rest of the Europe	x	0.92	0.88	1.26	1.03
APAC	x	0.96	0.00	0.00	0.00

PEOPLE EXPERIENCE	UN	2022	2021	2020	2019
<b>Senior Management</b>					
Portugal	x	1.00	0.94	0.92	0.93
Spain	x	0.91	0.82	0.85	0.83
South America	x	1.32	0.89	0.93	0.87
North America	x	1.18	0.99	0.95	1.00
Rest of the Europe	x	0.00	0.79	0.75	0.92
APAC	x	1.05	0.00	0.00	0.00
<b>EMPLOYEES SATISFACTION</b>					
Engagement	%	84	76	80	73
<b>Gender</b>					
Female	%	86	78	83	74
Male	%	83	76	79	73
Not declared	%	94	n.d.	n.d.	n.d.
<b>Age Group</b>					
<30	%	82	76	79	72
[30-50[	%	83	76	81	75
≥50	%	87	76	78	71
<b>Professional category</b>					
Technicians	%	82	75	78	75
Specialists	%	84	74	79	69
Supervisors	%	88	81	86	78
Senior Management	%	92	88	90	84
<b>Geography</b>					
Portugal	%	80	73	76	67
Spain	%	81	71	78	71
South America	%	91	84	86	86

PEOPLE EXPERIENCE	UN	2022	2021	2020	2019
North America	%	86	79	84	74
Rest of the Europe	%	84	73	76	64
APAC	%	81	90	0	0
<b>Employees with special needs</b>	<b>%</b>	<b>n.d.</b>	<b>n.d.</b>	<b>74</b>	<b>71</b>
Empowerment <sup>2</sup>	%	72	76	80	71
<b>Gender</b>					
Female	%	73	71	75	69
Male	%	72	71	73	72
Not declared	%	87	n.d.	n.d.	n.d.
<b>TURNOVER</b>	<b>%</b>	<b>12</b>	<b>13</b>	<b>11</b>	<b>11</b>
<b>Gender</b>					
Female	%	11.97	13.15	11.29	10.57
Male	%	11.02	11.13	11.99	10.36
Not declared	%	24.53	n.d.	n.d.	n.d.
<b>Age group</b>					
< 30	%	14.40	12.72	9.86	8.46
[30-50[	%	9.80	7.85	8.76	5.55
≥ 50	%	15.31	24.10	18.19	20.75
<b>Professional category</b>					
Technicians	%	10.72	12.85	11.48	12.62
Specialists	%	12.78	12.24	11.89	9.43
Supervisors	%	7.94	5.78	10.94	6.26
Senior management	%	20.97	6.65	9.66	6.53
<b>Geography</b>					
Portugal	%	8.29	9.97	7.94	10.77
Spain	%	6.37	14.84	24.87	5.35

PEOPLE EXPERIENCE	UN	2022	2021	2020	2019
South America	%	14.63	14.10	8.65	10.99
North America	%	24.11	20.13	15.28	16.89
Rest of the Europe	%	10.29	9.94	36.65	16.85
APAC	%	29.57	0.00	0.00	n.a.
Employees with special needs	%	9.42	13.97	24.46	15.34
<b>VOLUNTARY EMPLOYEE TURNOVER</b>	<b>%</b>	<b>5.69</b>	<b>4.13</b>	<b>2.27</b>	<b>2.70</b>
<b>Gender</b>					
Male	%	5.57	3.94	2.70	2.40
Female	%	5.76	4.63	2.13	3.59
Not declared	%	22.64	n.d.	n.d.	n.d.
<b>Age group</b>					
< 30	%	9.79	8.58	4.34	6.03
[30-50[	%	6.21	4.34	2.58	2.94
≥ 50	%	1.00	0.54	0.35	0.46
<b>Professional category</b>					
Technicians	%	2.55	2.13	1.30	1.31
Specialists	%	8.10	6.67	3.65	4.59
Supervisors	%	4.84	2.89	1.42	2.68
Senior management	%	9.21	1.87	1.49	1.81
<b>Geography</b>					
Portugal	%	2.97	1.75	0.91	1.09
Spain	%	3.49	1.68	1.44	1.10
South America	%	5.38	5.73	2.92	3.26
North America	%	17.68	18.70	10.75	14.93
Rest of the Europe	%	8.82	4.54	4.38	11.79
APAC	%	19.40	n.d.	n.a.	n.a.
Employees with special needs	%	3.14	0.01	0.01	0.00

PEOPLE EXPERIENCE	UN	2022	2021	2020	2019
HC ROI	€	6.51	5.92	6.46	6.96
TRAINING VOLUME	h	309,936	337,296	273,873	400,504
Volume of mandatory training per employee	h	206,310	245,716	176,196	n.d.
<b>Gender</b>					
Male	h	167,019	201,172	133,234	n.d.
Female	h	39,292	44,544	42,962	n.d.
<b>Age group</b>					
< 30	h	44,339	47,126	n.d.	n.d.
[30-50[	h	119,604	152,358	n.d.	n.d.
≥ 50	h	42,367	46,232	n.d.	n.d.
<b>Professional category</b>					
Technicians	h	98,160	124,967	77,486	n.d.
Specialists	h	71,222	78,194	69,560	n.d.
Supervisors	h	27,229	23,556	15,417	n.d.
Senior Management	h	9,700	18,999	13,732	n.d.
<b>Geography</b>					
Portugal	h	119,264	120,518	117,444	n.d.
Spain	h	47,979	36,056	20,415	n.d.
South America	h	25,072	79,648	27,981	n.d.
North America	h	9,216	5,401	7,848	n.d.
Rest of the Europe	h	3,661	3,998	2,508	n.d.
APAC	h	1,120	95	n.a.	n.a.
Volume of non-mandatory training per employee	h	103,626	91,580	97,677	n.d.
<b>Gender</b>					
Male	h	74,742	64,749	73,782	n.d.
Female	h	28,884	26,831	23,896	n.d.

PEOPLE EXPERIENCE	UN	2022	2021	2020	2019
<b>Age group</b>					
< 30	h	14,934	10,395	n.d.	n.d.
[30-50[	h	70,996	64,642	n.d.	n.d.
≥ 50	h	17,696	16,543	n.d.	n.d.
<b>Professional category</b>					
Technicians	h	23,900	20,110	33,842	n.d.
Specialists	h	46,687	44,496	40,625	n.d.
Supervisors	h	19,318	11,314	11,383	n.d.
Senior Management	h	13,721	15,660	11,828	n.d.
<b>Geography</b>					
Portugal	h	21,645	28,064	27,386	n.d.
Spain	h	38,168	30,994	23,374	n.d.
South America	h	24,119	12,590	31,549	n.d.
North America	h	13,235	15,107	11,434	n.d.
Rest of the Europe	h	6,170	4,821	3,935	n.d.
APAC	h	288	4	n.a.	n.a.
<b>DIRECT INVESTMENT WITH TRAINING BY EMPLOYEES</b>	<b>€/p</b>	<b>287</b>	<b>303</b>	<b>280</b>	<b>322</b>
Investment in mandatory training per employee	€/p	1,949,792	1,635,444	1,325,491	n.d.
<b>Gender</b>					
Male	€/p	1,490,993	1,213,787	983,598	n.d.
Female	€/p	458,799	421,657	341,892	n.d.
<b>Age group</b>					
< 30	€/p	295,464	174,975	n.d.	n.d.
[30-50[	€/p	1,246,565	1,134,684	n.d.	n.d.
≥ 50	€/p	407,763	325,785	n.d.	n.d.
<b>Professional category</b>					

PEOPLE EXPERIENCE	UN	2022	2021	2020	2019
Technicians	€/p	585,649	308,374	275,175	n.d.
Specialists	€/p	719,732	650,960	493,354	n.d.
Supervisors	€/p	488,517	336,156	214,700	n.d.
Senior Management	€/p	155,894	339,954	342,261	n.d.
<b>Geography</b>					
Portugal	€/p	835,207	737,557	593,235	n.d.
Spain	€/p	699,026	595,895	430,401	n.d.
South America	€/p	81,110	113,752	52,692	n.d.
North America	€/p	258,554	125,667	230,805	n.d.
Rest of the Europe	€/p	36,407	62,573	18,357	n.d.
APAC	€/p	39,488	n.d.	n.d.	n.a.
Investment in non-mandatory training per employee	€/p	1,887,386	2,068,303	1,924,421	n.d.
<b>Gender</b>					
Male	€/p	1,289,407	1,383,758	1,340,749	n.d.
Female	€/p	597,978	684,545	583,672	n.d.
<b>Age group</b>					
< 30	€/p	275,834	231,019	n.d.	n.d.
[30-50[	€/p	1,293,843	1,519,167	n.d.	n.d.
≥ 50	€/p	317,709	318,117	n.d.	n.d.
<b>Professional category</b>					
Technicians	€/p	244,982	356,821	292,106	n.d.
Specialists	€/p	886,667	977,110	964,897	n.d.
Supervisors	€/p	453,859	359,099	295,390	n.d.
Senior Management	€/p	301,877	375,273	372,027	n.d.
<b>Geography</b>					
Portugal	€/p	413,999	593,859	709,309	n.d.

PEOPLE EXPERIENCE	UN	2022	2021	2020	2019
Spain	€/p	881,228	862,803	570,044	n.d.
South America	€/p	149,300	184,642	279,986	n.d.
North America	€/p	371,333	351,541	336,283	n.d.
Rest of the Europe	€/p	61,371	75,458	28,800	n.d.
APAC	€/p	10,154	n.d.	n.a.	n.a.

<sup>1</sup>STEM Positions (Science, Technology, Engineering e Mathematics).

<sup>2</sup>As part of the Organisational Climate, the Empowerment dimension was assessed in 2022 to replace the Enablement dimension previously assessed, as part of the evolution of the employee consultation model at EDP.

HEALTH & SAFETY	UN	2022	2021	2020	2019
<b>EMPLOYEES</b>					
Accidents at work <sup>1</sup>	#	28	21	17	29
Fatalities	#	0	0	0	0
Frequency rate <sup>2</sup>	Fr	1.13	0.92	0.77	1.50
Severity rate <sup>3</sup>	Sr	65	69	60	90
<b>CONTRACTORS</b>					
Accidents at work <sup>1</sup>	#	105	132	115	82
Fatalities	#	5	7	3	2
Frequency rate <sup>2</sup>	Fr	2.18	2.09	2.12	1.84
Severity rate <sup>3</sup>	Sr	144	109	100	88

<sup>1</sup>Accidents occurred at the place and working time or on a journey, with one or more days of absence and fatal accidents.

<sup>2</sup>Number of accidents at work in service with absence/fatalities, per million hours worked.

<sup>3</sup>Number of calendar days lost due to work accident per million hours worked, in the reference period.



CRISIS MANAGEMENT	UN	2022	2021	2020	2019
<b>INFORMATION SECURITY / CYBER SECURITY</b>					
Information security incidents <sup>1</sup>	#	3,172	4,043	3,397	4,631
Fines for breach of privacy and loss of customer data	#	0	0	4	3
Fines for breach of privacy and loss of customer data	000€	0	0	51	36

<sup>1</sup>The evolution is explained by the greater robustness in the detection capacity of this indicator and the larger number of cyberattacks.

RESPECT AND ADVOCATE FOR HUMAN RIGHTS	UN	2022	2021	2020	2019
<b>HUMAN AND EMPLOYMENT RIGHTS</b>					
Human Rights due diligence process	y/n	y	y	y	y

SUPPLIER MANAGEMENT	UN	2022	2021	2020	2019
<b>SUPPLIERS</b>					
Number of Suppliers by purchase region	#	4,199	13,385	13,185	16,686
Portugal	#	1,052	3,649	3,923	4,200
Spain	#	549	1,421	2,552	1,966
South America	#	1,053	3,749	4,720	4,353
North America	#	357	654	594	763
Rest of the Europe	#	1,381	3,916	1,559	5,404
APAC	#	0	1	0	0
Purchase volume by purchase region	M€	10,074	5,724	4,738	5,391
Portugal	M€	3,003	1,395	965	1,078
Spain	M€	1,500	722	615	1,047
South America	M€	596	887	617	753
North America	M€	3,010	1,268	1,376	1,182

SUPPLIER MANAGEMENT	UN	2022	2021	2020	2019
Rest of the Europe	MC	1,965	1,429	1,165	1,331
APAC	MC	0	23	0	0
Local Suppliers volume of purchases					
Portugal	%	27	58	76	92
Spain	%	40	51	58	88
South America	%	99	99	99	99
North America	%	99	100	100	100
Rest of the Europe	%	82	100	45	92
APAC	%	0	0	0	0
Critical Suppliers <sup>1</sup>					
ISO 14001 or equivalent	%	81	25	69	82
OHSAS 18001 or equivalent	%	80	36	55	65
Assessed by ESG criteria	%	97	100	100	n.d.
Service providers with audited ESG risks	%	63	45	53	n.d.
Human and labour rights due diligence	%	100	100	100	n.d.
ORIGIN OF FUEL					
Coal Origin					
Colombia	%	58	100	100	76
USA	%	2	0	0	13
South Africa	%	0	0	0	0
Russia	%	10	0	0	8
Australia	%	3	0	0	0
Kazakhstan	%	27	0	0	0
Ukraine	%	0	0	0	3
Gas Origin					
USA	%	57	81	n.d.	n.d.

SUPPLIER MANAGEMENT	UN	2022	2021	2020	2019
Russia	%	0	12	n.d.	n.d.
Equatorial Guinea	%	6	5	n.d.	n.d.
Nigeria	%	0	2	n.d.	n.d.
Trinidad and Tobago	%	37	0	n.d.	n.d.
PURCHASE CATEGORY					
Materials and Equipment	%	13	22	24	n.d.
Corporate Services and IT	%	16	18	14	n.d.
Construction and technical services	%	41	40	53	n.d.
Fuels	%	31	20	9	n.d.

<sup>1</sup>Critical Suppliers exposed to environmental or health and safety risks.

## GRI INDICATORS 2022

2022	UN	GROUP	PORTUGAL	SPAIN	SOUTH AMERICA	NORTH AMERICA	REST OF THE EUROPE	APAC
<b>EMPLOYMENT</b>								
Employees	#	13,211	5,716	2,119	3,328	1,041	476	531
Executive Board of Directors	#	5	5	0	0	0	0	0
Senior Management	#	386	182	88	30	52	7	27
Supervisors	#	1,323	520	291	189	192	62	69
Specialists	#	6,469	2,733	1,180	1,475	477	391	213
Technicians	#	5,028	2,276	560	1,634	320	16	222
Male employees	%	72.1	72.3	70.6	75.5	66.0	64.9	73.8
Female employees	%	27.5	27.7	29.4	24.5	28.9	35.1	26.2
Not declared employees	%	0.4	0.0	0.0	0.0	5.1	0.0	0.0
Females in management position	%	28	32	27	21	23	23	34
Senior management hired from the local community	%	88	99	81	90	75	86	67
Employees by types of contract	#	13,211	5,716	2,119	3,328	1,041	476	531
<b>Executive bodies</b>	<b>#</b>	<b>53</b>	<b>32</b>	<b>0</b>	<b>21</b>	<b>0</b>	<b>0</b>	<b>0</b>
Male	#	37	21	0	16	0	0	0
Female	#	16	11	0	5	0	0	0
Not declared	#	0	0	0	0	0	0	0
<b>Permanent workforce</b>	<b>#</b>	<b>13,024</b>	<b>5,628</b>	<b>2,116</b>	<b>3,307</b>	<b>972</b>	<b>470</b>	<b>531</b>
Male	#	9,416	4,084	1,495	2,495	643	307	392
Female	#	3,555	1,544	621	812	276	163	139
Not declared	#	53	0	0	0	53	0	0
<b>Fixed-term contracts</b>	<b>#</b>	<b>134</b>	<b>56</b>	<b>3</b>	<b>0</b>	<b>69</b>	<b>6</b>	<b>0</b>
Male	#	74	26	2	0	44	2	0
Female	#	60	30	1	0	25	4	0

2022	UN	GROUP	PORTUGAL	SPAIN	SOUTH AMERICA	NORTH AMERICA	REST OF THE EUROPE	APAC
Not declared	#	0	0	0	0	0	0	0
Employees by occupational contract	#	13,211	5,716	2,119	3,328	1,041	476	531
<b>Full-Time</b>	<b>#</b>	<b>13,205</b>	<b>5,711</b>	<b>2,119</b>	<b>3,328</b>	<b>1,041</b>	<b>475</b>	<b>531</b>
Male	#	9,526	4,131	1,497	2,511	687	308	392
Female	#	3,626	1,580	622	817	301	167	139
Not declared	#	53	0	0	0	53	0	0
<b>Part-time</b>	<b>#</b>	<b>6</b>	<b>5</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>
Male	#	1	0	0	0	0	1	0
Female	#	5	5	0	0	0	0	0
Not declared	#	0	0	0	0	0	0	0
Employees with special needs	#	191	72	18	70	31	0	0
Male	#	110	44	11	36	19	0	0
Female	#	81	28	7	34	12	0	0
Not declared	#	0	0	0	0	0	0	0
Foreign employees	#	480	91	114	18	56	84	117
New employees <sup>2</sup>	#	2,064	521	272	595	381	161	134
Direct admissions to permanent workforce	#	1,831	443	271	588	311	102	116
Admissions with fixed-term contracts	#	71	70	1	0	0	0	0
Other admissions	#	162	8	0	7	70	59	18
Male	#	1,216	302	175	437	118	113	71
Female	#	642	219	97	158	57	48	63
Not declared	#	206	0	0	0	206	0	0
<30 years	#	854	275	123	186	161	68	41
[30-50 years]	#	1,069	236	140	357	170	84	82
≥50 years	#	141	10	9	52	50	9	11

2022	UN	GROUP	PORTUGAL	SPAIN	SOUTH AMERICA	NORTH AMERICA	REST OF THE EUROPE	APAC
F/M new admissions rate	x	0.53	0.73	0.55	0.36	0.48	0.42	0.89
Employees leaving	#	1,553	474	135	487	251	49	157
Male	#	1,140	336	102	370	177	31	124
Female	#	400	138	33	117	61	18	33
Not declared	#	13	0	0	0	13	0	0
<30 years	#	333	76	29	90	70	7	61
[30-50 years[	#	779	144	70	290	149	40	86
≥50 years	#	441	254	36	107	32	2	10
Turnover	%	11.76	8.29	6.37	14.63	24.11	10.29	29.57
Male	%	11.97	8.13	6.81	14.74	25.76	10.03	31.63
Female	%	11.02	8.71	5.31	14.32	20.27	10.78	23.74
Not declared	%	24.53	n.a.	n.a.	n.a.	24.53	n.a.	n.a.
<30 years	%	14.40	8.00	12.83	15.33	25.27	6.14	38.36
[30-50 years[	%	9.80	4.70	5.63	12.09	25.82	12.23	25.22
≥50 years	%	15.31	14.91	5.54	31.20	27.12	5.71	32.26
Average age of workforce	years	41	43	44	38	37	37	35
Average age of new admissions	years	34	31	33	36	35	34	36
Average age of leaving	years	42	49	42	41	37	38	33
Average seniority of employees	years	12	16	14	9	4	3	2
Average seniority of leaving	years	12	23	12	10	3	4	1
Absenteeism rate	%	3.00	3.49	3.87	1.38	3.46	8.14	2.26
Employees entitled to parental leave	#	625	234	118	197	40	23	13
Male	#	397	153	79	118	24	12	11
Female	#	228	81	39	79	16	11	2
Not declared	#	0	0	0	0	0	0	0

2022	UN	GROUP	PORTUGAL	SPAIN	SOUTH AMERICA	NORTH AMERICA	REST OF THE EUROPE	APAC
Employees that took parental leave <sup>3</sup>	#	459	165	118	106	37	20	13
Male <sup>3</sup>	#	236	84	79	n.a.	24	9	11
Female	#	223	81	39	77	13	11	2
Not declared	#	0	0	0	0	0	0	0
Retention rate of employees who took parental leave	%	98	100	94	99	98	96	100
Male <sup>3</sup>	%	98	100	96	n.a.	96	100	100
Female	%	99	100	97	99	100	91	100
Not declared	%	0	0	0	0	0	0	0
Annualized average base salary								
Male	€	3,631	3,227	4,467	1,877	10,623	4,206	3,265
Female	€	3,825	3,542	3,923	2,023	10,162	3,282	4,147
Not declared	€	4,232	0	0	0	4,232	0	0
Pay ratio by gender (F/M)	x	1.05	1.10	0.88	1.08	0.96	0.78	1.27
Ratio of the annual total compensation for the organization's highest-paid individual to the average annual total compensation for all employees (excluding the highest-paid individual)	x	12.99	6.34	7.86	11.80	4.69	5.22	9.76
<b>TRAINING</b>								
Total hours of training	hours	309,935	140,908	86,147	49,191	22,451	9,831	1,407
<b>Sustainability</b>								
Environment	hours	1,648	886	483	94	19	165	1
Social and Economic	hours	225	194	5	1	0	24	1
Ethics	hours	5,714	1,037	582	3,620	349	32	93
Quality	hours	1,721	904	195	17	149	455	0
Languages	hours	20,212	3,356	14,050	1,285	299	1,221	0
Information systems	hours	28,900	6,927	16,888	2,002	1,428	1,467	186
Other	hours	251,515	127,604	53,942	42,172	20,206	6,466	1,126

2022	UN	GROUP	PORTUGAL	SPAIN	SOUTH AMERICA	NORTH AMERICA	REST OF THE EUROPE	APAC
Average total training	h/p	24	25	41	15	23	21	3
<b>Executive Board of Directors</b>	<b>h/p</b>	<b>5</b>	<b>5</b>	<b>n.a.</b>	<b>n.a.</b>	<b>n.a.</b>	<b>n.a.</b>	<b>n.a.</b>
Male	h/p	5	5	n.a.	n.a.	n.a.	n.a.	n.a.
Female	h/p	5	5	n.a.	n.a.	n.a.	n.a.	n.a.
<b>Senior Management</b>	<b>h/p</b>	<b>60</b>	<b>50</b>	<b>118</b>	<b>20</b>	<b>39</b>	<b>136</b>	<b>7</b>
Male	h/p	61	51	112	21	42	136	6
Female	h/p	58	47	140	15	33	n.a.	9
<b>Supervisors</b>	<b>h/p</b>	<b>36</b>	<b>41</b>	<b>63</b>	<b>23</b>	<b>8</b>	<b>19</b>	<b>4</b>
Male	h/p	36	39	73	21	8	12	4
Female	h/p	34	44	38	29	10	36	5
<b>Specialists</b>	<b>h/p</b>	<b>18</b>	<b>18</b>	<b>33</b>	<b>10</b>	<b>14</b>	<b>19</b>	<b>3</b>
Male	h/p	19	19	35	10	16	20	3
Female	h/p	16	17	29	8	11	19	3
<b>Technicians</b>	<b>h/p</b>	<b>24</b>	<b>26</b>	<b>34</b>	<b>18</b>	<b>43</b>	<b>8</b>	<b>1</b>
Male	h/p	26	29	35	20	50	4	1
Female	h/p	14	11	29	11	14	9	2
Employees with training	%	100	91	100	100	100	87	100
<b>LABOUR RELATIONS</b>								
Collective employment agreements	%	79	99	61	98	0	36	0
Trade union membership	%	27	31	20	40	0	1	0
Union Structures	#	29	15	5	9	0	0	0
Hours lost due to strikes	hours	964	964	0	0	0	0	0
Staff engaged in further study	#	83	83	0	0	0	0	0
Professional internships	#	476	280	0	137	47	0	12
Academic internships	#	199	9	190	0	0	0	0



2022	UN	GROUP	PORTUGAL	SPAIN	SOUTH AMERICA	NORTH AMERICA	REST OF THE EUROPE	APAC
<b>HEALTH AND SAFETY (H&amp;S)</b>								
Certification (installed capacity)	MW	24,754	8,244	5,325	3,115	6,370	1,700	0
Certification (installed capacity)	%	96	98	100	95	96	95	0
<b>Employees</b>								
Covered by certification	#	10,604	6,049	2,092	1,767	380	316	0
Covered by certification	%	81	100	100	49	37	99	0
<b>Work-related injuries<sup>4</sup></b>								
Recordable work-related injuries <sup>5</sup>	#	51	12	11	13	7	1	7
High-consequence work-related injuries <sup>6</sup>	#	0	0	0	0	0	0	0
Fatal work-related injuries	#	0	0	0	0	0	0	0
<b>Work-related ill health</b>								
Recordable ill health	#	2	2	0	0	0	0	0
Fatalities as a result of ill health	#	0	0	0	0	0	0	0
<b>Accidents with lost workdays<sup>7</sup></b>								
Male	#	25	9	2	6	0	1	7
Female	#	3	1	0	2	0	0	0
Total lost days due to accidents <sup>8</sup>	#	1,594	971	188	155	210	1	69
Hours worked	hours	24,673,057	9,966,930	3,667,344	7,262,008	1,744,415	576,374	1,455,986
<b>Rates</b>								
<b>Frequency rate<sup>9</sup></b>	<b>Fr</b>	<b>1.13</b>	<b>1.00</b>	<b>0.55</b>	<b>1.10</b>	<b>0.00</b>	<b>1.73</b>	<b>4.81</b>
Male	Fr	1.34	1.24	0.76	1.11	0.00	2.66	5.57
Female	Fr	0.50	0.37	0.00	1.07	0.00	0.00	0.00
<b>Severity rate<sup>10</sup></b>	<b>Sr</b>	<b>65</b>	<b>97</b>	<b>51</b>	<b>21</b>	<b>120</b>	<b>2</b>	<b>47</b>
Male	Sr	84	132	71	27	120	3	55
Female	Sr	4	5	0	5	0	0	0

2022	UN	GROUP	PORTUGAL	SPAIN	SOUTH AMERICA	NORTH AMERICA	REST OF THE EUROPE	APAC
<b>Overall severity rate<sup>11</sup></b>	<b>oSr</b>	<b>69</b>	<b>109</b>	<b>51</b>	<b>21</b>	<b>120</b>	<b>2</b>	<b>47</b>
Male	oSr	90	146	71	27	120	3	55
Female	oSr	6	9	0	5	0	0	0
<b>Work-related injuries<sup>4</sup></b>								
Recordable frequency rate	RFr	2.07	1.20	3.00	1.79	4.01	1.73	4.81
High consequence frequency rate (excluding fatalities)	HFr	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Fatal frequency rate	FFr	0.00	0.00	0.00	0.00	0.00	0.00	0.00
<b>Contractors</b>								
Covered by certification	#	20,689	7,699	2,839	6,215	549	517	0
Covered by certification	%	81	100	100	49	37	99	0
<b>Work-related injuries<sup>4</sup></b>								
Recordable work-related injuries	#	161	55	33	64	9	0	0
High-consequence work-related injuries (excluding fatalities)	#	10	5	3	2	0	0	0
Fatal work-related injuries	#	5	3	0	2	0	0	0
<b>Work-related ill health</b>								
Recordable ill health	#	0	0	0	0	0	0	0
Fatalities as a result of ill health	#	0	0	0	0	0	0	0
Accidents with lost workdays <sup>7</sup>	#	105	50	23	32	0	0	0
Hours worked	hours	50,470,660	15,213,865	5,609,617	25,063,733	2,933,039	1,030,850	619,556
<b>Rates</b>								
Frequency rate <sup>9</sup>	Fr	2.18	3.48	4.10	1.36	0.00	0.00	0.00
Severity rate <sup>10</sup>	Sr	144	208	361	79	0	91	0
Overall severity rate <sup>11</sup>	oSr	749	1,412	361	566	0	91	0
<b>Work-related injuries<sup>5</sup></b>								
Recordable Frequency Rate	RFr	3.19	3.62	5.88	2.55	3.07	0.00	0.00

2022	UN	GROUP	PORTUGAL	SPAIN	SOUTH AMERICA	NORTH AMERICA	REST OF THE EUROPE	APAC
High consequence Frequency Rate	HFr	0.20	0.33	0.53	0.08	0.00	0.00	0.00
Fatal Frequency Rate	FFr	0.10	0.20	0.00	0.06	0.00	0.00	0.00
EDP employees and contractors								
<b>Rates</b>								
Frequency rate <sup>9</sup>	Fr	1.84	2.50	2.69	1.30	0.00	0.62	3.37
Severity rate <sup>10</sup>	Sr	118	164	239	66	45	59	33
Overall severity rate <sup>11</sup>	oSr	526	896	239	443	45	59	33
Near accidents	#	471	135	85	107	125	19	0
People outside the activity								
Electrical accidents involving third parties <sup>12</sup>	#	41	12	0	29	0	0	0
Fatal electrical accidents involving third parties <sup>13</sup>	#	14	2	0	12	0	0	0
Representatives elected in H&S Commissions								
EDP employees represented <sup>14</sup>	%	75	87	56	77	44	66	16
Employee's representative	#	9,782	5,183	1,162	2,772	455	210	6
<b>H&amp;S TRAINING</b>								
Employees								
Awareness actions	#	5,398	405	724	3,328	784	145	12
Employees	#	36,152	8,423	6,335	13,101	7,549	673	71
Training hours	hours	176,500	28,112	21,239	115,553	8,888	2,457	251
Contractors								
Awareness actions	#	9,388	5,880	109	3,194	0	198	7
Employees	#	35,432	24,817	1,171	8,674	0	610	160
Training hours	hours	173,241	50,903	153	120,377	0	180	1,628

<sup>1</sup> Data including employees of Viesgo companies acquired in December by the EDP Group.

<sup>2</sup> Net values of the employees transfer from fixed-term contracts to permanent workforce.

<sup>3</sup> These values do not include information about male employees that took parental leave at South America.

<sup>4</sup> Accidents at the workplace in worktime and accidents on the way to or from work, with an absence of one more calendar days and fatal accidents.

<sup>5</sup> Includes accidents: fatal, absence from work (TTI – Temporary Total Incapacity), with TPI (Temporary Partial Incapacity) or PPI (Permanent Partial Incapacity); Without absence, with use of non-prescription medication at prescription strength; without absence, with use of wound closing treatment, such as suture, staples; without absence, administering immunization vaccines; without absence, with use of devices with rigid stays/others designed to immobilization; without absence, with physical therapy treatment; without absence, with loss of consciousness.

<sup>6</sup> An accident at work in which a serious injury has resulted and from which the worker does not recover, or may not fully recover, or from which it is not expected to recover in less than 6 months. Excludes fatal accidents.

<sup>7</sup> Accidents occurred at the place and working time or on a journey, with 1 or more days of absence and fatal accidents.

<sup>8</sup> Sum of the number of absence calendar days resulting of work accidents occurred in the reference period, plus the number of days lost by accidents in the previous period, which lasted until the reference period without interruption. The last time is measured from the day following the accident to the day right before the return to work.

<sup>9</sup> Number of accidents at work in service with absence/fatalities, per million hours worked.

<sup>10</sup> Number of calendar days lost due to work accident per million hours worked, in the reference period.

<sup>11</sup> Number of calendar days lost due to work accidents per million hours worked, in the reference period, including days for permanent disability and a portion of 6,000 days for each fatal accident.

<sup>12</sup> Accidents involving persons outside EDP's activity, including fatal accidents.

<sup>13</sup> Accidents involving persons outside EDP's activity. It should be noted that in 2021, there were 14 fatal accidents, two of which had two victims.

<sup>14</sup> Numbers of EDP employees represented by the total number of EDP employees.

## GRI INDICATORS 2021

2021	UN	GROUP	PORTUGAL	SPAIN	SOUTH AMERICA	NORTH AMERICA	REST OF THE EUROPE	APAC
<b>EMPLOYMENT</b>								
Employees	#	12,236	5,716	2,021	3,226	909	352	12
Executive Board of Directors	#	5	5	0	0	0	0	0
Senior Management	#	962	519	208	89	117	29	0
Supervisors	#	865	332	285	127	85	36	0
Specialists	#	5,276	2,414	961	1,144	463	282	12
Technicians	#	5,128	2,446	567	1,866	244	5	0
Male employees	%	73.3	73.4	72.4	75.7	71.1	61.7	75.0
Female employees	%	26.7	26.6	27.6	24.3	28.9	38.4	25.0
Not declared employees	%	n.d.	n.d.	n.d.	n.d.	n.d.	n.d.	n.d.
Females in management position	%	26	29	27	20	24	22	0
Senior management hired from the local community	%	92	100	76	89	64	67	0
Employees by types of contract	#	12,236	5,716	2,021	3,226	909	352	12
<b>Executive bodies</b>	<b>#</b>	<b>58</b>	<b>33</b>	<b>0</b>	<b>25</b>	<b>0</b>	<b>0</b>	<b>0</b>
Male	#	42	22	0	20	0	0	0
Female	#	16	11	0	5	0	0	0
Not declared	#	0	0	0	0	0	0	0
<b>Permanent workforce</b>	<b>#</b>	<b>12,126</b>	<b>5,650</b>	<b>2,010</b>	<b>3,201</b>	<b>909</b>	<b>344</b>	<b>12</b>
Male	#	8,898	4,153	1,454	2,423	646	213	9
Female	#	3,228	1,497	556	778	263	131	3
Not declared	#	0	0	0	0	0	0	0
<b>Fixed-term contracts</b>	<b>#</b>	<b>52</b>	<b>33</b>	<b>11</b>	<b>0</b>	<b>0</b>	<b>8</b>	<b>0</b>
Male	#	34	20	10	0	0	4	0
Female	#	18	13	1	0	0	4	0
Not declared	#	0	0	0	0	0	0	0
Employees by occupational contract	#	12,236	5,716	2,021	3,226	909	352	12
<b>Full-Time</b>	<b>#</b>	<b>12,189</b>	<b>5,710</b>	<b>1,990</b>	<b>3,226</b>	<b>909</b>	<b>342</b>	<b>12</b>
Male	#	8,967	4,193	1,460	2,443	646	216	9
Female	#	3,222	1,517	530	783	263	126	3

2021	UN	GROUP	PORTUGAL	SPAIN	SOUTH AMERICA	NORTH AMERICA	REST OF THE EUROPE	APAC
Not declared	#	0	0	0	0	0	0	0
<b>Part-time</b>	<b>#</b>	<b>47</b>	<b>6</b>	<b>31</b>	<b>0</b>	<b>0</b>	<b>10</b>	<b>0</b>
Male	#	7	2	4	0	0	1	0
Female	#	40	4	27	0	0	9	0
Not declared	#	0	0	0	0	0	0	0
Employees with special needs	#	179	71	17	67	21	3	0
Male	#	98	40	10	34	12	2	0
Female	#	81	31	7	33	9	1	0
Not declared	#	0	0	0	0	0	0	0
Foreign employees	#	263	70	104	22	42	24	1
New employees <sup>2</sup>	#	1,599	471	229	434	316	137	12
Direct admissions to permanent workforce	#	1,497	405	215	418	316	131	12
Admissions with fixed-term contracts	#	60	44	11	0	0	5	0
Other admissions	#	42	22	3	16	0	1	0
Male	#	1,047	306	153	291	213	75	9
Female	#	552	165	76	143	103	62	3
Not declared	#	0	0	0	0	0	0	0
<30 years	#	749	302	86	186	123	51	1
[30-50 years]	#	777	157	129	236	168	76	11
≥50 years	#	73	12	14	12	25	10	0
F/M new admissions rate	x	0.53	0.54	0.50	0.49	0.48	0.83	0.33
Employees leaving	#	1,543	570	300	455	183	35	0
Male	#	1,180	430	256	333	136	25	0
Female	#	363	140	44	122	47	10	0
Not declared	#	0	0	0	0	0	0	0
<30 years	#	261	90	20	89	54	8	0
[30-50 years]	#	566	80	56	293	113	24	0
≥50 years	#	716	400	224	73	16	3	0
Turnover	%	12.61	9.97	14.84	14.10	20.13	9.94	0.00
Male	%	13.15	10.25	17.49	13.63	21.05	11.52	0.00

2021	UN	GROUP	PORTUGAL	SPAIN	SOUTH AMERICA	NORTH AMERICA	REST OF THE EUROPE	APAC
Female	%	11.13	9.20	7.90	15.58	17.87	7.41	0.00
Not declared	%	0.00	0.00	0.00	0.00	0.00	0.00	0.00
<30 years	%	12.72	9.35	11.90	14.64	23.08	10.26	0.00
[30-50 years[	%	7.85	2.75	4.61	12.92	20.29	9.60	0.00
≥50 years	%	24.10	21.73	35.16	20.80	13.56	12.50	0.00
Average age of workforce	years	42	43	45	38	37	37	36
Average age of new admissions	years	33	30	35	33	34	35	36
Average age of leaving	years	47	53	55	39	36	37	0
Average seniority of employees	years	13	17	14	9	4	3	1
Average seniority of leaving	years	19	27	28	8	4	3	0
Absenteeism rate	%	2.66	3.02	2.95	2.00	2.50	n.d.	n.d.
Employees entitled to parental leave	#	504	218	60	165	48	13	0
Male	#	350	152	36	115	37	10	0
Female	#	154	66	24	50	11	3	0
Not declared	#	0	0	0	0	0	0	0
Employees that took parental leave <sup>3</sup>	#	320	149	60	50	48	13	0
Male <sup>3</sup>	#	167	84	36	n.d.	37	10	0
Female	#	153	65	24	50	11	3	0
Not declared	#	0	0	0	0	0	0	0
Retention rate of employees who took parental leave	%	94	100	100	82	100	100	0
Male <sup>3</sup>	%	100	100	100	n.d.	100	100	0
Female	%	94	100	100	82	100	100	0
Not declared	%	0	0	0	0	0	0	0
Annualized average base salary		0	0	0	0	0	0	0
Male	€	3,133	3,154	4,513	1,139	7,025	4,202	5,191
Female	€	3,316	3,527	3,963	1,232	6,905	3,359	3,893
Not declared	€	0	0	0	0	0	0	0
Pay ratio by gender (F/M)	x	1.06	1.12	0.88	1.08	0.98	0.80	0.75
Ratio of the annual total compensation for the organization's highest-paid individual to the average	x	11.13	6.12	5.55	20.05	5.09	3.66	2.23

2021	UN	GROUP	PORTUGAL	SPAIN	SOUTH AMERICA	NORTH AMERICA	REST OF THE EUROPE	APAC
annual total compensation for all employees (excluding the highest-paid individual)								
<b>TRAINING</b>								
Total hours of training	hours	337,051	148,582	67,050	91,993	20,508	8,819	99
<b>Sustainability</b>		<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
Environment	hours	3,513	1,160	1,457	448	75	372	1
Social and Economic	hours	414	363	31	0	0	20	0
Ethics	hours	6,892	2,749	1,402	1,699	871	162	8
Quality	hours	3,049	1,021	683	645	504	193	3
Languages	hours	15,937	3,220	10,358	1,486	0	874	0
Information systems	hours	37,687	22,078	10,296	3,273	941	1,078	20
Other	hours	269,560	117,990	42,824	84,442	18,117	6,120	67
Average total training	h/p	28	26	33	29	23	25	8
<b>Executive Board of Directors</b>	<b>h/p</b>	<b>0</b>	<b>0</b>	<b>n.a.</b>	<b>n.a.</b>	<b>n.a.</b>	<b>n.a.</b>	<b>n.a.</b>
Male	h/p	0	0	n.a.	n.a.	n.a.	n.a.	n.a.
Female	h/p	0	0	n.a.	n.a.	n.a.	n.a.	n.a.
<b>Senior Management</b>	<b>h/p</b>	<b>23</b>	<b>20</b>	<b>39</b>	<b>14</b>	<b>9</b>	<b>34</b>	<b>0</b>
Male	h/p	24	22	41	14	10	36	0
Female	h/p	18	14	34	15	5	28	0
<b>Supervisors</b>	<b>h/p</b>	<b>55</b>	<b>89</b>	<b>38</b>	<b>41</b>	<b>18</b>	<b>25</b>	<b>0</b>
Male	h/p	53	84	37	41	20	23	0
Female	h/p	7	104	40	42	10	30	0
<b>Specialists</b>	<b>h/p</b>	<b>23</b>	<b>25</b>	<b>33</b>	<b>15</b>	<b>11</b>	<b>24</b>	<b>8</b>
Male	h/p	25	26	35	18	13	29	10
Female	h/p	20	24	30	12	7	17	4
<b>Technicians</b>	<b>h/p</b>	<b>28</b>	<b>19</b>	<b>28</b>	<b>37</b>	<b>53</b>	<b>16</b>	<b>0</b>
Male	h/p	30	20	29	40	63	0	0
Female	h/p	17	17	24	13	20	16	0
Employees with training	%	100	97	100	100	100	85	100
<b>LABOUR RELATIONS</b>								
Collective employment agreements	%	83	99	56	98	1	46	0



2021	UN	GROUP	PORTUGAL	SPAIN	SOUTH AMERICA	NORTH AMERICA	REST OF THE EUROPE	APAC
Trade union membership	%	30	34	21	42	0	0	0
Union Structures	#	29	15	5	8	0	1	0
Hours lost due to strikes	hours	734	734	0	0	0	0	0
Staff engaged in further study	#	70	70	0	0	0	0	0
Professional internships	#	382	253	0	129	0	0	0
Academic internships	#	171	59	112	0	0	0	0
<b>HEALTH AND SAFETY (H&amp;S)</b>								
Certification (installed capacity)	MW	26,041	9,603	4,716	2,755	7,564	1,403	0
Certification (installed capacity)	%	100	100	100	100	100	100	0
Employees		0	0	0	0	0	0	0
Covered by certification	#	10,441	5,921	1,644	1,738	874	257	7
Covered by certification	%	82	100	80	29	100	98	100
<b>Work-related injuries<sup>4</sup></b>		<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
Recordable work-related injuries <sup>5</sup>	#	32	18	4	2	6	2	0
High-consequence work-related injuries <sup>6</sup>	#	2	2	0	0	0	0	0
Fatal work-related injuries	#	0	0	0	0	0	0	0
<b>Work-related ill health</b>		<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
Recordable ill health	#	1	1	0	0	0	0	0
Fatalities as a result of ill health	#	0	0	0	0	0	0	0
<b>Accidents with lost workdays<sup>7</sup></b>		<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
Male	#	20	12	3	0	3	2	0
Female	#	1	1	0	0	0	0	0
Total lost days due to accidents <sup>8</sup>	#	1,567	1,095	110	0	356	6	0
Hours worked	hours	22,832,738	9,995,959	3,545,053	7,073,065	1,732,120	477,317	9,224
<b>Rates</b>		<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>
<b>Frequency rate<sup>9</sup></b>	<b>Fr</b>	<b>0.92</b>	<b>1.30</b>	<b>0.85</b>	<b>0.00</b>	<b>1.73</b>	<b>4.19</b>	<b>0.00</b>
Male	Fr	1.16	1.64	1.13	0.00	1.73	6.40	0.00
Female	Fr	0.18	0.37	0.00	0.00	0.00	0.00	0.00
<b>Severity rate<sup>10</sup></b>	<b>Sr</b>	<b>69</b>	<b>110</b>	<b>31</b>	<b>0</b>	<b>206</b>	<b>13</b>	<b>0</b>
Male	Sr	90	148	42	0	206	19	0
Female	Sr	3	5	0	0	0	0	0

2021	UN	GROUP	PORTUGAL	SPAIN	SOUTH AMERICA	NORTH AMERICA	REST OF THE EUROPE	APAC
<b>Overall severity rate<sup>11</sup></b>	<b>oSr</b>	<b>73</b>	<b>121</b>	<b>31</b>	<b>0</b>	<b>206</b>	<b>13</b>	<b>0</b>
Male	oSr	96	163	42	0	206	19	0
Female	oSr	3	5	0	0	0	0	0
<b>Work-related injuries<sup>4</sup></b>		<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
Recordable frequency rate	RFr	1.40	1.80	1.13	0.28	3.46	4.19	0.00
High consequence frequency rate (excluding fatalities)	HFr	0.09	0.20	0.00	0.00	0.00	0.00	0.00
Fatal frequency rate	FFr	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Contractors		0	0	0	0	0	0	0
Covered by certification	#	27,529	7,504	2,002	5,966	2,065	887	50
Covered by certification	%	82	100	80	29	100	100	100
<b>Work-related injuries<sup>4</sup></b>		<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
Recordable work-related injuries	#	187	49	32	86	14	6	0
High consequence work-related injuries (excluding fatalities)	#	9	6	0	2	0	1	0
Fatal work-related injuries	#	7	1	1	5	0	0	0
<b>Work-related ill health</b>		<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
Recordable ill health	#	0	0	0	0	0	0	0
Fatalities as a result of ill health	#	0	0	0	0	0	0	0
Accidents with lost workdays <sup>7</sup>	#	132	45	18	57	6	6	0
Hours worked	hours	66,388,297	14,830,005	4,945,024	40,648,122	4,128,270	1,787,334	49,542
<b>Rates</b>		<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
Frequency rate <sup>9</sup>	Fr	2.09	3.10	3.84	1.53	1.45	3.36	0.00
Severity rate <sup>10</sup>	Sr	109	225	221	41	147	316	0
Overall severity rate <sup>11</sup>	oSr	753	680	1,435	779	143	316	0
<b>Work-related injuries<sup>5</sup></b>		<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
Recordable Frequency Rate	RFr	2.82	3.30	6.47	2.12	3.39	3.36	0.00
High consequence Frequency Rate	HFr	0.14	0.40	0.00	0.05	0.00	0.56	0.00
Fatal Frequency Rate	FFr	0.11	0.07	0.20	0.12	0.00	0.00	0.00
EDP employees and contractors		0	0	0	0	0	0	0
<b>Rates</b>		<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
Frequency rate <sup>9</sup>	Fr	1.79	2.38	2.59	1.30	1.54	3.53	0.00

2021	UN	GROUP	PORTUGAL	SPAIN	SOUTH AMERICA	NORTH AMERICA	REST OF THE EUROPE	APAC
Severity rate <sup>10</sup>	Sr	99	178	142	35	164	252	0
Overall severity rate <sup>11</sup>	oSr	579	455	849	663	165	252	0
Near accidents	#	565	105	88	183	169	19	1
People outside the activity		0	0	0	0	0	0	0
Electrical accidents involving third parties <sup>12</sup>	#	39	19	0	20	0	0	0
Fatal electrical accidents involving third parties <sup>13</sup>	#	18	6	0	12	0	0	0
Representatives elected in H&S Commissions		0	0	0	0	0	0	0
EDP employees represented <sup>14</sup>	%	81	86	41	61	51	75	22
Employee's representative	#	310	70	11	147	71	11	1
<b>H&amp;S TRAINING</b>								
Employees		0	0	0	0	0	0	0
Awareness actions	#	1,501	186	484	154	594	81	2
Employees	#	33,622	11,493	4,399	5,243	12,136	341	10
Training hours	hours	92,357	9,534	15,126	55,201	10,581	1,905	9
Contractors		0	0	0	0	0	0	0
Awareness actions	#	5,845	4,510	58	1,132	0	144	1
Employees	#	24,684	9,283	1,871	12,965	0	558	7
Training hours	hours	58,870	2,218	116	56,334	0	146	56

<sup>1</sup>Data including employees of Viesgo companies acquired in December by the EDP Group.

<sup>2</sup>Net values of the employees transfer from fixed-term contracts to permanent workforce.

<sup>3</sup>These values do not include information about male employees that took parental leave at South America.

<sup>4</sup>Accidents at the workplace in worktime and accidents on the way to or from work, with an absence of one more calendar days and fatal accidents.

<sup>5</sup>Includes accidents: fatal, absence from work (TTI - Temporary Total Incapacity), with TPI (Temporary Partial Incapacity) or PPI (Permanent Partial Incapacity); Without absence, with use of non-prescription medication at prescription strength; without absence, with use of wound closing treatment, such as suture, staples; without absence, administering immunization vaccines; without absence, with use of devices with rigid stays/others designed to immobilization; without absence, with physical therapy treatment; without absence, with loss of consciousness.

<sup>6</sup>An accident at work in which a serious injury has resulted and from which the worker does not recover, or may not fully recover, or from which it is not expected to recover in less than 6 months. Excludes fatal accidents.

<sup>7</sup>Accidents occurred at the place and working time or on a journey, with 1 or more days of absence and fatal accidents.

<sup>8</sup>Sum of the number of absence calendar days resulting of work accidents occurred in the reference period, plus the number of days lost by accidents in the previous period, which lasted until the reference period without interruption. The lost time is measured from the day following the accident to the day right before the return to work.

<sup>9</sup>Number of accidents at work in service with absence/fatalities, per million hours worked.

<sup>10</sup>Number of calendar days lost due to work accident per million hours worked, in the reference period.

<sup>11</sup>Number of calendar days lost due to work accidents per million hours worked, in the reference period, including days for permanent disability and a portion of 6,000 days for each fatal accident.

<sup>12</sup>Accidents involving persons outside EDP's activity, including fatal accidents.

<sup>13</sup>Accidents involving persons outside EDP's activity. It should be noted that in 2021, there were 14 fatal accidents, two of which had two victims.

<sup>14</sup>Numbers of EDP employees represented by the total number of EDP employees.



# Due Diligence implementation



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# EDP's Human and Labor Rights Model

EDP has four policies to cover human and labor rights. One to specify the commitment to respect Human and Labor Rights and establish the framework methodology. Another to define the relationship approach with its stakeholders. Another to define the expectations for EDP itself and its employees and representatives, and another to define the expectations for suppliers. In addition, EDP has developed specific policies that focus on promoting rights.

## In short, Human and Labor Rights Policy:

Is approved by the Executive Board of Directors, informed by international benchmark and establishes its operationalization through the UN Guiding Principles on Business and Human Rights. It is directed by a senior manager and assigned to the CSO.

Covers all stakeholder groups and stipulates the enterprise's human rights expectations of personnel and partnerships through the Code of Ethics and expectations of suppliers through the Supplier Code of Conduct.

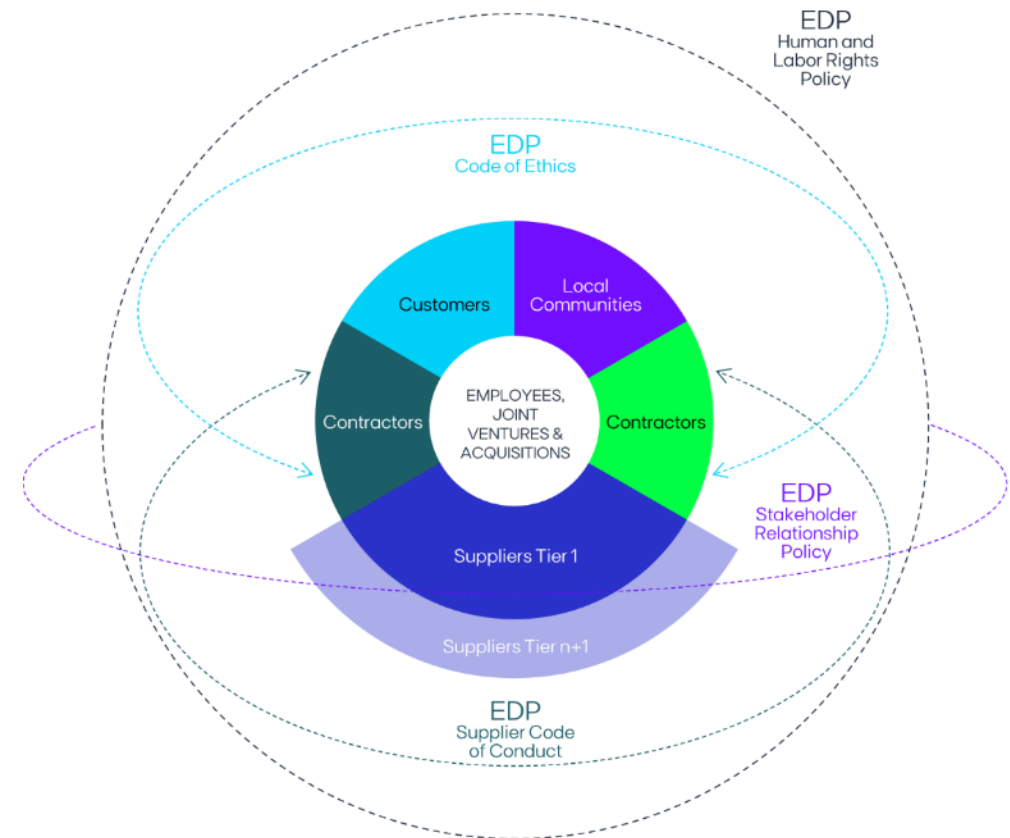
Is a binding document in employment contracts and a contractual clause for contractors and suppliers. Is a reference document in setting up joint ventures and acquisitions.

Is published in Portuguese, English and Spanish and available online. Is extended through versions for regional or sectorial purposes (geographies, customers, new infrastructures, coal suppliers).

Is taught and discussed in workshops and e-learning.

Is incorporated into risk analysis, qualification and performing evaluation of counterparties, assessment systems, stakeholder management, operational procedures, audits and KPIs.

All policies of the EDP Group are approved by the executive board of directors, after technical preparation by a working group that includes the performance of international benchmarking and the engagement of the business units, as well as validation by the various regulatory bodies of the company.



# Working Committee

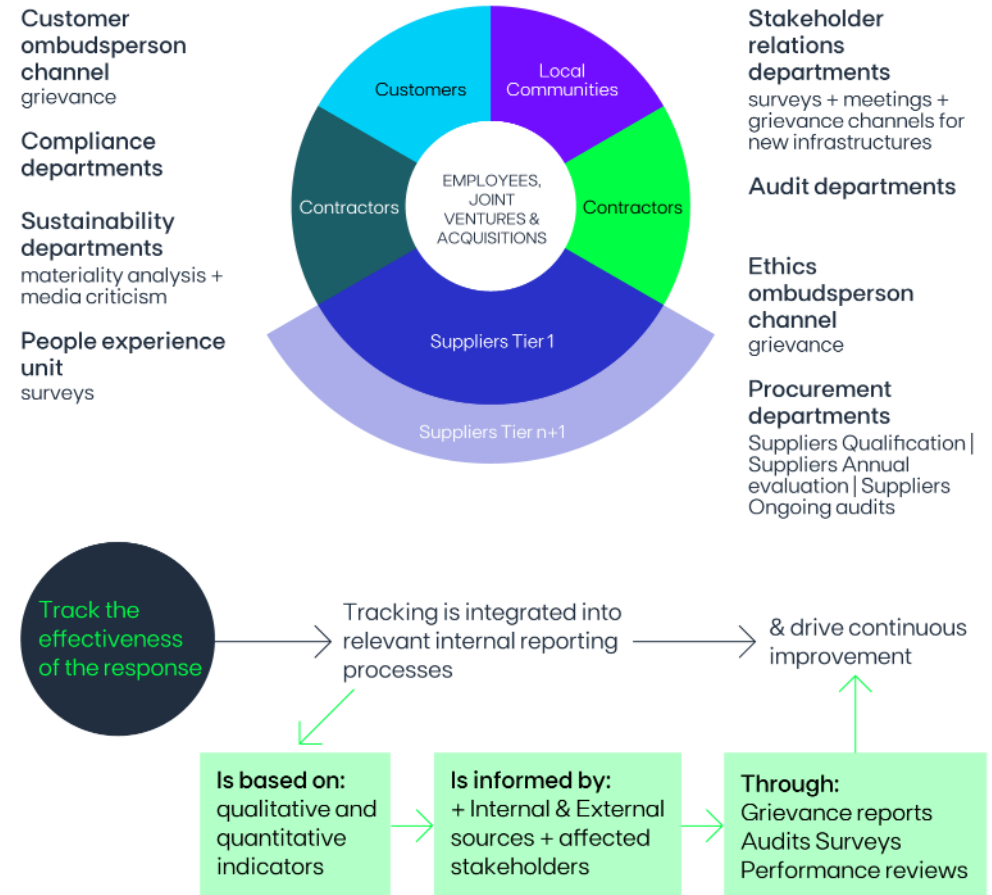
## Annual Assessment of Procedures

The Human and Labor Rights Working Committee is an operational committee composed by the directors of the corporate departments that have action related to human and labor rights. The Working Committee is chaired by the CSO and directed by the corporate Human and Labor Rights director.

Once a year, the Committee has a special meeting to assess the performance of the year, identify and analyze the changes that must be made to the procedures and standards and approve the action plan for the following year.

On top of the due diligence measures in all its Business Units – including new projects and acquisitions, suppliers, contractors, joint ventures, agents, customers and employees – annually, the Group develops a transversal monitoring process aimed at verifying effective practices, assessing the degree of compliance with the principles and commitments assumed, particularly of the risks identified as most relevant, identifying new potential risks, developing the necessary corrective actions and taking new management decisions to change any procedures in need.

This procedures assessment or monitoring process takes evidence from the ensemble of due diligences processes.

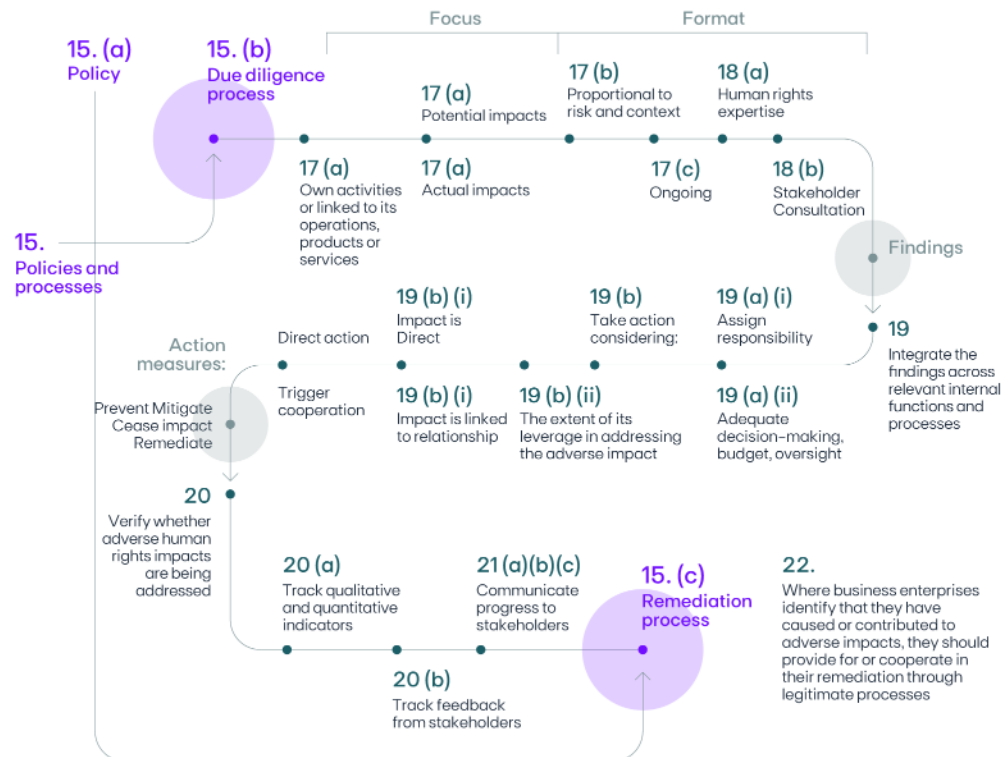


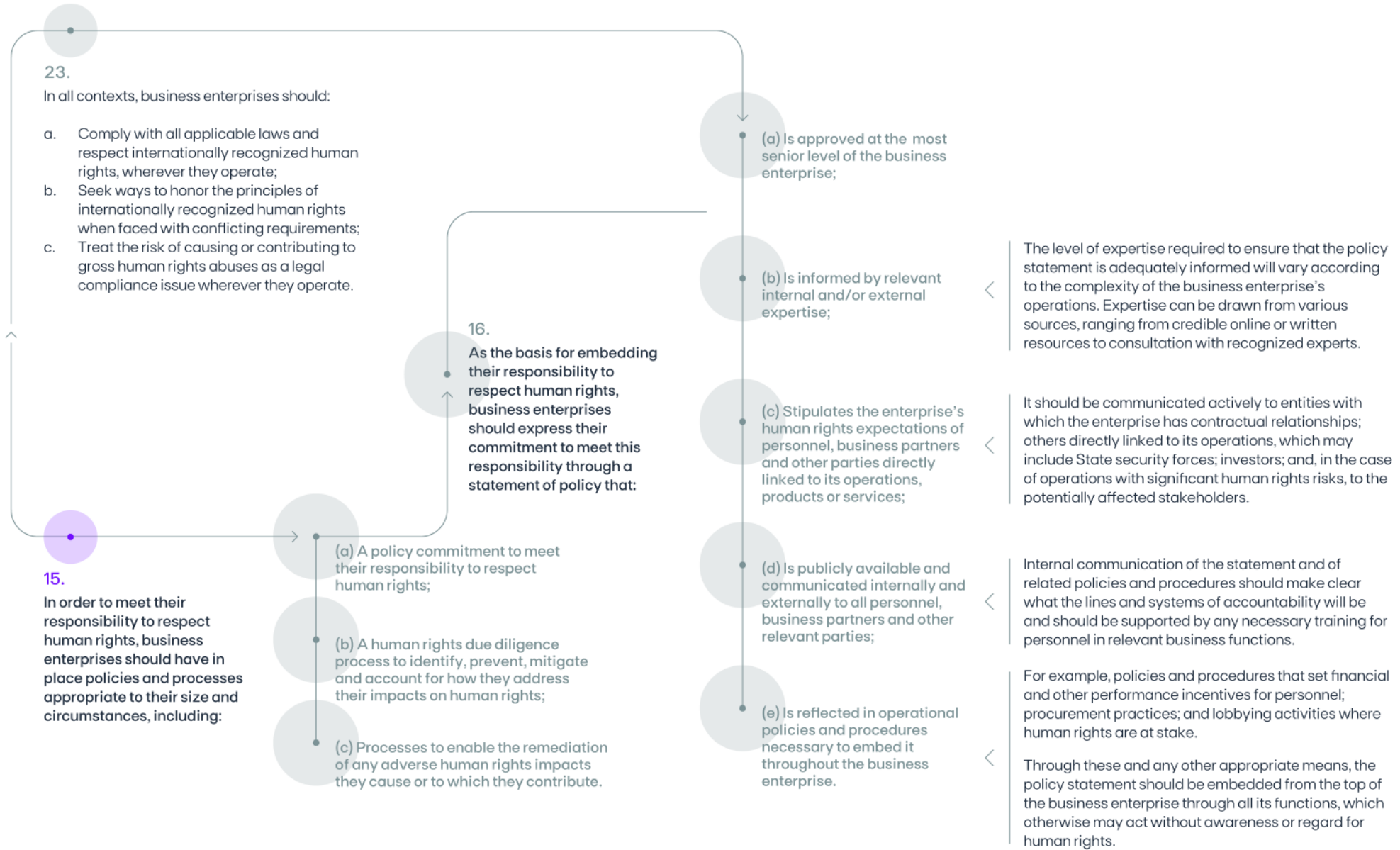


# UN Due Diligence Implementation

The full due diligence process is described in the flowchart on this page. What is particular about the human rights framework is the link between problem and action. EDP's due diligence model transposes the Ruggie model literally. This diagram does not dispense with reading the original framework, especially the comments without which it is not possible to get the picture.

The due diligence model developed by the OECD extends the United Nations model enlarging the scope to environment and looking more specifically to different layers of the value chain.





# Supply chain due diligence implementation

EDP pays much attention to the due diligence to suppliers. Through criticality analysis, the EDP group identifies and segments the potential risks associated with each type of procured activity. The analysis is carried out using the Sustainability Matrix (EDP Sustainability Protocol), which combines the relevant risks of the activity, identified by consulting stakeholders, media, analytics, experience, and attributable to country/sector/industry levels, merged with the characteristics of the tender specifications.

## Double Due Diligence

1<sup>st</sup> step – DUE Diligence to the activity – this procedure is implemented before scouting suppliers. Country, sector, industry and specific service or good risks are identified, and risk mitigation measures as well.

2<sup>nd</sup> step – DUE Diligence to each Supplier – scouted suppliers must pass the first Due Diligence layer, the screening process, before invitation. But, additionally, for critical tenders, suppliers are directly assessed through questionnaires, sharing of evidence and, for salient risks, direct verifications.

Before scouting suppliers, every purchase > 25 k is analyzed through a set of country/sector/industry risks and tender specifications: financial, business relevance and continuity; dependence and autonomy; access to data; facilities; customers; local communities; cybersecurity; emissions potential; waste; environmental accidents; accidents at work; integrity and compliance; human and labour rights. Once the risks of each type of

## 2017-2022

EDP started implementing ESG Due Diligence in 2017, in accordance with the United Nations Ruggie methodology and the upcoming OECD guidelines and ISO 20400. As of 2020, with the approval of the first amendments to the Human Rights Policy and the ESG Protocol for Suppliers, the Due Diligence process was extended to all business units. The process includes all ESG dimensions.

purchase have been identified, non-negotiable clauses are included in the specifications that establish the minimum qualifications that suppliers must meet, as well as the rules for monitoring execution of the contract. Suppliers that submit proposals only enter the negotiation phase after due diligence of integrity, legal and ethical, financial, technical, social and environmental compliance is carried out.

## ESG CRITICALITY MATRIX

- 1 Supply category (value chain country/sector/activity level risks)
- 2 Purchase amount (EUR)
- 3 Duration of the contract and frequency of supplies
- 4 Importance for operation, innovation and investment
- 5 Consequence of sudden supply interruption
- 6 Irreplaceability of suppliers
- 7 Supplier access to equipment/facilities
- 8 Supplier access to customers
- 9 Supplier access to protected personal data
- 10 Supplier access to reserved data and Cybersecurity
- 11 Risks of occupational accidents from the contracted activity
- 12 Environmental risks from the contracted activity
- 13 Ethical, human and labour rights of the contracted activity

Through the application of Go/No-go rules in the selection of suppliers and contractual clauses that include monitoring, audits and performance assessment, EDP ensures that it works with low-risk suppliers with skills appropriate to each activity's inherent risks.

## The criticality concept

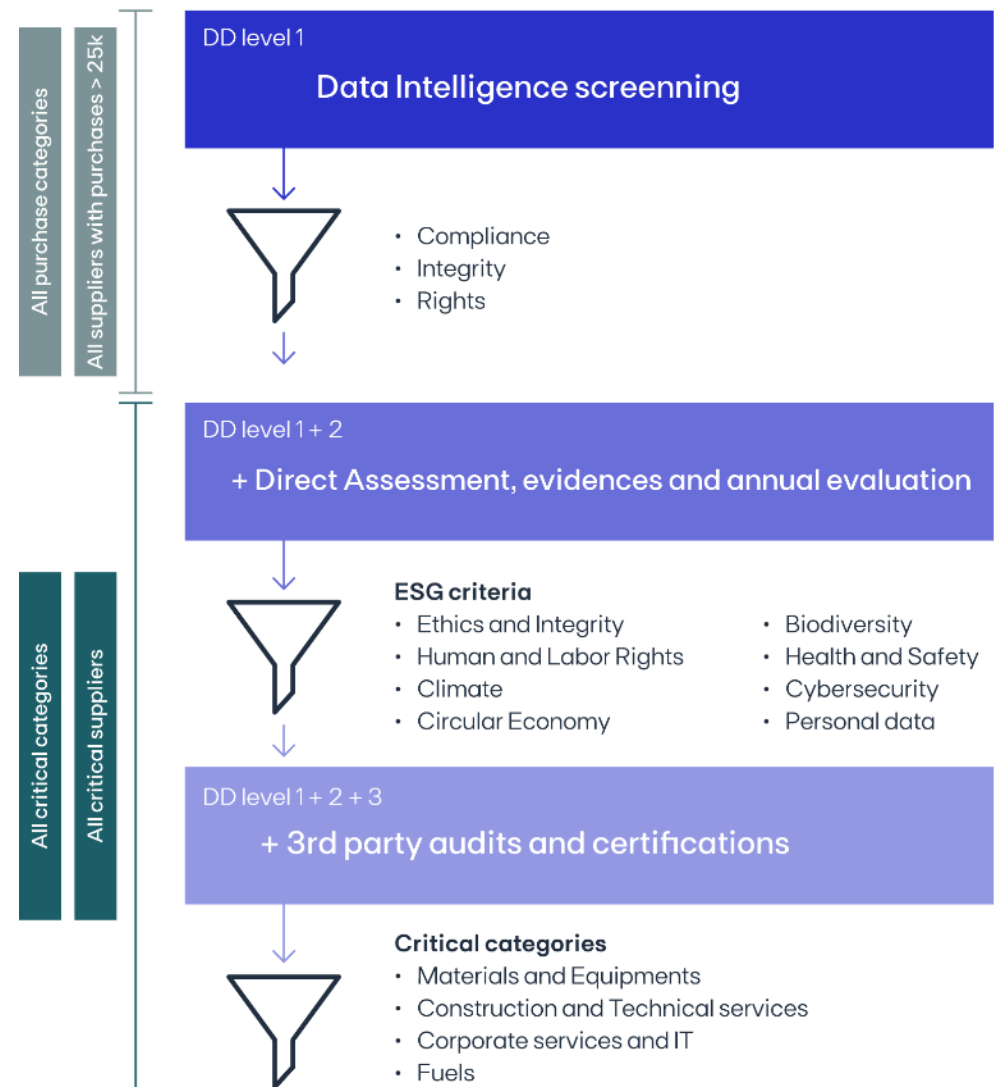
In the operationalization process of due diligence, the definition of the critical contract plays a crucial role. In fact, considering that EDP has more than 4 thousand suppliers at any one time,

it is essential to segment supplies and suppliers by risk levels to allocate resources proportionally to specific risks.

The criticality methodology aims to identify specific risks that may result from both the risk of the contracted activity, country risk, and the supplier's own risk.

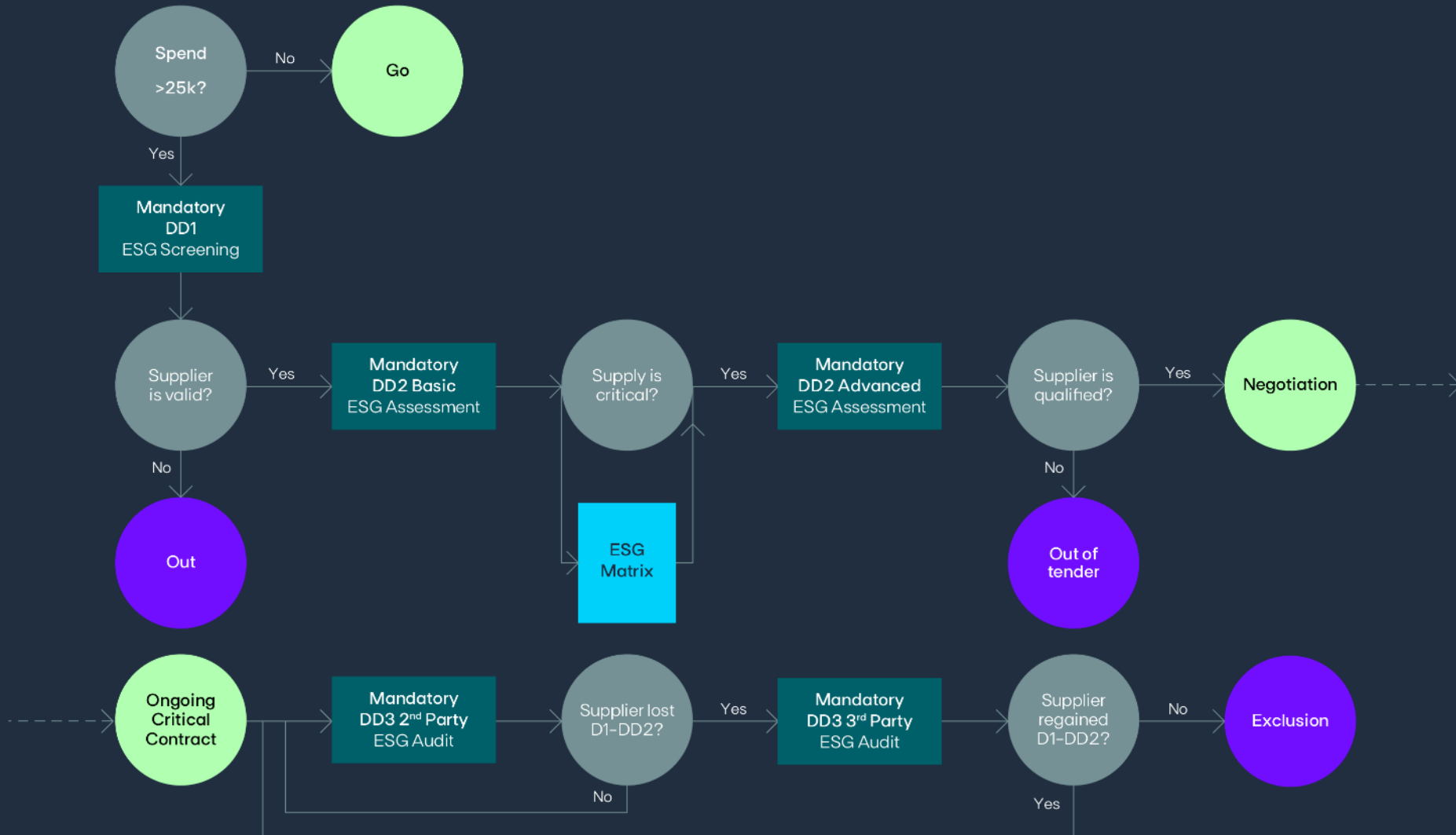
In this sense, the in-depth due diligence process applies to suppliers that are exposed to clearly identified risks. The system applied by EDP consists of 3 main filters, which guide the definition of mitigation measures and control procedures.

The following charts explain and describe the due diligence methodology implemented by EDP.



# Sustainable purchases ESG protocol

Due Diligence Procedure before negotiation and along contracting period



# Sustainable purchases ESG protocol

## Due Diligence Layers



Mandatory  
DD1  
ESG Screening



Supplier Screening – Data intelligence services, including media analytics

Mandatory  
DD2 Basic  
ESG Assessment



Supplier Assessment Basic – supplier signs a declaration of compliance with EDP Code of Conduct and informs credentials and quantitative E+S+G information. Procedure is managed by a 3rd party. **Supplier is ESG compliant.**



### Purchase Screening

Supplier will bid a critical tender and must be qualified under strict ESG criteria, in order to prevent the exposure to the potential risk arising from the procured activity. Supplier is ESG compliant, but the procured activity is risky.

Mandatory  
DD2 Advanced  
ESG Assessment



Supplier Assessment Advanced – supplier is assessed against an advanced questionnaire, specific to the risk of the procured activity. Evidences, face to face and on-site verification. **Supplier is ESG Goal aligned.**

Mandatory  
DD3 2<sup>nd</sup> Party  
ESG Audit



Contract Audit – supplier is under monitoring program, including 2nd party audits, reporting, inspections, annual appraisal, DD1 and DD2 update, and improvement program if needed. Purchase Manager is in charge.

Mandatory  
DD3 3<sup>rd</sup> Party  
ESG Audit



Supplier Audit – supplier failed expected ESG performance level and is invited to accept 3rd party audits and certificates or termination.



# EDP Extended Policies



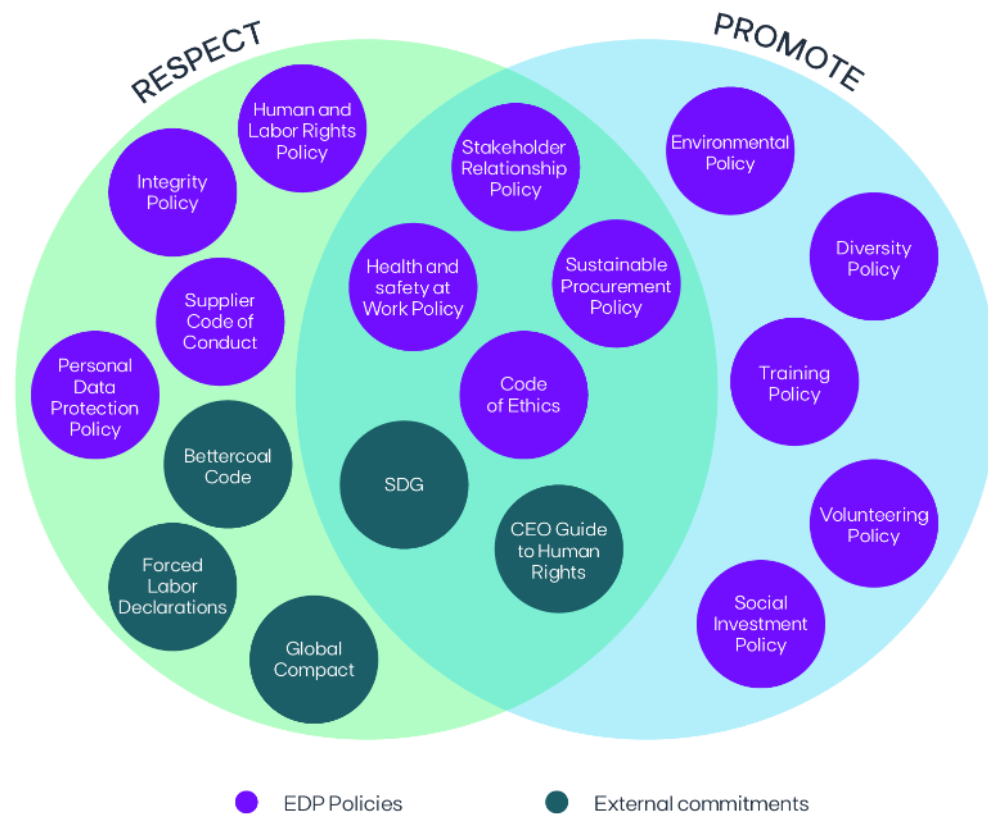
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# Policy framework

EDP's policy architecture includes three different dimensions. One of a structuring, normative and operational nature, as is the case of the Human Rights Policy, and which incorporates the commitments present in the remaining dimensions; another of a declarative nature, which establishes principles and objectives for specific themes, with a more limited scope; and another, also declarative, which subscribes to principles common to several companies.

The four structuring and interrelated policies on Human and Labor Rights are reproduced on the following pages. Policies are developed through regulations, systems, and procedures.



# External Pledges and Commitments

# 7.1

Working together

## Leveraging Human Rights for a sustainable power sector

EDP actively participates in the activities of business associations that promote human rights and sustainability. Working in cooperation allows us to address challenges that an isolated company does not have the leverage to do.

In addition to the joint publication of position papers, EDP works in association with companies in the renewable sector to develop standards, audits, codes of conduct, traceability and transparency mechanisms that ensure respect for human rights.

Solar Energy Industries Association (SEIA)

## Solar Industry Forced Labor Prevention Pledge

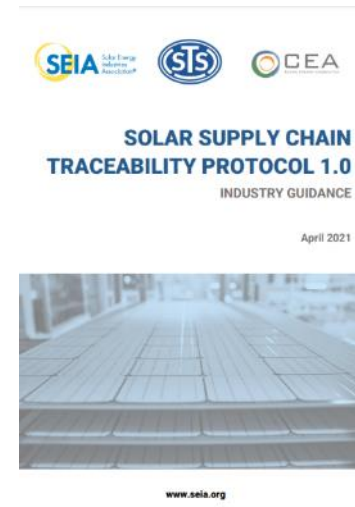
[Link source](#)

Solar Industry Forced Labor Prevention Pledge We, the undersigned companies and organizations, state our firm opposition to the use of forced labor within the solar supply chain. We hereby commit to helping ensure that the solar supply chain is free of forced labor and raising awareness within the industry on this important issue. To assist in these efforts, we support the development of an **industry-led solar supply chain traceability protocol** as a tool for identifying the source of primary raw materials and inputs and tracking their incorporation into finished products, including solar modules.

As of 2023 February, more than 340 companies have signed this Pledge.

## The SEIA Traceability Protocol

[Link source](#)



The SEIA Traceability Protocol (Protocol) lays out a series of steps that a manufacturer can take to track the origin of material inputs through specified stage(s) of production, processing, and distribution, e.g., the factory location and production date of polysilicon used in a finished solar module. The Protocol aims at helping capture and making transparently available to stakeholders which companies and facilities participated in the manufacturing of renewable energy products on the market.

It is worth noting that the Protocol itself does not seek to determine other features of the product, such as product quality. Rather, it aims to equip stakeholders with trustworthy and transparent information about the supply chain.

For each “step” or “link” within the supply chain, the Protocol requires that certain information about the material inputs used within each production step is conveyed to the next step of the production process. In the event a step in the process includes multiple sources of materials, the Protocol asks for the producer to track which products use which input material and, if necessary, to segregate input materials.

In a robust implementation of the Protocol, a supplier could show the provenance of, for example, polysilicon used in a crystalline silicon photovoltaic module. This information can be used, for example, to address inquiries from U.S. Customs and Border Protection (“CBP”) or customers regarding the source of material inputs.

The Protocol also recognizes that strong organizational controls must be in place to ensure compliance and, in turn, confidence in a supplier's claims. Examples of such controls include:

- Independent, third-party audits applied to internal processes and third-party suppliers;
- Corporate social responsibility codes of conduct;
- Security measures to safeguard information and prevent tampering of goods;
- Due diligence and monitoring of suppliers;
- Compliance programs;
- Trainings of employees; and
- Enforcement of policies and procedures along with corrective action plans.
- Role of Manufacturers in the Application of the Protocol
- Manufacturers along the supply chain are responsible for implementing the Protocol.

Solar Power Europe

## Statement on Forced Labor

[Link source](#)

We strongly condemn the use of forced labour, and any such abuse of human rights, and are committed to investigating reports related to forced labour in the solar supply chain in China's Xinjiang region, in order to better understand the context and production dynamic. We take these reports very seriously, and as a sector that strives for the highest standard of sustainability, we remain vigilant across our supply chain in meeting global human rights standards.

We urge our members to respect the labour and human rights standards outlined in the ILO Declaration on Fundamental Principles and Rights at Work or the UN Global Compact, and to abide by existing guidelines and standards on sustainability practices, including labour practices, across the supply chain; such as the OECD Due Diligence Guidance for Responsible Mineral Supply Chains, or the UN Guiding Principles on Business and Human Rights. As for other European sectors impacted, this brings attention to the importance of increasing the transparency of global supply chains. We are actively contributing to the work of the European Union in this regard, in particular on corporate governance, draft EU Taxonomy rules, and the

public procurement framework. We are looking forward to further cooperation with the EU and national governments, and count on their support in addressing human rights violations.

In parallel, we have been working with our members to improve supply chain transparency and due diligence policies, as well as the development of a Solar Sustainability Best Practices Benchmark, with the aim of producing industry standards for improved traceability and full disclosure of environmental and social aspects in the supply chain to ensure that the solar sector remains a champion of sustainability. Our goal of diversifying the solar supply chain means that we strongly support the strengthening of an EU solar industrial base to improve Europe's position in the supply chain, while remaining integrated in an open, global market for solar and other sustainable technologies.

## Solar Stewardship Initiative

<https://solarstewardshipinitiative.org/>



The Solar Stewardship Initiative (SSI) was set in motion by SolarPower Europe and Solar Energy UK in March 2021, as part of a programme established in 2015 to promote responsible production

in the solar value chain.

The Solar Stewardship Initiative works collaboratively with manufacturers, developers, installers and purchasers across the global solar value chain to foster responsible production, sourcing and stewardship of materials.

Over 50 organisations are behind the Initiative, which has the support of the International Finance Corporation (World Bank Group) and the European Investment Bank.

The official launch of the SSI in September 2022 marks a critical milestone for the solar industry.

Through our strategic Roadmap and Code the SSI puts into practice the shared commitment of over 50 companies to ensure the integrity of their supply chains and improve ESG performance. The Solar Stewardship Initiative has developed a consultation version\* of the SSI Code relevant to the solar value chain based on internationally recognised standards, certifications and guidelines, including:

- The United Nations Guiding Principles on Business and Human Rights (UNGPs)
- United Nations Global Compact (UNGC)
- OECD Due Diligence Guidance for Responsible Business Conduct
- International Labour Organisation (ILO) Conventions
- OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas
- WRI/WBCSD Greenhouse Gas Protocol
- ISO 14001:2015 Environmental Management systems
- ISO 14044:2006 Life cycle assessment

By adopting this Code, companies in the solar value chain demonstrate a clear commitment to ethical and transparent practices in each area.

The Solar Stewardship Initiative’s ambition is to enhance transparency, sustainable development and responsible production in the solar supply chain. Hearing from and incorporating the views and perspectives of stakeholders is key to the success of the Solar Stewardship Initiative.

The Consultation Version of the SSI Code will be subject to a public consultation planned for mid2023. The development of and revisions to the Code are informed by international good practice guidance, including ISEAL Code of Good Practice for Standard Setting.

The Solar Stewardship Initiative Assurance System will recognise existing credible and equivalent third-party standards systems, reporting frameworks, and certifications in order to avoid redundancy, audit fatigue, and to promote the use of such programmes.

The criteria, process and timeline for recognising and determining levels of alignment of third-party sustainability standards systems with the SSI Code are under development and will be made public in the beginning of 2023. Our supporters have been implementing a range of sustainability standards and frameworks in their own value chains. As a starting point, the following sustainability standards systems, which are currently implemented by our supporters, are being assessed for recognition by and alignment with the SSI Code.

- [Aluminium Stewardship Initiative Performance Standard](#)
- [Amfori BSCI Code of Conduct](#)
- [CDP \(for GHG\)](#)
- [ETI Base Code](#)
- [ISO 20400 Sustainable Procurement](#)
- [ISO 37001: Anti-bribery management system](#)
- [ISO 14001: Environmental management system](#)
- [ISO 45001: Health and safety management system](#)
- [Responsible Business Alliance Code of Conduct](#)
- [ResponsibleSteel Standard](#)
- [SA8000: Social Accountability standard](#)
- [Together for Sustainability](#)

Wind Europe

## Industry Principles for Supply Chain Sustainability

[Link source](#)

[Link source](#)

In 2108, Wind Europe approved the Industry Principles for Supply Chain Sustainability, a document that establishes a Code of Conduct for companies in the wind energy sector and incorporates recommendations from the United Nations and the OECD. After five years, the document remains valid in all its instances. Human rights are covered on the following sections:

- Due Diligence and Transparency
- Non-discrimination and Harassment
- Disciplinary Measures
- Modern Slavery
- Child Labor
- Working Hours, Wages & Benefits
- Freedom of Association & Collective Bargaining
- Grievance Channels and Remediation Mechanisms

- Health & Safety in the Workplace
- Hazardous Materials
- Operating in Conflict-affected Areas
- Sourcing Conflict Minerals
- Community Engagement & Development

Bettercoal

## Bettercoal Code

<https://www.bettercoal.org/>



[Link source](#)

[Link source](#)

Companies that want to ensure the coal they purchase is produced to the highest international standards, join Bettercoal as Members.

Bettercoal and its Members work to encourage increasing numbers of coal producers, from across the globe, to commit to the Bettercoal Code and so increase the network of businesses working towards a global, responsible coal supply chain:

- PRINCIPLE 01 Business Integrity
- PRINCIPLE 02 Policy and Management
- PRINCIPLE 03 Transparency
- PRINCIPLE 04 Mine Rehabilitation and Closure

- PRINCIPLE 05 Human Rights
- PRINCIPLE 06 Labour Rights
- PRINCIPLE 07 Occupational Health and Safety (OHS)
- PRINCIPLE 08 Communities and Stakeholders
- PRINCIPLE 09 Water Stewardship
- PRINCIPLE 10 Management of Emissions and Waste
- PRINCIPLE 11 Greenhouse Gas Emissions
- PRINCIPLE 12 Biodiversity and Land Use

### Continuous improvement

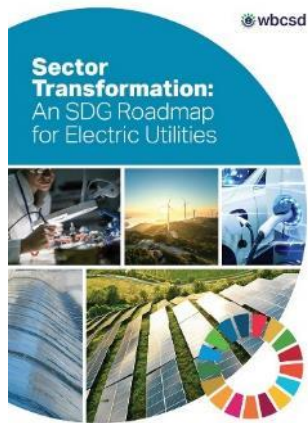
Continuous Improvement is key to the way that Bettercoal works. This is embodied in the Continuous Improvement Plan (CIP) framework. Every coal producer in the Bettercoal network commits to a site assessment against the Bettercoal Code by an independent, third-party assessor, and the development of a CIP to ensure progress in meeting the provisions of the Code.

Bettercoal Producers have committed to improving their Environmental, Social, and Governance (ESG) performance by assessing their operations against the 144 provisions of the Bettercoal Code. Each producer undergoes an independent, on-site mine assessment to assess how closely they meet the requirements of our Standard. Based on the assessment findings, actionable tasks / goals are set into a tailored Continuous Improvement Plan (CIP). This CIP supports the producer in working towards alignment with the 144 provisions of our Standard.

Once the CIP is in place, the producer now officially becomes a Bettercoal Producer. They then regularly submit information to the assessors, to evidence the changes they are implementing in order to meet their CIP goals. Assessors verify whether changes meet the expectations of our Standard. In some cases, on-site verification is required to verify that expectations have been met. After 4 years, the CIP process starts afresh, with new assessments and a new tailored CIP created. The producer implements more changes and evidence submission starts again.

# An SDG Roadmap for Electric Utilities

[Link source](#)



Leading utilities establish global best practice on how their sector and its value chain can advance the ambitions of the Sustainable Development Goals (SDGs). The Sector Transformation: An SDG Roadmap for Electric Utilities provides utility business leaders worldwide with a flagship guide to driving transformative change. It explores the sector’s interaction with the SDGs, identifies nine priority goals, and outlines seven key impact opportunity areas where the sector is well placed to drive transformation in line with the objectives of the SDGs. Each of these impact opportunities is underscored by a series of tangible actions that companies can take to maximize their potential for positive SDG impact across short-, medium- and long-term time horizons.

This roadmap has been developed by electric utilities with multinational operations spanning Asia-Pacific, the Americas, Africa, and Europe. The organizations who have demonstrated their leadership by producing the Roadmap are: ACCIONA, Celsia, CLP, EDF, EDP, Eletrobras, Enel, ENGIE, Iberdrola, Kansai Electric Power and Tata Power.

The SDG Sector Roadmap for Electric Utilities identifies the following key opportunities for SDG impact across the main themes of climate and energy, people and communities, nature, and circular economy:

- Decarbonize electricity generation in line with limiting global warming to 1.5°C.
- Enhance electricity system flexibility, resilience and efficiency.
- Ensure access to affordable, reliable, sustainable and modern electricity services for all.
- Attract and retain a diverse and inclusive workforce.
- Leave no one behind in the energy transition and respect human rights.
- Protect, restore and promote sustainable use of ecosystems and drive net biodiversity gains.
- Accelerate the transition to a circular electric utility sector.

# CEO Guide to Human Rights

[Link source](#)



**CEO Guide to Human Rights**

CEO leadership plays a crucial role in ensuring that human rights are taken seriously across their own companies and business relationships.

The CEO Guide to Human Rights brings to life the business drivers for action and the tangible steps CEOs can take to ensure their companies go beyond compliance and drive transformative change in people’s lives.

To support this, the CEO Guide highlights actions that executives can take to advance respect for human rights:

- Know the most important human rights for your company;
- Lead from the top;
- Engage transparently with stakeholders;
- Collaborate beyond your comfort zone.

# Stakeholder Relationship Policy

# 7.2



# EDP – Stakeholder Relationship Policy

EDP's objectives are to build and strengthen relationships of trust, to share knowledge and relevant information, to anticipate challenges and identify new opportunities for cooperation with our Stakeholders.

## General principles

When creating a Stakeholder Relations Policy, the EDP Group is also adopting a value creation approach for the various Stakeholders of the geographical areas in which it operates. We seek to achieve this through four major Guiding Commitments: Understand, Communicate, Trust and Collaborate. These commitments embody a Policy that seeks to go beyond mere compliance with the formal requirements of the law in order to contribute to effective and genuine involvement of the Group's different Stakeholders. In order to support the implementation of this Relationship Policy, the Department of Institutional and Stakeholder Relations was established in April 2012, to act jointly and in coordination with the various Business Units in Portugal and in the other geographical areas, and with the various Corporate Centre departments, to enhance the effectiveness of the strategic relationship with the Company's Stakeholders. The EDP Group's Stakeholder Relationship Policy is based on four Priorities or Guiding Commitments: Understand, Communicate, Trust and Collaborate.

### 1. Understand:

We dynamically and routinely identify the Stakeholders that influence and are influenced by the Company and analysis and seek to understand their expectations and interests in the decisions that affect them directly.

Understand: Include, Identify, Prioritize

- e. Be accountable to those who are impacted by the organization and those that have an impact on the organization, ensuring that minorities have the same capacity for involvement as other Stakeholders;
- f. Dynamically and routinely identify Stakeholders that influence and are directly and indirectly influenced by the company and its activities, as well as the issues identified as relevant by the Stakeholders;

- g. Prioritize, fairly, Stakeholders and the issues raised by them as relevant.

### 2. Communicate:

We are committed to Promoting two-way dialogue with Stakeholders, through information and consultation. We listen, inform and respond to Stakeholders in a consistent, clear, rigorous and transparent manner in order to build close, strong and durable relationships.

Communicate: Inform, Listen, Respond

- a. Guarantee access to information by establishing direct and efficient two-way communication channels, actively providing clear, understandable and accurate information to different Stakeholders;
- b. Consult and listen, proactively and continuously, to the concerns, interests and expectations of Stakeholders, prepare consultation plans and engagement strategies tailored to the characteristics of different Stakeholders;
- c. Respond to the relevant issues identified by Stakeholders within a reasonable time, given the characteristics of the Stakeholders involved.

### 3. Trust:

We believe that the promotion of a climate of trust with our Stakeholders is crucial for establishing stable long-term relationships. Our relationship with Stakeholders is based on values such as transparency, integrity and mutual respect.

Trust: Transparency, Integrity, Respect, Ethics

- a. Establish a transparent relationship with Stakeholders, to ensure that they know and understand the Company's objectives;
- b. Inform Stakeholders about the economic, environmental and social impacts of the organization or of a particular project, that might have a significantly impact on them;
- c. Respect the opinions and rights of Stakeholders, treating them fairly, without discrimination, with respect for diversity and their legal rights;
- d. Guarantee that engagement actions are based on the values, policies and ethical principles of the EDP Group.

#### 4. Collaborate:

It is our ambition to collaborate with Stakeholders in building strategic partnerships that bring together and share knowledge, skills and tools, to promote the creation of shared value leading to competitive advantage.

Collaborate: Integrate, Share, Cooperate, Report

- a. Integrate the relevant contributions identified by Stakeholders in the company strategy;
- b. Share knowledge and skills with Stakeholders;
- c. Work in partnership to build solutions, establishing strategic partnerships that produce positive results for both parties;
- d. Share the company's performance results as well as the results of the different Stakeholder engagement processes, providing - when appropriate - verified performance information.

#### Stakeholder categorization model

EDP's Stakeholders are those entities or individuals that influence or are influenced by the activities, products and services of EDP. The EDP Group's Stakeholders are organized into four categories: Democracy, Value Chain, Market and Social and Territorial Context

1. Value Chain: Employees, Unions, Suppliers, Scientific Community, Customers, Consumer Associations and Business Associations.
2. Market: Competition, Financial Entities, Shareholders and Investors.
3. Democracy: Government, Public Bodies, Regulation, Parliament, Political Parties, International Institutions.
4. Social and Territorial Context: NGOs, Local Communities, Local Authorities, Media and Opinion Formers.

Executive Board of Directors, November 2013.

# Supplier Code of Conduct

# 7.3

# EDP – Supplier Code of Conduct

1. The EDP Supplier Code of Conduct applies to entities that supply or intend to supply goods and services to any of the EDP Group companies (hereafter “Supplier” or “Suppliers”), which is deemed to be the group of companies in a control or group relationship with EDP, regardless of whether their headquarters are in Portugal or another country.
2. Approval and compliance with the Code of Conduct is a contractual obligation. It is a binding annex of the bidding documents for EDP Group procurement as well as in contracts for the supply of services or sale of goods, to be signed by the supplier and any EDP Group company. The contracts to be signed by the EDP Group and Suppliers shall envisage that in case of serious or systematic breach of this code, the EDP Group may terminate the contractual relationship.
3. This Code of Conduct does not establish commitments contrary to existing law, regulations or current contractual provisions, nor does it add or derogate from new rights. Its provisions and standards are supplementary in nature.
4. Suppliers should promote the adoption of sustainability policies in procurement and make the best efforts to ensure that levels of demand equivalent to those of this Code are also respected in their own supply chains.

Suppliers of the EDP Group agree to the following commitments, taking as reference the principle of highest demand:

## Compliance commitments

- a. Comply with national and international legislation in force that is applicable within the scope of the existing contractual relationship with the EDP Group, namely the laws, regulations, the operational, technical and sectoral rules and regulations, on matters such as: processing and protection of personal data, combating corruption, separation of activities in the sector, anti-trust, environment, health and safety, intellectual property rights, as well as the contractual arrangements established with the EDP Group companies.
- b. Not to pursue, permit, consent to or collude with any activity, practice or conduct likely to constitute or appear to be an act of bribery and/or corruption, criminally punishable under applicable law. Also, to institute procedures and implement necessary and appropriate measures aimed at preventing their occurrence.

- c. Respect internationally accepted corporate principles, values and best practices in matters concerning human rights, labor rights, workplace safety and health, prevention and combating corruption, and having measures in place to prohibit the practice of anti-trust acts or acts seeking to restrict competition in the market.

## Ethical commitments

- a. Promote and respect the highest ethical, moral and human integrity standards, in particular the principles enshrined in the EDP Group Code of Ethics.
- b. Respect the principles and commitments with customers and communities, whenever acting on behalf of the EDP Group, working in their facilities or using their information.
- c. Inform, through the Ethics Ombudsman or other EDP Group Ethics channels, of the existence of potential conflicts of interests in relations with the EDP Group, whether of a business or personal nature.
- d. Refrain from offering gifts, goods or free services, or coerce or restrict EDP Group employees in any way to influence their business dealings with the EDP Group.
- e. Truthfully and accurately convey information concerning management practices.

## Environmental commitments

- a. Comply with national legislation and international standards for environmental protection, and obtain the environmental certifications required for their business activities.
- b. Identify, monitor and mitigate the environmental risks and impacts of their activities, products, materials and means of transport, promoting continuous improvement and conserving the environment.
- c. Promote the continuous streamlining of the consumption of energy and natural resources and the reduction of emissions and waste generated by the business activity.
- d. Comply with the EDP Group’s environmental requirements when acting on EDP Group premises or facilities or acting on behalf of the EDP Group.

## Labor commitments

- a. Respect freedom of association and the collective bargaining of their workers, establishing mechanisms of dialogue free from any reprisals or discrimination.
- b. Ensure and promote the respect for free labor, based on fair and transparent contracts for workers, refusing to use and be complicit with forced labor, unjustified restrictions on free movement, misappropriation of documents and remuneration and human trafficking.

- c. Respect diversity, promoting equality and non-discrimination based on race, age, gender and sexual or marital orientation, ethnic or national origin, name, disability, pregnancy, religion, politics, cultural or trade union orientation. Respecting also any other conditions that may be defined by contract or protected by applicable law.
- d. Ensure adequate remuneration to workers, in accordance with current legislation and collective labor agreements, when applicable, which shall be paid on time, respecting the minimum wages established in each country, paying overtime and other compensation, social security contributions and taxes that are due.
- e. Ensure compliance with current labor legislation and collective labor agreements, when applicable, regarding the maximum normal and supplementary working hours, as well as the rest periods and rest days.
- f. Prevent any form of child labor, under national regulations and ILO 138 of the International Labor Organization.
- g. Establish disciplinary measures and procedures in accordance with the laws and international conventions, publicizing the standards and ensuring the hearing and defense by those accused of disciplinary breaches, and preventing in all cases any intimidation, verbal or physical abuse or aggression, or any other type of moral or physical harassment.

#### **Workplace Safety and Health commitments**

- a. Comply with national legislation and international standards in force on workplace safety and health, as well as the EDP Safety Policy and the specific certifications required, observing the precautionary principle in all activities, promoting responsibility and the awareness of everyone involved.
- b. Identify, monitor and record all risks associated with their activity and specific work tasks, establishing prevention, reduction and continuous improvement measures.
- c. Train the workers and equip them with the means and equipment for their personal protection, ensuring they have adequate working conditions.
- d. Define accident management and emergency preparation measures appropriate to the type of activity, location and circumstances.
- e. Comply with the EDP Group's Safety and Health requirements when acting on EDP Group premises or facilities or acting on behalf of the EDP Group.

#### **Community and Human Rights commitments**

- a. Promote the consultation, respect and protection of human rights, the dignity of people and privacy of each individual, of the communities on which the business activities impact in their area of influence.
- b. Ensure that all business activities are conducted without recourse to violence or abuse and reject and refuse any complicity with human rights violations.

#### **Management commitments**

- a. Adopt management procedures that permit compliance with this Code to be monitored. There is an obligation to report any serious breaches to EDP and to provide evidence of compliance when requested by EDP.
- b. Ensure that all persons employed, regardless of the nature of the legal relationship, comply with the provisions of this Code of Conduct and are informed, qualified and competent to perform their duties in accordance with its terms.

Executive Board of Directors, May 2017

EDP

# Code of Ethics

# 7.4

# EDP – Code of Ethics

(excerpts)

## 1.2 Health and Safety

Occupational health and safety for all employees and suppliers is a priority for EDP, the objective being “zero accidents” and, at the same time, the ongoing concern to put people’s well-being before any operational need. No situation or urgency of service can justify endangering someone’s life, physical integrity or safety.

EDP wants its workers to have working conditions favorable to their good health, and therefore encourages them to have healthy practices. EDP provides its workers with complementary medical protection and assistance. Based on the reinforcement of a vertically based culture of prevention and safety, EDP promotes the training and the briefing of all employees on the risks inherent to its activities and protects the facilities and equipment by adopting the best techniques, combined with the monitoring and updating of work procedures. The importance EDP attaches to these issues extends to the supply chain and goes beyond compliance with legal requirements, in all companies and in all regions in which it operates. The excellence required in this area can only be achieved with the involvement and accountability of all levels of management and the support and contribution of all employees, service providers and other stakeholders.

### We must

1.2.1 Ensure that everyone, including suppliers and in particular those who act on our behalf, comply with the safety rules and practices and the labor legislation in force

1.2.2 Ensure, both internally and externally, the continuous strengthening of a safe and healthy working environment, namely through awareness raising, training and the sharing of good practices.

1.2.3 Monitor and assess risks and occurrences.

1.2.4 Report any non-conformities detected, as well as the observation of incidents, whether accidents or near misses.

1.2.5 Take permanent precautions to avoid putting ourselves or others at risk, whatever the circumstances

1.2.6 Get to know the procedures applicable in the event of an emergency.

1.2.7 Exercise the right of refusal in the event of unsafe conditions for carrying out the activity.

### We must not

1.2.8 Fail to apply the same principles, policies and safety procedures in all activities and with all players

1.2.9 Disregard the strict fulfilment of health and safety objectives.

## 1.4 Diversity and Inclusion

Today EDP has a global presence, integrating diverse people all over the world. We value and promote this diversity as a factor creating value and innovation.

We recognize that multiplying differences is to go further, to bring together points of view and ways of seeing the world, to integrate all aspects, to be consciously inclusive, particularly by means of profiles, paths and experiences that bring value and enable us to do what we have to do best. We actively seek not to be influenced by any bias, conscious or unconscious, and we take steps to enhance an inclusive culture that makes everyone feel welcome. We foster diversity and inclusion by ensuring equal opportunities as an employer, which we also encourage in our suppliers.

### We must

1.4.1 Promote mutual respect and equal opportunities in the face of diversity by providing an inclusive working environment free from prejudice and discrimination.

1.4.2 Ensure an environment where all people feel respected and safe in being who they are.

1.4.3 Encourage the inclusion of all expressions of human diversity

1.4.4 Ensure that suppliers who act on behalf of EDP are aware of our commitments in this area.

**We must not**

1.4.5 Determine nor constrain any type of decision based on discriminatory factors, namely, ancestry, age, gender, sexual orientation, gender identity, marital status, family situation, economic situation, education, origin or social condition, genetic heritage, reduced work capacity, disability, chronic illness, nationality, ethnic origin or race, place of origin, language, religion, political or ideological beliefs, trade union membership, or on the basis of job, activity or professional category.

1.4.6 Discriminate, neither in the recruitment process or at any other time in the relationship between employees and the company, such as training, professional development, recognition and mobility within and between companies, among others.

**1.5 Harassment**

EDP promotes a culture free from any sort of harassment, understanding this to be systematically undesired behavior of a moral or sexual nature, in a verbal, non-verbal or physical form, which has the goal or effect of disturbing or embarrassing another person, or affecting their dignity or creating an intimidating, hostile, degrading, humiliating or destabilizing environment.

Moral or sexual harassment can occur in any strata of society, context or place of work, affecting the person regardless of their ancestry, age, sex, sexual orientation, gender identity, marital status, family status, economic or cultural situation, education, social origin or condition, genetics, reduced working capacity, disability, chronic illness, nationality, ethnic origin or race, territory of origin, language, religion, political or ideological convictions, trade union membership or, in addition, job, activity or category. Harassing forms of behavior in a business context violate the victims' labor rights, and may affect their value as people and workers, causing harm that can have an impact on their self-esteem, physical and mental health, life project and family relationships. In addition to the legal obligations to which EDP is subject to, it is the duty of all workers to prevent, confront and report any and all behavior that may preclude a situation of harassment

The duties and/ or principles laid down in specific legislation and in internal regulations shall apply to proxy holders, representatives and suppliers.

**We must**

1.5.1 Refrain from engaging in any form of behavior which may constitute harassment at work.

1.5.2 Prevent and combat harassment at work

1.5.3 Report harassment at work of which we are a victim or witness, through existing communication channels.

1.5.4 Promote awareness actions on the subject.

**We must not**

1.5.5 Tolerate any form of behavior involving moral harassment, such as: systematically devaluing the work of co-workers or employees; promoting the social isolation of co-workers or employees; constantly ridiculing, directly or indirectly, a physical or psychological characteristic of coworkers or employees; establishing goals and objectives that are impossible to achieve or deadlines that are not feasible; assigning inappropriate functions to the professional category of employees; unjustifiably not assigning certain functions to employees; taking ownership of ideas, proposals, projects or work from co-workers or employees; sending persistent invitations to participate in social or recreational activities, when the target person has made it clear that the invitation is unwanted.

1.5.6 Tolerate any form of behavior involving sexual harassment, such as: repeating suggestive remarks or comments about co-workers' sexual appearance or orientation; systematically making phone calls and sending unwanted messages of a sexual nature; repeatedly sending sexual gifs, drawings, photographs or images; intentionally promoting unnecessary and unsolicited physical contact or approach; conditioning the hiring, professional progression or any other employment benefit, through unwanted activity of a sexual nature.

1.5.7 Retaliate against plaintiffs or witnesses of harassing behavior

**1.6 Human Rights**

EDP respects and undertakes to promote Human Rights internally, in its suppliers, customers and the communities where it operates, namely in indigenous communities, by guiding its actions according to the Universal Declaration of Human Rights and international



conventions, treaties or initiatives, such as the Conventions of the International Labor Organization, the United Nations Global Compact and the Human Rights Council's Guiding Principles for Companies. In particular, EDP is against arbitrary detention, torture or execution and the sexual exploitation of children and adolescents; in favor of freedom of conscience, religion, organization, association, namely trade union, opinion and expression; it respects the principles relating to the safeguarding of human life, physical and mental integrity, health and safety at work, equality and non-discrimination, fair wages and the prohibition of child, youth and forced labor; it also recognizes the right to collective bargaining. The principle of applying Human Rights in all decisions, including investment decisions, is visible in the commitment to full respect for Human Rights reaffirmed by EDP's Executive Board of Directors in 2019, the year in which it subscribed to the "CEO's Guide concerning Human Rights" of the World Business Council for Sustainable Development. The action points in this guide, in particular, involve knowing the most relevant Human Rights for EDP, leading from the top, engaging with stakeholders in a transparent manner and collaborating beyond its comfort zone.

### **We must**

1.6.1 Respect and comply with the legal and regulatory rules on Human Rights in force in the jurisdictions applicable to the EDP Group, with reference to the principle of the highest requirement.

1.6.2 Ensure the commitments freely undertaken in all areas of EDP's intervention, regardless of the level of requirement of national and local legislation.

1.6.3 Ensure compliance with the commitments assumed in EDP's "Declaration of respect for Human and Labor Rights", maintaining a Human and Labor Rights Monitoring Program to identify risks and to act in order to avoid, minimize or repair any negative impacts arising from the Company's business and activities.

### **We must not**

1.6.4 Participate in or consent, actively or passively, by action or omission, to practices that may constitute any violation of Human Rights, reporting it whenever this happens.

1.6.5 Accept any forms, no matter how subtle, of Human Rights violations by third parties who supply us with products or provide us services.

1.6.6 Employ child, youth or forced labor, or engage in such practices by third parties who provide us with products or services.

## **2.1 Relationship with Shareholders**

EDP is committed to creating value for its shareholders. The "shareholder value" is supported by strategic decisions that influence the sustainability of the various businesses of the company, the excellence of execution and the delivery of solid results according to plan. Shareholder confidence, decisive for investment in the development of the Company, is thus a counterpart to the crucial choices made, such as the anticipated investment in the massive production and use of renewable energies, together with a robust sustainability policy, materialized in particular through the active contribution of various international commitments in terms of human rights, labor, the environment and the fight against corruption. The focus on "leading an electric future" is currently a new challenge that the Company once again embraces in anticipation, and which will enable it to continue to ensure sustainable and distinctive business in the energy sector. In complex and demanding contexts where factors such as regulation, government policies, the evolution of markets and economies, among others, strongly condition the Company's performance, EDP honors its commitments to this important stakeholder through firm actions in which integrity and transparency are also essential.

### **We must**

2.1.1 Inform the market, in a transparent manner, about the Company's performance, taking into account the legal obligations and the needs of the stakeholders, providing, in the information supplied, qualitative and quantitative elements identifying economic, financial, social, environmental and reputational risks, in a complete and clear manner and ensuring the quality of the information provided.

2.1.2 Provide the market with due knowledge of the existence of any event regarding the company, the disclosure of which is likely to interfere with the respective economic, environmental or social situation.

2.1.3 Establish policies and procedures that ensure the separation of EDP's interests from those of its shareholders

2.1.4 Respect the principle of equal treatment for shareholders, and for all other stakeholders, providing necessary information in a timely, appropriate, truthful, transparent and accurate manner.

2.1.5 Include the risk of bad ethical practices in the general management of corporate risk, identifying the respective warning signs.

2.1.6 Systematically be aware of the expected economic performance of our areas of activity, actively seeking to contribute to achieving the goals set.

#### **We must not**

2.1.7 Undertake, under any circumstances, acts that jeopardize EDP's reputation, namely acts related to financial matters, corruption and bribery, conflicts of interest, or use of information and assets.

2.1.8 Stop challenging the adopted practices, always in a constructive context and given that it is of crucial importance to promote efficiency.

## 2.2 Relationship with Customers

EDP is a customer-focused company, which understands its specific and changing expectations and acts in a constant search to create solutions that guarantee their satisfaction, particularly through close relationships and a strong ability to listen. Customer satisfaction translates into greater loyalty and a better relationship with the Company, which contribute to the growth of turnover and results. This logic of management based on "customer-value" presupposes the undertaking of commitments by the Company in terms of establishing fair prices, clear and reliable communication of information concerning the characteristics and advantages of the solutions being sold, and the provision of a high-quality service based on robust operations, among others. In addition, taking into account the demanding regulatory context of the sector, EDP has, whenever necessary, implemented mechanisms that ensure the scrupulous fulfilment of the duties to which it is obliged, that is, a universal public service, for economically vulnerable customers, of information transparency, of separation of "regulated" and "free" activities, among others.

#### **We must**

2.2.1 Produce and present honest, transparent commercial proposals adapted to the needs of current and potential customers.

2.2.2 Ensure that the advertising messages we transmit do not include discriminatory elements of any kind.

2.2.3 Provide relevant, truthful and accurate information, in plain language and adapted to their needs, through responding to requests, doubts and complaints.

2.2.4 Act with correctness, courtesy and professional pride in relations with customers, respecting their rights, sensibilities and diversity.

2.2.5 Promote ongoing improvement in our performance, as well as the quality of the products and services we provide.

2.2.6 Promote the adoption of responsible behavior by customers, and consumers in general, which has a positive impact on the environment and society

2.2.7 Set up and maintain simple and effective contact channels.

#### **We must not**

2.2.8 Under any circumstances disregard the protection of our customers' personal data, namely through not collecting information for marketing purposes without their express consent to do so.

2.2.9 Exploit our customers' lack of knowledge or vulnerabilities to promote new products and services.

2.2.10 Include derogatory messages in formal and informal communication regarding our competitors and their products and services.

2.2.11 Use stereotypes which diminish human dignity in advertising and marketing campaigns.

## 2.3 Relationship with Suppliers

EDP, as an “extended” company, currently incorporates a set of partners, with whom it works and shares responsibilities, who act and speak on our behalf with customers, citizens and other stakeholders. Maintaining relations of trust with these companies is fundamental to EDP’s success. The success of the partnerships we build depends on how we choose them and the commitment we all show in strengthening such relationships. Our relationships with suppliers are based on criteria of impartiality, fairness and loyalty and we respect their independence and identity. Under no circumstances does EDP use its possible dominant position in the market to gain advantages in its relationship with its suppliers.

### We must

2.3.1 Select suppliers based on EDP policies and procedures which include ethical, technical and economic selection criteria – which are clear, impartial and pre-determined.

2.3.2 Ensure that suppliers comply with health and safety standards and practices, environmental rules, labor law and Human Rights.

2.3.3 Respect each partner’s own identity, but require them to fulfil, when entitled to act on EDP’s behalf, the duties set forth in this Code

2.3.4 Ensure the confidentiality of information from suppliers and respect their intellectual property

2.3.5 Ensure that suppliers do not become economically dependent on EDP by taking the necessary preventive measures.

### We must not

2.3.6 Agree to participate in decision-making processes selecting suppliers, which may generate situations of a potential conflict of interests

2.3.7 Impose unfair conditions on suppliers or fail to comply with agreed conditions, particularly in regard to payments.

2.3.8 Maintain partnerships with suppliers which do not respect the commitments they made to EDP.

## 2.4 Relationship with Communities

EDP creates a positive impact on society by valuing not only its employees and partners, but also the communities in which it operates, through respecting their sensitivities and cultures. The promotion of sustainable development in the regions where we are present and with the communities with whom we interact is one of the pillars on which our business strategy and our reputation are based. We have developed a culture of corporate citizenship and involvement with society through cultural initiatives, such as promoting access to culture and art and protecting cultural heritage, but also socially, such as promoting social inclusion and the adoption of sustainable lifestyles, valuing energy inclusion and access to energy.

We also promote environmental initiatives, such as the protection of natural heritage and biodiversity, but also, and above all, we promote energy efficiency, renewable energy and decarbonization.

Understanding, communicating, trusting and cooperating are the guiding commitments for the active and transparent involvement that EDP continually promotes with local communities.

### We must

2.4.1 Maintain an active relationship of proximity with local communities in the regions where we operate, engaging in regular, open and frank dialogue, seeking to learn about their needs, respecting their cultural integrity, seeking to contribute to improving the living conditions of local populations.

2.4.2 Maintain appropriate communication channels to inform citizens about the environmental impacts of our infrastructures as well as the risks and dangers of energy, whether these result from its normal use or from its misuse, or from the exploitation of facilities and equipment under its responsibility.

2.4.3 Promote access to energy for communities isolated from the electricity grids, efficient energy use and the adoption of more sustainable lifestyles.

2.4.4 Recognize the rights of ethnic minorities and indigenous peoples where appropriate.

**We must not**

2.4.5 Involve ourselves, on behalf of EDP, in social actions that do not reflect our commitments and strategies of involvement with the community.

2.4.6 Start any intervention without listening to stakeholders to assess possible social impacts and specify any necessary mitigation measures.

**3.1 Environment**

We look at the Environment as an asset and its preservation as a duty. A strong culture of environmental risk management is essential to reduce our ecological footprint. We are therefore committed to implementing the best solutions to avoid or mitigate the environmental impacts of our activity and to continuously improve our performance. We effectively address risks and opportunities by integrating environmental management into business processes, strategy and decision-making, aligning them with other business priorities and incorporating environmental governance into its global management system. The success of our environmental policy depends on everyone's commitment, the way we think, act and influence.

**We must**

3.1.1 Act in accordance with the precautionary principle, when our activities may result in serious and irreversible damage to human health or the environment, even if uncertain but scientifically plausible. In these situations, we should take measures to avoid or mitigate these effects

3.1.2 Align our activities with national and international environmental protection strategies.

3.1.3 Promote environmental awareness by acting as mobilizing agents in the defense and protection of the environment.

3.1.4 Deepen our knowledge of the environmental risks and impacts of our activity, to improve decision making.

3.1.5 Actively promote the development of more environmentally sustainable technologies.

3.1.6 Cooperate with environmental authorities and listen to other stakeholders in the quest for ongoing improvement in our environmental performance

3.1.7 Promote our environmental policy internally and with our partners and other stakeholders

3.1.8 Promote and collaborate to achieve the United Nations' Sustainable Development Goals.

**We must not**

3.1.9 Use or authorize materials/products, technical solutions and/or internal or subcontracted operational processes that endanger or degrade the Environment, when alternatives which are less harmful to the environment and economically competitive with the former are known.

3.1.10 Ignore or neglect situations which jeopardize the environment, the company's legal compliance or defraud the expectations and needs of stakeholders.

3.1.11 Make it difficult to analyze accidents or near-accidents of an environmental nature by refusing to participate or omitting relevant information.

**3.2 Energy Transition**

The world is undergoing a profound process of transformation in search of sustainable development in where one of the major challenges is to slow down ongoing climate change while ensuring a fair energy transition. The escalation of climate change confronts mankind with the urgent need to reduce CO<sub>2</sub> emissions. If global warming is not limited to a maximum of 1.5°C, extreme events, natural imbalances and rising oceans will have devastating effects on infrastructure and cities, jobs, health and social well-being. The consequences for the environment and biodiversity will also be incalculable and dramatic. Climate urgency requires all companies to take on the ethical duty to substantially reduce and eliminate, where possible, carbon dioxide emissions. We are committed to meeting ambitious CO<sub>2</sub> reduction targets within the next decade and achieving carbon neutrality by 2050, cooperating with more than a hundred countries to limit global warming to 1.5oC. In EDP's view, it is not only electricity that should be decarbonized. Through continuous innovation, renewable electricity production should increase to replace fossil fuel consumption in industry and transport. Through renewable electricity it will be possible to produce green hydrogen and ensure the decarbonization of the planet.

**We must**

3.2.1 Contribute to ensuring affordable, reliable and sustainable energy, promoting the adoption of more flexible, clean and efficient production technologies.

3.2.2 Adapt infrastructures to ensure their efficient operation in conditions where extreme events resulting from climate change will be increasingly frequent and more intense.

3.2.3 Promote the digitalization of the energy sector, guaranteeing the collection and handling of information, supporting greater inclusion of the various stakeholders, thereby ensuring digital inclusion for all.

3.2.4 Develop technological solutions and products and low carbon and high efficiency services which facilitate and support the needs already identified in the market in areas such as mobility, storage, flexibility management and energy efficiency management in the community.

3.2.5 Contribute to the increase of “energy literacy”, both internally and externally, by helping to place us, as well as the population in general, with greater and better capacity to intervene in a fair and equitable energy transition

3.2.6 Promote the development of public measures to address energy poverty and the protection of vulnerable consumers.

3.2.7 Stimulate the development of energy efficiency measures and services with customers.

3.2.8 Contribute to the increased use of renewable energy in transport and industries.

3.2.9 Contribute to the awareness on climate change and energy transition

**We must not**

3.2.10 Implement solutions or make investments without prior analysis of climate, environmental and social impact and without ensuring compliance with the EDP Code of Ethics and Policies.

3.2.11 Acquire products or services without assessing the production and supply chain and without ensuring the sustainability principles advocated by EDP.

3.2.12 Move away, individually and collectively, from the fight for decarbonization and for a fair and inclusive energy transition for all.

## 4.1 Personal Data Protection and Privacy

Privacy is a fundamental right. With regard to the processing of personal data, its subjects are entitled to a series of precautions that will effectively preserve their privacy and protection. EDP collects, processes and retains personal data to the extent strictly necessary for the fulfilment of its purposes. EDP has policies and procedures in place that ensure the privacy, security and protection of the personal data of all its employees, suppliers and other subcontractors, customers and stakeholders in general. Suppliers who are entitled to act on behalf of EDP must also provide guarantees of compliance with privacy of personal data protection requirements.

**We must**

4.1.1 Tailor the processing of personal data to duly legitimate purposes and ensure that access to data is made on a “need- to-know” basis

4.1.2 Respect the rights of data subjects and ensure that requests received are answered promptly.

4.1.3 Provide the data subjects with all relevant information on the data processing carried out, in particular about the purposes for which the data will be used.

4.1.4 Ensure that data processing and conservation are carried out securely, applying appropriate technical and organizational measures.

4.1.5 Respond promptly and appropriately in the event of a breach of privacy and data protection.

4.1.6 Ensure that suppliers who carry out the processing of personal data on behalf of EDP comply with the rules on security and protection of personal data.

**We must not**

4.1.7 Use personal data without any grounds for legitimacy.

4.1.8 Share personal data with third parties without the explicit consent of the data subject or any other Ensure that data ground of legitimacy.

4.1.9 Transfer personal data outside the country of origin without first obtaining advice from the Compliance department

4.1.10 Collect and process sensitive personal data such as health status, sexual orientation, political opinions, religion, racial origin, among others, outside the situations foreseen by law or without the explicit, free, informed and unequivocal consent of the data subject.

4.1.11 Keep personal data from its subjects for longer than is strictly necessary.

## 4.4 Corruption and Bribery

Illicit acts such as corruption, influence peddling, money laundering or terrorist financing jeopardizes the peace, security and well-being of citizens, as well as the stability of markets. These practices also undermine democracy and the Rule of Law, diverting resources necessary for the growth and development of society, and promoting instability, insecurity and mistrust among citizens. Therefore, in a framework of zero tolerance, the prevention and fight against corruption and bribery has been widely and increasingly adopted at a global level, namely in the proliferation of legislation and promotion of cooperation between private entities and public authorities. EDP prohibits the practice of corruption and bribery, in active or passive forms, either through acts or omissions, or through the creation and/or maintenance of situations of favoritism through facilitation payments or other irregularities. EDP has measures to prevent, detect, correct and control all forms of corruption, conflict of interest, money laundering, terrorist financing and other illegal acts.

### We must

4.4.1 Anticipate and clarify situations which may constitute or be perceived as corruption or bribery

4.4.2 Respect, in the relationship with employees and those responsible for public entities, the duty of exemption to which they are subject, avoiding any action which, directly or indirectly, has a fraudulent, coercive, manipulative or deceptive influence, and refrain from giving them or promising any kind of benefit which is not due to them.

4.4.3 Make known, comply with and enforce internal rules on facilitation payments, political contributions, donations and sponsorships

4.4.4 Report any signs of alarm or actions which may be associated with a potential act of corruption, bribery and/ or other unlawful acts on the appropriate channels.

4.4.5 Comply with internal rules regarding due diligence in the integrity identification and analysis (Integrity Due Diligence) of third parties before establishing business relationships, ensuring the adoption of planned and applicable risk mitigation mechanisms.

### We must not

4.4.6 Accept or offer gifts, presents, loans, hotel stays, personal services or other gratuities, even if in the form of preferential treatment of customers, suppliers, a governmental authority or any other person or entity related to the Company's business, which may result in obtaining some kind of personal advantage, for the Company or for undue third parties.

4.4.7 Accept or offer any equity advantage or its promise in return for any act or omission contrary to the functions performed and/or when such advantages are not due.

4.4.8 Make monetary or other contributions to political parties on behalf of the company.

4.4.9 Make recommendations to customers, even if requested by them, of suppliers, or of companies which may even be indirectly related to the Company's business.

## 4.5 Money laundering and Countering the Financing of Terrorism

EDP's work is guided by high ethical standards, business integrity and strict respect for and compliance with current legislation and regulations regarding the prevention of money laundering and the financing of terrorism. As such, EDP adopts all the necessary procedures to know the identity of the relevant counterparties of the businesses it intends to undertake and only finalizes these businesses after ensuring the legal origin of the funds handled by the counterparty. EDP has a set of policies and procedures – namely contained in the Program for the Prevention of Money Laundering and Countering the Financing of Terrorism – which encompass a set of measures aimed at responding to the legal duties and requirements associated with these matters, such as procedures for Due Diligence (DD) and Know Your Customer (KYC). Such policies and procedures establish concrete measures that must be adopted to comply with all the legal and regulatory obligations of EDP, taking into account the different characteristics of the different business areas and the potential risk of money laundering and financing of terrorism faced. In order to ensure the effective application of the procedures laid down in this area, a governance model was systematized along with the specification of different functions and responsibilities in fulfilling the

legal duties to which EDP is bound. EDP employees ensure the strictest compliance with both the legislation applicable to the different activities and jurisdictions in which we operate, as well as internal procedures which have been specified concerning this matter, and undergo training to enable them to perform their essential functions in this area in the best way.

**We must**

4.5.1 Report all suspicious and/ or doubtful situations as soon as possible, through the channels internally provided for this and maintain strict confidentiality about them.

4.5.2 Identify/get to know our counterparties, including their respective actual owners, before entering into any business or transaction, in order to ensure that we are working with legitimate counterparties and that their funds do not originate from criminal activities.

4.5.3 Review the counterparty's identification elements at appropriate intervals and make sure that the funds involved continue to have a lawful origin.

4.5.4 Only receive and make payments to and from entities previously subject to internal procedures of Due Diligence (DD) and Know Your Customer (KYC) and with which we have duly authorized contracts under the terms of the respective internal procedures.

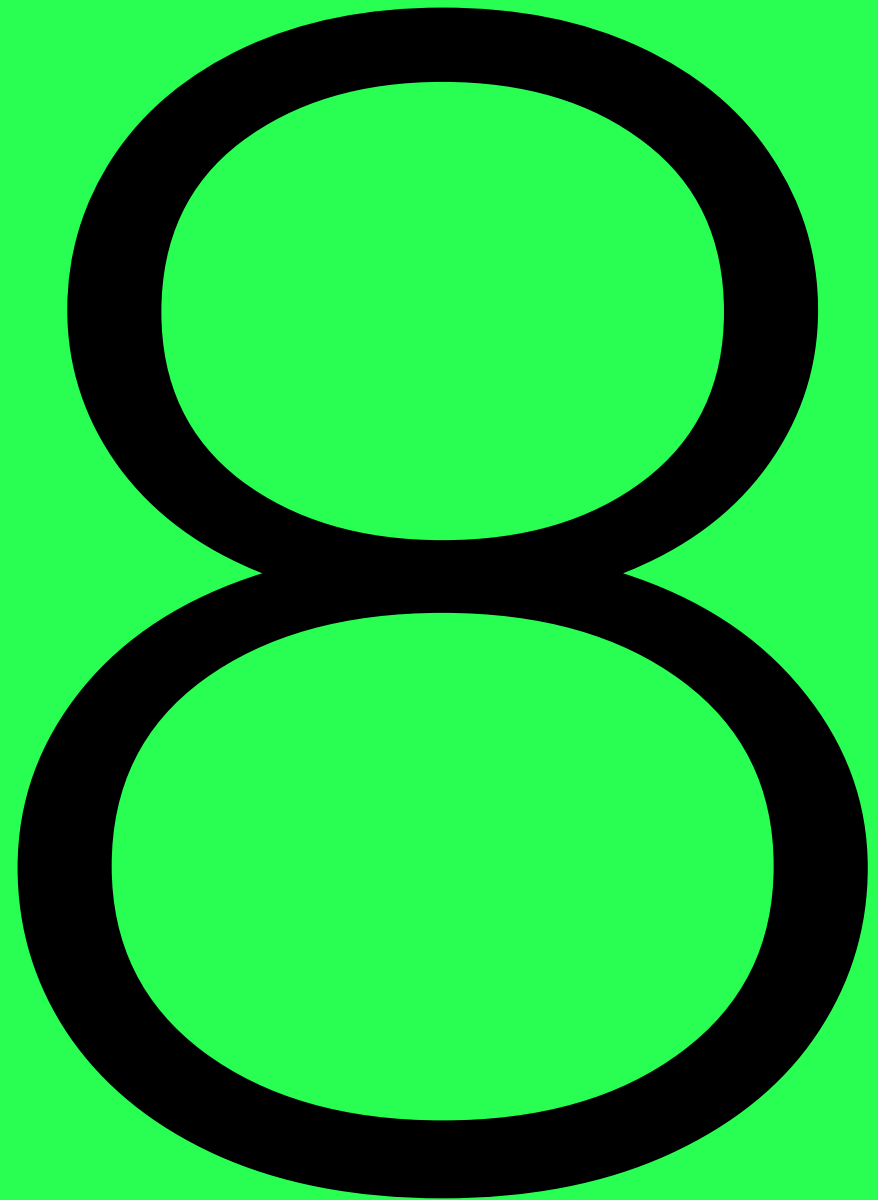
**We must not**

4.5.5 Initiate a business relationship or carry out any transaction if the counterparty is suspected of being involved in money laundering or terrorist financing practices.

4.5.6 Accept cash payments. However, when there is no other possibility, we will always have to respect the legally authorized maximum amount and we should first seek the necessary internal authorizations to undertake this.

4.5.7 Make payments without the respective clearances and without prior knowledge of the counterparty and associated transactions.

# International Human and Labor Rights Declarations and Frameworks





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# United Nations Global Compact

8.1

# The Ten Principles of the UN Global Compact

A framework for responsible business based on United Nations declarations and conventions.

The sustainability in a company starts with its value system and principles. By incorporating the Ten Principles of the UN Global Compact – focused on the areas of human rights, labour practices, environmental protection and anti-corruption – into their strategies, processes and operations, the organizations are taking the responsibility within the people and the planet, and are establishing the basis for short and medium term success.

The Ten Principles of the UN Global Compact become from four universally accepted declarations and conventions:

- Universal Declaration of Human Rights,
- International Labour Organization's Declaration on Fundamental Principles and Rights at Work,
- Rio Declaration on Environment and Development,
- United Nations Convention Against Corruption.

Since the approval of the 2030 Agenda, in 2015, the UN Global Compact also encourages the companies to integrate the 17 Sustainable Development Goals into their strategies, processes and operations.

[Source link](#)

## Human Rights

[Principle 1](#): Businesses should support and respect the protection of internationally proclaimed human rights; and

[Principle 2](#): make sure that they are not complicit in human rights abuses.

## Labour

[Principle 3](#): Businesses should uphold the freedom of association and the effective recognition of the right to collective bargaining;

[Principle 4](#): the elimination of all forms of forced and compulsory labour;

[Principle 5](#): the effective abolition of child labour; and

[Principle 6](#): the elimination of discrimination in respect of employment and occupation.

## Environment

[Principle 7](#): Businesses should support a precautionary approach to environmental challenges;

[Principle 8](#): undertake initiatives to promote greater environmental responsibility; and

[Principle 9](#): encourage the development and diffusion of environmentally friendly technologies.

## Anti-Corruption

[Principle 10](#): Businesses should work against corruption in all its forms, including extortion and bribery.

(excerpt)

## Principle One: Human Rights

Businesses should support and respect the protection of internationally proclaimed human rights.

### What does it mean?

This Principle sets out the UN Global Compact's overarching expectation of business on human rights, namely, to respect and support human rights. Respecting human rights means a business should use due diligence to avoid infringing human rights ("do no harm") and should address adverse human rights impacts with which they are involved. In addition, beyond respecting human rights, business is encouraged to take action to support human rights. This means seeing the opportunity to take voluntary action to make a positive contribution towards the protection and fulfillment of human rights whether through core business, strategic social investment/philanthropy, public policy engagement/advocacy, and/or partnerships and other collective action. Action to support human rights should be a complement to and not a substitute for action to respect human rights. Special attention should be paid to the rights of vulnerable groups, including women, children, people with disabilities, indigenous peoples, migrant workers, older persons etc.

### Why should companies care?

Respect for human rights is the right thing to do, but it is also a business issue. Not respecting human rights poses a number of risks and costs for business including putting the company's social license to operate at risk, reputational damage, consumer boycotts, exposure to legal liability and adverse government action, adverse action by investors and business partners, reduced productivity and morale of employees.

While governments have the primary duty to protect, respect and fulfill human rights, other organizations and individuals have important complementary roles to play in respecting and supporting human rights. All businesses everywhere, regardless of size or sector and whether

or not they are participants in the UN Global Compact, have the baseline responsibility to respect human rights. This has been recognized by the UN Guiding Principles on Business and Human Rights (Download [Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework.](#)) [A joint note](#) by the Global Compact and the Office of the High Commissioner for Human Rights (OHCHR) on the relationship between the Guiding Principles and the commitments undertaken by Global Compact signatories, explains that the "Guiding Principles provide further conceptual and operational clarity for the two human rights principles championed by the Global Compact".

Respecting and supporting human rights also strengthens a business' relationships with its stakeholders. For example, workers who are treated with dignity and respect are more likely to be productive and remain loyal to an employer. New recruits increasingly consider the social, environmental and governance record of companies when making their choice of employer. Human rights and inclusive business models can also be a source of innovation for new products or services, access to new markets, help strengthen the social license to operate and to make the business a valued member of the community and society.

### What can companies do?

#### Respecting Human Rights

Business has the potential to impact — positively and negatively — virtually all human rights. Accordingly, business should consider their potential impact on all rights. However, some actual or potential impacts will require special consideration, for example, where the actual or potential impacts are very serious and/or there is a strong connection between the company and the abuse.

For the content of human rights, at a minimum, companies should look to the [International Bill of Human Rights](#) and the core [International Labour Organization \(ILO\) Conventions](#). The [publication Human Rights Translated](#) elaborates the main internationally proclaimed human rights from a business perspective and offers practical examples of how companies have infringed on human rights as well as examples of how businesses have supported the enjoyment of the rights. Although some rights will be more relevant than others in particular circumstances, situations change, so broader periodic reassessment is necessary.

Business must comply with all applicable laws and respect internationally recognized human rights, wherever they operate. In the rare situation that national law directly conflicts with international standards, companies should seek ways to honour the principles of

internationally recognized human rights. Please click here for our good practice note entitled [“Meeting the Responsibility to Respect in Situations of Conflicting Legal Requirements”](#).

Importantly, the corporate responsibility to respect exists independently of States’ human rights duties. Among other things, this means that businesses have a responsibility to respect human rights whether they are operating in an area of weak governance or in a more stable context. In areas where there is weak governance, the risks of infringing human rights may be greater because of the context. For information on how to use conflict sensitive business practices in such contexts, see [Guidance on Responsible Business in Conflict-Affected & High-Risk Areas: A Resource for Companies & Investors](#).

## Determining the scope of their responsibility

Companies should consider three sets of factors in determining the scope of their responsibility to respect human rights or, in other words, the risk of potential negative impacts on human rights in connection with the conduct of their business:

- The first is to consider the country and local context in which it is operating for any human rights challenges that context might pose. Information about these is available from NGOs, Government, international trade unions and international organizations. There are also services that seek to bring such context specific risks together in formats more easily digested for business, for example, Danish Institute Country Risk assessments and Maplecroft Maps of Human Rights risks. These and other guidance material can be accessed from our library. Pay particular attention to the context in countries where laws are widely known to fall short of international standards and where enforcement may be inadequate.
- The second set of factors involves considering whether the company is causing or contributing to adverse human rights impacts through their own activities within that context — for example, in their capacity as producers, service providers, employers and neighbours ("activities" is understood to include both actions and omissions).
- Companies should then address those impacts by adjusting their policies and practices to prevent the infringement from occurring. An illustrative list of activities with direct impact might include the production process itself; the products or services the company provides; labour and employment practices; the provision of security for personnel and assets; and the company’s lobbying or other political activities.
- The third set of factors is an analysis of the company’s relationships with Government, business partners, suppliers and other non-State actors to consider whether they might pose a risk for the company in terms of implicating it in human rights abuse. Look particularly

at the provision or contracting of goods, services and even non-business activities, such as lending equipment or vehicles. Consider the track records of those entities your company deals with to assess whether the company might contribute to or be associated with abuse caused by those entities. The responsibility to respect human rights also includes the Global Compact commitment to avoid complicity, that is, being involved in human rights abuse that another company, government, individual, group etc. is causing.

## Policy Commitment

Companies should adopt a statement of policy as a public commitment to fulfill their responsibility to respect human rights, approved by their board or equivalent. It can be a stand-alone statement or integrated into a broader corporate sustainability policy or code of conduct. Broad inspirational language may be used to describe respect for human rights, but more detailed guidance in specific functional areas is necessary to give those commitments practical meaning. The policy should stipulate the company’s human rights expectations of personnel, business partners and those directly linked to the organization’s operations, products or services. As such, it should be communicated to these parties, as well as be publically available.

The policy should be informed by internal/external human rights expertise. Developing a human rights policy can also be an important opportunity for stakeholder engagement on the topic of human rights, which can be almost as important as the policy that results from the process. [View sample Human Rights policies](#). Once prepared, the policy should be reflected in operational policies and procedures in order to embed it throughout the business functions. Download: [A Guide for Business: How to Develop a Human Rights Policy](#).

## Human rights due diligence

In order to ensure and demonstrate (i.e. to know and show) that a company is meeting its responsibility to respect human rights it should undertake due diligence. Human rights due diligence is the ongoing process taken to identify, prevent and mitigate and account for negative human rights impacts which the company may cause or contribute to through its own activities or which may be directly linked to the company’s products, operations or services by a business relationship. Human rights due diligence will vary in complexity with the size of the business, the risk of human rights impacts, and the nature and context of the business operations. The process should draw on internal and/or independent external human rights expertise and involve appropriate and meaningful consultation with potentially affected stakeholders. Tools and guidance materials are very helpful in this process.

Comparable processes are typically already embedded in companies to assess and manage financial and related risks. Explore our [library](#).

Some particularly important elements of a comprehensive management approach to human rights include:

- **Assessing human rights impacts:** Many corporate human rights issues arise because companies do not consider the potential implications of their activities and relationships within their operating context. Companies should take proactive, ongoing steps to understand how existing and proposed activities may cause or contribute to human rights impacts, as well as how the company's operations may be directly linked to such impacts. The scale of the review will depend on the industry, company size and national and local context and should be commensurate with the risk of severe human rights impacts. The process should draw on internal or external expertise and involve meaningful consultation with stakeholders, as appropriate. Based on the information uncovered, companies should refine their plans to address and avoid potential negative human rights impacts on an ongoing basis
- **Integration of human rights policies throughout a company:** The integration of human rights policies throughout a company may be the biggest challenge in respecting human rights. If awareness of human rights issues and their importance is not fully integrated across relevant internal functions and processes, inconsistent or contradictory actions can result. For example, product developers may not consider human rights implications; sales or procurement teams may not know the risks of entering into relationships with certain parties; budgets may not be properly allocated; and company lobbying may contradict commitments to human rights. Leadership from the top is essential to embed respect for human rights throughout a company, including by assigning responsibility for addressing impacts to the appropriate level and function within the business and developing an oversight process. It is important to train personnel to ensure consistency, as well as foster their capacity to respond appropriately when unforeseen situations arise
- **Taking action:** The appropriate action for a company to take will vary depending on whether (a) the company has caused or contributed to an impact, or (b) it is directly linked to that impact through its business relationships. In the case of (a), the company should cease or prevent the impact. In the case of (b) it should utilize available leverage to prevent or mitigate the impact
- **Tracking performance:** Monitoring and auditing processes permit a company to track ongoing developments. The procedures may vary across sectors and even among company departments, but regular reviews of human rights impact and performance are crucial. Tracking generates information needed to create appropriate incentives and

disincentives for employees, ensure continuous improvement and to make necessary adjustments in priorities and approaches. Tracking should draw on feedback from both internal and external stakeholders. Confidential means to report non-compliance, such as hotlines, can be a useful source of feedback

- **Communicating/reporting on performance:** Reporting is a driver for change, externally as well as internally: It fulfils companies' obligations to account for how they address human rights impacts; shapes stakeholders' perceptions of a company and helps to build trust; and is increasingly acknowledged as a stimulus for internal development with a positive impact on business decisions and outcomes. Communications should be of a form and frequency that reflects the company's human rights impacts, be accessible to the intended audience and provide enough information for stakeholders to evaluate the adequacy of the company's response to impacts. Global Compact participants are required to communicate their progress on an annual basis. The Global Compact has developed a Human Rights Supplement to Communication on Progress Guidance to give practical guidance to businesses of all sizes wherever they are located on how to improve reporting on their implementation efforts, especially within the context of their annual Communication on Progress
- **Remediation:** A company should have in place or participate in remediation processes. This allows the company to address adverse human rights impacts that it has caused or contributed to. Effective company-level grievance mechanisms ensure that employees, contractors, local communities and others can raise their concerns and have them be considered. This can help companies to identify risks of negative impacts and avoid escalation of disputes

## Supporting Human Rights

In practice, respect and support for human rights are often closely interlinked in terms of the management steps that are taken to enable and ensure respect and support for human rights. For example, corporate policies on human rights often make positive commitments to support human rights, especially rights that may be strategically relevant to their business. Analyses of context, activities and relationships are likely to yield opportunities to promote human rights as well as possible risks of infringing rights. And companies often include in their reports information about the positive contribution they are making to human rights.

Supporting human rights involves making a positive contribution to human rights, to promote or advance human rights. Socially responsible organizations will typically have a broader capability and often desire to support the promotion of human rights within their sphere of influence especially in ways that link strategically to their core business activities. The

business case for supporting human rights can be as strong as the business case for respecting human rights. Likewise, stakeholder expectations often extend to the belief that organizations can and should make a positive contribution to the realization of human rights where they are in a position to do so.

There are at least four ways business can support or promote human rights:

- Through their core business activities in support of UN goals and issues
- Strategic social investment and philanthropy
- Advocacy and public policy engagement
- Partnership and collective action

These are elaborated in the [Blueprint for Corporate Sustainability Leadership](#), which was adopted by the Global Compact participants at the Leaders Summit in June 2010. It makes clear that to be a corporate leader on sustainability, business must not just avoid negative impacts, along with all other actors, but also make a positive contribution to society and do its part especially in ways relevant to its business in helping to overcome the most acute and chronic challenges.

Here are some examples of how companies are supporting and respecting human rights through their daily activities:

#### In the workplace:

- by providing safe and healthy working conditions,
- by guaranteeing freedom of association,
- by ensuring non-discrimination in personnel practices,
- by ensuring that they do not use directly or indirectly forced labour or child labour,
- by providing access to basic health, education and housing for the workers and their families, if these are not provided elsewhere,
- by having an affirmative action programme to hire victims of domestic violence, and
- by making reasonable accommodations for all employees' religious observance and practices

#### In the community:

- by preventing the forcible displacement of individuals, groups or communities,
- by working to protect the economic livelihood of local communities,

- by contributing to the public debate. Companies interact with all levels of government in the countries where they operate. They therefore have the right and responsibility to express their views on matters that affect their operations, employees, customers and the communities of which they are a part,
- through differential pricing or small product packages create new markets that also enable the poor to gain access to goods and services that they otherwise could not afford
- by fostering opportunities for girls to be educated to empower them and also helps a company to have a broader and more skilled pool of workers in the future, and
- perhaps most importantly, a successful business which provides decent work, produces quality goods or services that improve lives, especially for the poor or other vulnerable groups, is an important contribution to sustainable development, including human rights.
- If companies use security services to protect their operations, they must ensure that existing international guidelines and standards for the use of force are respected

## Fostering Respect for Human Rights

The topic of human rights can sometimes be challenging for a company to talk about with its managers and employees and/or those outside the company. However, promoting understanding about what human rights are, their relevance to business and what, in practical terms, business can do to address human rights issues can help to make action to respect human rights easier.

Some businesses find that looking at opportunities to support human rights as well as the risks of infringing human rights helps to motivate managers and staff to address risks too. Another approach some businesses find helpful is to start by looking at what the business is already doing to respect and support human rights, such as by having good human resources policies and practices, implementing policies on non discrimination and promoting diversity in the workforce, respecting the privacy of customers and workers, undertaking efforts to make essential products more accessible to the poor and implementing effective occupational health and safety policies and practices. This helps to demystify human rights by showing that respecting human rights does not require starting from the very beginning. Nor does it need a whole new management system. Human rights can be integrated into existing business processes and procedures. Some companies find it helpful to look for the right entry point and language to discuss risks and opportunities with managers and staff. Sometimes it might be easier to begin the discussion by talking about familiar concepts like respect, dignity, fairness and equality, and specific scenarios with which managers and employees may be confronted. Companies investing in emerging economies may find it useful to discuss challenges to implementing Principles 1 and 2 in the Global Compact's [Human Rights and Business Dilemmas Forum](#).



# Principle Two: Human Rights

Businesses should make sure that they are not complicit in human rights abuses.

## What does it mean?

Complicity means being implicated in a human rights abuse that another company, government, individual or other group is causing. The risk of complicity in a human rights abuse may be particularly high in areas with weak governance and/or where human rights abuse is widespread. However, the risk of complicity exists in every sector and every country.

The requirement to respect human rights, pursuant to Global Compact Principle 1 and the UN Guiding Principles on Business and Human Rights, includes avoiding complicity, which is another way, beyond their own direct business activities, that businesses risk interfering with the enjoyment of human rights. The risk of an allegation of complicity is reduced (though not eliminated) if a company has a systematic management approach to human rights, including due diligence processes that cover the entity's business relationships. Such processes should identify and prevent or mitigate the human rights risks with which the company may be involved through links to its products, operations or services.

## Complicity is generally made up of 2 elements:

- An act or omission (failure to act) by a company, or individual representing a company, that “helps” (facilitates, legitimizes, assists, encourages, etc.) another, in some way, to carry out a human rights abuse, and
- The knowledge by the company that its act or omission could provide such help

The commentary to Principle 17 of the UN Guiding Principles on Business and Human Rights notes that “most national jurisdictions prohibit complicity in the commission of a crime, and a number allow for criminal liability of business” as well as allowing civil actions based on a company's contribution to a harm. In the international context, the same commentary notes that “the weight of international criminal law jurisprudence indicates that the relevant

standard for aiding and abetting is knowingly providing practical assistance or encouragement that has a substantial effect on the commission of a crime.”

However, allegations of complicity are not confined to situations in which a company could be held legally liable for its involvement in the human rights abuse committed by another. The media, civil society organizations, trade unions and others may allege complicity in a far broader range of circumstances, such as where a business may appear to benefit from another actor's abuse of human rights, and may lobby the company to play an advocacy role. The better view is that the presence of a company in an area and payment of taxes where egregious and systematic human rights abuses are occurring, without more, is not enough to make the organization complicit in those abuses. However, some societal actors take a different view and may lobby business to play an advocacy role in such circumstances.

## Accusations of complicity can arise in a number of contexts:

- **Direct complicity** — when a company provides goods or services that it knows will be used to carry out the abuse
- **Beneficial complicity** — when a company benefits from human rights abuses even if it did not positively assist or cause them
- **Silent complicity** — when the company is silent or inactive in the face of systematic or continuous human rights abuse. (This is the most controversial type of complicity and is least likely to result in legal liability)

## Why should companies care?

The business rationale for taking action to avoid complicity is the same as for Principle 1. In other words, not only is it the right thing to do — there is also a growing business case. Several factors combine to place human rights higher on business' list of priorities.

Human rights issues have become increasingly important as the nature and scope of business has changed. Different actors have different roles to play, and it is important for business to be aware of the contemporary factors that have made human rights an organizational issue.

- **Globalization:** The growth in private investment has witnessed companies expanding operations to countries previously untouched by global markets. In some instances, these countries have poor human rights records and/or the capacity of the state to address these issues is limited. In these cases the role of business in respecting and supporting human rights is particularly important

- **Growth of civil society:** In some instances, the capacity of the state to address human rights issues has diminished. As a result, a steady alienation of people has occurred towards the public institutions that were established to serve them. Non-governmental organizations of all types and sizes have grown to fill the void, progressively influencing both public policy and the market agenda. They include new human rights, labour and corporate accountability organizations
- **Transparency and accountability:** The need for transparency in business practice has been highlighted both by globalization, the growth of civil society interests and some recent problems in the corporate sector. Advances in information technologies and global communications mean that companies can ill afford to conceal poor or questionable practices
- **Crime:** Where an international crime is involved, complicity may arise where a company assisted in the perpetration of the crime, the assistance had a substantial effect on the perpetration of the crime and the company knew that its acts would assist the perpetration of the crime even if it did not intend for the crime to be committed
- **State-owned enterprises:** State-owned enterprises should be aware that because they are part of the state, they may have direct responsibilities under international human rights law

## What can companies do?

An effective human rights policy and conducting appropriate human rights due diligence will help companies address (though will not eliminate) the risk of being implicated in human rights violations, by knowing and showing that they took every reasonable step to avoid involvement.

### Companies may wish to consider the following:

- Has the company made a human rights assessment of the situation in countries where it does, or intends to do, business so as to identify the risk of involvement in human rights abuses and the company's potential impact on the situation?
- Does the company have explicit policies that protect the human rights of workers in its direct employment and throughout its supply chain?
- Has the company established a monitoring/tracking system to ensure that its human rights policies are being implemented?
- Does the company actively engage in open dialogue with stakeholder groups, including civil society organizations?

- Does the company utilize its leverage over the actor committing the abuse? If the company does not have sufficient leverage, is there a way to increase this leverage (e.g. through capacity building or other incentives or by collaborating with other actors)?
- Does the company have an explicit policy to ensure that its security arrangements do not contribute to human rights violations? This applies whether it provides its own security, contracts it to others or in the case where security is supplied by the State
- Ramifications of ending a business relationship, given the potential adverse human rights impacts of doing so

### Actions that may be particularly helpful in avoiding complicity include:

- ...respect international guidelines and standards for the use of force (e.g. the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the UN Code of Conduct for Law Enforcement Officials);
- ...if financial or material support is provided to security forces, establish clear safeguards to ensure that these are not then used to violate human rights and make clear in any agreements with security forces that the business will not condone any violation of international human rights laws;
- ...privately and publicly condemn systematic and continuous human rights abuses;
- ...continually consult within and outside the company with relevant stakeholders, as part of a human rights due diligence process, during both pre-investment and post-investment stages;
- ...raise awareness within the company of known human rights issues within the company's sphere of influence;
- ...identify those functions within the firm that are most at risk of becoming linked to human rights abuses, possibly even at the pre-investment/project exploration and planning stage, and where there might be opportunities to advance human rights;
- ...conduct a human rights impact assessment consisting of an analysis of the functions of a proposed investment and the possible human rights impacts (intended and unintended) they may have on the community or region; and
- ...identify internal 'functional risks' in the post-investment situations. This may involve looking at such functions as purchasing, logistics, government relations, human resource management, HSE (health, safety and environment), sales and marketing

# Principle Three: Labour

Businesses should uphold the freedom of association and the effective recognition of the right to collective bargaining.

## What does it mean?

Freedom of association implies respect for the right of all employers and all workers to freely and voluntarily establish and join groups for the promotion and defence of their occupational interests. Both workers and employers have the right to set up, join and run their own organizations without interference from the State or any other entity. All, including employers, have the right to freedom of expression and opinion, including on the topic of unions – provided that the exercise of this right does not infringe a worker's right to freedom of association. As a voluntary initiative, the UN Global Compact does not and cannot require that employers adopt or express any particular opinion. To be able to make a free decision, workers need a climate free of violence, pressure, fear and threats.

"Association" includes activities of rule formation, administration and the election of representatives. The freedom to associate involves employers, unions and other workers representatives freely discussing issues at work in order to reach agreements that are jointly acceptable. These freedoms also allow for industrial action to be taken by workers and organizations in defence of their economic and social interests.

Collective bargaining is a voluntary process or activity through which employers and workers discuss and negotiate their relations, in particular terms and conditions of work and the regulation of relations between employers, workers and their organizations. Participants in collective bargaining include employers themselves or their organizations, and trade unions or, in their absence, representatives freely designated by the workers. An important part of the effective recognition of the right to collective bargaining is the "principle of good faith". This is important for the maintenance of the harmonious development of labour relations. This principle implies that the social partners work together and make every effort to reach an agreement through genuine and constructive negotiations, and that both parties avoid unjustified delays in negotiations. The principle of good faith does not imply a pre-defined

level of bargaining or require compulsory bargaining on the part of employers or workers and their organizations.

## Why should companies care?

Businesses face many uncertainties in this rapidly changing global market. Establishing genuine dialogue with freely chosen workers' representatives enables both workers and employers to understand each other's problems better and find ways to resolve them. Freedom of association and the exercise of collective bargaining provide opportunities for constructive rather than confrontational dialogue. This harnesses energy to focus on solutions that result in benefits to the enterprise, its stakeholders, and society at large and is often more flexible and effective than state regulation. It can thus help in anticipating potential problems and advance peaceful mechanisms for dealing with them. A number of studies indicate that the dynamic resulting from freedom of association can set in motion a "decent work" cycle that increases productivity, incomes and profits for all concerned. Moreover, the guarantee of representation through a "voice at work" facilitates local responses to a globalized economy, and serves as a basis for sustainable growth and secure investment returns. The results help bridge the widening representational gap in global work arrangements, and facilitate the input of those people, regions and economic sectors – especially women and informal sector workers – who otherwise may be excluded from participating in processes that build decent work environments.

## What can companies do?

### In the workplace

- Respect the right of all workers to form and join a trade union of their choice without fear of intimidation or reprisal, in accordance with national law;
- Put in place non-discriminatory policies and procedures with respect to trade union organization, union membership and activity in such areas as applications for employment and decisions on advancement, dismissal or transfer;
- Provide workers' representatives with appropriate facilities to assist in the development of effective collective agreement; and
- Do not interfere with the activities of worker representatives while they carry out their functions in ways that are not disruptive to regular company operations. Practices such as allowing the collection of union dues on company premises, posting of trade union notices, distribution of union documents, and provision of office space, have proven to help build good relations between management and workers, provided that they are not used as a way for the company to exercise indirect control.

## At the bargaining table

- Recognize representative organizations for the purpose of collective bargaining;
- Use collective bargaining as a constructive forum for addressing working conditions and terms of employment and relations between employers and workers, or their respective organizations;
- Address any problem-solving or other needs of interest to workers and management, including restructuring and training, redundancy procedures, safety and health issues, grievance and dispute settlement procedures, disciplinary rules, and family and community welfare;
- Provide information needed for meaningful bargaining; and
- Balance dealings with the most representative trade union to ensure the viability of smaller organizations to continue to represent their members.

## In the community of operation

- Take into account the role and function of the representative national employers' organizations; and
- Take steps to improve the climate in labour-management relations, especially in those countries without an adequate institutional and legal framework for recognizing trade unions and for collective bargaining

# Principle Four: Labour

Businesses should uphold the elimination of all forms of forced and compulsory labour.

## What does it mean?

Forced or compulsory labour is any work or service that is exacted from any person under the menace of any penalty, and for which that person has not offered himself or herself voluntarily. Providing wages or other compensation to a worker does not necessarily indicate that the

labour is not forced or compulsory. By right, labour should be freely given and employees should be free to leave in accordance with established rules.

## Why should companies care?

Forced labour not only constitutes a violation of fundamental human rights, it also deprives societies of the opportunity to develop skills and human resources, and to educate children for the labour markets of tomorrow. So the debilitating consequences of forced labour are not only felt by individuals, and in particular children, but also by society and the economy at large. By holding back the proper development of human resources, forced labour lowers the level of productivity and results in less secure investments and slower economic growth. The loss of income due to disruption of regular jobs or income-generating activities reduces the lifetime earnings of potential breadwinners and is thus likely to lead to the loss of food, shelter, and health care of whole families.

While companies operating legally do not normally employ such practices, forced labour can become associated with enterprises through their business links with others, including contractors and suppliers. As a result, all employers should be aware of the forms and causes of forced labour, as well as how it might occur in different industries.

Both state and private agents have been implicated in the use of forced labour. State-imposed labour includes compulsory participation in public works, and the imposition of forced labour for ideological or political purposes. Forced labour exploitation by private agents can take the forms of slavery, bonded labour or debt-bondage, and other types of coercion. Situations of forced labour are generally characterized by a lack of consent to work (the route into forced labour) and the menace of a penalty (the means of keeping someone in forced labour).

Employers need to be aware that forced labour can take a number of forms:

- Slavery (i.e. by birth/ descent into "slave" or bonded status)
- Bonded labour or debt bondage, an ancient practice still used in some countries where both adults and children are obliged to work in slave-like conditions to repay debts of their own or their parents or relatives
- Child labour in particularly abusive conditions where the child has no choice about whether to work
- Physical abduction or kidnapping
- Sale of a person into the ownership of another

- Physical confinement in the work location (in prison or in private detention)
- The work or service of prisoners if they are hired to or placed at the disposal of private individuals, companies or associations involuntarily and without supervision of public authorities
- Labour for development purposes required by the authorities, for instance to assist in construction, agriculture, and other public works
- Work required to punish opinion or expression of views ideologically opposed to the established political, social or economic system
- Exploitative practices such as forced overtime
- The lodging of deposits (financial or personal documents) for employment
- Physical or psychological (including sexual) violence as a means of keeping someone in forced labour (direct or as a threat against worker, family, or close associates)
- Full or partial restrictions on freedom of movement
- Withholding and non-payment of wages (linked to manipulated debt payments, exploitation, and other forms of extortion)
- Deprivation of food, shelter or other necessities
- Deception or false promises about terms and types of work
- Induced indebtedness (by falsification of accounts, charging inflated prices, reduced value of goods or services produced, excessive interest charges, etc.)
- Threats to denounce workers in an irregular situation to the authorities

## What can companies do?

Organizations need to determine whether forced labour is a problem within their business sector and for their operations. It is important to mention that, although high profile cases are typically reported as occurring in developing countries, forced labour is also present in developed countries and should be viewed as a global issue. Understanding the causes of forced labour is the first step towards taking action against forced labour. Where forced labour is identified, the concerned individuals should be removed from work and facilities and services should be provided to enable them to make adequate alternatives. In general, a comprehensive set of interventions, including both workplace and community actions, is needed to help ensure the eradication of forced labour practices.

Here are some actions that companies can take:

### In the workplace

- Have a clear policy not to use, be complicit in, or benefit from forced labour;

- Where adherence to forced labour provisions of national laws and regulations is insufficient, take account of international standards;
- Ensure that all company officials have a full understanding of what forced labour is;
- Make available employment contracts to all employees stating the terms and conditions of service, the voluntary nature of employment, the freedom to leave (including the appropriate procedures) and any penalties that may be associated with a departure or cessation of work;
- Do not confiscate workers' identity documents;
- Prohibit business partners from charging recruitment fees to workers;
- Write employment contracts in languages easily understood by workers, indicating the scope of and procedures for leaving the job;
- Be aware of countries, regions, industries, sectors, or economic activities where forced labour is more likely to be a practice;
- In planning and conducting business operations, ensure that workers in debt bondage or in other forms of forced labour are not engaged and, where found, provide for the removal of such workers from the workplace with adequate services and provision of viable alternatives;
- Institute policies and procedures to prohibit the requirement that workers lodge financial deposits with the company;
- If hiring prisoners for work in or outside prisons, ensure that their terms and conditions of work are similar to those of a free employment relationship in the sector involved, and that they have given their consent to work for a private employer;
- Ensure that large-scale development operations do not rely on forced labour in any phase; and
- Carefully monitor supply chains and subcontracting arrangements.

### In the community of operation

- Establish or participate in a task force or committee on forced labour in your representative employers' organization at the local, state or national level;
- Work in partnership with other companies, sectoral associations and employers' organizations to develop an industry-wide approach to address the issue, and build bridges with trade unions, law enforcement authorities, labour inspectorates and others;
- Support and help design education, vocational training, and counseling programmes for children removed from situations of forced labour;
- Help develop skills training and income-generating alternatives, including micro-credit financing programmes, for adults removed from situations of forced labour;

- Encourage supplementary health and nutrition programmes for workers removed from dangerous forced labour, and provide medical care to assist those affected by occupational diseases and malnutrition as a result of their involuntary work; and
- Where use is made of prison labour, ensure that the terms and conditions of work are beneficial to the prisoners (particularly with regard to occupational health and safety), and that they have given consent to work for a private employer.

## Principle Five: Labour

Businesses should uphold the effective abolition of child labour.

### What does it mean?

The term “child labour” should not be confused with “youth employment” or “student work.” Child labour is a form of exploitation that is a violation of a human right and it is recognized and defined by international instruments. It is the declared policy of the international community and of almost all Governments to abolish child labour. While the term "child" covers all girls and boys under 18 years of age, not all under-18s must be removed from work: the basic rules under international standards distinguish what constitutes acceptable or unacceptable work for children at different ages and stages of their development.

ILO conventions ([Minimum Age Convention No. 138](#) and the [Worst Forms of Child Labour Convention No. 182](#)) provide the framework for national law to prescribe a minimum age for admission to employment or work that must not be less than the age for completing compulsory schooling, and in any case not less than 15 years. Lower ages are permitted for transitional periods – in countries where economic and educational facilities are less well-developed the minimum age for regular work generally is 14 years, and 12 years for “light work”. The minimum age for hazardous work is higher, at 18 years for all countries.

ILO Convention No. 182 requires Governments to give priority to eliminating the worst forms of child labour undertaken by all children under the age of 18 years.

#### Minimum Age for Admission to Employment or Work

TYPE OF WORK	DEVELOPED COUNTRIES	DEVELOPING COUNTRIES
Light Work	13 Years	12 Years
Regular Work	15 Years	14 Years
Hazardous Work	18 Years	18 Years

They are defined as:

- All forms of slavery – including the trafficking of children, debt bondage, forced and compulsory labour, and the use of children in armed conflict; The use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic purposes;
- The use, procuring or offering of a child for illicit activities, in particular the production and trafficking of drugs; and
- Work which is likely to harm the health, safety or morals of the child as a consequence of its nature or the circumstances under which it is carried out.

Convention 182 is explicitly complementary to Convention 138 and must not be used to justify other forms of child labour.

### Why should companies care?

Association with child labour will likely damage a company's reputation. This is especially true in the case of transnational companies who have extensive supply and service chains, where the economic exploitation of children, even by a business partner, can damage a brand image and have strong repercussions on profit and stock value.

Child labour is damaging to a child's physical, social, mental, psychological and spiritual development because it is work performed at too early an age. Child labour deprives children of their childhood and their dignity. They are deprived of an education and may be separated from their families. Children who do not complete their primary education are likely to remain illiterate and never acquire the skills needed to get a job and contribute to the development of a modern economy. Consequently, child labour results in under-skilled, unqualified workers and jeopardizes future improvements of skills in the workforce.

Children have the same human rights as adults. But by virtue of their age and the fact that they are still growing and gaining knowledge and experience, they have some distinct rights as children. These rights include protection from economic exploitation and work that may be

dangerous to their health, safety or morals and that may hinder their development or impede their access to education. The complexity of the issue of child labour means that companies need to address the issue sensitively, and must not take action which may force working children into more exploitative forms of work. Nevertheless, as Principle 5 states, the goal of all companies should be the abolition of child labour within their sphere of influence.

The [UN Global Compact 2021 Action Pledge](#) on eliminating child labour reflects our commitment to work with our participants and engage actively with all relevant stakeholders to step up efforts to help end the scourge of child labour and forced labour.

Central to this is our call to companies to step up their due diligence on human rights and to identify, prevent, mitigate and account for all adverse human rights impacts in their operations and value chains, which will help tackle child labour and forced labour. Making a real impact will require adopting a holistic approach and collaborating with all stakeholders. Your company can make a difference by taking action to end child labour for good. [Learn more](#) and [submit your 2021 Action Pledge today](#).

## What else can companies do?

Developing awareness and understanding of the causes and consequences of child labour is the first step that a company can take toward action against child labour. This means identifying the issues and determining whether or not child labour is a problem within the business. Companies sourcing in specific industry sectors with geographically distant supply chains need to be particularly vigilant. However, child labour also exists less visibly in developed, industrialized countries where it occurs, for example, in some immigrant communities.

Discovering if child labour is being used can be difficult, for example in the case where documents or records are absent, and companies may consider using local non-governmental organizations, development organizations or UN agencies to assist in this process.

If an occurrence of child labour is identified, the children need to be removed from the workplace and provided with viable alternatives. These measures often include enrolling the children in schools and offering income-generating alternatives for the parents or above-working age members of the family. Companies need to be aware that, without support, children may be forced into worse circumstances such as prostitution, and that, in some

instances where children are the sole providers of income, their immediate removal from work may exacerbate rather than relieve the hardship.

Here's what companies can do:

### In the workplace

- Be aware of countries, regions, sectors, economic activities where there is a greater likelihood of child labour and respond accordingly with policies and procedures
- Adhere to minimum age provisions of national labour laws and regulations and, where national law is insufficient, take account of international standards.
- Use adequate and verifiable mechanisms for age verification in recruitment procedures
- Avoid having a blanket policy against hiring children under 18, as it will exclude those above the legal age for employment from decent work opportunities
- When children below the legal working age are found in the workplace, take measures to remove them from work
- Help to seek viable alternatives and access to adequate services for the children and their families
- Exercise influence on subcontractors, suppliers and other business affiliates to combat child labour
- Develop and implement mechanisms to detect child labour
- Where wages are not determined collectively or by minimum wage regulation, take measures to ensure that wages paid to adults take into account the needs of both them and their families

### In the community of operation

- Work in partnership with other companies, sectoral associations and employers' organizations to develop an industry-wide approach to address the issue, and build bridges with trade unions, law enforcement authorities, labour inspectorates and others
- Establish or participate in a task force or committee on child labour in your representative employers' organization at the local, state or national level.
- Support and help design educational/ vocational training, and counseling programmes for working children, and skills training for parents of working children
- Encourage and assist in launching supplementary health and nutrition programmes for children removed from dangerous work, and provide medical care to cure children of occupational diseases and malnutrition

# Principle 6: Labour

Businesses should uphold the elimination of discrimination in respect of employment and occupation.

## What does it mean?

Discrimination in employment and occupation means treating people differently or less favourably because of characteristics that are not related to their merit or the inherent requirements of the job. In national law, these characteristics commonly include: race, colour, sex, religion, political opinion, national extraction, social origin, age, disability, HIV/AIDS status, trade union membership, and sexual orientation. However, Principle 6 allows companies to consider additional grounds where discrimination in employment and occupation may occur.

Discrimination can arise in a variety of work-related activities. These include access to employment, to particular occupations, promotions and to training and vocational guidance. Moreover, it can occur with respect to the terms and conditions of the employment, such as:

- Recruitment
- Remuneration
- Hours of work and rest/paid holidays
- Maternity protection
- Security of tenure
- Job assignments
- Performance assessment and advancement
- Training and opportunities
- Job prospects
- Social security
- Occupational safety and health

In many countries, additional issues for discrimination in the workplace, such as age, HIV status and sexual orientation, are growing in importance. It is also important to realize that

discrimination at work arises in a range of settings, and can be a problem in both rural agricultural business or in a high technology city-based business.

Non-discrimination in employment means simply that employees are selected on the basis of their ability to do the job and that there is no distinction, exclusion or preference made on other grounds. Employees who experience discrimination at work are denied opportunities and have their basic human rights infringed. This affects the individual concerned and negatively influences the greater contribution that they might make to society.

Discrimination can take many forms, both in terms of gaining access to employment and in the treatment of employees once they are in work. It may be direct, such as when laws, rules or practices explicitly cite a reason such as sex or race to deny equal opportunity. Most commonly, however, discrimination is indirect and arises where rules or practices have the appearance of neutrality but in fact lead to exclusions. This indirect discrimination often exists informally in attitudes and practices, which if unchallenged can perpetuate in organizations. Discrimination may also have cultural roots that demand more specific approaches.

## Why should companies care?

From a business point of view discrimination does not make sense. It leads to social tensions that are potentially disruptive to the business environment within the company and in society. A company that uses discriminatory practices in employment and occupation denies itself access to talents from a wider pool of workers, and thus skills and competencies. The hurt and resentment generated by discrimination will affect the performance of individuals and teams in the company.

Increasingly, graduates and new employees alike assess companies on the basis of their social and ethical policies at work. Discriminatory practices result in missed opportunities for development of skills and infrastructure to strengthen competitiveness in the national and global economy. Finally, discrimination isolates an employer from the wider community and can damage a company's reputation, potentially affecting profits and stock value.

On the positive side, diversity and inclusion in the workplace can produce positive outcomes for business, for individuals and societies. For business, it can improve productivity, be a source of innovation, facilitate better risk management, enhance customer and business partner satisfaction, and open the door to or help maintain business opportunities.



## What can companies do?

First and foremost, companies need to respect all relevant local and national laws. Any company introducing measures to promote equality needs to be aware of the diversities of language, culture and family circumstance that may exist in the workforce. Managers and supervisory staff, in particular, should seek to develop an understanding of the different types of discrimination and how it can affect the workforce. For example, women constitute a growing proportion of the world's workforce, but consistently earn less than their male counterparts. Employees with disabilities may have particular needs that should be met, where reasonable, in order to ensure that they have the same opportunities (e.g. for training and advancement) as their peers.

Companies can take specific actions to address discrimination and eliminate it within the workplace. Some examples are:

### In the workplace

- Institute company policies and procedures which make qualifications, skill and experience the basis for the recruitment, placement, training and advancement of staff at all levels
- Assign responsibility for equal employment issues at a high level, issue clear company-wide policies and procedures to guide equal employment practices, and link advancement to desired performance in this area
- Work on a case by case basis to evaluate whether a distinction is an inherent requirement of a job, and avoid application of job requirements that would systematically disadvantage certain groups
- Keep up-to-date records on recruitment, training and promotion that provide a transparent view of opportunities for employees and their progression within the organization
- Conduct unconscious bias training
- Where discrimination is identified, develop grievance procedures to address complaints, handle appeals and provide recourse for employees
- Be aware of formal structures and informal cultural issues that can prevent employees from raising concerns and grievances
- Provide staff training on non-discrimination policies and practices, including disability awareness. Reasonably adjust the physical environment to ensure health and safety for employees, customers and other visitors with disabilities.

- Establish programs to promote access to skills development training and to particular occupations

### In the community of operation

- Encourage and support efforts to build a climate of tolerance and equal access to opportunities for occupational development such as adult education programs and health and childcare services
- In foreign operations, companies may need to accommodate cultural traditions and work with representatives of workers and governmental authorities to ensure equal access to employment by women and minorities

United Nations

# Guiding Principles on Business and Human Rights

# 8.2

# UN Guiding Principles on Business and Human Rights

The United Nations Guiding Principles on Business and Human Rights (UNGPs) is an instrument consisting of 31 principles implementing the United Nations' (UN) "Protect, Respect and Remedy" framework on the issue of human rights and transnational corporations and other business enterprises. Developed by the Special Representative of the Secretary-General (SRSG) John Ruggie, these Guiding Principles provided the first global standard for preventing and addressing the risk of adverse impacts on human rights linked to business activity, and continue to provide the internationally accepted framework for enhancing standards and practice regarding business and human rights. On June 16, 2011, the United Nations Human Rights Council unanimously endorsed the Guiding Principles for Business and Human Rights, making the framework the first corporate human rights responsibility initiative to be endorsed by the UN.

The UNGPs encompass three pillars outlining how states and businesses should implement the framework:

- a. The state duty to protect human rights
- b. The corporate responsibility to respect human rights
- c. Access to remedy for victims of business-related abuses

The UNGPs have received wide support from states, civil society organizations, and even the private sector, this has further solidified their status as the key global foundation for business and human rights.[2] The UNGP are informally known as the "Ruggie Principles" or the "Ruggie Framework" due to their authorship by Ruggie, who conceived them and led the process for their consultation and implementation.

**THE CORPORATE RESPONSIBILITY TO RESPECT HUMAN RIGHTS**

**A – FOUNDATIONAL PRINCIPLES**

**11. Business enterprises should respect human rights. This means that they should avoid infringing on the human rights of others and should address adverse human rights impacts with which they are involved.**

**12. The responsibility of business enterprises to respect human rights refers to internationally recognized human rights – understood, at a minimum, as those expressed in the International Bill of Human Rights and the principles concerning fundamental rights set out in the International Labor Organization’s Declaration on Fundamental Principles and Rights at Work.**

**13. The responsibility to respect human rights requires that business enterprises:**

(a) Avoid causing or contributing to adverse human rights impacts through their own activities, and address such impacts when they occur;

(b) Seek to prevent or mitigate adverse human rights impacts that are directly linked to their operations, products or services by their business relationships, even if they have not contributed to those impacts.

**14. The responsibility of business enterprises to respect human rights applies to all enterprises regardless of their size, sector, operational context, ownership and structure. Nevertheless, the scale and complexity of the means through which enterprises meet that responsibility may vary according to these factors and with the severity of the enterprise’s adverse human rights impacts.**

**15. In order to meet their responsibility to respect human rights, business enterprises should have in place policies and processes appropriate to their size and circumstances, including:**

(a) A policy commitment to meet their responsibility to respect human rights;

(b) A human rights due diligence process to identify, prevent, mitigate and account for how they address their impacts on human rights;

(c) Processes to enable the remediation of any adverse human rights impacts they cause or to which they contribute.

**B – OPERATIONAL PRINCIPLES**

**Policy commitment**

**16. As the basis for embedding their responsibility to respect human rights, business enterprises should express their commitment to meet this responsibility through a statement of policy that:**

(a) Is approved at the most senior level of the business enterprise;

(b) Is informed by relevant internal and/or external expertise;

(c) Stipulates the enterprise’s human rights expectations of personnel, business partners and other parties directly linked to its operations, products or services;

(d) Is publicly available and communicated internally and externally to all personnel, business partners and other relevant parties;

(e) Is reflected in operational policies and procedures necessary to embed it throughout the business enterprise.

**Human rights due diligence**

**17. In order to identify, prevent, mitigate and account for how they address their adverse human rights impacts, business enterprises should carry out human rights due diligence. The process should include assessing actual and potential human rights impacts, integrating and acting upon the findings, tracking responses, and communicating how impacts are addressed. Human rights due diligence:**

(a) Should cover adverse human rights impacts that the business enterprise may cause or contribute to through its own activities, or which may be directly linked to its operations, products or services by its business relationships;

(b) Will vary in complexity with the size of the business enterprise, the risk of severe human rights impacts, and the nature and context of its operations;

(c) Should be ongoing, recognizing that the human rights risks may change over time as the business enterprise’s operations and operating context evolve.

**THE CORPORATE RESPONSIBILITY TO RESPECT HUMAN RIGHTS**

**18. In order to gauge human rights risks, business enterprises should identify and assess any actual or potential adverse human rights impacts with which they may be involved either through their own activities or as a result of their business relationships. This process should:**

- (a) Draw on internal and/or independent external human rights expertise;
- (b) Involve meaningful consultation with potentially affected groups and other relevant stakeholders, as appropriate to the size of the business enterprise and the nature and context of the operation.

**19. In order to prevent and mitigate adverse human rights impacts, business enterprises should integrate the findings from their impact assessments across relevant internal functions and processes, and take appropriate action.**

- (a) Effective integration requires that:
  - (i) Responsibility for addressing such impacts is assigned to the appropriate level and function within the business enterprise;
  - (ii) Internal decision-making, budget allocations and oversight processes enable effective responses to such impacts.
- (b) Appropriate action will vary according to:
  - (i) Whether the business enterprise causes or contributes to an adverse impact, or whether it is involved solely because the impact is directly linked to its operations, products or services by a business relationship;
  - (ii) The extent of its leverage in addressing the adverse impact.

**20. In order to verify whether adverse human rights impacts are being addressed, business enterprises should track the effectiveness of their response. Tracking should:**

- (a) Be based on appropriate qualitative and quantitative indicators;
- (b) Draw on feedback from both internal and external sources, including affected stakeholders.

**21. In order to account for how they address their human rights impacts, business enterprises should be prepared to communicate this externally, particularly when concerns are raised by or on behalf of affected stakeholders. Business enterprises whose operations or operating contexts pose risks of severe human rights impacts should report formally on how they address them. In all instances, communications should:**

- (a) Be of a form and frequency that reflect an enterprise's human rights impacts and that are accessible to its intended audiences;
- (b) Provide information that is sufficient to evaluate the adequacy of an enterprise's response to the particular human rights impact involved;
- (c) In turn not pose risks to affected stakeholders, personnel or to legitimate requirements of commercial confidentiality.

**Remediation**

**22. Where business enterprises identify that they have caused or contributed to adverse impacts, they should provide for or cooperate in their remediation through legitimate processes.**

**Issues of context**

**23. In all contexts, business enterprises should:**

- (a) Comply with all applicable laws and respect internationally recognized human rights, wherever they operate;
- (b) Seek ways to honour the principles of internationally recognized human rights when faced with conflicting requirements;
- (c) Treat the risk of causing or contributing to gross human rights abuses as a legal compliance issue wherever they operate.

**24. Where it is necessary to prioritize actions to address actual and potential adverse human rights impacts, business enterprises should first seek to prevent and mitigate those that are most severe or where delayed response would make them irremediable.**

OECD

# Due Diligence Guidance for Responsible Business Conduct

OECD Guidelines for Multinational Enterprises

# 8.3

# OECD Guidelines for Multinational Enterprises

The OECD Guidelines for Multinational Enterprises are recommendations addressed by governments to multinational enterprises operating in or from adhering countries. They provide non-binding principles and standards for responsible business conduct in a global context consistent with applicable laws and internationally recognized standards. The Guidelines are the only multilaterally agreed and comprehensive code of responsible business conduct that governments have committed to promoting.

(excerpt)



## IV. Human Rights

States have the duty to protect human rights. Enterprises should, within the framework of internationally recognized human rights, the international human rights obligations of the countries in which they operate as well as relevant domestic laws and regulations:

1. Respect human rights, which means they should avoid infringing on the human rights of others and should address adverse human rights impacts with which they are involved.
2. Within the context of their own activities, avoid causing or contributing to adverse human rights impacts and address such impacts when they occur.
3. Seek ways to prevent or mitigate adverse human rights impacts that are directly linked to their business operations, products or services by a business relationship, even if they do not contribute to those impacts.
4. Have a policy commitment to respect human rights.

5. Carry out human rights due diligence as appropriate to their size, the nature and context of operations and the severity of the risks of adverse human rights impacts.
6. Provide for or co-operate through legitimate processes in the remediation of adverse human rights impacts where they identify that they have caused or contributed to these impacts.

## V. Employment and Industrial Relations

Enterprises should, within the framework of applicable law, regulations and prevailing labor relations and employment practices and applicable international labor standards:

1.
  - a. Respect the right of workers employed by the multinational enterprise to establish or join trade unions and representative organizations of their own choosing.
  - b. Respect the right of workers employed by the multinational enterprise to have trade unions and representative organizations of their own choosing recognized for the purpose of collective bargaining, and engage in constructive negotiations, either individually or through employers' associations, with such representatives with a view to reaching agreements on terms and conditions of employment.
  - c. Contribute to the effective abolition of child labor, and take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labor as a matter of urgency.
  - d. Contribute to the elimination of all forms of forced or compulsory labor and take adequate steps to ensure that forced or compulsory labor does not exist in their operations.
  - e. Be guided throughout their operations by the principle of equality of opportunity and treatment in employment and not discriminate against their workers with respect to employment or occupation on such grounds as race, color, sex, religion, political opinion, national extraction or social origin, or other status, unless selectivity concerning worker characteristics furthers established governmental policies which specifically promote greater equality of employment opportunity or relates to the inherent requirements of a job.
2.
  - a. Provide such facilities to workers' representatives as may be necessary to assist in the development of effective collective agreements.

- b. Provide information to workers' representatives which is needed for meaningful negotiations on conditions of employment.
  - c. Provide information to workers and their representatives which enables them to obtain a true and fair view of the performance of the entity or, where appropriate, the enterprise as a whole.
3. Promote consultation and co-operation between employers and workers and their representatives on matters of mutual concern.
  4.
    - a. Observe standards of employment and industrial relations not less favorable than those observed by comparable employers in the host country.
    - b. When multinational enterprises operate in developing countries, where comparable employers may not exist, provide the best possible wages, benefits and conditions of work, within the framework of government policies. These should be related to the economic position of the enterprise, but should be at least adequate to satisfy the basic needs of the workers and their families.
    - c. Take adequate steps to ensure occupational health and safety in their operations.
  5. In their operations, to the greatest extent practicable, employ local workers and provide training with a view to improving skill levels, in co-operation with worker representatives and, where appropriate, relevant governmental authorities.
  6. In considering changes in their operations which would have major employment effects, in particular in the case of the closure of an entity involving collective lay-offs or dismissals, provide reasonable notice of such changes to representatives of the workers in their employment and their organizations, and, where appropriate, to the relevant governmental authorities, and co-operate with the worker representatives and appropriate governmental authorities so as to mitigate to the maximum extent practicable adverse effects. In light of the specific circumstances of each case, it would be appropriate if management were able to give such notice prior to the final decision being taken. Other means may also be employed to provide meaningful co-operation to mitigate the effects of such decisions.
  7. In the context of bona fide negotiations with workers' representatives on conditions of employment, or while workers are exercising a right to organize, not threaten to transfer the whole or part of an operating unit from the country concerned nor transfer workers from the enterprises' component entities in other countries in order to influence unfairly those negotiations or to hinder the exercise of a right to organize.

8. Enable authorized representatives of the workers in their employment to negotiate on collective bargaining or labor-management relations issues and allow the parties to consult on matters of mutual concern with representatives of management who are authorized to take decisions on these matters.

(excerpt)

## OECD Due Diligence Guidance



The Guidance was adopted on 31 May 2018 during the annual OECD Ministerial Meeting at Council level

[Source link](#)

The OECD Due Diligence Guidance for Responsible Business Conduct provides practical support to enterprises on the implementation of the OECD Guidelines for **Multinational Enterprises** by providing plain language explanations of its due diligence recommendations and associated provisions. Implementing these recommendations can help enterprises avoid and address adverse impacts related to workers, human rights, the environment, bribery, consumers and corporate governance that may be associated with their operations, supply chains and other business relationships. The Guidance includes additional explanations, tips and illustrative examples of due diligence. This Guidance also seeks to promote a common understanding among governments and stakeholders on due diligence for responsible business conduct. The UN Guiding Principles on Business and Human Rights as well as the ILO Tripartite Declaration of Principles Concerning **Multinational Enterprises** and Social Policy also contain due diligence recommendations, and this Guidance can help enterprises implement them.



European Union

# Due Diligence Directive

8.4

# Directive of the European Parliament on Corporate Sustainability Due Diligence

On June 1, 2023, the European Parliament passed the Corporate Sustainability Due Diligence Directive (CSDDD). From this date begins a tripartite negotiation process between the Parliament, the Council, and the European Commission that aims to conclude the legislation.

The initiative for the creation of a Due Diligence Directive came from the Parliament, which presented the initial proposal in 2021. In 2022, the European Commission published its version of the proposal and, finally, in 2023, after a long process of consultation and negotiation, the parliament approved the directive.

**The text of the directive reproduced below corresponds to the version approved by Parliament on 1 June 2023. Preamble, annexes and footnotes are not published in this excerpt.**

## Article 1 Subject matter

1. This Directive lays down rules
  - a. on obligations for companies regarding actual and potential human rights adverse impacts and environmental adverse impacts that they caused, contributed to or are directly linked to, with respect to their own operations, and those of their subsidiaries, and the operations carried out by entities in their value chain with whom the company has a business relationship and
  - b. on liability for violations of the obligations mentioned above which led to damage;

2. This Directive shall not constitute grounds for reducing the level of protection of human rights, including employment and social rights as stipulated in existing Union and national legislation, the environment or the climate provided for by the Member States or by applicable collective agreements, at the time of the adoption of this Directive.
3. This Directive shall be without prejudice to obligations in the areas of human rights, protection of the environment and climate change under other Union legislative acts. If the provisions of this Directive conflict with a provision of another Union legislative act pursuing the same objectives and providing for more extensive or more specific obligations, the provisions of the other Union legislative act shall prevail to the extent of the conflict and shall apply to those specific obligations.

## Article 2 Scope

1. This Directive shall apply to companies which are formed in accordance with the legislation of a Member State and which fulfil one of the following conditions:
  - (a) the company had more than 250 employees on average and had a net worldwide turnover of more than EUR 40 million in the last financial year for which annual financial statements have been prepared;
  - (b) the company did not reach the thresholds under (a) but is the ultimate parent company of a group that had 500 employees and a net worldwide turnover of more than 150 million in the last financial year for which annual financial statements have been prepared.
2. This Directive shall also apply to companies which are formed in accordance with the legislation of a third country, and fulfil one of the following conditions:
  - (a) the company generated a net worldwide turnover of more than EUR 150 million, provided that at least EUR 40 million was generated in the Union in the financial year preceding the last financial year, including turnover generated by third party companies with whom the company and/or its subsidiaries has entered into a vertical agreement in the Union in return for royalties;
  - (b) the company did not reach the thresholds under (a) but is the ultimate parent company of a group that had 500 employees and a net worldwide turnover of more than 150 million and at least 40 million was generated in the Union in the last financial year for which annual financial statements have been prepared, including turnover

generated by third party companies with whom the company and/or its subsidiaries has entered into a vertical agreement in the Union in return for royalties.

3. For the purposes of paragraph 1, the number of part-time employees shall be calculated on a full-time equivalent basis. Temporary agency workers and other workers in non-standard forms of employment shall be included in the calculation of the number of employees in the same way as if they were workers employed directly for the same period of time by the company.
4. As regards the companies referred to in paragraph 1, the Member State competent to regulate matters covered in this Directive shall be the Member State in which the company has its registered office.

### Article 3 Definitions

For the purpose of this Directive, the following definitions shall apply:

- a. 'company' means any of the following:
  - i. a legal person constituted as one of the legal forms listed in Annex I and Annex II to Directive 2013/34/EU of the European Parliament and of the Council ;
  - ii. a legal person constituted in accordance with the law of a third country in a form comparable to those listed in Annex I and II of that Directive;
  - iv. a regulated financial undertaking, regardless of its legal form, which is
    - a credit institution as defined in Article 4(1), point (1), of Regulation (EU) No 575/2013 the European Parliament and of the Council ;
    - an investment firm as defined in Article 4(1), point (1), of Directive 2014/65/EU the European Parliament and of the Council ;
    - an alternative investment fund manager (AIFM) as defined in Article 4(1), point (b), of Directive 2011/61/EU of the European Parliament and of the Council (2), including a manager of Euveca under Regulation (EU) No 345/2013 of the European Parliament and of the Council , a manager of EuSEF under Regulation (EU) No 346/2013 of the European Parliament and of the Council and a manager of ELTIF under Regulation (EU) 2015/760 of the European Parliament and of the Council ;
- an undertaking for collective investment in transferable securities (UCITS) management company as defined Article 2(1), point (b), of Directive 2009/65/EC of the European Parliament and of the Council ;
- an insurance undertaking as defined in Article 13, point (1), of Directive 2009/138/EC of the European Parliament and of the Council ;
- a reinsurance undertaking as defined in Article 13, point (4), of Directive 2009/138/EC;
- an institution for occupational retirement provision as defined in Article 1, point (6) of Directive 2016/2341 of the European Parliament and of the Council;
- a central counterparty as defined in Article 2, point (1), of Regulation (EU) No 648/2012 of the European Parliament and of the Council ;
- a central securities depository as defined in Article 2(1), point (1), of Regulation (EU) No 909/2014 of the European Parliament and of the Council ;
- an insurance or reinsurance special purpose vehicle authorised in accordance with Article 211 of Directive 2009/138/EC;
- 'securitisation special purpose entity' as defined in Article 2, point (2), of Regulation (EU) No 2017/2402 of the European Parliament and of the Council ;
- an insurance holding company as defined in Article 212(1), point (f), of Directive 2009/138/EC or a mixed financial holding company as defined in Article 212(1), point (h), of Directive 2009/138/EC, which is part of an insurance group that is subject to supervision at the level of the group pursuant to Article 213 of that Directive and which is not exempted from group supervision pursuant to Article 214(2) of Directive 2009/138/EC;
- a payment institution as defined in point (d) of Article 1(1) of Directive (EU) 2015/2366 of the European Parliament and of the Council ;
- an electronic money institution as defined in point (1) of Article 2 of Directive 2009/110/EC of the European Parliament and of the Council ;
- a crowdfunding service provider as defined in point (e) Article 2(1) of Regulation (EU) 2020/1503 of the European Parliament and of the Council ;
- a crypto-asset service provider as defined in Article 3(1), point (8), of [the proposal for a Regulation of the European Parliament and of the Council on Markets in Crypto-assets, and amending Directive (EU) 2019/1937 ] where performing one or more crypto-asset services as defined in Article 3(1), point (9), of [the proposal for a Regulation of the European Parliament and of the Council on Markets in Crypto-assets, and amending Directive (EU) 2019/1937];

a.a) 'investee company' means a company in which an institutional investor or asset manager invests which cannot be considered as a controlled undertaking;

- a.b) 'institutional investor' means an entity as defined by Article 2(e) of Directive 2007/36/EC, within the scope of Article 2 of this Directive;
  - a.c) 'asset manager' means an entity as defined by Article 2(f) of Directive 2007/36/EC, within the scope of Article 2 of this Directive;
  - b. 'adverse environmental impact' means an adverse impact on the environment resulting from the failure to comply with obligations in line with the relevant provisions of the instruments listed in Part I, points 18 and 19, of the Annex and Part II of the Annex, taking into account, where available, the national legislation and measures linked to those provisions related to the international texts listed in Part I, points 18 and 19, of the Annex and Part II of the Annex;
  - c. 'adverse human rights impact' means an adverse impact on protected persons resulting from any action which removes or reduces the ability of an individual or group to enjoy the rights or to be protected by prohibitions enshrined in international conventions and instruments listed in the Annex, Part I, Section 1 and Annex, Part I, Section 2;
    - c.a) 'adverse impact' means any potential or actual adverse human rights or adverse environmental impact;
  - d. 'subsidiary' means a legal person as defined in Article 2, point (10), of Directive 2013/34/EU and a legal person through which the activity of a 'controlled undertaking' as defined in Article 2(1), point (f), of Directive 2004/109/EC of the European Parliament and of the Council is exercised;
  - e. 'business relationship' means direct or indirect relationship of a company with a contractor, subcontractor, or other entities in its value chain:
    - i. with whom the company has a commercial agreement or to whom the company provides financial services;
    - ii. that performs activities related to the products or services of the company;
  - g. 'value chain' means:
    - i. activities related to, and entities involved in, the production, design, sourcing, extraction, manufacture, transport, storage and supply of raw materials, products or parts of a company's product and the development of a company's product or the development or provision of a service, and
      - ii. activities related to, and entities involved in, the sale, distribution, transport, storage, and waste management of a company's products or the provision of services, and excluding the waste management of the product by individual consumers.
- As regards companies within the meaning of point (a)(iv), 'value chain' with respect to the provision of these specific services shall include the activities of the clients directly receiving such financial services provided by financial undertakings pursuant to point (iv) and of other companies belonging to the same group whose activities are linked to the contract in question. The value chain of regulated financial undertakings within the meaning of point (a)-(iv) does not cover households and natural persons or SMEs;
- h. 'independent third-party verification' means verification of aspects of the due diligence of a company or parts of its value chain resulting from the provisions of this Directive either by an auditor or an audit firm that is approved in accordance with Article 3 of Directive 2006/43/EC or accredited in a Member State for conducting certifications, or by an independent assurance services provider as defined in Article 2, point (23), of Directive 2006/43/EC accredited in a Member State in accordance with Regulation (EC) No 765/2008 of the European Parliament and of the Council for the specific conformity assessment activity referred to in Article 14(4a) or by an independent third party that is accredited in a Member State for conducting certifications and which is independent from the company, free from any conflicts of interests, has demonstrated experience, expertise and competence in environmental, climate, and human rights matters, and is accountable for the quality and reliability of the audit or assessment, and meets the minimum standards set out in the delegated act as described in Article 14(4a);
  - i. 'SME' means a micro, small or a medium-sized enterprise, irrespective of its legal form, that is not part of a large group, as those terms are defined in Article 3(1), (2), (3) and (7) of Directive 2013/34/EU;
  - j. 'industry or multi-stakeholder initiative' means an initiative that companies participate in, which provides standards, procedures, tools and/or mechanisms, in order to support, monitor, evaluate, certify, and/or verify aspects of their due diligence, or the due diligence conducted by their subsidiaries and/or business relationships. Such initiatives may be developed and overseen by governments, industry associations, groupings of interested organisations, or civil society organisations;
  - k. 'authorised representative' means a natural or legal person resident or established in the Union who has a mandate from a company within the meaning of point (a)(ii) to act on its behalf in relation to compliance with that company's obligations pursuant to this Directive;
  - m. 'net turnover' means

- i. the 'net turnover' as defined in Article 2, point (5), of Directive 2013/34/EU; or,
- ii. where the company applies international accounting standards adopted on the basis of Regulation (EC) No 1606/2002 of the European Parliament and of the Council or is a company within the meaning of point (a)(ii), the revenue as defined by or within the meaning of the financial reporting framework on the basis of which the financial statements of the company are prepared;
- n. 'affected stakeholders' means those individuals, groups or communities that have rights or legitimate interests that are affected or could be affected by the adverse impacts stemming from a company's activities or actions or the activities or actions of entities in its value chain, and the legitimate representatives of such individuals or groups, including the workers and their representatives and the trade unions of the company, of its subsidiaries and throughout its value chain, or in cases where there are no individuals, groups or communities affected by an adverse impact on the environment, credible and experienced organisations whose purpose includes the protection of the environment;
- n.a) 'vulnerable stakeholders' means affected stakeholders that find themselves in marginalised situations and situations of vulnerability, due to specific contexts or intersecting factors, including among others, sex, gender, age, race, ethnicity, class, caste, education, indigenous peoples, migration status, disability, as well as social and economic status, and includes stakeholders living in conflict affected and high risk areas, which are the causes of diverse and often disproportionate adverse impacts, and create discrimination and additional barriers to participation and access to justice;
- o. 'director' means:
- i. any member of the administrative, management or supervisory bodies of a company;
- ii. where they are not members of the administrative, management or supervisory bodies of a company, the chief executive officer and, if such function exists in a company, the deputy chief executive officer;
- iii. other persons who perform functions similar to those performed under point (i) or (ii);
- p. 'board of directors' means the administrative or supervisory body responsible for supervising the executive management of the company, or, if no such body exists, the person or persons performing equivalent functions;
- q. 'appropriate measures' means measures that are capable of achieving the objectives of due diligence and effectively addressing the adverse impact identified pursuant to Article 6 in a manner proportionate and commensurate to the degree of severity and the likelihood of the adverse impact, and proportionate and commensurate to the size, resources and capacities of the company. This shall take into account the circumstances of the specific case, including the nature of the adverse impact, characteristics of the economic sector, the nature of the company's specific activities, products and services, the specific business relationship;
- q.a) 'leverage' means the ability to affect change in the practices of the entity causing or contributing to the adverse impact;
- q.b) "to cause an adverse impact" means that the company's activities on their own are sufficient to result in an adverse impact;
- q.c) 'to contribute to an adverse impact' means that a company's own activities, in combination with the activities of other entities, cause an impact, or that the activities of the company cause, facilitate or incentivise another entity to cause an adverse impact. The contribution must be substantial, meaning that it does not include minor or trivial contributions. Assessing the substantial nature of the contribution and understanding when the actions of the company may have caused, facilitated or incentivised another entity to cause an adverse impact can involve the consideration of multiple factors. The following factors can be taken into account:
- the extent to which a company may encourage or motivate an adverse impact by another entity, i.e. the degree to which the activity increased the risk of the impact occurring,
  - the extent to which a company could or should have known about the adverse impact or potential for adverse impact, i.e. the degree of foreseeability,
  - the degree to which any of the company's activities actually mitigated the adverse impact or decreased the risk of the impact occurring. The mere existence of a business relationship or activities which create the general conditions in which it is possible for adverse impacts to occur does not in itself constitute a relationship of contribution. The activity in question should substantially increase the risk of adverse impact;
- q.d) being 'directly linked to an adverse impact' means that there is a relationship between the adverse impact and the company's products, services or operations through another business relationship and where the company has neither caused nor contributed to the impact. Directly linked is not defined by a direct business relationship. Also, a direct linkage does not imply that the responsibility shifts from the business relationship causing an adverse impact to the company with which it has a linkage;

- q.e) 'risk-based' means proportionate to the likelihood and severity of potential adverse impacts;
  - q.f) 'risk factors' means company-level risk factors, business model risk factors, geographic risk factors, product and service risk factors and sectoral risk factors;
  - q.g) 'severity of an adverse impact' means the scale, scope and irremediable character of the adverse impact, taking into account the gravity of an adverse impact, including the number of individuals that are or will be affected, the extent to which the environment is or may be damaged or otherwise affected, its irreversibility and the limits on the ability to restore affected individuals or the environment to a situation equivalent to their situation prior to the impact.
- 1.a. The Commission shall be empowered to adopt delegated acts in accordance with Article 28 to amend the Annex, in order to make sure that it remains consistent with the Union's objectives on human rights and the environment.

### Article 3a

#### Single market clause

1. The Commission and the Member States shall coordinate during the transposition of this Directive and thereafter in view of a full level of harmonisation between Member States, in order to ensure a level playing field for companies and to prevent the fragmentation of the Single Market.
2. The Commission shall consider, six years after the entry into force of this Directive, whether changes to the level of harmonisation of this Directive are required to ensure a level-playing field for companies in the Single Market, including whether the provisions of this Directive could be converted into a Regulation.

### Article 4

#### Due diligence

1. Member States shall ensure that companies conduct risk-based human rights and environmental due diligence as laid down in Articles 5 to 11 ('due diligence') by carrying out the following actions:
  - a. integrating due diligence into their policies in accordance with Article 5;
  - b. identifying actual or potential adverse impacts in accordance with Article 6;

- c. preventing and mitigating potential adverse impacts, and bringing actual adverse impacts to an end and minimising their extent in accordance with Articles 7 and 8;
  - c.a) where necessary, prioritising potential and actual adverse impacts in accordance with Article 8b;
  - c.b) remedying actual adverse impacts in accordance with Article 8c;
  - d. establishing or participating in a notification and non-judicial grievance mechanism in accordance with Article 9;
  - e. monitoring and verifying the effectiveness of their due diligence policy and measures in accordance with Article 10;
  - f. publicly communicating on due diligence in accordance with Article 11.
  - f.a) consulting and engaging with affected stakeholders in a meaningful way in accordance with Article 8d.
2. Member States shall ensure that, for the purposes of due diligence, companies are entitled to share resources and information within their respective groups of companies and with other legal entities in compliance with applicable competition law.
- 2a. Companies shall retain documentation demonstrating their compliance with this Directive for at least 10 years.

### Article 4a

#### Due diligence support at group level

1. Member States shall ensure that parent companies may perform actions which can contribute to their subsidiaries falling under the scope of this Directive meet their obligations set out in Articles 5 to 11 and Article 15. This is without prejudice to the civil liability of subsidiaries in accordance with Article 22.
2. The parent company may perform actions which contribute to fulfilling the due diligence obligations by the subsidiary company in accordance with paragraph 1, subject to all the following conditions:
  - a. the subsidiary provides all the relevant and necessary information to its parent company and cooperates with it;
  - b. the subsidiary abides by its parent company's due diligence policy;

- c. the parent company accordingly adapts its due diligence policy to ensure that the obligations laid down in Article 5(1) are fulfilled with respect to the subsidiary;
- d. the subsidiary integrates due diligence into all its policies and risk management systems in accordance with Article 5;
- e. where necessary, the subsidiary continues to take appropriate measures in accordance with Articles 7 and 8, as well as continues to perform its obligations under Articles 8a, 8b and 8d;
- f. where the parent company performs specific actions on behalf of the subsidiary, both the parent company and subsidiary clearly and transparently communicate so towards relevant stakeholders and the public domain;
- g. the subsidiary integrates climate in its policies and risk management systems in accordance with Article 15.

## Article 5

### Integrating due diligence into companies' policies

1. Member States shall ensure that companies integrate due diligence into their relevant corporate policies and have in place a due diligence policy. The due diligence policy shall contain all of the following:
  - a. a description of the potential or actual adverse impacts identified by the company in line with Article 6;
  - a. a description of the company's approach to due diligence, including in the short, medium and long term;
  - b. a code of conduct defining rules and principles and measures to be followed and implemented where relevant throughout the company and its subsidiaries across all operations. The code of conduct shall be designed to ensure that the company respects human rights and the environment, and it shall be aligned with the fundamental values of the Union;
  - c. a description of the processes put in place and appropriate measures taken to implement due diligence in line with Articles 7 and 8 in the value chain, including the relevant measures taken to incorporate due diligence into its own business model, employment and purchasing practices with entities with which the company has a business relationship and measures taken to monitor and verify due diligence activities.
2. Member States shall ensure that the companies continuously review their due diligence policy and update it when significant changes occur.

- 2a. Companies shall carry out a due diligence policy which is proportionate and commensurate to the likelihood and severity of their potential adverse impacts and the severity of their actual adverse impacts, as well as their specific circumstances and risk factors, particularly their sector and location of activity, the size and length of their value chain, the size of the company, its capacity, resources and leverage.
- 2b. When companies operate in areas in a state of armed conflict or fragile postconflict, areas under occupation and/or annexation, as well as areas witnessing weak or non-existent governance and security, such as failed states, Member States shall ensure that they respect obligations under international humanitarian law and conduct heightened, conflict-sensitive due diligence on their operations and business relations through integrating into their due diligence, a conflict analysis based on meaningful and conflict-sensitive stakeholders' engagement, of the root causes, triggers and parties driving the conflict, and of the impact of the company's activities on the conflict.

## Article 6

### Identifying and assessing actual and potential adverse impacts

1. Member States shall ensure that companies take appropriate measures to broadly scope the impacts of their operations, subsidiaries and business relationships in order to identify and assess actual and potential adverse human rights and environmental impacts arising from their own operations, products and services or those of their subsidiaries and those related to their value chains, and whether they cause or contribute to or are directly linked to those impacts.
2. Member States shall ensure that, as part of their due diligence process, companies shall:
  - a. identify where adverse impacts are most likely to occur and to be severe, including by identifying individual higher risk operations, subsidiaries and business relationships which should be prioritized taking into account relevant risk factors; and
  - b. carry out in-depth assessments of prioritised operations, subsidiaries and business relationships in order to determine the nature and extent of specific actual and potential adverse impacts.
- 2a. In identifying individual higher risk business relationships, relevant company level risk factors shall include whether the business relationship is a company covered by this Directive.

3. When companies referred to in Article 3, point (a)(iv), provide credit, loan or other financial services, identification of actual and potential adverse human rights impacts and adverse environmental impacts shall be carried out only before providing that service and before subsequent financial operations, and, if notified of possible risks by means of the procedures referred to in Article 9, during the provision of the service.
4. Member States shall ensure that, for the purposes of identifying and assessing adverse impacts based on, where appropriate, quantitative and qualitative information, including the relevant disaggregated data that can be reasonably obtained by a company, companies shall make use of appropriate methods and resources, including public reports, independent reports and information gathered through the notification and nonjudicial grievance mechanism provided for in Article 9. Companies shall also carry out meaningful engagement in accordance with Article 8d with potentially affected stakeholders including workers and other relevant stakeholders to gather information on as well as to identify and assess actual or potential adverse impacts.
- 4a. In the event that not all the necessary information regarding its value chain is available, the company shall explain the efforts made to obtain the necessary information about its value chain, the reasons why not all of the necessary information could be obtained, and its plans to obtain the necessary information in the future.

## Article 7

### Preventing potential adverse impacts

1. Member States shall ensure that companies take appropriate measures to prevent, or where prevention is not possible or not immediately possible or has failed, adequately mitigate potential adverse human rights impacts and adverse environmental impacts, that have been, or should have been, identified pursuant to Article 6, in accordance with this Article.
- 1a. For the purposes of this Article, in cases where a company may cause a potential adverse impact, appropriate measures shall be understood as measures which aim to prevent or mitigate a potential adverse impact. In cases where a company may contribute to an adverse impact, appropriate measures shall be understood as measures which aim to prevent or mitigate the contribution to the impact, using or increasing the company's leverage with other responsible parties to prevent or mitigate the potential adverse impact. In cases where a company's operations, products or services may be directly linked to an adverse impact through its business relationships with other entities, appropriate measures shall be understood as measures which aim to use or increase the

company's leverage with responsible parties to seek to prevent or mitigate the potential adverse impact and to influence the entity causing the impact.

- 1b. For the purposes of this Article, it shall be presumed that financial undertakings are directly linked to an adverse impact in their value chain without causing or contributing to it.
2. Companies shall be required to take appropriate measures, including the following actions, where relevant:
  - a. where necessary due to the nature or complexity of the measures required for prevention, develop and implement a prevention action plan, with a reasonable and clearly defined timeline for the implementation of appropriate measures and action, and qualitative and quantitative indicators for measuring improvement. The prevention action plan shall be applicable and accurately tailored to the context of companies' operations and value chain. The development and implementation of a climate transition plan according to Article 15 shall be considered an appropriate measure to prevent environmental adverse impacts related to climate change mitigation pursuant to paragraph 1 of this Article;
  - b. consider establishing through contractual provisions with a partner with whom it has a business relationship that it will ensure compliance with the company's code of conduct and, as necessary, a prevention action plan. Partners with whom the company has a business relationship could be asked to establish corresponding reasonable, nondiscriminatory and fair contractual provisions with their partners, to the extent that their activities are part of the company's value chain. When such contractual assurances are obtained, paragraph 4 shall apply;
  - c. make necessary modifications, improvements to, withdrawals of or investments in, the company's own operations, such as into management, production or other operational processes, facilities, products and product traceability, projects, services and skills;
    - c.a) adapt business models and strategies, including purchasing practices, including those which contribute to living wages and incomes for their suppliers, in order to prevent potential adverse impacts, and develop and use purchase policies that do not encourage potential adverse impacts on human rights or the environment;
  - d. provide targeted and proportionate financial and administrative support for an SME with which the company has a business relationship;



- d.a) engage with a business relationship about the company's expectations with regard to preventing and mitigating the potential adverse impacts, including by providing or enabling access to capacitybuilding, guidance, administrative and financial support such as loans or financing, taking into consideration the resources, knowledge and constraints of the business partner;
  - e. in compliance with Union law including competition law, collaborate with other entities, including to increase the company's ability to bring the adverse impact to an end, in particular where no other action is suitable or effective.
  - e.a) when there is a direct linkage to impacts occurring in business relationships with other companies operating in the Union, appropriate measures can include notifying the relevant supervisory authority while continuing to make reasonable efforts to seek to prevent or mitigate the impact.
- 2a. When distributing or selling a product or providing a service, companies shall take appropriate measures to ensure that the composition, design and commercialisation of a product or service is in line with Union law and does not lead to adverse impacts, be it individual or collective. In this regard, particular attention shall be paid to potential adverse impact on children.
3. The contractual provisions shall be accompanied by measures to support carrying out due diligence.

When provisions, including contractual, are established, or a contract is entered into, with a business relationship, the terms used shall be fair, reasonable and non-discriminatory. Where measures to verify compliance are carried out in relation to SMEs, the company shall bear the cost of the independent third-party verification. At the request of the SME, they shall cover the costs in full or shall share them with the company. SMEs may share the results of verifications carried out in relation to themselves with multiple companies.

The contractual provisions sought in accordance with paragraph 2 shall not be such as to result in the transfer of responsibility for carrying out due diligence in accordance with this Directive and of the liability for failing to do so.

In seeking such contractual provisions, companies shall assess whether the business partner can reasonably be expected to comply with those provisions.

4. As regards potential adverse impacts within the meaning of paragraph 1 that a company caused or contributed to and that could not be prevented or adequately mitigated, and where there is no reasonable prospect of change, the company shall be required to refrain from entering into new or extending existing relations with the partner in connection with or in the value chain of which the impact has arisen, and shall, where the law governing their relations so entitles them to, take the following actions as a last resort, in line with responsible disengagement:
- a. temporarily suspend commercial relations with the partner in question, while pursuing prevention and mitigation efforts;
  - b. terminate the business relationship with respect to the activities concerned, on account of the severity of the potential adverse impact or if the conditions for temporary suspension under point (a) are not met.

Prior to temporarily suspending commercial relations or terminating the business relationship, companies shall first be required to assess whether the adverse impacts of doing so would be greater than the adverse impact which is intended to be prevented or mitigated. Should that be the case, companies may refrain from temporarily suspending commercial relations or terminating the business relationship. Where companies do temporarily suspend commercial relations or terminate the business relationship, they shall take steps to prevent, mitigate, or bring to an end the impacts of suspension or termination, provide reasonable notice to the business partner and keep that decision under review.

Member States shall provide for the availability of an option to suspend or terminate a business relationship in contracts governed by their laws, except for contracts where the parties are obliged by law to enter into them. Companies may refer to supervisory authorities to receive guidance on the course of action to take.

5. By way of derogation from paragraph 5, first subparagraph, point (b), when companies referred to in Article 3, point (a)(iv), provide financial services to entities that cause or contribute to potential adverse impacts within the meaning of paragraph 1, they shall not be required to terminate the financial service contract if this is strictly necessary to prevent bankruptcy to the entity to whom that service is being provided. In addition to paragraph 5, second subparagraph, a decision to terminate the financial service contract in derogation from paragraph 5, first subparagraph, point (b) may only be taken, as a last resort, if the leverage efforts of companies referred to in Article 3, point (a)(iv) have

ultimately failed to influence the entity to whom that service is being provided to prevent or adequately mitigate adverse potential impacts.

## Article 8

### Bringing actual adverse impacts to an end

1. States shall ensure that companies take appropriate measures to bring actual adverse Member impacts that have been, or should have been, identified pursuant to Article 6 to an end, in accordance with this Article.
2. Where the adverse impact cannot immediately be brought to an end, Member States shall ensure that companies adequately mitigate the extent of such an impact, while pursuing all efforts to bring the adverse impact to an end.
  - 2a. For the purposes of this Article, in cases where a company has caused an actual impact, appropriate measures shall be understood as measures which aim to mitigate the extent of an actual adverse impact, and remediate damage. In cases where a company has contributed to an actual adverse impact, appropriate measures shall be understood as measures which aim to mitigate the contribution to the impact, using or increasing the company's leverage with other responsible parties to mitigate the potential adverse impact and contribute to remediating damage, to the extent of the contribution. In cases where a company's operations, products or services are directly linked to an adverse impact through its relationships with other entities, appropriate measures shall be understood as measures which aim to use or increase the company's leverage with responsible parties to seek to mitigate the adverse impact. A company directly linked to an adverse impact shall consider using its leverage with responsible parties to enable the remediation of any damage caused by an impact.
  - 2b. For the purposes of this Article, it shall be presumed that financial undertakings are directly linked to an adverse impact in their value chain without causing or contributing to it.
3. Companies shall be required to take appropriate measures, including the following actions, where relevant:
  - a. in accordance with Article 8c, neutralise the adverse impact or adequately mitigate its extent by restoring the affected persons and/or the environment to a situation equivalent or as close as possible to their situation prior to the impact. The action shall be proportionate and commensurate to the significance and scale of the adverse impact and to the contribution of the company's conduct to the adverse impact and to its resources and leverage;
  - b. where necessary due to the fact that the adverse impact cannot be immediately brought to an end, develop and implement a corrective action plan with reasonable and clearly defined timelines for the implementation of appropriate measures and action, and qualitative and quantitative indicators for measuring improvement. The preventative action plan shall be applicable and accurately tailored to the context of companies' operations and value chain. Companies may develop their action plans in cooperation with industry initiatives. The development and implementation of a climate transition plan according to Article 15 shall be considered an appropriate measure to minimise environmental adverse impacts related to climate change mitigation pursuant to paragraphs 1 and 2 of this Article;
  - c. choose to establish through contractual provisions with a partner with whom it has a business relationship that it will ensure compliance with a company's code of conduct, and as necessary, a corrective action plan. Partners with whom the company has a business relationship could be asked to establish corresponding reasonable, nondiscriminatory and fair contractual provisions with their partners, to the extent that they are part of the value chain. When such contractual assurances are obtained, paragraph 5 shall apply;
  - d. make necessary modifications, improvements to, withdrawals of or investments in, the company's own operations, such as into management, production or other operational processes, facilities, products and product traceability, projects, services and skills;
    - d.a) adapt business models and strategies, including purchasing practices, including those which contribute to living wages and incomes for their suppliers, in order to bring to an end or mitigate actual adverse impacts, and develop and use purchase policies that do not encourage actual adverse impacts on human rights or the environment;
  - e. provide targeted and proportionate financial and administrative support for an SME with which the company has a business relationship;
    - e.a) engage with a business relationship about the company's expectations with regard to bringing to an end and mitigating actual adverse impacts, including by providing or enabling access to capacity-building, guidance, administrative and financial support such as loans or financing, taking into consideration the resources, knowledge and constraints of the business partner;

- f. in compliance with Union law including competition law, collaborate with other entities, including, where relevant, to increase the company's ability to bring the adverse impact to an end, in particular where no other action is suitable or effective.
  - f.a) when there is a direct linkage to impacts occurring in business relationships with other companies operating in the Union, appropriate measures can include notifying the relevant supervisory authority while continuing to make reasonable efforts to seek to bring the impact to an end or mitigate the impact.
- 3a. When distributing or selling a product or providing a service, companies shall take appropriate measures to ensure that the composition, design and commercialisation of a product or service is in line with Union law and does not lead to adverse impacts, be it individual or collective. In this regard, particular attention shall be paid to potential adverse impact on children.
4. The contractual assurances or the contract shall be accompanied by the appropriate measures to verify compliance. For the purposes of verifying compliance, the company may refer to suitable industry initiatives or independent third-party verification.

When provisions, including contractual, are established, or a contract is entered into, with a business relationship, the terms used shall be fair, reasonable and non-discriminatory. Where measures to verify compliance are carried out in relation to SMEs, the company shall bear the cost of the independent third-party verification. SMEs may share the results of the verifications carried out in relation to themselves with multiple companies.

The contractual provisions sought in accordance with paragraph 3 shall not be such as to result in the transfer of responsibility for carrying out due diligence in accordance with this Directive and the liability for failing to do so.

In seeking such contractual provisions, companies shall assess whether the business partner can reasonably be expected to comply with those provisions.

- 5. As regards actual adverse impacts within the meaning of paragraph 1 that a company caused or contributed to, and that could not be brought to an end or the extent of which could not be mitigated, and where there is no reasonable prospect of change, the company shall be required to refrain from entering into new or extending existing relations with the partner in connection to or in the value chain of which the impact has arisen and

shall, where the law governing their relations so entitles them to, take one of the following actions as a last resort, in line with responsible disengagement:

- a. temporarily suspend commercial relationships with the partner in question, while pursuing prevention and mitigation efforts
- b. terminate the business relationship with respect to the activities concerned, on account of the severity of the actual adverse impact, or if the conditions for temporary suspension under point (a) are not met.

Prior to temporarily suspending commercial relations or terminating the business relationship, companies shall first be required to assess whether the adverse impacts of doing so would be greater than the adverse impact which is intended to be brought to an end or mitigated. Should that be the case, companies may refrain from temporarily suspending commercial relations or terminating the business relationship. Where companies do temporarily suspend commercial relations or terminate the business relationship, they shall take steps to prevent, mitigate or bring to an end the impacts of suspension or termination, provide reasonable notice to the business partner and keep that decision under review.

Member States shall provide for the availability of an option to suspend or terminate a business relationship in contracts governed by their laws, except for contracts where the parties are obliged by law to enter into them. Companies may refer to supervisory authorities to receive guidance on the course of action to take.

- 6. By way of derogation from paragraph 6, point (b), when companies referred to in Article 3, point (a)(iv), provide financial services to entities that cause or contribute to actual adverse impacts in the meaning of paragraph 1, they shall not be required to terminate the financial service contract, if this is strictly necessary to prevent bankruptcy to the entity to whom that service is being provided. In addition to paragraph 6, second subparagraph, a decision to terminate the financial service contract in derogation from paragraph 6, point (b) may only be taken, as a last resort, if the leverage efforts of companies referred to in Article 3(1), point (a)(iv) have ultimately failed to influence the entity to whom that service is being provided to bring actual adverse impacts to an end or to minimise their extent.

## Article 8a

### Appropriate measures by institutional investors and asset managers to induce their investee companies to bring actual adverse impacts caused by them to an end

1. Member States shall ensure that institutional investors and asset managers take appropriate measures as described in paragraph 3 of this Article to induce their investee companies to bring actual adverse impacts to an end that have been, or should have been identified pursuant to Article 6.
2. Where the adverse impact cannot be brought to an end, Member States shall ensure that institutional investors and asset managers induce their investee companies to minimise the extent of such an impact.
3. Where relevant, institutional investors and asset managers shall be required to engage with the investee company and exercise voting rights in line with Article 3g (1), point (a), of Directive 2007/36/EC [SRD2], in order to induce the management body of an investee company to bring the actual impact to an end or minimise its extent. The action sought from the investee company shall be proportionate to the significance and scale of the adverse impact and to the contribution of the investee company's conduct to the adverse impact. Likewise, the actions required from institutional investors and asset managers shall be proportionate and commensurate, and shall take due account of the degree of control they have over the investee company.

## Article 8b

### Prioritising actual and potential adverse impacts

1. In cases where it is not possible to prevent, bring to an end or mitigate all identified adverse impacts simultaneously through appropriate measures as outlined in Articles 7 and 8, companies may prioritise the order in which they take appropriate measures on the basis of the likelihood and severity of adverse impacts.
2. Companies shall be required to take appropriate measures as per paragraph 1 according to the severity and likelihood of impacts and taking into account risk factors.
3. Once the most severe and likely adverse impacts are addressed in accordance with Articles 7 or 8 in a reasonable time, the company shall address less severe and less likely adverse impacts.

## Article 8c

### Remediation of actual adverse impacts

1. Member States shall ensure that where a company has caused or contributed to an actual adverse impact, that company shall take appropriate measures to remediate that adverse impact and the possible harm it has caused to people or the environment, or contribute to its remediation. The remediation may be proposed as a result of a non-judicial grievance procedure as laid down in Article 9.
2. Such remedial measures shall aim to restore the affected persons and groups or communities and/or the environment to a situation equivalent or as close as possible to their situation prior to the impact. They may include compensation, restitution, rehabilitation, public apologies, reinstatement or a contribution to investigations. Companies shall prevent additional harm being caused.
3. Member states shall ensure that the single helpdesk as designated pursuant to Article 14a acts as a contact point for due diligence mediation in order to assist companies and stakeholders in finding remedial solutions. In performing those duties, the single helpdesk shall be impartial, predictable and equitable.
4. Where a company is directly linked to an adverse impact, Member States shall encourage its voluntary participation in any remedial measures, where appropriate, and encourage companies to consider using their leverage with responsible parties to enable the remediation of any damage caused by an impact.

## Article 8d

### Carrying out meaningful engagement with affected stakeholders

1. Member States shall ensure that companies take appropriate measures to carry out meaningful engagement with affected stakeholders that allows for genuine interaction and dialogue in their due diligence process. To this end, the engagement shall cover information and consultation of affected stakeholders and shall be comprehensive, structural, effective, timely and culturally and gender sensitive.
2. Where it is not possible to carry out meaningful engagement with affected stakeholders, or where engagement with additional expert perspectives is useful to allow the company to comply fully with the requirements of this Directive, in particular in the context of scoping and prioritisation decisions under Article 6, companies shall engage in a meaningful way with other relevant stakeholders, such as civil society organisations, or legal or natural persons defending human rights or the environment in order to gain credible insights into potential or actual adverse impacts, in order to be able to comply with the requirements of this Directive.

3. Companies shall, as appropriate, provide comprehensive, targeted and relevant information to affected stakeholders about their value chain and their actual or potential adverse impacts on the environment, human rights and good governance.
4. Affected stakeholders shall be allowed to request additional written information, which shall be provided by the company within a reasonable amount of time and in an appropriate and comprehensible format. Without prejudice to Directive (EU) 2016/943, if the company refuses a request for additional information, the affected stakeholder shall be entitled to written justification for that refusal. Member States shall ensure that supervisory or judicial authorities are entitled to order the disclosure of the information.
5. Companies shall set up an appropriate framework for consulting affected stakeholders. Companies may decide to identify and consult different affected stakeholders depending on the context or adverse impact concerned. Companies shall in particular inform and consult workers and workers representatives as well as other relevant affected stakeholders when developing a due diligence policy in line with Article 5, when identifying adverse impacts in line with Article 6, when developing action plans or terminating a business relationship in line with Article 7 and 8, when prioritising their adverse impacts in line with Article 8b, when developing remedial measures in line with Article 8c, when establishing a notification or nonjudicial grievance mechanism in line with Article 9 and when carrying out their obligations in line with Article 10.
6. Workers and their representatives shall be informed by their company on its due diligence policy and the implementation thereof, and engagement with them shall be without prejudice to existing Union and national legislation in the field of employment and social rights as well as collective agreements applicable.
7. In informing and consulting affected stakeholders, companies shall identify and address barriers to engagement and shall ensure that participants are not the subject of retaliation or retribution, including by maintaining confidentiality or anonymity. Companies shall pay particular attention to the needs of vulnerable stakeholders, and overlapping vulnerabilities and intersecting factors, ensure a genderresponsive approach, and fully respect the United Nations Declaration on the Rights of Indigenous Peoples.

## Article 9

### Notification and non-judicial grievance Mechanism

1. Member States shall ensure that companies provide publicly available and effective notification and non-judicial grievance mechanisms at operational level, that can be used by persons and organisations listed in paragraph 2 to notify them of or raise grievances and request remediation, where they have legitimate information or concerns

- regarding actual or potential adverse human rights or environmental impacts with respect to the companies' own operations, the operations of their subsidiaries and their value chains. Member States shall ensure that companies are able to provide such a possibility to submit notifications and grievances through collaborative arrangements, including industry initiatives, with other companies or organisations, by participating in multistakeholder grievance mechanisms or joining a global framework agreement.
2. Member States shall ensure that the grievances may be submitted by:
    - a. persons who are affected or have reasonable grounds to believe that they might be affected by an adverse impact, and the legitimate representatives of such individuals, or, in cases where there are no individuals, groups or communities affected by an adverse impact on the environment, credible and experienced organisations whose purpose includes the protection of the environment,
    - b. trade unions and other workers' representatives representing individuals working in the value chain concerned,
  - 2a. Member States shall ensure that notifications may be submitted by the persons and organisations listed in points (a) and (b) of paragraph 2, and in addition, in as far as they are not covered under those points, by the following:
    - a. legal or natural persons defending human rights or the environment;
    - b. civil society organisations active in the areas related to the value chain concerned.
  3. Member States shall ensure that the companies establish a procedure for dealing with notifications and grievances referred to in paragraph 1, including a procedure when the company considers the notifications or grievances to be unfounded, and inform the relevant affected stakeholders, and their representatives where applicable, and other relevant persons or organisations covered by paragraphs 2 and 2a, of those procedures. Member States shall ensure that where the notification or grievance is well-founded, the adverse impact that is the subject matter of the notification or grievance is deemed to be identified within the meaning of Article 6.
  - 3a. Member States shall ensure that when companies establish or participate in notification and grievance mechanisms, those mechanisms are legitimate, accessible, predictable, equitable, transparent, rights-compatible, gender- and culturally responsive, and based on engagement and dialogue. Notification and grievance mechanisms shall be designed and operated in a manner that is informed by the perspectives of stakeholders and adapted to the needs of people who may be most vulnerable to adverse impacts.

Companies shall adopt and implement policies and processes to maintain the independence of the notification and grievance mechanism.

- 3b. Companies shall take measures to ensure that persons submitting notifications or grievances are free from retaliation or retribution, including by ensuring that notifications and grievances can be raised either anonymously or confidentially, in accordance with national law and adopt and implement policies to that effect. Where information needs to be shared, it shall be in a manner that does not endanger the stakeholders' safety, including by not disclosing their identity.
- 3c. Member States shall ensure that persons submitting grievances under paragraph 2, where they do not do so anonymously, are entitled to receive timely and appropriate follow-up from the company with which they have filed a grievance pursuant to paragraph 1 and shall also be entitled:
  - a. to be provided with the reasoning as to whether a grievance has been considered founded or unfounded and provided with information on the steps and actions taken;
  - b. to engage with the company's representatives at an appropriate level to discuss potential or actual adverse impacts that are the subject matter of the grievance;
  - c. to request that companies remediate or contribute to the remediation of actual adverse impacts, in line with Article 8c.
4. Member States shall ensure that persons submitting notifications under paragraph 2a, where they do not do so anonymously, are entitled to receive timely and appropriate follow-up from the company with which they have filed a notification pursuant to paragraph 1.
  - 4a. Member States shall ensure that supervisory authorities are empowered to issue guidance to companies and other relevant actors responsible for developing and administering notification and grievance mechanisms, including in relation to their compliance with the criteria set out in this Article, and in line with relevant international standards.
  - 4b. The submission of a notification or grievance under this Article shall not be a prerequisite for or preclude the persons submitting them from having access to the substantiated concerns procedure under Article 19 or to judicial or other nonjudicial mechanisms, such as the OECD National contact points where they exist.

## Article 10 Monitoring and verifying

Member States shall ensure that companies continuously verify the implementation and monitor the adequacy and effectiveness of their actions taken in accordance with this Directive. Monitoring and verification shall be based, where appropriate, on qualitative and quantitative indicators and be carried out continuously, taking into account the nature, severity and likelihood of the adverse impacts in question and whenever there are reasonable grounds to believe that new risks of the occurrence of those adverse impacts may arise. Where appropriate, the due diligence policy, the prevention action plan and the corrective action plan shall be reviewed and updated in accordance with the outcome of those assessments.

## Article 11 Communicating

1. Member States shall ensure that companies that are not subject to reporting requirements under Articles 19a, 29a and 40a of Directive 2013/34/EU report on the matters covered by this Directive by publishing on their website an annual statement in at least one of the official languages of the Union. The statement shall be published no later than 12 months after the balance sheet date of the financial year for which the statement is drawn up. For non-EU companies the statement will include information on the way to contact the company's authorised representative as defined in Article 16.
2. The Commission shall adopt delegated acts in accordance with Article 28 concerning the content and criteria for such reporting under paragraph 1, ensuring that it is consistent with the disclosure requirements for due diligence outlined in Article 40b of Directive 2013/34/EU, and specifying information on the description of due diligence, potential and actual adverse impacts and actions taken on those. This reporting should be sufficiently detailed to demonstrate it complied with the obligations under this Directive. When adopting delegated acts, the Commission shall ensure that there is no duplication in reporting requirements for companies referred to in Article 3, point (a)(iv), that are subject to reporting requirements and consider principal adverse impacts under Article 4 of Regulation (EU) 2019/2088 of the European Parliament and of the Council, while maintaining in full the minimum obligations stipulated in this Directive. For companies that do not have a website, Member States shall dedicate a website to the publication of the annual statement of the companies concerned.

## Article 11a

### Accessibility of information on the European Single Access Point (ESAP)

1. Member States shall ensure that, when making public the annual statements drawn-up pursuant to Article 11(1) of this Directive, companies submit that information at the same time to the collection body referred to in paragraph 3 of this Article for accessibility on ESAP, as established under Regulation (EU) XX/XXXX [ESAP Regulation] of the European Parliament and of the Council<sup>1a</sup>. That information shall comply with all of the following requirements:
  - a. the information shall be prepared in a data extractable format as defined in Article 2, point (3), of Regulation (EU) XX/XXXX [ESAP Regulation]<sup>1b</sup> or, where required under Union law, in a machine-readable format, as defined in Article 2, point (13), of Directive (EU) 2019/1024 of the European Parliament and of the Council;
  - b. the information shall be accompanied by all the following metadata:
    - i. all the names of the company to which the information relates;
    - ii. the legal entity identifier of the company, as specified pursuant to Article 7(4) of Regulation (EU) XX/XXXX [ESAP Regulation];
    - iii. the size of the company by category, as specified pursuant to Article 7(4) of Regulation (EU) XX/XXXX [ESAP Regulation];
    - iv. the type of information, as classified pursuant to Article 7(4) of Regulation (EU) XX/XXXX [ESAP Regulation];
    - v. the specific period for which the information is to be made publicly available on ESAP, where relevant.
2. For the purposes of paragraph 1(b)(ii), Member States shall ensure that companies acquire a legal entity identifier as specified pursuant to Article 7(4) of Regulation (EU) XX/XXXX [ESAP Regulation].
3. By [1 day before the obligation for companies to submit to the collection body enters into application], for the purposes of making accessible on ESAP the information referred to in paragraph 1, Member States shall designate one of the officially appointed mechanisms referred to in Article 21, point (2) of Directive 2004/109/EC as the collection body as defined in Article 2, point (2), of Regulation (EU) XX/XXXX [ESAP Regulation] and notify ESMA thereof.

4. For the purposes of ensuring an efficient collection and administration of data submitted in accordance with paragraph 1, points (a) and (b), the Commission shall be empowered to adopt implementing measures to specify:
  - a. any other metadata to accompany the information;
  - b. the structuring of data in the information;
  - c. whether a machine-readable format is required and which machine-readable format is to be used.

## Article 12

### Model contractual clauses

In order to provide support to companies to facilitate their compliance with Article 7(2), point (b), and Article 8(3), point (c), the Commission shall, in consultation with Member States and relevant stakeholders, adopt guidance, tailored to the sector and size of companies, about voluntary model contract clauses by the application date of this Directive. Those model contractual clauses shall stipulate, as a minimum:

- a. the clear allocation of tasks between both contracting parties, in ongoing cooperation, and that contractual clauses shall not be such as to result in the transfer of responsibility for carrying out due diligence; and
- b. that without prejudice to Article 7 (5) and Article 8 (6), where contractual clauses are breached, companies shall first take appropriate measures in line with Article 7 (4) and Article 8 (5) and shall avoid terminating such clauses.

## Article 13

### Guidelines

1. In order to provide support to companies or to Member State authorities on how companies should fulfil their due diligence obligations, including in relation to rights and protections enshrined in the Annex, the Commission, in consultation with Member States, the European crossindustry and sectoral social partners and other relevant stakeholders, the European Union Agency for Fundamental Rights, the European Environment Agency, the European Labour Authority, the European External Action Service, the European Innovation Council and the Small and Medium-Sized Enterprises Executive Agency (EISMEA), the European Food Safety Authority, and where appropriate the OECD and other international bodies having expertise in due diligence, shall issue clear and easily

understandable guidelines, including general and sector-specific guidance, in order to facilitate compliance in a practical manner.

1a. In order to provide support to companies or to Member State authorities on how companies should fulfil their due diligence obligations, the guidelines shall include:

- a. information on the implementation of the human rights and environmental standards applicable to businesses based on the OECD Guidelines for Multinational Enterprises as clarified in the OECD Due Diligence Guidance for Responsible Business Conduct as well as the UN Guiding Principles on Business and Human Rights;
- b. lists of risk factors and accompanying guidance, including enterprise-level risk factors, geographic risk factors and sectoral risk factors;
- c. sector specific guidance, in particular for the following sector, in line with current or future OECD guidelines:
  - i. the manufacture and the wholesale trade and retail of textiles, wearing apparel, fur, leather and related products (including footwear),
  - ii. agriculture, water supply, the management of land and resources, including nature conservation, forestry, fisheries (including aquaculture), the rubber industry, the manufacture of food products, marketing and advertising of food and beverages, and the wholesale trade and retail of agricultural raw materials, live animals, animal products, wood, food, and beverages, and waste management,
  - iii. mining and quarrying, the extraction, refining, transport and handling of mineral resources regardless from where they are extracted (including crude petroleum, natural gas, coal, lignite, metals and metal ores, as well as all other, non-metallic minerals and quarry products), the manufacture of basic metal products, other non-metallic mineral products and fabricated metal products, (except machinery and equipment), and the wholesale trade of mineral resources, basic and intermediate mineral products, (including metals and metal ores, construction materials, fuels, chemicals and other intermediate products), construction, energy sector,
  - iv. the provision of financial services, investment services and activities, and other financial services;
- d. information on how to perform heightened, conflict-sensitive due diligence in conflict-affected areas;

- e. information on how to share resources and information among companies and other legal entities for the purposes of preventing, mitigating and remediating adverse impacts in compliance with competition law;
  - f. information on how to take into account the specific needs of SMEs;
  - g. information on the establishment of a notification and non-judicial grievance mechanism,
  - h. information on responsible disengagement and an assessment and dynamic listing of contexts where adverse impacts are systemic state-sponsored;
  - i. practical guidance on how to identify and engage with affected stakeholders;
  - j. information on facilitation by Member States of access to justice for victims and prevention of retaliation of affected stakeholders;
  - k. practical guidance on the development and implementation of prioritisation strategies, including practical guidance on how proportionality and prioritisation, in terms of impacts, sectors and geographical areas, may be applied to due diligence obligations depending on the size and sector of the company;
  - l. information on responsible purchasing practices;
  - m. information on gender-responsive and culturally responsive due diligence, and measures that companies should take to address the challenges faced by smallholders, including access to a living income;
  - n. information on how to support safe participatory collection of independent data on human rights violations and environmental damages and on how to undertake necessary actions for the data to be considered;
  - o. information for Union export credit agencies to help Union and Member States' funds and export credits operate in line with the principles of this Directive.
- 1b. The guidelines shall be made available no later than ... [1 year before the date of entry into force of obligations for companies under this Directive], in free of charge and easily accessible format, including digital, and in all the official languages of the Union. The Commission shall periodically review the relevance of its guidelines and adapt them, including to new best practices.
- 1c. Country fact-sheets shall be updated regularly by the Commission and made publicly available in order to provide up-to-date information on the international Conventions and Treaties ratified by each of the Union's trading partners. The Commission shall collect and publish trade and customs data on origins of raw materials, and intermediate and finished products, and publish information on human rights, environmental and governance potential or actual adverse impacts risks associated with certain countries or regions, sectors and subsectors, and products.



## Article 14

### Accompanying measures

1. Before the entry into force of this Directive, Member States with the support of the Commission shall develop and implement measures and toolboxes, in order to provide information, advice and support to companies and the partners with whom they have business relationships in their value chains in their efforts to fulfil the obligations resulting from this Directive, and set up and operate individually or jointly dedicated userfriendly websites, platforms or portals. Such information, advice and support shall be practical and tailored to the specific needs of SMEs in particular. Member States shall also ensure that training on how to perform due diligence is made available for companies. In doing so, Member States shall ensure complementarity and coherence with similar measures already in existence, such as information and promotion provided by OECD National Contact Points.
  - 1a. The Commission shall establish a dedicated digital portal for companies to access free of charge all templates and information relating to all reporting requirements stemming from this Directive and other Union legislative instruments specific to a particular company based on its size, sector, product and service, risk exposure etc., as well as access to information on funding and tendering opportunities in order to implement, fulfil and profit from their due diligence obligations.
  - 1b. Member States shall provide information and support for stakeholders and their representatives to exercise their engagement in due diligence, for their capacity development, and provide them with information and assistance to facilitate their access to justice. This shall include legal counsel and setting up and operating individually or jointly dedicated websites, platforms or portals. Member States may also provide financial support to stakeholders for the purpose of raising their awareness and facilitating access to the rights provided to them by this Directive, as well as support and protection for affected stakeholders in relation to potential or actual adverse impacts related to business operations.
2. Without prejudice to applicable State aid rules, Member States shall provide financial and other support to SMEs, where relevant.
3. The Commission shall establish advisors for due diligence under the scope of the Enterprise Europe Network and shall, including in view of ensuring consistency, complement Member States' support measures building on existing Union action to support due diligence in the Union and in third countries and may devise new measures, including facilitation of joint stakeholder initiatives to help companies fulfil their obligations.
  - 3a. The Commission and Member States shall ensure that the Union's cooperation and trade instruments support the development of an enabling environment in third countries, as well as developing and strengthening cooperation and partnership mechanisms with third countries, and relying on existing instruments, to address the root causes of adverse impacts on human rights and the environment, and build the capacity of third country economic actors to respect the environment and human rights.
4. Without prejudice to Articles 18, 19 and 22, companies may participate in industry and multi-stakeholder initiatives to support the implementation of aspects of their due diligence obligations referred to in Articles 5 to 11 of this Directive to the extent that such initiatives are appropriate to support the fulfilment of the relevant obligations. They may be particularly appropriate to support sector-wide risk identification, providing tools for mitigation of specific risks, coordinating the use of companies' leverage to enable remediation, and providing access to a grievance mechanism. The Commission, in collaboration with Member States, the OECD, the OHCHR and relevant stakeholders, shall:
  - a. issue guidance and a methodology for assessing the scope, alignment with this Directive, and credibility including with regard to transparency, governance, oversight mechanisms and accountability of participating companies, of individual industry and multi-stakeholder initiatives, building on the OECD's alignment assessment methodology;
  - b. establish a centralised and public digital platform for companies, governments and other stakeholders to access free of charge independent thirdparty assessments of the scope, alignment, and credibility of individual industry and multi-stakeholder initiatives using the methodology developed by the Commission under point (a). Independent third-party assessments may be carried out by Member States, the OECD or other independent third party assessors;
  - c. facilitate the dissemination of other relevant information on the scope, alignment and credibility of industry and multi-stakeholder initiatives and their outcomes. Member States shall foster the development of appropriate industry or multi-stakeholder initiatives to support companies in particular sectors or on particular issues that involve severe sustainability risks but lack such initiatives.

- 4a. Without prejudice to Articles 18, 19 and 22, companies may use independent third party verification to support the implementation of aspects of their due diligence obligations referred to in Articles 5 to 11 of this Directive to the extent that such verification is appropriate to support the fulfilment of the relevant obligations. The Commission shall adopt a delegated act in accordance with Article 28 to specify the minimum standards, including transparency standards, for the independent third-party verification.
- 4b. Relevant stakeholders may submit notifications and grievances pursuant to Article 9 through industry and multistakeholder initiatives that the company participates in.

### Article 14a Single helpdesk

1. Each Member State shall designate one or more national helpdesks on corporate sustainability due diligence. Member States may assign this role to an existing authority such as National Contact Points where they exist but shall ensure that the single helpdesks are functionally independent from the tasks and role of the supervisory authorities.
2. Companies may seek additional guidance and obtain further support and information about how best to fulfil their due diligence obligations through this point of contact, including on the role of collaborative industry and multistakeholder initiatives in supporting and assisting companies to meet specific aspects of their due diligence obligations.
3. The single helpdesks may also liaise with each other to ensure cross-border cooperation, and, where relevant, Member States shall ensure that single helpdesks coordinate with other implementation bodies or other relevant international instruments, such as OECD National Contact Points.

### Article 15 Combating climate change

1. Member States shall ensure that companies referred to in Article 2 develop and implement a transition plan in line with the reporting requirements in Article 19a of Regulation (EU) 2021/0104 (CSRD), to ensure that the business model and strategy of the company are aligned with the objectives of the transition to a sustainable economy and with the limiting of global warming to 1.5°C in line with the Paris Agreement and the objective of achieving climate neutrality as established in Regulation (EU) 2021/1119

(European Climate Law) as regards its operations in the Union, including its 2050 climate neutrality target and the 2030 climate target. This plan shall include a description of:

- a. the resilience of the company's business model and strategy to risks related to climate matters;
  - b. the opportunities for the company related to climate matters;
  - c. where appropriate an identification and explanation of decarbonisation levers within the company's operations and value chain, including the exposure of the company to coal-, oil- and gas-related activities, as referred to in Articles 19a(2), point (a)(iii), and 29a(2), point (a)(iii), of Directive 2013/34/EU;
  - d. how the company's business model and strategy take account of the interests of the company's affected stakeholders and of the impacts of the company on climate change;
  - e. how the company's strategy has been implemented and will be implemented with regard to climate matters, including related financial and investment plans;
  - f. the time-bound targets related to climate change set by the company for scope 1, 2 and, where relevant, 3 emissions, including where appropriate, absolute emission reduction targets for greenhouse gas for 2030 and in five-year steps up to 2050 based on conclusive scientific evidence, and a description of the progress the company has made towards achieving those targets;
  - g. a description of the role of the administrative, management and supervisory bodies with regard to climate matters.
2. Member States shall ensure that directors are responsible for overseeing the obligations set out in this Article and that companies with more than 1000 employees on average have a relevant and effective policy in place to ensure that part of any variable remuneration for directors is linked to the company's transition plan referred to in this Article. Such a policy shall be approved by the Annual General Meeting.

### Article 16 Authorised representative

1. Member States shall ensure that each company referred to in Article 2(2) designates a legal or natural person as its authorised representative, established or domiciled in one of the Member States where it operates. The designation shall be valid when confirmed as accepted by the authorised representative.
2. Member States shall ensure that the name, address, electronic mail address and telephone number of the authorised representative is notified to a supervisory authority

in the Member State where the authorised representative is domiciled or established. Member States shall ensure that the authorised representative is obliged to provide, upon request, a copy of the designation in an official language of a Member State to any of the supervisory authorities.

3. Member States shall ensure that a supervisory authority in the Member State where the authorised representative is domiciled or established and, where it is different, a supervisory authority in the Member State in which the company generated most of its net turnover in the Union in the financial year preceding the last financial year are informed that the company is a company within the meaning of Article 2(2).
4. Member States shall ensure that each company empowers its authorised representative to receive communications from supervisory authorities on all matters necessary for compliance with and enforcement of national provisions transposing this Directive. Companies shall be required to provide their authorised representative with the necessary powers and resources to cooperate with supervisory authorities.

## Article 17 Supervisory Authorities

1. Each Member State shall designate one or more supervisory authorities to supervise compliance with the obligations laid down in national provisions adopted pursuant to this Directive ('supervisory authority').
2. As regards the companies referred to in Article 2(1), the competent supervisory authority shall be that of the Member State in which the company has its registered office.
3. As regards companies referred to in Article 2(2), the competent supervisory authority shall be that of the Member State in which the company has a branch. If the company does not have a branch in any Member State, or has branches located in different Member States, the competent supervisory authority shall be the supervisory authority of the Member State in which the company generated most of its net turnover in the Union in the financial year preceding the last financial year before the date indicated in Article 30 or the date on which the company first fulfils the criteria laid down in Article 2(2), whichever comes last.

Companies referred to in Article 2(2) may, on the basis of a change in circumstances leading to it generating most of its turnover in the Union in a different Member State, make a duly reasoned request to change the supervisory authority that is competent to regulate matters covered in this Directive in respect of that company.

4. Where a Member State designates more than one supervisory authority, it shall ensure that the respective competences of those authorities are clearly defined and that they cooperate closely and effectively with each other.
5. Member States may designate the authorities for the supervision of regulated financial undertakings also as supervisory authorities for the purposes of this Directive.
6. By the date indicated in Article 30(1), point (a), Member States shall inform the Commission of the names and contact details of the supervisory authorities and, where applicable, the respective competences of those authorities, designated pursuant to this Article, as well as of their respective competence where there are several designated supervisory authorities. They shall inform the Commission of any changes thereto.
7. The Commission shall make publicly available, including on its website, a list of the supervisory authorities, and, when a Member State has several supervisory authorities, the respective competences of those authorities. The Commission shall regularly update the list on the basis of the information received from the Member States.
8. Member States shall guarantee the independence of the supervisory authorities and ensure that they, and all persons working for or who have worked for them and persons acting on their behalf, exercise their powers impartially, transparently and with due respect for obligations of professional secrecy. In particular, Member States shall ensure that the authority is legally and functionally independent from the companies falling within the scope of this Directive or other market interests, that its staff and the persons responsible for its management are free of conflicts of interest, subject to confidentiality requirements, and that they refrain from any action incompatible with their duties.
- 8a. Member States shall ensure that supervisory authorities publish and make available on a website an annual report detailing their past activities, future work plan and priorities, and the most serious non-compliance issues.
- 8b. Member States shall ensure that supervisory authorities recognise the role of implementation bodies of other relevant international instruments, such as OECD National Contact Points. The Commission, in consultation with relevant international bodies, may develop guidelines on the coordination between supervisory authorities and such implementation bodies.

## Article 18 Powers of supervisory authorities

1. Member States shall ensure that the supervisory authorities are independent and impartial and have adequate powers, resources and expertise to carry out the tasks assigned to them under this Directive, including the power to require companies to

provide information and carry out investigations, which can include where appropriate on site inspections and the hearing of relevant stakeholders, related to compliance with the obligations set out in this Directive.

2. A supervisory authority may initiate an investigation on its own motion or as a result of substantiated concerns communicated to it pursuant to Article 19, where it considers that it has sufficient information indicating a possible breach by a company of the obligations provided for in the national provisions adopted pursuant to this Directive.
3. Inspections shall be conducted in compliance with the national law of the Member State in which the inspection is carried out and with prior warning to the company, except where prior notification hinders the effectiveness of the inspection. Where, as part of its investigation, a supervisory authority wishes to carry out an inspection on the territory of a Member State other than its own, it shall seek assistance from the supervisory authority in that Member State pursuant to Article 21(2).
4. If, as a result of the actions taken pursuant to paragraphs 1 and 2, a supervisory authority identifies a failure to comply with national provisions adopted pursuant to this Directive, it shall grant the company concerned an appropriate period of time to take remedial action, if such action is possible.  
Taking remedial action does not preclude the imposition of administrative sanctions or the triggering of civil liability in case of damages, including in accordance with Articles 20 and 22, respectively.
5. When carrying out their tasks, supervisory authorities shall have at least the following powers:
  - a. to order the cessation of infringements of the national provisions adopted pursuant to this Directive, abstention from any repetition of the relevant conduct and, where appropriate, remedial action proportionate to the infringement and necessary to bring it to an end;
  - b. to impose sanctions in accordance with Article 20;
  - c. to adopt interim measures to avoid the risk of severe or irreparable harm.

c.a) to assess the validity of prioritisation strategies as foreseen under Article 8b and order a review if the requirements for such strategies have not been met.
6. Where the legal system of the Member State does not provide for administrative sanctions, this Article and Article 20 may be implemented in such a manner that the sanction is initiated by the competent supervisory authority and imposed by the

competent national courts, while ensuring that those legal remedies are effective and have an equivalent effect to the administrative sanctions imposed by supervisory authorities.

7. Member States shall ensure that each natural or legal person has the right to an effective judicial remedy against a legally binding decision by a supervisory authority concerning them, in accordance with national law and without prejudice to Member State rules on companies' right to court appeal and other relevant safeguards.
  - 7a. Supervisory authorities shall publish and regularly update a list of all companies subject to this Directive under their jurisdiction, without containing any personal data within the meaning of Article 4(1) of Regulation (EU) 2016/679. The lists of companies subject to this Directive shall display links to access companies' due diligence statements where applicable.
  - 7b. Member States shall ensure that the supervisory authorities keep records of the investigations referred to in paragraph 1, indicating, in particular, their nature and result, as well as records of any notice of remedial action issued under paragraph 5.
  - 7c. Decisions of supervisory authorities regarding a company's compliance with this Directive shall be without prejudice to the company's civil liability under Article 22. In the context of ongoing civil liability proceedings and upon request of a court, supervisory authorities shall share any information they may have at their disposal about a given company with the court before which the proceedings brought under Article 22 are to be heard.

## Article 19 Substantiated concerns

1. Member States shall ensure that natural and legal persons are entitled to submit substantiated concerns to any supervisory authority when they have reasons to believe, on the basis of objective circumstances, that a company is failing to comply with the national provisions adopted pursuant to this Directive ('substantiated concerns').
  - 1a. Member States shall ensure that, where persons submitting substantiated concerns so request, the supervisory authority takes the necessary measures for the appropriate protection of the identity of that person and their personal information, which, if disclosed, would be harmful to that person.

2. Where the substantiated concern falls under the competence of another supervisory authority, the authority receiving the concern shall transmit it to that authority and inform the person that has submitted a substantiated concern as provided for in paragraph 1.
  3. Member States shall ensure that supervisory authorities assess the substantiated concerns and, where appropriate, exercise their powers as referred to in Article 18 within a reasonable period of time.
  4. The supervisory authority shall, as soon as possible and in accordance with the relevant provisions of national law and in compliance with Union law, inform the person referred to in paragraph 1 of the result of the assessment of their substantiated concern and of its decision to accede to or refuse the request for action, and shall provide the reasoning for it, and a description of the further steps and measures it will take. Supervisory authorities may allow for additional information to be provided by the person who has submitted the concern.
  - 4a. Member States shall ensure that supervisory authorities establish easily accessible channels for receiving concerns. Procedures to submit substantiated concerns shall be fair, equitable, timely and free of charge. Member States shall ensure that practical information is made available to the public on access to administrative and judicial review procedures.
  5. Member States shall ensure that the persons submitting the substantiated concern according to this Article have access to a court or other independent and impartial public body competent to review the procedural and substantive legality of the decisions, acts or failure to act of the supervisory authority.
- b. any investments made and any targeted support provided pursuant to Articles 7 and 8;
  - c. any collaboration with other entities to address adverse impacts in its value chains;
  - d. the seriousness and duration of the company's infringement, or the severity of the impacts that have occurred;
  - e. the extent to which prioritisation decisions were reasonable, credible and taken in good faith;
  - f. any previous infringements by the company of national provisions adopted pursuant to this Directive;
  - g. the financial benefits gained or losses avoided by the company due to the infringement, if the relevant data are available;
  - h. penalties imposed in respect of similar infringements in other Member States;
  - i. whether the company has effectively dealt with complaints or proposals raised by persons or affected stakeholders, including pursuant to Article 9;
  - j. any other aggravating or mitigating factors applicable to the circumstances of the case.
- 2a. At least the following measures and sanctions shall be provided for:
    - a. pecuniary sanctions;
    - b. a public statement indicating that a company is responsible and the nature of the infringement;
    - c. the obligation to perform an action, including to cease the conduct constituting the infringement and to desist from any repetition of that conduct;
    - d. the suspension of products from free circulation or export.

## Article 20 Sanctions

1. Member States shall lay down the rules on sanctions applicable to infringements of national provisions adopted pursuant to this Directive, and shall take all measures necessary to ensure that they are implemented. The sanctions provided for shall be effective, proportionate and dissuasive.
2. In deciding whether to impose sanctions and, if so, in determining their nature and appropriate level, due account shall be taken of:
  - a. the company's efforts to comply with any remedial action required of them by a supervisory authority;
3. When pecuniary sanctions are imposed, they shall be based on the company's net worldwide turnover. The maximum limit of pecuniary sanctions shall be not less than 5% of the net worldwide turnover of the company in the business year preceding the fining decision. Member States shall ensure that, with regards to companies referred to in Article 2(1), point (b) and Article 2(2), point (b), administrative pecuniary sanctions are calculated taking into account the consolidated turnover reported by that company.
- 3a. Member States shall lay down rules so that companies which are formed in accordance with the legislation of a third country under Article 2(2) shall be excluded from public procurement processes if they fail to appoint an authorised representative under Article 16.

4. Member States shall keep a record of sanctions that have been imposed and ensure that any decision of the supervisory authorities containing sanctions related to the breach of the provisions of this directive is published. The published decision shall not contain any personal data within the meaning of Article 4(1) of Regulation (EU) 2016/679.

## Article 21 European Network of Supervisory Authorities

1. The Commission shall set up a European Network of Supervisory Authorities, composed of representatives of the supervisory authorities. The Network shall facilitate the cooperation of the supervisory authorities and the coordination and alignment of regulatory, investigative, sanctioning and supervisory practices of the supervisory authorities and, as appropriate, sharing of information among them, as well as ensuring regular public communication on the activities of the Network.  
The Commission shall invite the European Agency for Fundamental Rights, the European Environment Agency, the European Labour Authority, the European Innovation Council and SMEs Executive Agency, and the European Securities and Markets Authority and other Union agencies with relevant expertise in the areas covered by this Directive to join the European Network of Supervisory Authorities.
2. Supervisory authorities shall provide each other with relevant information and mutual assistance in carrying out their duties and shall put in place measures for effective cooperation with each other. Mutual assistance shall include collaboration with a view to the exercise of the powers referred to in Article 18, including in relation to inspections and information requests.
  - 2a. Member States shall cooperate with the Network in order to identify the companies within their jurisdiction, in particular by providing all necessary information in order to assess whether a non-European company fulfils the criteria set in Article 2.
3. Supervisory authorities shall take all appropriate steps needed to reply to a request for assistance by another supervisory authority without undue delay and no later than 1 month after receiving the request. Such steps may include, in particular, the transmission of relevant information on the conduct of an investigation.
4. Requests for assistance shall contain all the necessary information, including the purpose of and reasons for the request. Supervisory authorities shall only use the information received through a request for assistance for the purpose for which it was requested.

5. The requested supervisory authority shall inform the requesting supervisory authority of the results or, as the case may be, of the progress regarding the measures to be taken in order to respond to the request for assistance.
6. Supervisory authorities shall not charge each other fees for actions and measures taken pursuant to a request for assistance.  
However, supervisory authorities may agree on rules to indemnify each other for specific expenditure arising from the provision of assistance in exceptional cases.
7. The supervisory authority that is competent pursuant to Article 17(3) shall inform the European Network of Supervisory Authorities of that fact and of any request to change the competent supervisory authority.
8. When doubts exist as to the attribution of competence, the information on which that attribution is based will be shared with the European Network of Supervisory Authorities, which may coordinate efforts to find a solution.
  - 8a. The European Network of Supervisory Authorities shall publish a register of non-EU companies and their compliance.

## Article 22 Civil liability

1. Member States shall ensure that companies are liable for damages if:
  - a. they failed to comply with the obligations laid down in this Directive and;
  - b. as a result of this failure the company caused or contributed to an actual adverse impact that should have been identified, prioritised, prevented, mitigated, brought to an end, remediated or its extent minimised through the appropriate measures laid down in this Directive and led to damage.

In the assessment of the existence and extent of liability, due account shall be taken of the extent of the company's efforts, insofar as they relate directly to the damage in question, to take remedial action, including that required of them by a supervisory authority, any investments made and any targeted support provided pursuant to Articles 7 and 8, as well as any collaboration with other entities and affected stakeholders to address adverse impacts in its value chains.

2a. Member States shall ensure that:

- a. the limitation period for bringing actions for damages is at least ten years and measures are in place to ensure that costs of the proceedings are not prohibitively expensive for claimants to seek justice;
- b. claimants are able to seek injunctive measures, including summary proceedings. These shall be in the form of a definitive or provisional measure to cease an action which may be in breach of this Directive, or to comply with a measure under this Directive;
- c. measures are in place to ensure that mandated trade unions, civil society organisations, or other relevant actors acting in the public interest can bring actions before a court on behalf of a victim or a group of victims of adverse impacts, and that these entities have the rights and obligations of a claimant party in the proceedings, without prejudice to existing national law;
- d. when a claim is brought, that a claimant provides elements substantiating the likelihood of a company's liability under this Directive and has indicated that additional evidence lies in the control of the company, courts are able to order that such evidence be disclosed by the company in accordance with national procedural law, subject to the Union and national rules on confidentiality and proportionality.

2b. Companies that have participated in industry or multi-stakeholder initiatives, multi-stakeholders initiatives, or used third-party verification or contractual clauses to support the implementation of specific aspects of their due diligence obligations can still be held liable in accordance with this Article.

3. The civil liability of a company for damages arising under this provision shall be without prejudice to the civil liability of its subsidiaries or of any direct and indirect business partners in the value chain. In such instances as where a subsidiary is under the scope of this Directive and has been dissolved by the parent company or has dissolved itself intentionally in order to avoid liability, the liability can be imputed to the parent company in case there is no legal successor.
4. The civil liability rules under this Directive shall not limit companies' liability under Union or national legal systems, including rules on joint and several liability.
5. Member States shall ensure that the liability provided for in provisions of national law transposing this Article is of overriding mandatory application in cases where the law applicable to claims to that effect is not the law of a Member State.

## Article 23

### Reporting of breaches and protection of reporting persons

Directive (EU) 2019/1937 shall apply to the reporting of all breaches of this Directive and the protection of persons reporting such breaches.

## Article 24

### Public support, public procurement and public concessions

Member States shall ensure that (non-)compliance with the obligations resulting from this Directive or their voluntary implementation qualifies as one of the environmental and social aspects to be taken into consideration in accordance with the rules applicable to the provision of public support or the award of public contracts and concessions.

## Article 25

### Directors' duty of care

1. Member States shall ensure that, when fulfilling their duty to act in the best interest of the company, directors of companies referred to in Article 2(1) take into account the consequences of their decisions for sustainability matters, including, where applicable, human rights, climate change and environmental consequences, including in the short, medium and long term.
2. Member States shall ensure that their laws, regulations and administrative provisions providing for a breach of directors' duties apply also to the provisions of this Article.

## Article 26

### Setting up and overseeing due diligence

1. Member States shall ensure that directors of companies referred to in Article 2(1) are responsible for putting in place and overseeing the due diligence actions referred to in Article 4 and in particular the due diligence policy referred to in Article 5, with due consideration for relevant input from stakeholders and civil society organisations. The directors shall report to the board of directors in that respect.
2. Member States shall ensure that directors take steps to adapt the corporate strategy to take into account the actual and potential adverse impacts identified pursuant to Article 6 and any measures taken pursuant to Articles 7 to 9.

## Article 27 Amendment to Directive (EU) No 2019/1937

In Point E.2 of Part I of the Annex to Directive (EU) No 2019/1937, the following point is added:

‘(vi) [Directive ... of the European Parliament and of the Council of ... on Corporate Sustainability Due Diligence and amending Directive (EU) 2019/1937\*+]’

## Article 28 Exercise of the delegation

1. The power to adopt delegated acts referred to in Article 3(2), Article 11 and Article 14(4a) shall be conferred on the Commission for a period of 5 years from ... [date of entry into force of this Directive]. The Commission shall draw up a report in respect of the delegation of power no later than nine months before the end of the 5-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such an extension no later than three months before the end of each period.
2. The power to adopt delegated acts referred to in Article 11 shall be conferred on the Commission for an indeterminate period of time.
3. The delegation of power referred to in 3(2), and Article 11 or Article 14(4a) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.
4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.
5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.
6. A delegated act adopted pursuant 3(2), Article 11 or Article 14(4a) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council."

## Article 29 Review and reporting

No later than ... [OP please insert the date = 6 years after the date of entry into force of this Directive], and every 3 years thereafter, the Commission shall submit a comprehensive report to the European Parliament and to the Council on the implementation of this Directive. The report shall evaluate the effectiveness of this Directive in reaching its objectives, in particular regarding its effectiveness in preventing potential adverse impacts, bringing actual adverse impacts to an end or minimising their extent globally, derive recommendations for actions and shall be accompanied, if appropriate, by a legislative proposal. The report shall assess in particular the following issues:

- a. the impact of this Directive on SMEs, accompanied by an account and assessment of the effectiveness of the different measures and tools for support provided to SMEs by the Commission and the Member States;
  - a.a) an assessment of the number of small and medium-sized undertakings voluntarily applying corporate sustainability and due diligence in line with this Directive;
  - a.b) the effectiveness of this Directive in achieving its objectives, including the associated indirect costs and the economic, social and environmental benefits thereof as well as the effects on the competitiveness of European Union companies;
- a. whether the thresholds regarding the number of employees and net turnover laid down in Article 2 need to be lowered, in particular for certain sectors, whether the modalities for calculating thresholds are appropriate and whether significant loopholes need to be closed for the Directive to apply to all relevant legal forms of economic operators and complex corporate structures;
  - a.a) the effectiveness of the enforcement mechanisms put in place at national level and of the sanctions and procedures for civil liability in particular;
  - a.b) the convergence and divergence between national laws of the Member States transposing this Directive;
- d. whether Articles 4 to 14 should be extended to additional adverse impacts, in particular to also encompass adverse impacts on good governance.



d.a) whether a broad sustainability plan, dealing with other environmental impacts than climate, shall be developed;

d.b) whether the definition of "value chain" as regards regulated financial undertakings should be extended to a wider range of companies;

- 1a. The Commission shall initiate and coordinate an annual Union-wide assessment of the resilience of companies to adverse scenarios related to their value chains. The Commission shall provide this assessment to the European Parliament and the Council.

## Article 30 Transposition

1. Member States shall adopt and publish, by ... [OJ to insert: 2 years from the entry into force of this Directive] at the latest, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions.

They shall apply those provisions from... [OJ to insert: 3 years from the entry into force of this Directive] as regards companies referred to in Article 2(1) which had more than 1000 employees on average and had a net worldwide turnover of more than EUR 150 million in the last financial year, or were the ultimate parent company of a group with such a number of employees and generating such a turnover, and Article 2(2) which generated a net turnover of more than EUR 150 million in the Union in the financial year preceding the last financial year, or were the ultimate parent company of a group generating such a turnover.

They shall apply those provisions from... [OJ to insert: 4 years from the entry into force of this Directive] as regards companies referred to in Article 2(1), which had more than 500 employees on average and had a net worldwide turnover of more than EUR 150 million in the last financial year, or were the ultimate parent company of a group with such a number of employees and generating such a turnover.

They shall apply those provisions from... [OJ to insert: 4 years from entry into force of this Directive] as regards companies referred to in Article 2(1) point (a), which had more than 250 employees on average and had a net worldwide turnover of more than EUR 40 million, and Article 2(2) which generated a net turnover of more than EUR 40 million in the

Union and EUR 150 million worldwide in the financial year preceding the last financial year or were the ultimate parent company of a group generating such a turnover.

By way of derogation from the fourth subparagraph of this paragraph, companies referred to in Article 2(1), point (a), which had more than 250 employees on average and had a net worldwide turnover of more than EUR 40 million but not more than EUR 150 million in the last financial year may decide not to fulfil the obligations under this Directive until [OJ to insert: 5 years from entry into force of this Directive]. In such cases, the company shall notify the supervisory authority, while providing a brief statement on why it is the case.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

## Article 31 Entry into force

This Directive shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.

## Article 32 Addressees

This Directive is addressed to the Member States.

For the European Parliament

For the Council

United Nations

# The Universal Declaration of Human Rights

8.5

# The Universal Declaration of Human Rights

The Universal Declaration of Human Rights (UDHR) is a milestone document in the history of human rights. Drafted by representatives with different legal and cultural backgrounds from all regions of the world, the Declaration was proclaimed by the United Nations General Assembly in Paris on 10 December 1948 (General Assembly resolution 217 A) as a common standard of achievements for all peoples and all nations. It sets out, for the first time, fundamental human rights to be universally protected and it has been translated into over 500 languages. The UDHR is widely recognized as having inspired, and paved the way for, the adoption of more than seventy human rights treaties, applied today on a permanent basis at global and regional levels (all containing references to it in their preambles).

[Source link](#)

## 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, color, 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 defense.
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 honor 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 favorable 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 favorable 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 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.

United Nations General Assembly in Paris on 10 December 1948

(General Assembly resolution 217 A)

United Nations

# International Covenant on Civil and Political Rights, 1966

8.6

# International Covenant on Civil and Political Rights, 1966

The International Covenant on Civil and Political Rights (ICCPR) is a multilateral treaty that commits nations to respect the civil and political rights of individuals, including the right to life, freedom of religion, freedom of speech, freedom of assembly, electoral rights and rights to due process and a fair trial.[3] It was adopted by United Nations General Assembly Resolution 2200A (XXI) on 16 December 1966 and entered into force on 23 March 1976 after its thirty-fifth ratification or accession.[A] As of June 2022, the Covenant has 173 parties and six more signatories without ratification, most notably the People's Republic of China and Cuba;[1] North Korea is the only state that has tried to withdraw.

The ICCPR is considered a seminal document in the history of international law and human rights, forming part of the International Bill of Human Rights, along with the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the Universal Declaration of Human Rights (UDHR).[4]

Compliance with the ICCPR is monitored by the United Nations Human Rights Committee,[B] which reviews regular reports of states parties on how the rights are being implemented. States must report one year after acceding to the Covenant and then whenever the Committee requests (usually every four years). The Committee normally meets at the UN Office at Geneva, Switzerland and typically holds three sessions per year.

Entry into force: 23 March 1976, in accordance with Article 49

## Preamble

The States Parties to the present Covenant,

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

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

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

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

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

Agree upon the following articles:

## Part I

### Article 1

1. All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.
2. All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.



3. The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations.

## Part II

### Article 2

1. Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.
2. Where not already provided for by existing legislative or other measures, each State Party to the present Covenant undertakes to take the necessary steps, in accordance with its constitutional processes and with the provisions of the present Covenant, to adopt such 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 1 and 2), 11, 15, 16 and 18 may be made under this provision.
3. Any State Party to the present Covenant availing itself of the right of derogation shall immediately inform the other States Parties to the present Covenant, through the intermediary of the Secretary-General of the United Nations, of the provisions from which it has derogated and of the reasons by which it was actuated. A further communication shall be made, through the same intermediary, on the date on which it terminates such derogation.

### Article 5

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

- iv. 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;
- v. Any service of a military character and, in countries where conscientious objection is recognized, any national service required by law of conscientious objectors;
- vi. Any service exacted in cases of emergency or calamity threatening the life or well-being of the community;
- vii. Any work or service which forms part of normal civil obligations.

## Article 9

1. Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.
2. Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him.
3. Anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release. It shall not be the general rule that persons awaiting trial shall be detained in custody, but release may be subject to guarantees to appear for trial, at any other stage of the judicial proceedings, and, should occasion arise, for execution of the judgement.
4. Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that that court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful.
5. Anyone who has been the victim of unlawful arrest or detention shall have an enforceable right to compensation.

## Article 10

1. All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.
2.
  - a. Accused persons shall, save in exceptional circumstances, be segregated from convicted persons and shall be subject to separate treatment appropriate to their status as unconvicted persons;

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

## Article 11

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

## Article 12

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

## Article 13

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

## Article 14

1. All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal

- established by law. The press and the public may be excluded from all or part of a trial for reasons of morals, public order (*ordre public*) or national security in a democratic society, or when the interest of the private lives of the parties so requires, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice; but any judgement rendered in a criminal case or in a suit at law shall be made public except where the interest of juvenile persons otherwise requires or the proceedings concern matrimonial disputes or the guardianship of children.
2. Everyone charged with a criminal offence shall have the right to be presumed innocent until proved guilty according to law.
  3. In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality:
    - a. To be informed promptly and in detail in a language which he understands of the nature and cause of the charge against him;
    - b. To have adequate time and facilities for the preparation of his defence and to communicate with counsel of his own choosing;
    - c. To be tried without undue delay;
    - d. To be tried in his presence, and to defend himself in person or through legal assistance of his own choosing; to be informed, if he does not have legal assistance, of this right; and to have legal assistance assigned to him, in any case where the interests of justice so require, and without payment by him in any such case if he does not have sufficient means to pay for it;
    - e. To examine, or have examined, the witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;
    - f. To have the free assistance of an interpreter if he cannot understand or speak the language used in court;
    - g. Not to be compelled to testify against himself or to confess guilt.
  4. In the case of juvenile persons, the procedure shall be such as will take account of their age and the desirability of promoting their rehabilitation.
  5. Everyone convicted of a crime shall have the right to his conviction and sentence being reviewed by a higher tribunal according to law.
  6. When a person has by a final decision been convicted of a criminal offence and when subsequently his conviction has been reversed or he has been pardoned on the ground that a new or newly discovered fact shows conclusively that there has been a miscarriage of justice, the person who has suffered punishment as a result of such conviction shall be

compensated according to law, unless it is proved that the non-disclosure of the unknown fact in time is wholly or partly attributable to him.

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

## Article 15

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

## Article 16

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

## Article 17

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

## Article 18

1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.
2. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.

3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.
4. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.

## Article 19

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

## Article 20

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

## Article 21

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

## Article 22

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

## Article 23

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

## Article 24

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

## Article 25

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

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

## Article 26

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

## Article 27

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

## Part IV

### Article 28

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

1. 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.

United Nations

# International Covenant on Economic, Social and Cultural Rights, 1966

8.7

# International Covenant on Economic, Social and Cultural Rights, 1966

The International Covenant on Economic, Social and Cultural Rights (ICESCR) is a multilateral treaty adopted by the United Nations General Assembly (GA) on 16 December 1966 through GA. Resolution 2200A (XXI), and came in force from 3 January 1976. It commits its parties to work toward the granting of economic, social, and cultural rights (ESCR) to the Non-Self-Governing and Trust Territories and individuals, including labour rights and the right to health, the right to education, and the right to an adequate standard of living. As of July 2020, the Covenant has 171 parties. A further four countries, including the United States, have signed but not ratified the Covenant.

The ICESCR (and its Optional Protocol) is part of the International Bill of Human Rights, along with the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR), including the latter's first and second Optional Protocols.

The Covenant is monitored by the UN Committee on Economic, Social and Cultural Rights.

[Source link](#)

Entry into force: 3 January 1976, in accordance with article 27

## Preamble

The States Parties to the present Covenant,

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

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

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

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

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

Agree upon the following articles:

## Part I

### Article 1

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

## Part II

### Article 2

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

### Article 3

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

### Article 4

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

### Article 5

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

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

## Part III

### Article 6

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

### Article 7

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

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

## Article 8

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

## Article 9

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

## Article 10

The States Parties to the present Covenant recognize that:

1. The widest possible protection and assistance should be accorded to the family, which is the natural and fundamental group unit of society, particularly for its establishment and

while it is responsible for the care and education of dependent children. Marriage must be entered into with the free consent of the intending spouses.

2. Special protection should be accorded to mothers during a reasonable period before and after childbirth. During such period working mothers should be accorded paid leave or leave with adequate social security benefits.
3. Special measures of protection and assistance should be taken on behalf of all children and young persons without any discrimination for reasons of parentage or other conditions. Children and young persons should be protected from economic and social exploitation. Their employment in work harmful to their morals or health or dangerous to life or likely to hamper their normal development should be punishable by law. States should also set age limits below which the paid employment of child labour should be prohibited and punishable by law.

## Article 11

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

## Article 12

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

## Article 13

1. The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace.
2. The States Parties to the present Covenant recognize that, with a view to achieving the full realization of this right:
  - a. Primary education shall be compulsory and available free to all;
  - b. Secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education;
  - c. Higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education;
  - d. Fundamental education shall be encouraged or intensified as far as possible for those persons who have not received or completed the whole period of their primary education;

- e. The development of a system of schools at all levels shall be actively pursued, an adequate fellowship system shall be established, and the material conditions of teaching staff shall be continuously improved.
3. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to choose for their children schools, other than those established by the public authorities, which conform to such minimum educational standards as may be laid down or approved by the State and to ensure the religious and moral education of their children in conformity with their own convictions.
  4. No part of this article shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principles set forth in paragraph 1 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:

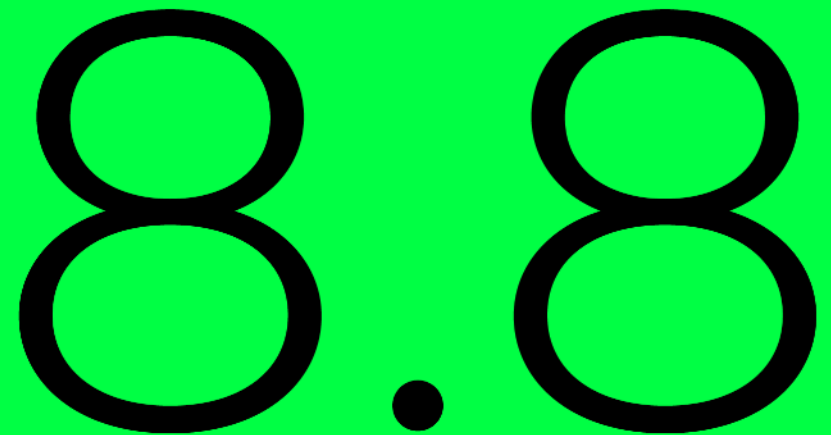
- a. Signatures, ratifications and accessions under article 26;
- b. The date of the entry into force of the present Covenant under article 27 and the date of the entry into force of any amendments under article 29.

## 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.

United Nations

# International Convention on the Elimination of All Forms of Racial Discrimination, 1965



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

The International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) is a United Nations convention. A third-generation human rights instrument, the Convention commits its members to the elimination of racial discrimination and the promotion of understanding among all races. The Convention also requires its parties to criminalize hate speech and criminalize membership in racist organizations.

The Convention also includes an individual complaints mechanism, effectively making it enforceable against its parties. This has led to the development of a limited jurisprudence on the interpretation and implementation of the Convention.

The convention was adopted and opened for signature by the United Nations General Assembly on 21 December 1965, and entered into force on 4 January 1969. As of July 2020, it has 88 signatories and 182 parties.

The Convention is monitored by the Committee on the Elimination of Racial Discrimination (CERD).

[Source link](#)

Entry into force: 4 January 1969, in accordance with Article 19

The States Parties to this Convention,

Considering that the Charter of the United Nations is based on the principles of the dignity and equality inherent in all human beings, and that all Member States have pledged themselves to

take joint and separate action, in co-operation with the Organization, for the achievement of one of the purposes of the United Nations which is to promote and encourage universal respect for and observance of human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion,

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

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

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

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

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

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

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

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

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

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

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

Have agreed as follows:

## Part I

### Article 1

1. In this Convention, the term "racial discrimination" shall mean any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.
2. This Convention shall not apply to distinctions, exclusions, restrictions or preferences made by a State Party to this Convention between citizens and non-citizens.
3. Nothing in this Convention may be interpreted as affecting in any way the legal provisions of States Parties concerning nationality, citizenship or naturalization, provided that such provisions do not discriminate against any particular nationality.
4. Special measures taken for the sole purpose of securing adequate advancement of certain racial or ethnic groups or individuals requiring such protection as may be necessary in order to ensure such groups or individuals equal enjoyment or exercise of human rights and fundamental freedoms shall not be deemed racial discrimination,

provided, however, that such measures do not, as a consequence, lead to the maintenance of separate rights for different racial groups and that they shall not be continued after the objectives for which they were taken have been achieved.

### Article 2

1. States Parties condemn racial discrimination and undertake to pursue by all appropriate means and without delay a policy of eliminating racial discrimination in all its forms and promoting understanding among all races, and, to this end:
  - a. Each State Party undertakes to engage in no act or practice of racial discrimination against persons, groups of persons or institutions and to ensure that all public authorities and public institutions, national and local, shall act in conformity with this obligation;
  - b. Each State Party undertakes not to sponsor, defend or support racial discrimination by any persons or organizations;
  - c. Each State Party shall take effective measures to review governmental, national and local policies, and to amend, rescind or nullify any laws and regulations which have the effect of creating or perpetuating racial discrimination wherever it exists;
  - d. Each State Party shall prohibit and bring to an end, by all appropriate means, including legislation as required by circumstances, racial discrimination by any persons, group or organization;
  - e. Each State Party undertakes to encourage, where appropriate, integrationist multiracial organizations and movements and other means of eliminating barriers between races, and to discourage anything which tends to strengthen racial division.
2. States Parties shall, when the circumstances so warrant, take, in the social, economic, cultural and other fields, special and concrete measures to ensure the adequate development and protection of certain racial groups or individuals belonging to them, for the purpose of guaranteeing them the full and equal enjoyment of human rights and fundamental freedoms. These measures shall in no case entail as a consequence the maintenance of unequal or separate rights for different racial groups after the objectives for which they were taken have been achieved.

## Article 3

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

## Article 4

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

- a. Shall declare an offence punishable by law all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin, and also the provision of any assistance to racist activities, including the financing thereof;
- b. Shall declare illegal and prohibit organizations, and also organized and all other propaganda activities, which promote and incite racial discrimination, and shall recognize participation in such organizations or activities as an offence punishable by law;
- c. Shall not permit public authorities or public institutions, national or local, to promote or incite racial discrimination.

## Article 5

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

- a. The right to equal treatment before the tribunals and all other organs administering justice;
- b. The right to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual group or institution;

- c. Political rights, in particular the right to participate in elections—to vote and to stand for election—on the basis of universal and equal suffrage, to take part in the Government as well as in the conduct of public affairs at any level and to have equal access to public service;
- d. Other civil rights, in particular:
  - i. The right to freedom of movement and residence within the border of the State;
  - ii. The right to leave any country, including one's own, and to return to one's country;
  - iii. The right to nationality;
  - iv. The right to marriage and choice of spouse;
  - v. The right to own property alone as well as in association with others;
  - vi. The right to inherit;
  - vii. The right to freedom of thought, conscience and religion;
  - viii. The right to freedom of opinion and expression;
  - ix. The right to freedom of peaceful assembly and association;
- e. Economic, social and cultural rights, in particular:
  - i. The rights to work, to free choice of employment, to just and favourable conditions of work, to protection against unemployment, to equal pay for equal work, to just and favourable remuneration;
  - ii. The right to form and join trade unions;
  - iii. The right to housing;
  - iv. The right to public health, medical care, social security and social services;
  - v. The right to education and training;
  - vi. The right to equal participation in cultural activities;
- f. The right of access to any place or service intended for use by the general public, such as transport hotels, restaurants, cafes, theatres and parks.

## Article 6

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

## Article 7

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

## Part II

### Article 8

1. There shall be established a Committee on the Elimination of Racial Discrimination (hereinafter referred to as the Committee) consisting of eighteen experts of high moral standing and acknowledged impartiality elected by States Parties from among their nationals, who shall serve in their personal capacity, consideration being given to equitable geographical distribution and to the representation of the different forms of civilization as well as of the principal legal systems.
2. The members of the Committee shall be elected by secret ballot from a list of persons nominated by the States Parties. Each State Party may nominate one person from among its own nationals.
3. The initial election shall be held six months after the date of the entry into force of this Convention. At least three months before the date of each election the Secretary-General of the United Nations shall address a letter to the States Parties inviting them to submit their nominations within two months. The Secretary-General shall prepare a list in alphabetical order of all persons thus nominated, indicating the States Parties which have nominated them, and shall submit it to the States Parties.
4. Elections of the members of the Committee shall be held at a meeting of States Parties convened by the Secretary-General at United Nations Headquarters. At that meeting, for which two thirds of the States Parties shall constitute a quorum, the persons elected to the Committee shall be nominees who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.
5.
  - a. The members of the Committee shall be elected for a term of four years. However, the terms of nine of the members elected at the first election shall expire at the end of two

years; immediately after the first election the names of these nine members shall be chosen by lot by the Chairman of the Committee;

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

### Article 9

1. States Parties undertake to submit to the Secretary-General of the United Nations, for consideration by the Committee, a report on the legislative, judicial, administrative or other measures which they have adopted and which give effect to the provisions of this Convention:
  - a. within one year after the entry into force of the Convention for the State concerned; and
  - b. thereafter every two years and whenever the Committee so requests. The Committee may request further information from the States Parties.
2. The Committee shall report annually, through the Secretary General, to the General Assembly of the United Nations on its activities and may make suggestions and general recommendations based on the examination of the reports and information received from the States Parties. Such suggestions and general recommendations shall be reported to the General Assembly together with comments, if any, from States Parties.

### Article 10

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

## Article 11

1. If a State Party considers that another State Party is not giving effect to the provisions of this Convention, it may bring the matter to the attention of the Committee. The Committee shall then transmit the communication to the State Party concerned. Within three months, the receiving State shall submit to the Committee written explanations or statements clarifying the matter and the remedy, if any, that may have been taken by that State.
2. If the matter is not adjusted to the satisfaction of both parties, either by bilateral negotiations or by any other procedure open to them, within six months after the receipt by the receiving State of the initial communication, either State shall have the right to refer the matter again to the Committee by notifying the Committee and also the other State.
3. The Committee shall deal with a matter referred to it in accordance with paragraph 2 of this article after it has ascertained that all available domestic remedies have been invoked and exhausted in the case, in conformity with the generally recognized principles of international law. This shall not be the rule where the application of the remedies is unreasonably prolonged.
4. In any matter referred to it, the Committee may call upon the States Parties concerned to supply any other relevant information.
5. When any matter arising out of this article is being considered by the Committee, the States Parties concerned shall be entitled to send a representative to take part in the proceedings of the Committee, without voting rights, while the matter is under consideration.

## Article 12

1.
  - a. After the Committee has obtained and collated all the information it deems necessary, the Chairman shall appoint an ad hoc Conciliation Commission (hereinafter referred to as the Commission) comprising five persons who may or may not be members of the Committee. The members of the Commission shall be appointed with the unanimous consent of the parties to the dispute, and its good offices shall be made available to the States concerned with a view to an amicable solution of the matter on the basis of respect for this Convention;
  - b. If the States parties to the dispute fail to reach agreement within three months on all or part of the composition of the Commission, the members of the Commission not agreed upon by the States parties to the dispute shall be elected by secret ballot by a two-thirds majority vote of the Committee from among its own members.

2. The members of the Commission shall serve in their personal capacity. They shall not be nationals of the States parties to the dispute or of a State not Party to this Convention.
3. The Commission shall elect its own Chairman and adopt its own rules of procedure.
4. The meetings of the Commission shall normally be held at United Nations Headquarters or at any other convenient place as determined by the Commission.
5. The secretariat provided in accordance with article 10, paragraph 3, of this Convention shall also service the Commission whenever a dispute among States Parties brings the Commission into being.
6. The States parties to the dispute shall share equally all the expenses of the members of the Commission in accordance with estimates to be provided by the Secretary-General of the United Nations.
7. The Secretary-General shall be empowered to pay the expenses of the members of the Commission, if necessary, before reimbursement by the States parties to the dispute in accordance with paragraph 6 of this article.
8. The information obtained and collated by the Committee shall be made available to the Commission, and the Commission may call upon the States concerned to supply any other relevant information.

## Article 13

1. When the Commission has fully considered the matter, it shall prepare and submit to the Chairman of the Committee a report embodying its findings on all questions of fact relevant to the issue between the parties and containing such recommendations as it may think proper for the amicable solution of the dispute.
2. The Chairman of the Committee shall communicate the report of the Commission to each of the States parties to the dispute. These States shall, within three months, inform the Chairman of the Committee whether or not they accept the recommendations contained in the report of the Commission.
3. After the period provided for in paragraph 2 of this article, the Chairman of the Committee shall communicate the report of the Commission and the declarations of the States Parties concerned to the other States Parties to this Convention.

## Article 14

1. A State Party may at any time declare that it recognizes the competence of the Committee to receive and consider communications from individuals or groups of individuals within its jurisdiction claiming to be victims of a violation by that State Party of



- any of the rights set forth in this Convention. No communication shall be received by the Committee if it concerns a State Party which has not made such a declaration.
2. Any State Party which makes a declaration as provided for in paragraph 1 of this article may establish or indicate a body within its national legal order which shall be competent to receive and consider petitions from individuals and groups of individuals within its jurisdiction who claim to be victims of a violation of any of the rights set forth in this Convention and who have exhausted other available local remedies.
  3. A declaration made in accordance with paragraph 1 of this article and the name of any body established or indicated in accordance with paragraph 2 of this article shall be deposited by the State Party concerned with the Secretary-General of the United Nations, who shall transmit copies thereof to the other States Parties. A declaration may be withdrawn at any time by notification to the Secretary-General, but such a withdrawal shall not affect communications pending before the Committee.
  4. A register of petitions shall be kept by the body established or indicated in accordance with paragraph 2 of this article, and certified copies of the register shall be filed annually through appropriate channels with the Secretary-General on the understanding that the contents shall not be publicly disclosed.
  5. In the event of failure to obtain satisfaction from the body established or indicated in accordance with paragraph 2 of this article, the petitioner shall have the right to communicate the matter to the Committee within six months.
  6.
    - a. The Committee shall confidentially bring any communication referred to it to the attention of the State Party alleged to be violating any provision of this Convention, but the identity of the individual or groups of individuals concerned shall not be revealed without his or their express consent. The Committee shall not receive anonymous communications;
    - b. Within three months, the receiving State shall submit to the Committee written explanations or statements clarifying the matter and the remedy, if any, that may have been taken by that State.
  7.
    - a. The Committee shall consider communications in the light of all information made available to it by the State Party concerned and by the petitioner. The Committee shall not consider any communication from a petitioner unless it has ascertained that the petitioner has exhausted all available domestic remedies. However, this shall not be the rule where the application of the remedies is unreasonably prolonged;
    - b. The Committee shall forward its suggestions and recommendations, if any, to the State Party concerned and to the petitioner.
  8. The Committee shall include in its annual report a summary of such communications and, where appropriate, a summary of the explanations and statements of the States Parties concerned and of its own suggestions and recommendations.
  9. The Committee shall be competent to exercise the functions provided for in this article only when at least ten States Parties to this Convention are bound by declarations in accordance with paragraph 1 of this article.
- ### Article 15
1. Pending the achievement of the objectives of the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in General Assembly resolution 1514 (XV) of 14 December 1960, the provisions of this Convention shall in no way limit the right of petition granted to these peoples by other international instruments or by the United Nations and its specialized agencies.
  2.
    - a. The Committee established under article 8, paragraph 1, of this Convention shall receive copies of the petitions from, and submit expressions of opinion and recommendations on these petitions to, the bodies of the United Nations which deal with matters directly related to the principles and objectives of this Convention in their consideration of petitions from the inhabitants of Trust and Non-Self-Governing Territories and all other territories to which General Assembly resolution 1514 (XV) applies, relating to matters covered by this Convention which are before these bodies;
    - b. The Committee shall receive from the competent bodies of the United Nations copies of the reports concerning the legislative, judicial, administrative or other measures directly related to the principles and objectives of this Convention applied by the administering Powers within the Territories mentioned in subparagraph (a) of this paragraph, and shall express opinions and make recommendations to these bodies.
  3. The Committee shall include in its report to the General Assembly a summary of the petitions and reports it has received from United Nations bodies, and the expressions of opinion and recommendations of the Committee relating to the said petitions and reports.

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

## Article 16

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

## Part III

### Article 17

1. This Convention is open for signature by any State Member of the United Nations or member of any of its specialized agencies, by any State Party to the Statute of the International Court of Justice, and by any other State which has been invited by the General Assembly of the United Nations to become a Party to this Convention.
2. This Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

### Article 18

3. This Convention shall be open to accession by any State referred to in article 17, paragraph 1, of the Convention. 2. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

### Article 19

4. This Convention shall enter into force on the thirtieth day after the date of the deposit with the Secretary-General of the United Nations of the twenty-seventh instrument of ratification or instrument of accession.
5. For each State ratifying this Convention or acceding to it after the deposit of the twenty-seventh instrument of ratification or instrument of accession, the Convention shall enter

into force on the thirtieth day after the date of the deposit of its own instrument of ratification or instrument of accession.

## Article 20

6. The Secretary-General of the United Nations shall receive and circulate to all States which are or may become Parties to this Convention reservations made by States at the time of ratification or accession. Any State which objects to the reservation shall, within a period of ninety days from the date of the said communication, notify the Secretary-General that it does not accept it.
7. A reservation incompatible with the object and purpose of this Convention shall not be permitted, nor shall a reservation the effect of which would inhibit the operation of any of the bodies established by this Convention be allowed. A reservation shall be considered incompatible or inhibitive if at least two thirds of the States Parties to this Convention object to it.
8. Reservations may be withdrawn at any time by notification to this effect addressed to the Secretary-General. Such notification shall take effect on the date on which it is received.

## Article 21

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

## Article 22

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

## Article 23

1. A request for the revision of this Convention may be made at any time by any State Party by means of a notification in writing addressed to the Secretary-General of the United Nations.

2. The General Assembly of the United Nations shall decide upon the steps, if any, to be taken in respect of such a request.

## Article 24

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

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

## Article 25

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

United Nations

# Convention on the Elimination of All Forms of Discrimination against Women, 1979

# 8.9

# Convention on the Elimination of All Forms of Discrimination against Women, 1979

The Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) is an international treaty adopted in 1979 by the United Nations General Assembly. Described as an international bill of rights for women, it was instituted on 3 September 1981 and has been ratified by 189 states.[1] Over fifty countries that have ratified the Convention have done so subject to certain declarations, reservations, and objections, including 38 countries who rejected the enforcement article 29, which addresses means of settlement for disputes concerning the interpretation or application of the convention.[2] Australia's declaration noted the limitations on central government power resulting from its federal constitutional system. The United States and Palau have signed, but not ratified the treaty. The Holy See, Iran, Somalia, Sudan, and Tonga are not signatories to CEDAW.

[Source link](#)

Entry into force: 3 September 1981, in accordance with article 27(1).

## Introduction

On 18 December 1979, the Convention on the Elimination of All Forms of Discrimination against Women was adopted by the United Nations General Assembly. It entered into force as an international treaty on 3 September 1981 after the twentieth country had ratified it. By the tenth anniversary of the Convention in 1989, almost one hundred nations have agreed to be bound by its provisions.

The Convention was the culmination of more than thirty years of work by the United Nations Commission on the Status of Women, a body established in 1946 to monitor the situation of

women and to promote women's rights. The Commission's work has been instrumental in bringing to light all the areas in which women are denied equality with men. These efforts for the advancement of women have resulted in several declarations and conventions, of which the Convention on the Elimination of All Forms of Discrimination against Women is the central and most comprehensive document.

Among the international human rights treaties, the Convention takes an important place in bringing the female half of humanity into the focus of human rights concerns. The spirit of the Convention is rooted in the goals of the United Nations: to reaffirm faith in fundamental human rights, in the dignity, and worth of the human person, in the equal rights of men and women. The present document spells out the meaning of equality and how it can be achieved. In so doing, the Convention establishes not only an international bill of rights for women, but also an agenda for action by countries to guarantee the enjoyment of those rights.

In its preamble, the Convention explicitly acknowledges that "extensive discrimination against women continues to exist", and emphasizes that such discrimination "violates the principles of equality of rights and respect for human dignity". As defined in article 1, discrimination is understood as "any distinction, exclusion or restriction made on the basis of sex...in the political, economic, social, cultural, civil or any other field". The Convention gives positive affirmation to the principle of equality by requiring States parties to take "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 3).

The agenda for equality is specified in fourteen subsequent articles. In its approach, the Convention covers three dimensions of the situation of women. Civil rights and the legal status of women are dealt with in great detail. In addition, and unlike other human rights treaties, the Convention is also concerned with the dimension of human reproduction as well as with the impact of cultural factors on gender relations.

The legal status of women receives the broadest attention. Concern over the basic rights of political participation has not diminished since the adoption of the Convention on the Political Rights of Women in 1952. Its provisions, therefore, are restated in article 7 of the present document, whereby women are guaranteed the rights to vote, to hold public office and to exercise public functions. This includes equal rights for women to represent their countries at the international level (article 8). The Convention on the Nationality of Married Women – adopted in 1957 – is integrated under article 9 providing for the statehood of women, irrespective of their marital status. The Convention, thereby, draws attention to the fact that

often women's legal status has been linked to marriage, making them dependent on their husband's nationality rather than individuals in their own right. Articles 10, 11 and 13, respectively, affirm women's rights to non-discrimination in education, employment and economic and social activities. These demands are given special emphasis with regard to the situation of rural women, whose particular struggles and vital economic contributions, as noted in article 14, warrant more attention in policy planning. Article 15 asserts the full equality of women in civil and business matters, demanding that all instruments directed at restricting women's legal capacity "shall be deemed null and void". Finally, in article 16, the Convention returns to the issue of marriage and family relations, asserting the equal rights and obligations of women and men with regard to choice of spouse, parenthood, personal rights and command over property.

Aside from civil rights issues, the Convention also devotes major attention to a most vital concern of women, namely their reproductive rights. The preamble sets the tone by stating that "the role of women in procreation should not be a basis for discrimination". The link between discrimination and women's reproductive role is a matter of recurrent concern in the Convention. For example, it advocates, in article 5, "a proper understanding of maternity as a social function", demanding fully shared responsibility for child-rearing by both sexes. Accordingly, provisions for maternity protection and child-care are proclaimed as essential rights and are incorporated into all areas of the Convention, whether dealing with employment, family law, health care or education. Society's obligation extends to offering social services, especially child-care facilities, that allow individuals to combine family responsibilities with work and participation in public life. Special measures for maternity protection are recommended and "shall not be considered discriminatory". (article 4). "The Convention also affirms women's right to reproductive choice. Notably, it is the only human rights treaty to mention family planning. States parties are obliged to include advice on family planning in the education process (article 10.h) and to develop family codes that guarantee women's 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" (article 16.e).

The third general thrust of the Convention aims at enlarging our understanding of the concept of human rights, as it gives formal recognition to the influence of culture and tradition on restricting women's enjoyment of their fundamental rights. These forces take shape in stereotypes, customs and norms which give rise to the multitude of legal, political and economic constraints on the advancement of women. Noting this interrelationship, the preamble of the Convention stresses "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 of men and

women". States parties are therefore obliged to work towards the modification of social and cultural patterns of individual conduct in order to eliminate "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" (article 5). And Article 10.c. mandates the revision of textbooks, school programmes and teaching methods with a view to eliminating stereotyped concepts in the field of education. Finally, cultural patterns which define the public realm as a man's world and the domestic sphere as women's domain are strongly targeted in all of the Convention's provisions that affirm the equal responsibilities of both sexes in family life and their equal rights with regard to education and employment. Altogether, the Convention provides a comprehensive framework for challenging the various forces that have created and sustained discrimination based upon sex.

The implementation of the Convention is monitored by the Committee on the Elimination of Discrimination against Women (CEDAW). The Committee's mandate and the administration of the treaty are defined in the Articles 17 to 30 of the Convention. The Committee is composed of 23 experts nominated by their Governments and elected by the States parties as individuals "of high moral standing and competence in the field covered by the Convention".

At least every four years, the States parties are expected to submit a national report to the Committee, indicating the measures they have adopted to give effect to the provisions of the Convention. During its annual session, the Committee members discuss these reports with the Government representatives and explore with them areas for further action by the specific country. The Committee also makes general recommendations to the States parties on matters concerning the elimination of discrimination against women.

The full text of the Convention is set out herein:

## Convention on the Elimination of all forms of Discrimination Against Women

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 I

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 fulfilment 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. (amendment, status of ratification)

## 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.

IN WITNESS WHEREOF the undersigned, duly authorized, have signed the present Convention

United Nations

# Convention on the Rights of the Child, 1989

# 8.10

# Convention on the Rights of the Child, 1989

The United Nations Convention on the Rights of the Child (commonly abbreviated as the CRC or UNCRC) is an international human rights treaty which sets out the civil, political, economic, social, health and cultural rights of children.[4] The convention defines a child as any human being under the age of eighteen, unless the age of majority is attained earlier under national legislation.[5]

Nations that have ratified this convention or have acceded to it are bound by international law. When a state has signed the treaty but not ratified it, it is not yet bound by the treaty's provisions but is already obliged to not act contrary to its purpose.[6]

[Source link](#)

Entry into force: 2 September 1990, in accordance with article 49

## Preamble

The States Parties to the present Convention,

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

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

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

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

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

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

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

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

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

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

of Women and Children in Emergency and Armed Conflict, Recognizing that, in all countries in the world, there are children living in exceptionally difficult conditions, and that such children need special consideration,

Taking due account of the importance of the traditions and cultural values of each people for the protection and harmonious development of the child, Recognizing the importance of international co-operation for improving the living conditions of children in every country, in particular in the developing countries,

Have agreed as follows:

## Part I

### Article 1

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

### Article 2

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

### Article 3

1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.
2. States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal

guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures.

3. States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision.

### Article 4

States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention. With regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international co-operation.

### Article 5

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

### Article 6

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

### Article 7

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



## Article 8

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

## Article 9

1. States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. Such determination may be necessary in a particular case such as one involving abuse or neglect of the child by the parents, or one where the parents are living separately and a decision must be made as to the child's place of residence.
2. In any proceedings pursuant to paragraph 1 of the present article, all interested parties shall be given an opportunity to participate in the proceedings and make their views known.
3. States Parties shall respect the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis, except if it is contrary to the child's best interests.
4. Where such separation results from any action initiated by a State Party, such as the detention, imprisonment, exile, deportation or death (including death arising from any cause while the person is in the custody of the State) of one or both parents or of the child, that State Party shall, upon request, provide the parents, the child or, if appropriate, another member of the family with the essential information concerning the whereabouts of the absent member(s) of the family unless the provision of the information would be detrimental to the well-being of the child. States Parties shall further ensure that the submission of such a request shall of itself entail no adverse consequences for the person(s) concerned.

## Article 10

1. In accordance with the obligation of States Parties under article 9, paragraph 1, applications by a child or his or her parents to enter or leave a State Party for the purpose

of family reunification shall be dealt with by States Parties in a positive, humane and expeditious manner. States Parties shall further ensure that the submission of such a request shall entail no adverse consequences for the applicants and for the members of their family.

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

## Article 11

1. States Parties shall take measures to combat the illicit transfer and non-return of children abroad.
2. To this end, States Parties shall promote the conclusion of bilateral or multilateral agreements or accession to existing agreements.

## Article 12

1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.
2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.

## Article 13

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

2. The exercise of this right may be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:
  - a. For respect of the rights or reputations of others; or
  - b. For the protection of national security or of public order (ordre public), or of public health or morals.

### Article 14

1. States Parties shall respect the right of the child to freedom of thought, conscience and religion.
2. States Parties shall respect the rights and duties of the parents and, when applicable, legal guardians, to provide direction to the child in the exercise of his or her right in a manner consistent with the evolving capacities of the child.
3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others.

### Article 15

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

### Article 16

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

### Article 17

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

To this end, States Parties shall:

- a. Encourage the mass media to disseminate information and material of social and cultural benefit to the child and in accordance with the spirit of article 29;
- b. Encourage international co-operation in the production, exchange and dissemination of such information and material from a diversity of cultural, national and international sources;
- c. Encourage the production and dissemination of children's books;
- d. Encourage the mass media to have particular regard to the linguistic needs of the child who belongs to a minority group or who is indigenous;
- e. Encourage the development of appropriate guidelines for the protection of the child from information and material injurious to his or her well-being, bearing in mind the provisions of articles 13 and 18.

### Article 18

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

## Article 19

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

## Article 20

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

## Article 21

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

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

- b. Recognize that inter-country adoption may be considered as an alternative means of child's care, if the child cannot be placed in a foster or an adoptive family or cannot in any suitable manner be cared for in the child's country of origin;
- c. Ensure that the child concerned by inter-country adoption enjoys safeguards and standards equivalent to those existing in the case of national adoption;
- d. Take all appropriate measures to ensure that, in inter-country adoption, the placement does not result in improper financial gain for those involved in it;
- e. Promote, where appropriate, the objectives of the present article by concluding bilateral or multilateral arrangements or agreements, and endeavour, within this framework, to ensure that the placement of the child in another country is carried out by competent authorities or organs.

## Article 22

1. States Parties shall take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law and procedures shall, whether unaccompanied or accompanied by his or her parents or by any other person, receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in the present Convention and in other international human rights or humanitarian instruments to which the said States are Parties.
2. For this purpose, States Parties shall provide, as they consider appropriate, co-operation in any efforts by the United Nations and other competent intergovernmental organizations or non-governmental organizations co-operating with the United Nations to protect and assist such a child and to trace the parents or other members of the family of any refugee child in order to obtain information necessary for reunification with his or her family. In cases where no parents or other members of the family can be found, the child shall be accorded the same protection as any other child permanently or temporarily deprived of his or her family environment for any reason, as set forth in the present Convention.

## Article 23

1. States Parties recognize that a mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community.
2. States Parties recognize the right of the disabled child to special care and shall encourage and ensure the extension, subject to available resources, to the eligible child

and those responsible for his or her care, of assistance for which application is made and which is appropriate to the child's condition and to the circumstances of the parents or others caring for the child.

3. Recognizing the special needs of a disabled child, assistance extended in accordance with paragraph 2 of the present article shall be provided free of charge, whenever possible, taking into account the financial resources of the parents or others caring for the child, and shall be designed to ensure that the disabled child has effective access to and receives education, training, health care services, rehabilitation services, preparation for employment and recreation opportunities in a manner conducive to the child's achieving the fullest possible social integration and individual development, including his or her cultural and spiritual development
4. States Parties shall promote, in the spirit of international cooperation, the exchange of appropriate information in the field of preventive health care and of medical, psychological and functional treatment of disabled children, including dissemination of and access to information concerning methods of rehabilitation, education and vocational services, with the aim of enabling States Parties to improve their capabilities and skills and to widen their experience in these areas. In this regard, particular account shall be taken of the needs of developing countries.

## Article 24

1. States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services.
2. States Parties shall pursue full implementation of this right and, in particular, shall take appropriate measures:
  - a. To diminish infant and child mortality;
  - b. To ensure the provision of necessary medical assistance and health care to all children with emphasis on the development of primary health care;
  - c. To combat disease and malnutrition, including within the framework of primary health care, through, inter alia, the application of readily available technology and through the provision of adequate nutritious foods and clean drinking-water, taking into consideration the dangers and risks of environmental pollution;
  - d. To ensure appropriate pre-natal and post-natal health care for mothers;
  - e. To ensure that all segments of society, in particular parents and children, are informed, have access to education and are supported in the use of basic knowledge

of child health and nutrition, the advantages of breastfeeding, hygiene and environmental sanitation and the prevention of accidents;

- f. To develop preventive health care, guidance for parents and family planning education and services.
3. States Parties shall take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children.
  4. States Parties undertake to promote and encourage international co-operation with a view to achieving progressively the full realization of the right recognized in the present article. In this regard, particular account shall be taken of the needs of developing countries.

## Article 25

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

## Article 26

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

## Article 27

1. States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.
2. The parent(s) or others responsible for the child have the primary responsibility to secure, within their abilities and financial capacities, the conditions of living necessary for the child's development.

3. States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing.
4. States Parties shall take all appropriate measures to secure the recovery of maintenance for the child from the parents or other persons having financial responsibility for the child, both within the State Party and from abroad. In particular, where the person having financial responsibility for the child lives in a State different from that of the child, States Parties shall promote the accession to international agreements or the conclusion of such agreements, as well as the making of other appropriate arrangements.

## Article 28

1. States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:
  - a. Make primary education compulsory and available free to all;
  - b. Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;
  - c. Make higher education accessible to all on the basis of capacity by every appropriate means;
  - d. Make educational and vocational information and guidance available and accessible to all children;
  - e. Take measures to encourage regular attendance at schools and the reduction of drop-out rates.
2. States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention.
3. States Parties shall promote and encourage international cooperation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods. In this regard, particular account shall be taken of the needs of developing countries.

## Article 29

1. States Parties agree that the education of the child shall be directed to:
  - a. The development of the child's personality, talents and mental and physical abilities to their fullest potential;
  - b. The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;
  - c. The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;
  - d. The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;
  - e. The development of respect for the natural environment.
2. No part of the present article or article 28 shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principle set forth in paragraph 1 of the present article and to the requirements that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

## Article 30

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

## Article 31

1. States Parties recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.
2. States Parties shall respect and promote the right of the child to participate fully in cultural and artistic life and shall encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity.

## Article 32

1. States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.
2. States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article. To this end, and having regard to the relevant provisions of other international instruments, States Parties shall in particular:
  - a. Provide for a minimum age or minimum ages for admission to employment;
  - b. Provide for appropriate regulation of the hours and conditions of employment;
  - c. Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article.

## Article 33

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

## Article 34

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

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

## Article 35

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

## Article 36

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

## Article 37

States Parties shall ensure that:

- a. No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age;
- b. No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time;
- c. Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age. In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances;
- d. Every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his or her liberty before a court or other competent, independent and impartial authority, and to a prompt decision on any such action.

## Article 38

1. States Parties undertake to respect and to ensure respect for rules of international humanitarian law applicable to them in armed conflicts which are relevant to the child.
2. States Parties shall take all feasible measures to ensure that persons who have not attained the age of fifteen years do not take a direct part in hostilities.
3. States Parties shall refrain from recruiting any person who has not attained the age of fifteen years into their armed forces. In recruiting among those persons who have attained the age of fifteen years but who have not attained the age of eighteen years, States Parties shall endeavour to give priority to those who are oldest.

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

### Article 39

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

### Article 40

1. States Parties recognize the right of every child alleged as, accused of, or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth, which reinforces the child's respect for the human rights and fundamental freedoms of others and which takes into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society.
2. To this end, and having regard to the relevant provisions of international instruments, States Parties shall, in particular, ensure that:
  - a. No child shall be alleged as, be accused of, or recognized as having infringed the penal law by reason of acts or omissions that were not prohibited by national or international law at the time they were committed;
  - b. Every child alleged as or accused of having infringed the penal law has at least the following guarantees:
    - i. To be presumed innocent until proven guilty according to law;
    - ii. To be informed promptly and directly of the charges against him or her, and, if appropriate, through his or her parents or legal guardians, and to have legal or other appropriate assistance in the preparation and presentation of his or her defence;
    - iii. To have the matter determined without delay by a competent, independent and impartial authority or judicial body in a fair hearing according to law, in the presence of legal or other appropriate assistance and, unless it is considered not to be in the best interest of the child, in particular, taking into account his or her age or situation, his or her parents or legal guardians;

- iv. Not to be compelled to give testimony or to confess guilt; to examine or have examined adverse witnesses and to obtain the participation and examination of witnesses on his or her behalf under conditions of equality;
- v. If considered to have infringed the penal law, to have this decision and any measures imposed in consequence thereof reviewed by a higher competent, independent and impartial authority or judicial body according to law;
- vi. To have the free assistance of an interpreter if the child cannot understand or speak the language used;
- vii. To have his or her privacy fully respected at all stages of the proceedings.

3. States Parties shall seek to promote the establishment of laws, procedures, authorities and institutions specifically applicable to children alleged as, accused of, or recognized as having infringed the penal law, and, in particular:
  - a. The establishment of a minimum age below which children shall be presumed not to have the capacity to infringe the penal law;
  - b. Whenever appropriate and desirable, measures for dealing with such children without resorting to judicial proceedings, providing that human rights and legal safeguards are fully respected. 4. A variety of dispositions, such as care, guidance and supervision orders; counselling; probation; foster care; education and vocational training programmes and other alternatives to institutional care shall be available to ensure that children are dealt with in a manner appropriate to their well-being and proportionate both to their circumstances and the offence.

### Article 41

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

- a. The law of a State party; or
- b. International law in force for that State.

## Part II

### Article 42

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

### 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 eighteen experts of high moral standing and recognized competence in the field covered by this Convention.<sup>1/</sup> 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 fulfilment 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. In witness thereof the undersigned plenipotentiaries, being duly authorized thereto by their respective Governments, have signed the present Convention.

1/ The General Assembly, in its resolution 50/155 of 21 December 1995, approved the amendment to article 43, paragraph 2, of the Convention on the Rights of the Child, replacing the word “ten” with the word “eighteen”. The amendment entered into force on 18 November 2002 when it had been accepted by a two-thirds majority of the States parties (128 out of 191).

United Nations  
International Convention  
on the Protection of the Rights of  
All Migrant Workers and Members  
of Their Families, 1990

8.11

# International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990

The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families is a United Nations multilateral treaty governing the protection of migrant workers and families. Signed on 18 December 1990, it entered into force on 1 July 2003 after the threshold of 20 ratifying States was reached in March 2003. The Committee on Migrant Workers (CMW) monitors implementation of the convention, and is one of the seven UN-linked human rights treaty bodies. The convention applies as of October 2022 in 58 countries.

[Source link](#)

Entry into force: 1 July 2003, in accordance with article 87(1)

## Preamble

The States Parties to the present Convention,

Taking into account the principles embodied in the basic instruments of the United Nations concerning human rights, in particular the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child,

Taking into account also the principles and standards set forth in the relevant instruments elaborated within the framework of the International Labour Organisation, especially the Convention concerning Migration for Employment (No. 97), the Convention concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers (No.143), the Recommendation concerning Migration for Employment (No. 86), the Recommendation concerning Migrant Workers (No.151), the Convention concerning Forced or Compulsory Labour (No. 29) and the Convention concerning Abolition of Forced Labour (No. 105), Reaffirming the importance of the principles contained in the Convention against Discrimination in Education of the United Nations Educational, Scientific and Cultural Organization,

Recalling the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Declaration of the Fourth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, the Code of Conduct for Law Enforcement Officials, and the Slavery Conventions,

Recalling that one of the objectives of the International Labour Organisation, as stated in its Constitution, is the protection of the interests of workers when employed in countries other than their own, and bearing in mind the expertise and experience of that organization in matters related to migrant workers and members of their families,

Recognizing the importance of the work done in connection with migrant workers and members of their families in various organs of the United Nations, in particular in the Commission on Human Rights and the Commission for Social Development, and in the Food and Agriculture Organization of the United Nations, the United Nations Educational, Scientific and Cultural Organization and the World Health Organization, as well as in other international organizations,

Recognizing also the progress made by certain States on a regional or bilateral basis towards the protection of the rights of migrant workers and members of their families, as well as the importance and usefulness of bilateral and multilateral agreements in this field,

Realizing the importance and extent of the migration phenomenon, which involves millions of people and affects a large number of States in the international community,

Aware of the impact of the flows of migrant workers on States and people concerned, and desiring to establish norms which may contribute to the harmonization of the attitudes of

States through the acceptance of basic principles concerning the treatment of migrant workers and members of their families,

Considering the situation of vulnerability in which migrant workers and members of their families frequently find themselves owing, among other things, to their absence from their State of origin and to the difficulties they may encounter arising from their presence in the State of employment,

Convinced that the rights of migrant workers and members of their families have not been sufficiently recognized everywhere and therefore require appropriate international protection,

Taking into account the fact that migration is often the cause of serious problems for the members of the families of migrant workers as well as for the workers themselves, in particular because of the scattering of the family,

Bearing in mind that the human problems involved in migration are even more serious in the case of irregular migration and convinced therefore that appropriate action should be encouraged in order to prevent and eliminate clandestine movements and trafficking in migrant workers, while at the same time assuring the protection of their fundamental human rights,

Considering that workers who are non-documented or in an irregular situation are frequently employed under less favourable conditions of work than other workers and that certain employers find this an inducement to seek such labour in order to reap the benefits of unfair competition,

Considering also that recourse to the employment of migrant workers who are in an irregular situation will be discouraged if the fundamental human rights of all migrant workers are more widely recognized and, moreover, that granting certain additional rights to migrant workers and members of their families in a regular situation will encourage all migrants and employers to respect and comply with the laws and procedures established by the States concerned,

Convinced, therefore, of the need to bring about the international protection of the rights of all migrant workers and members of their families, reaffirming and establishing basic norms in a comprehensive convention which could be applied universally,

Have agreed as follows:

## Part I: Scope and Definitions

### Article 1

1. The present Convention is applicable, except as otherwise provided hereafter, to all migrant workers and members of their families without distinction of any kind such as sex, race, colour, language, religion or conviction, political or other opinion, national, ethnic or social origin, nationality, age, economic position, property, marital status, birth or other status.
2. The present Convention shall apply during the entire migration process of migrant workers and members of their families, which comprises preparation for migration, departure, transit and the entire period of stay and remunerated activity in the State of employment as well as return to the State of origin or the State of habitual residence.

### Article 2

For the purposes of the present Convention:

1. The term "migrant worker" refers to a person who is to be engaged, is engaged or has been engaged in a remunerated activity in a State of which he or she is not a national.
2.
  - a. The term "frontier worker" refers to a migrant worker who retains his or her habitual residence in a neighbouring State to which he or she normally returns every day or at least once a week;
  - b. The term "seasonal worker" refers to a migrant worker whose work by its character is dependent on seasonal conditions and is performed only during part of the year;
  - c. The term "seafarer", which includes a fisherman, refers to a migrant worker employed on board a vessel registered in a State of which he or she is not a national;
  - d. The term "worker on an offshore installation" refers to a migrant worker employed on an offshore installation that is under the jurisdiction of a State of which he or she is not a national;
  - e. The term "itinerant worker" refers to a migrant worker who, having his or her habitual residence in one State, has to travel to another State or States for short periods, owing to the nature of his or her occupation;

- f. The term "project-tied worker" refers to a migrant worker admitted to a State of employment for a defined period to work solely on a specific project being carried out in that State by his or her employer;
- g. The term "specified-employment worker" refers to a migrant worker:
  - i. Who has been sent by his or her employer for a restricted and defined period of time to a State of employment to undertake a specific assignment or duty; or
  - ii. Who engages for a restricted and defined period of time in work that requires professional, commercial, technical or other highly specialized skill; or
  - iii. Who, upon the request of his or her employer in the State of employment, engages for a restricted and defined period of time in work whose nature is transitory or brief; and who is required to depart from the State of employment either at the expiration of his or her authorized period of stay, or earlier if he or she no longer undertakes that specific assignment or duty or engages in that work;
- h. The term "self-employed worker" refers to a migrant worker who is engaged in a remunerated activity otherwise than under a contract of employment and who earns his or her living through this activity normally working alone or together with members of his or her family, and to any other migrant worker recognized as self-employed by applicable legislation of the State of employment or bilateral or multilateral agreements.

### Article 3

The present Convention shall not apply to:

- a. Persons sent or employed by international organizations and agencies or persons sent or employed by a State outside its territory to perform official functions, whose admission and status are regulated by general international law or by specific international agreements or conventions;
- b. Persons sent or employed by a State or on its behalf outside its territory who participate in development programmes and other co-operation programmes, whose admission and status are regulated by agreement with the State of employment and who, in accordance with that agreement, are not considered migrant workers;
- c. Persons taking up residence in a State different from their State of origin as investors;

- d. Refugees and stateless persons, unless such application is provided for in the relevant national legislation of, or international instruments in force for, the State Party concerned;
- e. Students and trainees;
- f. Seafarers and workers on an offshore installation who have not been admitted to take up residence and engage in a remunerated activity in the State of employment.

### Article 4

For the purposes of the present Convention the term "members of the family" refers to persons married to migrant workers or having with them a relationship that, according to applicable law, produces effects equivalent to marriage, as well as their dependent children and other dependent persons who are recognized as members of the family by applicable legislation or applicable bilateral or multilateral agreements between the States concerned.

### Article 5

For the purposes of the present Convention, migrant workers and members of their families:

- a. Are considered as documented or in a regular situation if they are authorized to enter, to stay and to engage in a remunerated activity in the State of employment pursuant to the law of that State and to international agreements to which that State is a party;
- b. Are considered as non-documented or in an irregular situation if they do not comply with the conditions provided for in subparagraph (a) of the present article.

## Article 6

For the purposes of the present Convention:

- a. The term "State of origin" means the State of which the person concerned is a national;
- b. The term "State of employment" means a State where the migrant worker is to be engaged, is engaged or has been engaged in a remunerated activity, as the case may be;
- c. The term "State of transit," means any State through which the person concerned passes on any journey to the State of employment or from the State of employment to the State of origin or the State of habitual residence.

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

### Article 7

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

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

### Article 8

1. Migrant workers and members of their families shall be free to leave any State, including their State of origin. This right shall not be subject to any restrictions except those that 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 part of the Convention.
2. Migrant workers and members of their families shall have the right at any time to enter and remain in their State of origin.

### Article 9

The right to life of migrant workers and members of their families shall be protected by law.

## Article 10

No migrant worker or member of his or her family shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

### Article 11

1. No migrant worker or member of his or her family shall be held in slavery or servitude.
2. No migrant worker or member of his or her family shall be required to perform forced or compulsory labour.
3. Paragraph 2 of the present article shall not be held to preclude, in States 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.
4. For the purpose of the present article the term "forced or compulsory labour" shall not include:
  - a. Any work or service not referred to in paragraph 3 of the present article 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;
  - b. Any service exacted in cases of emergency or calamity threatening the life or well-being of the community;
  - c. Any work or service that forms part of normal civil obligations so far as it is imposed also on citizens of the State concerned.

### Article 12

1. Migrant workers and members of their families 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 their choice and freedom either individually or in community with others and in public or private to manifest their religion or belief in worship, observance, practice and teaching.
2. Migrant workers and members of their families shall not be subject to coercion that would impair their freedom to have or to adopt a religion or belief of their 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.

4. States Parties to the present Convention undertake to have respect for the liberty of parents, at least one of whom is a migrant worker, and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.

### Article 13

1. Migrant workers and members of their families shall have the right to hold opinions without interference.
2. Migrant workers and members of their families 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 their choice.
3. The exercise of the right provided for in paragraph 2 of the present 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 reputation of others;
  - b. For the protection of the national security of the States concerned or of public order (ordre public) or of public health or morals;
  - c. For the purpose of preventing any propaganda for war;
  - d. For the purpose of preventing any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence.

### Article 14

No migrant worker or member of his or her family shall be subjected to arbitrary or unlawful interference with his or her privacy, family, correspondence or other communications, or to unlawful attacks on his or her honour and reputation. Each migrant worker and member of his or her family shall have the right to the protection of the law against such interference or attacks.

### Article 15

No migrant worker or member of his or her family shall be arbitrarily deprived of property, whether owned individually or in association with others. Where, under the legislation in force in the State of employment, the assets of a migrant worker or a member of his or her family are

expropriated in whole or in part, the person concerned shall have the right to fair and adequate compensation.

### Article 16

1. Migrant workers and members of their families shall have the right to liberty and security of person.
2. Migrant workers and members of their families shall be entitled to effective protection by the State against violence, physical injury, threats and intimidation, whether by public officials or by private individuals, groups or institutions.
3. Any verification by law enforcement officials of the identity of migrant workers or members of their families shall be carried out in accordance with procedure established by law.
4. Migrant workers and members of their families shall not be subjected individually or collectively to arbitrary arrest or detention; they shall not be deprived of their liberty except on such grounds and in accordance with such procedures as are established by law.
5. Migrant workers and members of their families who are arrested shall be informed at the time of arrest as far as possible in a language they understand of the reasons for their arrest and they shall be promptly informed in a language they understand of any charges against them.
6. Migrant workers and members of their families who are 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 while awaiting trial they 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 the occasion arise, for the execution of the judgement.
7. When a migrant worker or a member of his or her family is arrested or committed to prison or custody pending trial or is detained in any other manner:
  - a. The consular or diplomatic authorities of his or her State of origin or of a State representing the interests of that State shall, if he or she so requests, be informed without delay of his or her arrest or detention and of the reasons therefor;
  - b. The person concerned shall have the right to communicate with the said authorities. Any communication by the person concerned to the said authorities shall be forwarded without delay, and he or she shall also have the right to receive communications sent by the said authorities without delay;



- c. The person concerned shall be informed without delay of this right and of rights deriving from relevant treaties, if any, applicable between the States concerned, to correspond and to meet with representatives of the said authorities and to make arrangements with them for his or her legal representation.
8. Migrant workers and members of their families who are deprived of their 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 their detention and order their release if the detention is not lawful. When they attend such proceedings, they shall have the assistance, if necessary without cost to them, of an interpreter, if they cannot understand or speak the language used.
9. Migrant workers and members of their families who have been victims of unlawful arrest or detention shall have an enforceable right to compensation.

## Article 17

1. Migrant workers and members of their families who are deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person and for their cultural identity.
2. Accused migrant workers and members of their families shall, save in exceptional circumstances, be separated from convicted persons and shall be subject to separate treatment appropriate to their status as unconvicted persons. Accused juvenile persons shall be separated from adults and brought as speedily as possible for adjudication.
3. Any migrant worker or member of his or her family who is detained in a State of transit or in a State of employment for violation of provisions relating to migration shall be held, in so far as practicable, separately from convicted persons or persons detained pending trial.
4. During any period of imprisonment in pursuance of a sentence imposed by a court of law, the essential aim of the treatment of a migrant worker or a member of his or her family shall be his or her reformation and social rehabilitation. Juvenile offenders shall be separated from adults and be accorded treatment appropriate to their age and legal status.
5. During detention or imprisonment, migrant workers and members of their families shall enjoy the same rights as nationals to visits by members of their families.
6. Whenever a migrant worker is deprived of his or her liberty, the competent authorities of the State concerned shall pay attention to the problems that may be posed for members of his or her family, in particular for spouses and minor children.

7. Migrant workers and members of their families who are subjected to any form of detention or imprisonment in accordance with the law in force in the State of employment or in the State of transit shall enjoy the same rights as nationals of those States who are in the same situation.
8. If a migrant worker or a member of his or her family is detained for the purpose of verifying any infraction of provisions related to migration, he or she shall not bear any costs arising therefrom.

## Article 18

1. Migrant workers and members of their families shall have the right to equality with nationals of the State concerned before the courts and tribunals. In the determination of any criminal charge against them or of their rights and obligations in a suit of law, they shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law.
2. Migrant workers and members of their families who are charged with a criminal offence shall have the right to be presumed innocent until proven guilty according to law.
3. In the determination of any criminal charge against them, migrant workers and members of their families shall be entitled to the following minimum guarantees:
  - a. To be informed promptly and in detail in a language they understand of the nature and cause of the charge against them;
  - b. To have adequate time and facilities for the preparation of their defence and to communicate with counsel of their own choosing;
  - c. To be tried without undue delay;
  - d. To be tried in their presence and to defend themselves in person or through legal assistance of their own choosing; to be informed, if they do not have legal assistance, of this right; and to have legal assistance assigned to them, in any case where the interests of justice so require and without payment by them in any such case if they do not have sufficient means to pay;
  - e. To examine or have examined the witnesses against them and to obtain the attendance and examination of witnesses on their behalf under the same conditions as witnesses against them;
  - f. To have the free assistance of an interpreter if they cannot understand or speak the language used in court;
  - g. Not to be compelled to testify against themselves 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. Migrant workers and members of their families convicted of a crime shall have the right to their conviction and sentence being reviewed by a higher tribunal according to law.
6. When a migrant worker or a member of his or her family has, by a final decision, been convicted of a criminal offence and when subsequently his or her conviction has been reversed or he or she 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 that person.
7. No migrant worker or member of his or her family shall be liable to be tried or punished again for an offence for which he or she has already been finally convicted or acquitted in accordance with the law and penal procedure of the State concerned.

## Article 19

1. No migrant worker or member of his or her family shall be held guilty of any criminal offence on account of any act or omission that did not constitute a criminal offence under national or international law at the time when the criminal offence was committed, nor shall a heavier penalty be imposed than the one that was applicable at the time when it was committed. If, subsequent to the commission of the offence, provision is made by law for the imposition of a lighter penalty, he or she shall benefit thereby.
2. Humanitarian considerations related to the status of a migrant worker, in particular with respect to his or her right of residence or work, should be taken into account in imposing a sentence for a criminal offence committed by a migrant worker or a member of his or her family.

## Article 20

1. No migrant worker or member of his or her family shall be imprisoned merely on the ground of failure to fulfil a contractual obligation.
2. No migrant worker or member of his or her family shall be deprived of his or her authorization of residence or work permit or expelled merely on the ground of failure to fulfil an obligation arising out of a work contract unless fulfilment of that obligation constitutes a condition for such authorization or permit.

## Article 21

It shall be unlawful for anyone, other than a public official duly authorized by law, to confiscate, destroy or attempt to destroy identity documents, documents authorizing entry to or stay, residence or establishment in the national territory or work permits. No authorized confiscation of such documents shall take place without delivery of a detailed receipt. In no case shall it be permitted to destroy the passport or equivalent document of a migrant worker or a member of his or her family.

## Article 22

1. Migrant workers and members of their families shall not be subject to measures of collective expulsion. Each case of expulsion shall be examined and decided individually.
2. Migrant workers and members of their families may be expelled from the territory of a State Party only in pursuance of a decision taken by the competent authority in accordance with law.
3. The decision shall be communicated to them in a language they understand. Upon their request where not otherwise mandatory, the decision shall be communicated to them in writing and, save in exceptional circumstances on account of national security, the reasons for the decision likewise stated. The persons concerned shall be informed of these rights before or at the latest at the time the decision is rendered.
4. Except where a final decision is pronounced by a judicial authority, the person concerned shall have the right to submit the reason he or she should not be expelled and to have his or her case reviewed by the competent authority, unless compelling reasons of national security require otherwise. Pending such review, the person concerned shall have the right to seek a stay of the decision of expulsion.
5. If a decision of expulsion that has already been executed is subsequently annulled, the person concerned shall have the right to seek compensation according to law and the earlier decision shall not be used to prevent him or her from re-entering the State concerned.
6. In case of expulsion, the person concerned shall have a reasonable opportunity before or after departure to settle any claims for wages and other entitlements due to him or her and any pending liabilities.
7. Without prejudice to the execution of a decision of expulsion, a migrant worker or a member of his or her family who is subject to such a decision may seek entry into a State other than his or her State of origin.

8. In case of expulsion of a migrant worker or a member of his or her family the costs of expulsion shall not be borne by him or her. The person concerned may be required to pay his or her own travel costs.
9. Expulsion from the State of employment shall not in itself prejudice any rights of a migrant worker or a member of his or her family acquired in accordance with the law of that State, including the right to receive wages and other entitlements due to him or her.

## Article 23

Migrant workers and members of their families shall have the right to have recourse to the protection and assistance of the consular or diplomatic authorities of their State of origin or of a State representing the interests of that State whenever the rights recognized in the present Convention are impaired. In particular, in case of expulsion, the person concerned shall be informed of this right without delay and the authorities of the expelling State shall facilitate the exercise of such right.

## Article 24

Every migrant worker and every member of his or her family shall have the right to recognition everywhere as a person before the law.

## Article 25

1. Migrant workers shall enjoy treatment not less favourable than that which applies to nationals of the State of employment in respect of remuneration and:
  - a. Other conditions of work, that is to say, overtime, hours of work, weekly rest, holidays with pay, safety, health, termination of the employment relationship and any other conditions of work which, according to national law and practice, are covered by these terms;
  - b. Other terms of employment, that is to say, minimum age of employment, restriction on work and any other matters which, according to national law and practice, are considered a term of employment.
2. It shall not be lawful to derogate in private contracts of employment from the principle of equality of treatment referred to in paragraph 1 of the present article.

3. States Parties shall take all appropriate measures to ensure that migrant workers are not deprived of any rights derived from this principle by reason of any irregularity in their stay or employment. In particular, employers shall not be relieved of any legal or contractual obligations, nor shall their obligations be limited in any manner by reason of such irregularity.

## Article 26

1. States Parties recognize the right of migrant workers and members of their families:
  - a. To take part in meetings and activities of trade unions and of any other associations established in accordance with law, with a view to protecting their economic, social, cultural and other interests, subject only to the rules of the organization concerned;
  - b. To join freely any trade union and any such association as aforesaid, subject only to the rules of the organization concerned;
  - c. To seek the aid and assistance of any trade union and of any such association as aforesaid.
2. No restrictions may be placed on the exercise of these rights other than those that are prescribed by law and which are necessary in a democratic society in the interests of national security, public order (ordre public) or the protection of the rights and freedoms of others.

## Article 27

1. With respect to social security, migrant workers and members of their families shall enjoy in the State of employment the same treatment granted to nationals in so far as they fulfil the requirements provided for by the applicable legislation of that State and the applicable bilateral and multilateral treaties. The competent authorities of the State of origin and the State of employment can at any time establish the necessary arrangements to determine the modalities of application of this norm.
2. Where the applicable legislation does not allow migrant workers and members of their families a benefit, the States concerned shall examine the possibility of reimbursing interested persons the amount of contributions made by them with respect to that benefit on the basis of the treatment granted to nationals who are in similar circumstances.

## Article 28

Migrant workers and members of their families shall have the right to receive any medical care that is urgently required for the preservation of their life or the avoidance of irreparable harm to their health on the basis of equality of treatment with nationals of the State concerned. Such emergency medical care shall not be refused them by reason of any irregularity with regard to stay or employment.

## Article 29

Each child of a migrant worker shall have the right to a name, to registration of birth and to a nationality.

## Article 30

Each child of a migrant worker shall have the basic right of access to education on the basis of equality of treatment with nationals of the State concerned. Access to public pre-school educational institutions or schools shall not be refused or limited by reason of the irregular situation with respect to stay or employment of either parent or by reason of the irregularity of the child's stay in the State of employment.

## Article 31

1. States Parties shall ensure respect for the cultural identity of migrant workers and members of their families and shall not prevent them from maintaining their cultural links with their State of origin.
2. States Parties may take appropriate measures to assist and encourage efforts in this respect.

## Article 32

Upon the termination of their stay in the State of employment, migrant workers and members of their families shall have the right to transfer their earnings and savings and, in accordance with the applicable legislation of the States concerned, their personal effects and belongings.

## Article 33

1. Migrant workers and members of their families shall have the right to be informed by the State of origin, the State of employment or the State of transit as the case may be concerning:
  - a. Their rights arising out of the present Convention;
  - b. The conditions of their admission, their rights and obligations under the law and practice of the State concerned and such other matters as will enable them to comply with administrative or other formalities in that State.
2. States Parties shall take all measures they deem appropriate to disseminate the said information or to ensure that it is provided by employers, trade unions or other appropriate bodies or institutions. As appropriate, they shall co-operate with other States concerned.
3. Such adequate information shall be provided upon request to migrant workers and members of their families, free of charge, and, as far as possible, in a language they are able to understand.

## Article 34

Nothing in the present part of the Convention shall have the effect of relieving migrant workers and the members of their families from either the obligation to comply with the laws and regulations of any State of transit and the State of employment or the obligation to respect the cultural identity of the inhabitants of such States.

## Article 35

Nothing in the present part of the Convention shall be interpreted as implying the regularization of the situation of migrant workers or members of their families who are non-documented or in an irregular situation or any right to such regularization of their situation, nor shall it prejudice the measures intended to ensure sound and equitable-conditions for international migration as provided in part VI of the present Convention.

## Part IV: Other Rights of Migrant Workers and Members of their Families who are Documented or in a Regular Situation

### Article 36

Migrant workers and members of their families who are documented or in a regular situation in the State of employment shall enjoy the rights set forth in the present part of the Convention in addition to those set forth in part III.

### Article 37

Before their departure, or at the latest at the time of their admission to the State of employment, migrant workers and members of their families shall have the right to be fully informed by the State of origin or the State of employment, as appropriate, of all conditions applicable to their admission and particularly those concerning their stay and the remunerated activities in which they may engage as well as of the requirements they must satisfy in the State of employment and the authority to which they must address themselves for any modification of those conditions.

### Article 38

1. States of employment shall make every effort to authorize migrant workers and members of the families to be temporarily absent without effect upon their authorization to stay or to work, as the case may be. In doing so, States of employment shall take into account the special needs and obligations of migrant workers and members of their families, in particular in their States of origin.
2. Migrant workers and members of their families shall have the right to be fully informed of the terms on which such temporary absences are authorized.

### Article 39

1. Migrant workers and members of their families shall have the right to liberty of movement in the territory of the State of employment and freedom to choose their residence there.
2. The rights mentioned in paragraph 1 of the present article shall not be subject to any restrictions except those that 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 Convention.

### Article 40

1. Migrant workers and members of their families shall have the right to form associations and trade unions in the State of employment for the promotion and protection of their economic, social, cultural and other interests.
2. No restrictions may be placed on the exercise of this right other than those that are prescribed by law and are necessary in a democratic society in the interests of national security, public order (ordre public) or the protection of the rights and freedoms of others.

### Article 41

1. Migrant workers and members of their families shall have the right to participate in public affairs of their State of origin and to vote and to be elected at elections of that State, in accordance with its legislation.
2. The States concerned shall, as appropriate and in accordance with their legislation, facilitate the exercise of these rights.

### Article 42

1. States Parties shall consider the establishment of procedures or institutions through which account may be taken, both in States of origin and in States of employment, of special needs, aspirations and obligations of migrant workers and members of their families and shall envisage, as appropriate, the possibility for migrant workers and members of their families to have their freely chosen representatives in those institutions.
2. States of employment shall facilitate, in accordance with their national legislation, the consultation or participation of migrant workers and members of their families in decisions concerning the life and administration of local communities.
3. Migrant workers may enjoy political rights in the State of employment if that State, in the exercise of its sovereignty, grants them such rights.

### Article 43

1. Migrant workers shall enjoy equality of treatment with nationals of the State of employment in relation to:
  - a. Access to educational institutions and services subject to the admission requirements and other regulations of the institutions and services concerned;

- b. Access to vocational guidance and placement services;
  - c. Access to vocational training and retraining facilities and institutions;
  - d. Access to housing, including social housing schemes, and protection against exploitation in respect of rents;
  - e. Access to social and health services, provided that the requirements for participation in the respective schemes are met;
  - f. Access to co-operatives and self-managed enterprises, which shall not imply a change of their migration status and shall be subject to the rules and regulations of the bodies concerned;
  - g. Access to and participation in cultural life.
2. States Parties shall promote conditions to ensure effective equality of treatment to enable migrant workers to enjoy the rights mentioned in paragraph 1 of the present article whenever the terms of their stay, as authorized by the State of employment, meet the appropriate requirements.
  3. States of employment shall not prevent an employer of migrant workers from establishing housing or social or cultural facilities for them. Subject to article 70 of the present Convention, a State of employment may make the establishment of such facilities subject to the requirements generally applied in that State concerning their installation.

## Article 44

1. States Parties, recognizing that the family is the natural and fundamental group unit of society and is entitled to protection by society and the State, shall take appropriate measures to ensure the protection of the unity of the families of migrant workers.
2. States Parties shall take measures that they deem appropriate and that fall within their competence to facilitate the reunification of migrant workers with their spouses or persons who have with the migrant worker a relationship that, according to applicable law, produces effects equivalent to marriage, as well as with their minor dependent unmarried children.
3. States of employment, on humanitarian grounds, shall favourably consider granting equal treatment, as set forth in paragraph 2 of the present article, to other family members of migrant workers.

## Article 45

1. Members of the families of migrant workers shall, in the State of employment, enjoy equality of treatment with nationals of that State in relation to:

- a. Access to educational institutions and services, subject to the admission requirements and other regulations of the institutions and services concerned;
  - b. Access to vocational guidance and training institutions and services, provided that requirements for participation are met;
  - c. Access to social and health services, provided that requirements for participation in the respective schemes are met;
  - d. Access to and participation in cultural life.
2. States of employment shall pursue a policy, where appropriate in collaboration with the States of origin, aimed at facilitating the integration of children of migrant workers in the local school system, particularly in respect of teaching them the local language.
  3. States of employment shall endeavour to facilitate for the children of migrant workers the teaching of their mother tongue and culture and, in this regard, States of origin shall collaborate whenever appropriate.
  4. States of employment may provide special schemes of education in the mother tongue of children of migrant workers, if necessary in collaboration with the States of origin.

## Article 46

Migrant workers and members of their families shall, subject to the applicable legislation of the States concerned, as well as relevant international agreements and the obligations of the States concerned arising out of their participation in customs unions, enjoy exemption from import and export duties and taxes in respect of their personal and household effects as well as the equipment necessary to engage in the remunerated activity for which they were admitted to the State of employment:

- a. Upon departure from the State of origin or State of habitual residence;
- b. Upon initial admission to the State of employment;
- c. Upon final departure from the State of employment;
- d. Upon final return to the State of origin or State of habitual residence.

## Article 47

1. Migrant workers shall have the right to transfer their earnings and savings, in particular those funds necessary for the support of their families, from the State of employment to their State of origin or any other State. Such transfers shall be made in conformity with procedures established by applicable legislation of the State concerned and in conformity with applicable international agreements.

2. States concerned shall take appropriate measures to facilitate such transfers.

## Article 48

1. Without prejudice to applicable double taxation agreements, migrant workers and members of their families shall, in the matter of earnings in the State of employment:
  - a. Not be liable to taxes, duties or charges of any description higher or more onerous than those imposed on nationals in similar circumstances;
  - b. Be entitled to deductions or exemptions from taxes of any description and to any tax allowances applicable to nationals in similar circumstances, including tax allowances for dependent members of their families. 2. States Parties shall endeavour to adopt appropriate measures to avoid double taxation of the earnings and savings of migrant workers and members of their families.

## Article 49

1. Where separate authorizations to reside and to engage in employment are required by national legislation, the States of employment shall issue to migrant workers authorization of residence for at least the same period of time as their authorization to engage in remunerated activity.
2. Migrant workers who in the State of employment are allowed freely to choose their remunerated activity shall neither be regarded as in an irregular situation nor shall they lose their authorization of residence by the mere fact of the termination of their remunerated activity prior to the expiration of their work permits or similar authorizations.
3. In order to allow migrant workers referred to in paragraph 2 of the present article sufficient time to find alternative remunerated activities, the authorization of residence shall not be withdrawn at least for a period corresponding to that during which they may be entitled to unemployment benefits.

## Article 50

1. In the case of death of a migrant worker or dissolution of marriage, the State of employment shall favourably consider granting family members of that migrant worker residing in that State on the basis of family reunion an authorization to stay; the State of employment shall take into account the length of time they have already resided in that State.

2. Members of the family to whom such authorization is not granted shall be allowed before departure a reasonable period of time in order to enable them to settle their affairs in the State of employment.
3. The provisions of paragraphs 1 and 2 of the present article may not be interpreted as adversely affecting any right to stay and work otherwise granted to such family members by the legislation of the State of employment or by bilateral and multilateral treaties applicable to that State.

## Article 51

Migrant workers who in the State of employment are not permitted freely to choose their remunerated activity shall neither be regarded as in an irregular situation nor shall they lose their authorization of residence by the mere fact of the termination of their remunerated activity prior to the expiration of their work permit, except where the authorization of residence is expressly dependent upon the specific remunerated activity for which they were admitted. Such migrant workers shall have the right to seek alternative employment, participation in public work schemes and retraining during the remaining period of their authorization to work, subject to such conditions and limitations as are specified in the authorization to work.

## Article 52

1. Migrant workers in the State of employment shall have the right freely to choose their remunerated activity, subject to the following restrictions or conditions.
2. For any migrant worker a State of employment may:
  - a. Restrict access to limited categories of employment, functions, services or activities where this is necessary in the interests of this State and provided for by national legislation;
  - b. Restrict free choice of remunerated activity in accordance with its legislation concerning recognition of occupational qualifications acquired outside its territory. However, States Parties concerned shall endeavour to provide for recognition of such qualifications.
3. For migrant workers whose permission to work is limited in time, a State of employment may also:
  - a. Make the right freely to choose their remunerated activities subject to the condition that the migrant worker has resided lawfully in its territory for the purpose of

remunerated activity for a period of time prescribed in its national legislation that should not exceed two years;

- b. Limit access by a migrant worker to remunerated activities in pursuance of a policy of granting priority to its nationals or to persons who are assimilated to them for these purposes by virtue of legislation or bilateral or multilateral agreements. Any such limitation shall cease to apply to a migrant worker who has resided lawfully in its territory for the purpose of remunerated activity for a period of time prescribed in its national legislation that should not exceed five years.
4. States of employment shall prescribe the conditions under which a migrant worker who has been admitted to take up employment may be authorized to engage in work on his or her own account. Account shall be taken of the period during which the worker has already been lawfully in the State of employment.

### Article 53

1. Members of a migrant worker's family who have themselves an authorization of residence or admission that is without limit of time or is automatically renewable shall be permitted freely to choose their remunerated activity under the same conditions as are applicable to the said migrant worker in accordance with article 52 of the present Convention.
2. With respect to members of a migrant worker's family who are not permitted freely to choose their remunerated activity, States Parties shall consider favourably granting them priority in obtaining permission to engage in a remunerated activity over other workers who seek admission to the State of employment, subject to applicable bilateral and multilateral agreements.

### Article 54

1. Without prejudice to the terms of their authorization of residence or their permission to work and the rights provided for in articles 25 and 27 of the present Convention, migrant workers shall enjoy equality of treatment with nationals of the State of employment in respect of:
  - a. Protection against dismissal;
  - b. Unemployment benefits;
  - c. Access to public work schemes intended to combat unemployment;

- d. Access to alternative employment in the event of loss of work or termination of other remunerated activity, subject to article 52 of the present Convention.

2. If a migrant worker claims that the terms of his or her work contract have been violated by his or her employer, he or she shall have the right to address his or her case to the competent authorities of the State of employment, on terms provided for in article 18, paragraph 1, of the present Convention.

### Article 55

Migrant workers who have been granted permission to engage in a remunerated activity, subject to the conditions attached to such permission, shall be entitled to equality of treatment with nationals of the State of employment in the exercise of that remunerated activity.

### Article 56

1. Migrant workers and members of their families referred to in the present part of the Convention may not be expelled from a State of employment, except for reasons defined in the national legislation of that State, and subject to the safeguards established in part III.
2. Expulsion shall not be resorted to for the purpose of depriving a migrant worker or a member of his or her family of the rights arising out of the authorization of residence and the work permit.
3. In considering whether to expel a migrant worker or a member of his or her family, account should be taken of humanitarian considerations and of the length of time that the person concerned has already resided in the State of employment.

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

### Article 57

The particular categories of migrant workers and members of their families specified in the present part of the Convention who are documented or in a regular situation shall enjoy the rights set forth in part m and, except as modified below, the rights set forth in part IV.



## Article 58

1. Frontier workers, as defined in article 2, paragraph 2 (a), of the present Convention, shall be entitled to the rights provided for in part IV that can be applied to them by reason of their presence and work in the territory of the State of employment, taking into account that they do not have their habitual residence in that State.
2. States of employment shall consider favourably granting frontier workers the right freely to choose their remunerated activity after a specified period of time. The granting of that right shall not affect their status as frontier workers.

## Article 59

1. Seasonal workers, as defined in article 2, paragraph 2 (b), of the present Convention, shall be entitled to the rights provided for in part IV that can be applied to them by reason of their presence and work in the territory of the State of employment and that are compatible with their status in that State as seasonal workers, taking into account the fact that they are present in that State for only part of the year.
2. The State of employment shall, subject to paragraph 1 of the present article, consider granting seasonal workers who have been employed in its territory for a significant period of time the possibility of taking up other remunerated activities and giving them priority over other workers who seek admission to that State, subject to applicable bilateral and multilateral agreements.

## Article 60

Itinerant workers, as defined in article 2, paragraph 2 (A), of the present Convention, shall be entitled to the rights provided for in part IV that can be granted to them by reason of their presence and work in the territory of the State of employment and that are compatible with their status as itinerant workers in that State.

## Article 61

1. Project-tied workers, as defined in article 2, paragraph 2 (of the present Convention, and members of their families shall be entitled to the rights provided for in part IV except the provisions of article 43, paragraphs I (b) and (c), article 43, paragraph I (d), as it pertains to social housing schemes, article 45, paragraph I (b), and articles 52 to 55.

2. If a project-tied worker claims that the terms of his or her work contract have been violated by his or her employer, he or she shall have the right to address his or her case to the competent authorities of the State which has jurisdiction over that employer, on terms provided for in article 18, paragraph 1, of the present Convention.
3. Subject to bilateral or multilateral agreements in force for them, the States Parties concerned shall endeavour to enable project-tied workers to remain adequately protected by the social security systems of their States of origin or habitual residence during their engagement in the project. States Parties concerned shall take appropriate measures with the aim of avoiding any denial of rights or duplication of payments in this respect.
4. Without prejudice to the provisions of article 47 of the present Convention and to relevant bilateral or multilateral agreements, States Parties concerned shall permit payment of the earnings of project-tied workers in their State of origin or habitual residence.

## Article 62

1. Specified-employment workers as defined in article 2, paragraph 2 (g), of the present Convention, shall be entitled to the rights provided for in part IV, except the provisions of article 43, paragraphs I (b) and (c), article 43, paragraph I (d), as it pertains to social housing schemes, article 52, and article 54, paragraph 1 (d).
2. Members of the families of specified-employment workers shall be entitled to the rights relating to family members of migrant workers provided for in part IV of the present Convention, except the provisions of article 53.

## Article 63

1. Self-employed workers, as defined in article 2, paragraph 2 (h), of the present Convention, shall be entitled to the rights provided for in part IV with the exception of those rights which are exclusively applicable to workers having a contract of employment.
2. Without prejudice to articles 52 and 79 of the present Convention, the termination of the economic activity of the self-employed workers shall not in itself imply the withdrawal of the authorization for them or for the members of their families to stay or to engage in a remunerated activity in the State of employment except where the authorization of residence is expressly dependent upon the specific remunerated activity for which they were admitted.

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

### Article 64

1. Without prejudice to article 79 of the present Convention, the States Parties concerned shall as appropriate consult and co-operate with a view to promoting sound, equitable and humane conditions in connection with international migration of workers and members of their families.
2. In this respect, due regard shall be paid not only to labour needs and resources, but also to the social, economic, cultural and other needs of migrant workers and members of their families involved, as well as to the consequences of such migration for the communities concerned.

### Article 65

1. States Parties shall maintain appropriate services to deal with questions concerning international migration of workers and members of their families. Their functions shall include, inter alia :
  - a. The formulation and implementation of policies regarding such migration;
  - b. An exchange of information, consultation and co-operation with the competent authorities of other States Parties involved in such migration;
  - c. The provision of appropriate information, particularly to employers, workers and their organizations on policies, laws and regulations relating to migration and employment, on agreements concluded with other States concerning migration and on other relevant matters;
  - d. The provision of information and appropriate assistance to migrant workers and members of their families regarding requisite authorizations and formalities and arrangements for departure, travel, arrival, stay, remunerated activities, exit and return, as well as on conditions of work and life in the State of employment and on customs, currency, tax and other relevant laws and regulations.

2. States Parties shall facilitate as appropriate the provision of adequate consular and other services that are necessary to meet the social, cultural and other needs of migrant workers and members of their families.

### Article 66

1. Subject to paragraph 2 of the present article, the right to undertake operations with a view to the recruitment of workers for employment in another State shall be restricted to:
  - a. Public services or bodies of the State in which such operations take place;
  - b. Public services or bodies of the State of employment on the basis of agreement between the States concerned;
  - c. A body established by virtue of a bilateral or multilateral agreement.
2. Subject to any authorization, approval and supervision by the public authorities of the States Parties concerned as may be established pursuant to the legislation and practice of those States, agencies, prospective employers or persons acting on their behalf may also be permitted to undertake the said operations.

### Article 67

1. States Parties concerned shall co-operate as appropriate in the adoption of measures regarding the orderly return of migrant workers and members of their families to the State of origin when they decide to return or their authorization of residence or employment expires or when they are in the State of employment in an irregular situation.
2. Concerning migrant workers and members of their families in a regular situation, States Parties concerned shall co-operate as appropriate, on terms agreed upon by those States, with a view to promoting adequate economic conditions for their resettlement and to facilitating their durable social and cultural reintegration in the State of origin.

### Article 68

1. States Parties, including States of transit, shall collaborate with a view to preventing and eliminating illegal or clandestine movements and employment of migrant workers in an

irregular situation. The measures to be taken to this end within the jurisdiction of each State concerned shall include:

- a. Appropriate measures against the dissemination of misleading information relating to emigration and immigration;
  - b. Measures to detect and eradicate illegal or clandestine movements of migrant workers and members of their families and to impose effective sanctions on persons, groups or entities which organize, operate or assist in organizing or operating such movements;
  - c. Measures to impose effective sanctions on persons, groups or entities which use violence, threats or intimidation against migrant workers or members of their families in an irregular situation.
2. States of employment shall take all adequate and effective measures to eliminate employment in their territory of migrant workers in an irregular situation, including, whenever appropriate, sanctions on employers of such workers. The rights of migrant workers vis-à-vis their employer arising from employment shall not be impaired by these measures.

## Article 69

1. States Parties shall, when there are migrant workers and members of their families within their territory in an irregular situation, take appropriate measures to ensure that such a situation does not persist.
2. Whenever States Parties concerned consider the possibility of regularizing the situation of such persons in accordance with applicable national legislation and bilateral or multilateral agreements, appropriate account shall be taken of the circumstances of their entry, the duration of their stay in the States of employment and other relevant considerations, in particular those relating to their family situation.

## Article 70

States Parties shall take measures not less favourable than those applied to nationals to ensure that working and living conditions of migrant workers and members of their families in a regular situation are in keeping with the standards of fitness, safety, health and principles of human dignity.

## Article 71

1. States Parties shall facilitate, whenever necessary, the repatriation to the State of origin of the bodies of deceased migrant workers or members of their families.
2. As regards compensation matters relating to the death of a migrant worker or a member of his or her family, States Parties shall, as appropriate, provide assistance to the persons concerned with a view to the prompt settlement of such matters. Settlement of these matters shall be carried out on the basis of applicable national law in accordance with the provisions of the present Convention and any relevant bilateral or multilateral agreements.

## Part VII: Application of the Convention

### Article 72

1.
  - a. For the purpose of reviewing the application of the present Convention, there shall be established a Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families (hereinafter referred to as "the Committee");
  - b. The Committee shall consist, at the time of entry into force of the present Convention, of ten and, after the entry into force of the Convention for the forty-first State Party, of fourteen experts of high moral standing, impartiality and recognized competence in the field covered by the Convention.
2.
  - a. Members of the Committee shall be elected by secret ballot by the States Parties from a list of persons nominated by the States Parties, due consideration being given to equitable geographical distribution, including both States of origin and States of employment, and to the representation of the principal legal systems. Each State Party may nominate one person from among its own nationals;
  - b. Members shall be elected and shall serve in their personal capacity.
3. The initial election shall be held no later than six months after the date of the entry into force of the present Convention and subsequent elections 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 all 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 that have nominated them, and shall submit it to the States Parties not later than one month before the date of the corresponding election, together with the curricula vitae of the persons thus nominated.

4. Elections of 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 States Parties present and voting.
5.
  - a. The members of the Committee shall serve for a term of four years. However, the terms of five of the members elected in 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 of States Parties;
  - b. The election of the four additional members of the Committee shall be held in accordance with the provisions of paragraphs 2, 3 and 4 of the present article, following the entry into force of the Convention for the forty-first State Party. The term of two of the additional members elected on this occasion shall expire at the end of two years; the names of these members shall be chosen by lot by the Chairman of the meeting of States Parties;
  - c. The members of the Committee shall be eligible for re-election if renominated.
6. 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 that nominated the expert shall appoint another expert from among its own nationals for the remaining part of the term. The new appointment is subject to the approval of the Committee.
7. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee.
8. The members of the Committee shall receive emoluments from United Nations resources on such terms and conditions as the General Assembly may decide.

9. The members of the Committee 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 73

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 and other measures they have taken to give effect to the provisions of the present Convention:
  - a. Within one year after the entry into force of the Convention for the State Party concerned;
  - b. Thereafter every five years and whenever the Committee so requests.
2. Reports prepared under the present article shall also indicate factors and difficulties, if any, affecting the implementation of the Convention and shall include information on the characteristics of migration flows in which the State Party concerned is involved.
3. The Committee shall decide any further guidelines applicable to the content of the reports.
4. States Parties shall make their reports widely available to the public in their own countries.

## Article 74

1. The Committee shall examine the reports submitted by each State Party and shall transmit such comments as it may consider appropriate to the State Party concerned. This State Party may submit to the Committee observations on any comment made by the Committee in accordance with the present article. The Committee may request supplementary information from States Parties when considering these reports.
2. The Secretary-General of the United Nations shall, in due time before the opening of each regular session of the Committee, transmit to the Director-General of the International Labour Office copies of the reports submitted by States Parties concerned and information relevant to the consideration of these reports, in order to enable the Office to assist the Committee with the expertise the Office may provide regarding those matters dealt with by the present Convention that fall within the sphere of competence of the International Labour Organisation. The Committee shall consider in its deliberations such comments and materials as the Office may provide.

3. The Secretary-General of the United Nations may also, after consultation with the Committee, transmit to other specialized agencies as well as to intergovernmental organizations, copies of such parts of these reports as may fall within their competence.
4. The Committee may invite the specialized agencies and organs of the United Nations, as well as intergovernmental organizations and other concerned bodies to submit, for consideration by the Committee, written information on such matters dealt with in the present Convention as fall within the scope of their activities.
5. The International Labour Office shall be invited by the Committee to appoint representatives to participate, in a consultative capacity, in the meetings of the Committee.
6. The Committee may invite representatives of other specialized agencies and organs of the United Nations, as well as of intergovernmental organizations, to be present and to be heard in its meetings whenever matters falling within their field of competence are considered.
7. The Committee shall present an annual report to the General Assembly of the United Nations on the implementation of the present Convention, containing its own considerations and recommendations, based, in particular, on the examination of the reports and any observations presented by States Parties.
8. The Secretary-General of the United Nations shall transmit the annual reports of the Committee to the States Parties to the present Convention, the Economic and Social Council, the Commission on Human Rights of the United Nations, the Director-General of the International Labour Office and other relevant organizations.

## Article 75

1. The Committee shall adopt its own rules of procedure.  
The Committee shall elect its officers for a term of two years.
2. The Committee shall normally meet annually.
3. The meetings of the Committee shall normally be held at United Nations Headquarters.

## Article 76

1. A State Party to the present 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 the present Convention. Communications under this article may be received and considered only if submitted by a State Party that 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 Convention considers that another State Party is not fulfilling its obligations under the present Convention, it may, by written communication, bring the matter to the attention of that State Party. The State Party may also inform the Committee of the matter. Within three months after the receipt of the communication the receiving State shall afford the State that 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, in the view of the Committee, the application of the remedies is unreasonably prolonged;
- d. Subject to the provisions of subparagraph ( c ) of the present paragraph, 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 the respect for the obligations set forth in the present Convention;
- e. The Committee shall hold closed meetings when examining communications under the present article;
- f. In any matter referred to it in accordance with subparagraph ( b ) of the present paragraph, 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 ) of the present paragraph, 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) of the present paragraph, submit a report, as follows:
  - i. If a solution within the terms of subparagraph (d) of the present paragraph 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 (d) is not reached, the Committee shall, in its report, set forth the relevant facts concerning the issue between the States Parties concerned. The written submissions and record of the oral submissions made by the States Parties concerned shall be attached to the report. The Committee may also communicate only to the States Parties concerned any views that it may consider relevant to the issue between them.

In every matter, the report shall be communicated to the States Parties concerned.

- 2. The provisions of the present article shall come into force when ten States Parties to the present Convention have made a declaration under paragraph 1 of the present 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 that is the subject of a communication already transmitted under the present article; no further communication by any State Party shall be received under the present 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 77

- 1. A State Party to the present Convention may at any time declare under the present 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 that their individual rights as established by the present Convention have been violated by

that State Party. No communication shall be received by the Committee if it concerns a State Party that has not made such a declaration.

- 2. The Committee shall consider inadmissible any communication under the present 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 the present Convention.
- 3. The Committee shall not consider any communication from an individual under the present 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, in the view of the Committee, the application of the remedies is unreasonably prolonged or is unlikely to bring effective relief to that individual.
- 4. Subject to the provisions of paragraph 2 of the present article, the Committee shall bring any communications submitted to it under this article to the attention of the State Party to the present Convention that 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.
- 5. The Committee shall consider communications received under the present article in the light of all information made available to it by or on behalf of the individual and by the State Party concerned.
- 6. The Committee shall hold closed meetings when examining communications under the present article.
- 7. The Committee shall forward its views to the State Party concerned and to the individual.
- 8. The provisions of the present article shall come into force when ten States Parties to the present Convention have made declarations under paragraph 1 of the present 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 that is the subject of a communication already transmitted under the present article; no further communication by or on behalf of an individual shall be received under the present 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 78

The provisions of article 76 of the present Convention shall be applied without prejudice to any procedures for settling disputes or complaints in the field covered by the present Convention laid down in the constituent instruments of, or in conventions adopted by, the United Nations and the specialized agencies and shall not prevent the States Parties from having recourse to any procedures for settling a dispute in accordance with international agreements in force between them.

## Part VIII: General provisions

### Article 79

Nothing in the present Convention shall affect the right of each State Party to establish the criteria governing admission of migrant workers and members of their families. Concerning other matters related to their legal situation and treatment as migrant workers and members of their families, States Parties shall be subject to the limitations set forth in the present Convention.

### Article 80

Nothing in the present Convention 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 Convention.

### Article 81

1. Nothing in the present Convention shall affect more favourable rights or freedoms granted to migrant workers and members of their families by virtue of:
  - a. The law or practice of a State Party; or
  - b. Any bilateral or multilateral treaty in force for the State Party concerned.
2. Nothing in the present Convention may be interpreted as implying for any State, group or person any right to engage in any activity or perform any act that would impair any of the rights and freedoms as set forth in the present Convention.

## Article 82

The rights of migrant workers and members of their families provided for in the present Convention may not be renounced. It shall not be permissible to exert any form of pressure upon migrant workers and members of their families with a view to their relinquishing or foregoing any of the said rights. It shall not be possible to derogate by contract from rights recognized in the present Convention. States Parties shall take appropriate measures to ensure that these principles are respected.

## Article 83

Each State Party to the present Convention undertakes:

- e. 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;
- f. To ensure that any persons seeking such a remedy shall have his or her claim reviewed and decided 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;
- g. To ensure that the competent authorities shall enforce such remedies when granted.

## Article 84

Each State Party undertakes to adopt the legislative and other measures that are necessary to implement the provisions of the present Convention.

## Part IX: Final provisions

### Article 85

The Secretary-General of the United Nations is designated as the depositary of the present Convention.

## Article 86

1. The present Convention shall be open for signature by all States. It is subject to ratification.
2. The present Convention shall be open to accession by any State.
3. Instruments of ratification or accession shall be deposited with the Secretary-General of the United Nations.

## Article 87

1. The present Convention shall enter into force on the first day of the month following a period of three months after the date of the deposit of the twentieth instrument of ratification or accession.
2. For each State ratifying or acceding to the present Convention after its entry into force, the Convention shall enter into force on the first day of the month following a period of three months after the date of the deposit of its own instrument of ratification or accession.

## Article 88

A State ratifying or acceding to the present Convention may not exclude the application of any Part of it, or, without prejudice to article 3, exclude any particular category of migrant workers from its application.

## Article 89

1. Any State Party may denounce the present Convention, not earlier than five years after the Convention has entered into force for the State concerned, by means of a notification in writing addressed to the Secretary-General of the United Nations.
2. Such denunciation shall become effective on the first day of the month following the expiration of a period of twelve months after the date of the receipt of the notification by the Secretary-General of the United Nations.
3. Such a denunciation shall not have the effect of releasing the State Party from its obligations under the present 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.

4. 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 90

1. After five years from the entry into force of the Convention a request for the revision of the 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. The Secretary-General shall thereupon communicate any proposed amendments 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 proposals. 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 shall be submitted to the General Assembly 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 in accordance with their respective constitutional processes.
3. When amendments come into force, they shall be binding on those States Parties that have accepted them, other States Parties still being bound by the provisions of the present Convention and any earlier amendment that they have accepted.

## Article 91

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 signature, 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 92

1. Any dispute between two or more States Parties concerning the interpretation or application of the present Convention that 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 the present article. The other States Parties shall not be bound by that paragraph with respect to any State Party that has made such a declaration.
3. Any State Party that has made a declaration in accordance with paragraph 2 of the present article may at any time withdraw that declaration by notification to the Secretary-General of the United Nations.

## Article 93

1. 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.
2. The Secretary-General of the United Nations shall transmit certified copies of the present Convention to all States.

In witness whereof the undersigned plenipotentiaries, being duly authorized thereto by their respective Governments, have signed the present Convention.

United Nations  
Convention  
on the Rights of Persons  
with Disabilities, 2006

8.12

# Convention on the Rights of Persons with Disabilities, 2006

The Convention on the Rights of Persons with Disabilities is an international human rights treaty of the United Nations intended to protect the rights and dignity of persons with disabilities. Parties to the convention are required to promote, protect, and ensure the full enjoyment of human rights by persons with disabilities and ensure that persons with disabilities enjoy full equality under the law. The Convention serves as a major catalyst in the global disability rights movement enabling a shift from viewing persons with disabilities as objects of charity, medical treatment and social protection towards viewing them as full and equal members of society, with human rights.[1][2][3] The convention was the first U.N. human rights treaty of the twenty-first century.[4]

The text was adopted by the United Nations General Assembly on 13 December 2006,[5] and opened for signature on 30 March 2007. Following ratification by the 20th party, it came into force on 3 May 2008.[6] As of January 2023, it has 164 signatories and 186 parties, 185 states and the European Union (which ratified it on 23 December 2010).[7] The convention is monitored by the Committee on the Rights of Persons with Disabilities for which annual Conferences of States Parties to the CRPD have set guidelines since 2008.

[Source link](#)

Entry into force: 3 May 2008, in accordance with article 45(1).

## Preamble

- a. Recalling the principles proclaimed in the Charter of the United Nations which recognize the inherent dignity and worth and the equal and inalienable rights of all members of the human family as the foundation of freedom, justice and peace in the world,
- b. Recognizing that the United Nations, in the Universal Declaration of Human Rights and in the International Covenants on Human Rights, has proclaimed and agreed that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind,
- c. Reaffirming the universality, indivisibility, interdependence and interrelatedness of all human rights and fundamental freedoms and the need for persons with disabilities to be guaranteed their full enjoyment without discrimination,
- d. Recalling the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child, and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,
- e. Recognizing that disability is an evolving concept and that disability results from the interaction between persons with impairments and attitudinal and environmental barriers that hinders their full and effective participation in society on an equal basis with others,
- f. Recognizing the importance of the principles and policy guidelines contained in the World Programme of Action concerning Disabled Persons and in the Standard Rules on the Equalization of Opportunities for Persons with Disabilities in influencing the promotion, formulation and evaluation of the policies, plans, programmes and actions at the national, regional and international levels to further equalize opportunities for persons with disabilities,
- g. Emphasizing the importance of mainstreaming disability issues as an integral part of relevant strategies of sustainable development,
- h. Recognizing also that discrimination against any person on the basis of disability is a violation of the inherent dignity and worth of the human person,
- i. Recognizing further the diversity of persons with disabilities,
- j. Recognizing the need to promote and protect the human rights of all persons with disabilities, including those who require more intensive support,
- k. Concerned that, despite these various instruments and undertakings, persons with disabilities continue to face barriers in their participation as equal members of society and violations of their human rights in all parts of the world,
- l. Recognizing the importance of international cooperation for improving the living conditions of persons with disabilities in every country, particularly in developing countries,
- m. Recognizing the valued existing and potential contributions made by persons with disabilities to the overall well-being and diversity of their communities, and that the

promotion of the full enjoyment by persons with disabilities of their human rights and fundamental freedoms and of full participation by persons with disabilities will result in their enhanced sense of belonging and in significant advances in the human, social and economic development of society and the eradication of poverty,

- n. Recognizing the importance for persons with disabilities of their individual autonomy and independence, including the freedom to make their own choices,
- o. Considering that persons with disabilities should have the opportunity to be actively involved in decision-making processes about policies and programmes, including those directly concerning them,
- p. Concerned about the difficult conditions faced by persons with disabilities who are subject to multiple or aggravated forms of discrimination on the basis of race, colour, sex, language, religion, political or other opinion, national, ethnic, indigenous or social origin, property, birth, age or other status,
- q. Recognizing that women and girls with disabilities are often at greater risk, both within and outside the home, of violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation,
- r. Recognizing that children with disabilities should have full enjoyment of all human rights and fundamental freedoms on an equal basis with other children, and recalling obligations to that end undertaken by States Parties to the Convention on the Rights of the Child,
- s. Emphasizing the need to incorporate a gender perspective in all efforts to promote the full enjoyment of human rights and fundamental freedoms by persons with disabilities,
- t. Highlighting the fact that the majority of persons with disabilities live in conditions of poverty, and in this regard recognizing the critical need to address the negative impact of poverty on persons with disabilities,
- u. Bearing in mind that conditions of peace and security based on full respect for the purposes and principles contained in the Charter of the United Nations and observance of applicable human rights instruments are indispensable for the full protection of persons with disabilities, in particular during armed conflicts and foreign occupation,
- v. Recognizing the importance of accessibility to the physical, social, economic and cultural environment, to health and education and to information and communication, in enabling persons with disabilities to fully enjoy all human rights and fundamental freedoms,
- w. Realizing that the individual, having duties to other individuals and to the community to which he or she belongs, is under a responsibility to strive for the promotion and observance of the rights recognized in the International Bill of Human Rights,
- x. Convinced that the family is the natural and fundamental group unit of society and is entitled to protection by society and the State, and that persons with disabilities and their family members should receive the necessary protection and assistance to enable

families to contribute towards the full and equal enjoyment of the rights of persons with disabilities,

- y. Convinced that a comprehensive and integral international convention to promote and protect the rights and dignity of persons with disabilities will make a significant contribution to redressing the profound social disadvantage of persons with disabilities and promote their participation in the civil, political, economic, social and cultural spheres with equal opportunities, in both developing and developed countries,

Have agreed as follows :

## Article 1 – Purpose

The purpose of the present Convention is to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity.

Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.

## Article 2 – Definitions

For the purposes of the present Convention:

- "Communication" includes languages, display of text, Braille, tactile communication, large print, accessible multimedia as well as written, audio, plain-language, human-reader and augmentative and alternative modes, means and formats of communication, including accessible information and communication technology;
- "Language" includes spoken and signed languages and other forms of non-spoken languages;
- "Discrimination on the basis of disability" means any distinction, exclusion or restriction on the basis of disability which has the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise, on an equal basis with others, of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field. It includes all forms of discrimination, including denial of reasonable accommodation;
- "Reasonable accommodation" means necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a

particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms;

- "Universal design" means the design of products, environments, programmes and services to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design. "Universal design" shall not exclude assistive devices for particular groups of persons with disabilities where this is needed.

### Article 3 – General principles

The principles of the present Convention shall be:

- Respect for inherent dignity, individual autonomy including the freedom to make one's own choices, and independence of persons;
- Non-discrimination;
- Full and effective participation and inclusion in society;
- Respect for difference and acceptance of persons with disabilities as part of human diversity and humanity;
- Equality of opportunity;
- Accessibility;
- Equality between men and women;
- Respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities.

### Article 4 – General obligations

States Parties undertake to ensure and promote the full realization of all human rights and fundamental freedoms for all persons with disabilities without discrimination of any kind on the basis of disability. To this end, States Parties undertake:

- To adopt all appropriate legislative, administrative and other measures for the implementation of the rights recognized in the present Convention;
- To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices that constitute discrimination against persons with disabilities;
- To take into account the protection and promotion of the human rights of persons with disabilities in all policies and programmes;

- To refrain from engaging in any act or practice that is inconsistent with the present Convention and to ensure that public authorities and institutions act in conformity with the present Convention;
- To take all appropriate measures to eliminate discrimination on the basis of disability by any person, organization or private enterprise;
- To undertake or promote research and development of universally designed goods, services, equipment and facilities, as defined in article 2 of the present Convention, which should require the minimum possible adaptation and the least cost to meet the specific needs of a person with disabilities, to promote their availability and use, and to promote universal design in the development of standards and guidelines;
- To undertake or promote research and development of, and to promote the availability and use of new technologies, including information and communications technologies, mobility aids, devices and assistive technologies, suitable for persons with disabilities, giving priority to technologies at an affordable cost;
- To provide accessible information to persons with disabilities about mobility aids, devices and assistive technologies, including new technologies, as well as other forms of assistance, support services and facilities;
- To promote the training of professionals and staff working with persons with disabilities in the rights recognized in this Convention so as to better provide the assistance and services guaranteed by those rights.
- With regard to economic, social and cultural rights, each State Party undertakes to take measures to the maximum of its available resources and, where needed, within the framework of international cooperation, with a view to achieving progressively the full realization of these rights, without prejudice to those obligations contained in the present Convention that are immediately applicable according to international law.
- In the development and implementation of legislation and policies to implement the present Convention, and in other decision-making processes concerning issues relating to persons with disabilities, States Parties shall closely consult with and actively involve persons with disabilities, including children with disabilities, through their representative organizations.
- Nothing in the present Convention shall affect any provisions which are more conducive to the realization of the rights of persons with disabilities and which may be contained in the law of a State Party or international law in force for that State. There shall be no restriction upon or derogation from any of the human rights and fundamental freedoms recognized or existing in any State Party to the present Convention pursuant to law, conventions, regulation or custom on the pretext that the present Convention does not recognize such rights or freedoms or that it recognizes them to a lesser extent.

- The provisions of the present Convention shall extend to all parts of federal states without any limitations or exceptions.

## Article 5 – Equality and non-discrimination

States Parties recognize that all persons are equal before and under the law and are entitled without any discrimination to the equal protection and equal benefit of the law.

States Parties shall prohibit all discrimination on the basis of disability and guarantee to persons with disabilities equal and effective legal protection against discrimination on all grounds.

In order to promote equality and eliminate discrimination, States Parties shall take all appropriate steps to ensure that reasonable accommodation is provided.

Specific measures which are necessary to accelerate or achieve de facto equality of persons with disabilities shall not be considered discrimination under the terms of the present Convention.

## Article 6 – Women with disabilities

States Parties recognize that women and girls with disabilities are subject to multiple discrimination, and in this regard shall take measures to ensure the full and equal enjoyment by them of all human rights and fundamental freedoms.

States Parties shall take all appropriate measures to ensure the full development, advancement and empowerment of women, for the purpose of guaranteeing them the exercise and enjoyment of the human rights and fundamental freedoms set out in the present Convention.

## Article 7 – Children with disabilities

States Parties shall take all necessary measures to ensure the full enjoyment by children with disabilities of all human rights and fundamental freedoms on an equal basis with other children.

In all actions concerning children with disabilities, the best interests of the child shall be a primary consideration.

States Parties shall ensure that children with disabilities have the right to express their views freely on all matters affecting them, their views being given due weight in accordance with their age and maturity, on an equal basis with other children, and to be provided with disability and age-appropriate assistance to realize that right.

## Article 8 – Awareness-raising

States Parties undertake to adopt immediate, effective and appropriate measures:

- To raise awareness throughout society, including at the family level, regarding persons with disabilities, and to foster respect for the rights and dignity of persons with disabilities;
- To combat stereotypes, prejudices and harmful practices relating to persons with disabilities, including those based on sex and age, in all areas of life;
- To promote awareness of the capabilities and contributions of persons with disabilities.
- Measures to this end include:
  - Initiating and maintaining effective public awareness campaigns designed:
    - To nurture receptiveness to the rights of persons with disabilities;
    - To promote positive perceptions and greater social awareness towards persons with disabilities;
    - To promote recognition of the skills, merits and abilities of persons with disabilities, and of their contributions to the workplace and the labour market;
  - Fostering at all levels of the education system, including in all children from an early age, an attitude of respect for the rights of persons with disabilities;
  - Encouraging all organs of the media to portray persons with disabilities in a manner consistent with the purpose of the present Convention;
  - Promoting awareness-training programmes regarding persons with disabilities and the rights of persons with disabilities.

## Article 9 – Accessibility

To enable persons with disabilities to live independently and participate fully in all aspects of life, States Parties shall take appropriate measures to ensure to persons with disabilities access, on an equal basis with others, to the physical environment, to transportation, to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban

and in rural areas. These measures, which shall include the identification and elimination of obstacles and barriers to accessibility, shall apply to, inter alia:

- Buildings, roads, transportation and other indoor and outdoor facilities, including schools, housing, medical facilities and workplaces;
- Information, communications and other services, including electronic services and emergency services.
- States Parties shall also take appropriate measures to:
- Develop, promulgate and monitor the implementation of minimum standards and guidelines for the accessibility of facilities and services open or provided to the public;
- Ensure that private entities that offer facilities and services which are open or provided to the public take into account all aspects of accessibility for persons with disabilities;
- Provide training for stakeholders on accessibility issues facing persons with disabilities;
- Provide in buildings and other facilities open to the public signage in Braille and in easy to read and understand forms;
- Provide forms of live assistance and intermediaries, including guides, readers and professional sign language interpreters, to facilitate accessibility to buildings and other facilities open to the public;
- Promote other appropriate forms of assistance and support to persons with disabilities to ensure their access to information;
- Promote access for persons with disabilities to new information and communications technologies and systems, including the Internet;
- Promote the design, development, production and distribution of accessible information and communications technologies and systems at an early stage, so that these technologies and systems become accessible at minimum cost.

## Article 10 – Right to life

States Parties reaffirm that every human being has the inherent right to life and shall take all necessary measures to ensure its effective enjoyment by persons with disabilities on an equal basis with others.

## Article 11 – Situations of risk and humanitarian emergencies

States Parties shall take, in accordance with their obligations under international law, including international humanitarian law and international human rights law, all necessary measures to ensure the protection and safety of persons with disabilities in situations of risk,

including situations of armed conflict, humanitarian emergencies and the occurrence of natural disasters.

## Article 12 – Equal recognition before the law

States Parties reaffirm that persons with disabilities have the right to recognition everywhere as persons before the law.

States Parties shall recognize that persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life.

States Parties shall take appropriate measures to provide access by persons with disabilities to the support they may require in exercising their legal capacity.

States Parties shall ensure that all measures that relate to the exercise of legal capacity provide for appropriate and effective safeguards to prevent abuse in accordance with international human rights law. Such safeguards shall ensure that measures relating to the exercise of legal capacity respect the rights, will and preferences of the person, are free of conflict of interest and undue influence, are proportional and tailored to the person's circumstances, apply for the shortest time possible and are subject to regular review by a competent, independent and impartial authority or judicial body. The safeguards shall be proportional to the degree to which such measures affect the person's rights and interests.

Subject to the provisions of this article, States Parties shall take all appropriate and effective measures to ensure the equal right of persons with disabilities to own or inherit property, to control their own financial affairs and to have equal access to bank loans, mortgages and other forms of financial credit, and shall ensure that persons with disabilities are not arbitrarily deprived of their property.

## Article 13 – Access to justice

States Parties shall ensure effective access to justice for persons with disabilities on an equal basis with others, including through the provision of procedural and age-appropriate accommodations, in order to facilitate their effective role as direct and indirect participants, including as witnesses, in all legal proceedings, including at investigative and other preliminary stages.

In order to help to ensure effective access to justice for persons with disabilities, States Parties shall promote appropriate training for those working in the field of administration of justice, including police and prison staff.

## Article 14 – Liberty and security of the person

States Parties shall ensure that persons with disabilities, on an equal basis with others:

Enjoy the right to liberty and security of person;

Are not deprived of their liberty unlawfully or arbitrarily, and that any deprivation of liberty is in conformity with the law, and that the existence of a disability shall in no case justify a deprivation of liberty.

States Parties shall ensure that if persons with disabilities are deprived of their liberty through any process, they are, on an equal basis with others, entitled to guarantees in accordance with international human rights law and shall be treated in compliance with the objectives and principles of this Convention, including by provision of reasonable accommodation.

## Article 15 – Freedom from torture or cruel, inhuman or degrading treatment or punishment

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 or her free consent to medical or scientific experimentation.

States Parties shall take all effective legislative, administrative, judicial or other measures to prevent persons with disabilities, on an equal basis with others, from being subjected to torture or cruel, inhuman or degrading treatment or punishment.

## Article 16 – Freedom from exploitation, violence and abuse

States Parties shall take all appropriate legislative, administrative, social, educational and other measures to protect persons with disabilities, both within and outside the home, from all forms of exploitation, violence and abuse, including their gender-based aspects.

States Parties shall also take all appropriate measures to prevent all forms of exploitation, violence and abuse by ensuring, inter alia, appropriate forms of gender- and age-sensitive assistance and support for persons with disabilities and their families and caregivers, including through the provision of information and education on how to avoid, recognize and report instances of exploitation, violence and abuse. States Parties shall ensure that protection services are age-, gender- and disability-sensitive.

In order to prevent the occurrence of all forms of exploitation, violence and abuse, States Parties shall ensure that all facilities and programmes designed to serve persons with disabilities are effectively monitored by independent authorities.

States Parties shall take all appropriate measures to promote the physical, cognitive and psychological recovery, rehabilitation and social reintegration of persons with disabilities who become victims of any form of exploitation, violence or abuse, including through the provision of protection services. Such recovery and reintegration shall take place in an environment that fosters the health, welfare, self-respect, dignity and autonomy of the person and takes into account gender- and age-specific needs.

States Parties shall put in place effective legislation and policies, including women- and child-focused legislation and policies, to ensure that instances of exploitation, violence and abuse against persons with disabilities are identified, investigated and, where appropriate, prosecuted.

## Article 17 – Protecting the integrity of the person

Every person with disabilities has a right to respect for his or her physical and mental integrity on an equal basis with others.

## Article 18 – Liberty of movement and nationality

States Parties shall recognize the rights of persons with disabilities to liberty of movement, to freedom to choose their residence and to a nationality, on an equal basis with others, including by ensuring that persons with disabilities:

- Have the right to acquire and change a nationality and are not deprived of their nationality arbitrarily or on the basis of disability;
- Are not deprived, on the basis of disability, of their ability to obtain, possess and utilize documentation of their nationality or other documentation of identification, or to utilize



relevant processes such as immigration proceedings, that may be needed to facilitate exercise of the right to liberty of movement;

- Are free to leave any country, including their own;
- Are not deprived, arbitrarily or on the basis of disability, of the right to enter their own country.

Children with disabilities 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 their parents.

## Article 19 – Living independently and being included in the community

States Parties to this Convention recognize the equal right of all persons with disabilities to live in the community, with choices equal to others, and shall take effective and appropriate measures to facilitate full enjoyment by persons with disabilities of this right and their full inclusion and participation in the community, including by ensuring that:

Persons with disabilities have the opportunity to choose their place of residence and where and with whom they live on an equal basis with others and are not obliged to live in a particular living arrangement;

Persons with disabilities have access to a range of in-home, residential and other community support services, including personal assistance necessary to support living and inclusion in the community, and to prevent isolation or segregation from the community;

Community services and facilities for the general population are available on an equal basis to persons with disabilities and are responsive to their needs.

## Article 20 – Personal mobility

States Parties shall take effective measures to ensure personal mobility with the greatest possible independence for persons with disabilities, including by:

- Facilitating the personal mobility of persons with disabilities in the manner and at the time of their choice, and at affordable cost;

- Facilitating access by persons with disabilities to quality mobility aids, devices, assistive technologies and forms of live assistance and intermediaries, including by making them available at affordable cost;
- Providing training in mobility skills to persons with disabilities and to specialist staff working with persons with disabilities;
- Encouraging entities that produce mobility aids, devices and assistive technologies to take into account all aspects of mobility for persons with disabilities.

## Article 21 – Freedom of expression and opinion, and access to information

States Parties shall take all appropriate measures to ensure that persons with disabilities can exercise the right to freedom of expression and opinion, including the freedom to seek, receive and impart information and ideas on an equal basis with others and through all forms of communication of their choice, as defined in article 2 of the present Convention, including by:

- Providing information intended for the general public to persons with disabilities in accessible formats and technologies appropriate to different kinds of disabilities in a timely manner and without additional cost;
- Accepting and facilitating the use of sign languages, Braille, augmentative and alternative communication, and all other accessible means, modes and formats of communication of their choice by persons with disabilities in official interactions;
- Urging private entities that provide services to the general public, including through the Internet, to provide information and services in accessible and usable formats for persons with disabilities;
- Encouraging the mass media, including providers of information through the Internet, to make their services accessible to persons with disabilities;
- Recognizing and promoting the use of sign languages.

## Article 22 – Respect for privacy

No person with disabilities, regardless of place of residence or living arrangements, shall be subjected to arbitrary or unlawful interference with his or her privacy, family, or correspondence or other types of communication or to unlawful attacks on his or her honour and reputation. Persons with disabilities have the right to the protection of the law against such interference or attacks.

States Parties shall protect the privacy of personal, health and rehabilitation information of persons with disabilities on an equal basis with others.

## Article 23 – Respect for home and the family

States Parties shall take effective and appropriate measures to eliminate discrimination against persons with disabilities in all matters relating to marriage, family, parenthood and relationships, on an equal basis with others, so as to ensure that:

- The right of all persons with disabilities who are of marriageable age to marry and to found a family on the basis of free and full consent of the intending spouses is recognized;
- The rights of persons with disabilities to decide freely and responsibly on the number and spacing of their children and to have access to age-appropriate information, reproductive and family planning education are recognized, and the means necessary to enable them to exercise these rights are provided;
- Persons with disabilities, including children, retain their fertility on an equal basis with others.

States Parties shall ensure the rights and responsibilities of persons with disabilities, with regard to guardianship, wardship, trusteeship, adoption of children or similar institutions, where these concepts exist in national legislation; in all cases the best interests of the child shall be paramount. States Parties shall render appropriate assistance to persons with disabilities in the performance of their child-rearing responsibilities.

States Parties shall ensure that children with disabilities have equal rights with respect to family life. With a view to realizing these rights, and to prevent concealment, abandonment, neglect and segregation of children with disabilities, States Parties shall undertake to provide early and comprehensive information, services and support to children with disabilities and their families.

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. In no case shall a child be separated from parents on the basis of a disability of either the child or one or both of the parents.

States Parties shall, where the immediate family is unable to care for a child with disabilities, undertake every effort to provide alternative care within the wider family, and failing that, within the community in a family setting.

## Article 24 – Education

States Parties recognize the right of persons with disabilities to education. With a view to realizing this right without discrimination and on the basis of equal opportunity, States Parties shall ensure an inclusive education system at all levels and life long learning directed to:

- The full development of human potential and sense of dignity and self-worth, and the strengthening of respect for human rights, fundamental freedoms and human diversity;
- The development by persons with disabilities of their personality, talents and creativity, as well as their mental and physical abilities, to their fullest potential;
- Enabling persons with disabilities to participate effectively in a free society.
- In realizing this right, States Parties shall ensure that:
- Persons with disabilities are not excluded from the general education system on the basis of disability, and that children with disabilities are not excluded from free and compulsory primary education, or from secondary education, on the basis of disability;
- Persons with disabilities can access an inclusive, quality and free primary education and secondary education on an equal basis with others in the communities in which they live;
- Reasonable accommodation of the individual's requirements is provided;
- Persons with disabilities receive the support required, within the general education system, to facilitate their effective education;
- Effective individualized support measures are provided in environments that maximize academic and social development, consistent with the goal of full inclusion.
- States Parties shall enable persons with disabilities to learn life and social development skills to facilitate their full and equal participation in education and as members of the community. To this end, States Parties shall take appropriate measures, including:
- Facilitating the learning of Braille, alternative script, augmentative and alternative modes, means and formats of communication and orientation and mobility skills, and facilitating peer support and mentoring;
- Facilitating the learning of sign language and the promotion of the linguistic identity of the deaf community;
- Ensuring that the education of persons, and in particular children, who are blind, deaf or deafblind, is delivered in the most appropriate languages and modes and means of communication for the individual, and in environments which maximize academic and social development.

In order to help ensure the realization of this right, States Parties shall take appropriate measures to employ teachers, including teachers with disabilities, who are qualified in sign language and/or Braille, and to train professionals and staff who work at all levels of education. Such training shall incorporate disability awareness and the use of appropriate augmentative and alternative modes, means and formats of communication, educational techniques and materials to support persons with disabilities.

States Parties shall ensure that persons with disabilities are able to access general tertiary education, vocational training, adult education and lifelong learning without discrimination and on an equal basis with others. To this end, States Parties shall ensure that reasonable accommodation is provided to persons with disabilities.

## Article 25 – Health

States Parties recognize that persons with disabilities have the right to the enjoyment of the highest attainable standard of health without discrimination on the basis of disability. States Parties shall take all appropriate measures to ensure access for persons with disabilities to health services that are gender-sensitive, including health-related rehabilitation. In particular, States Parties shall:

- Provide persons with disabilities with the same range, quality and standard of free or affordable health care and programmes as provided to other persons, including in the area of sexual and reproductive health and population-based public health programmes;
- Provide those health services needed by persons with disabilities specifically because of their disabilities, including early identification and intervention as appropriate, and services designed to minimize and prevent further disabilities, including among children and older persons;
- Provide these health services as close as possible to people's own communities, including in rural areas;
- Require health professionals to provide care of the same quality to persons with disabilities as to others, including on the basis of free and informed consent by, inter alia, raising awareness of the human rights, dignity, autonomy and needs of persons with disabilities through training and the promulgation of ethical standards for public and private health care;
- Prohibit discrimination against persons with disabilities in the provision of health insurance, and life insurance where such insurance is permitted by national law, which shall be provided in a fair and reasonable manner;

- Prevent discriminatory denial of health care or health services or food and fluids on the basis of disability.

## Article 26 – Habilitation and rehabilitation

States Parties shall take effective and appropriate measures, including through peer support, to enable persons with disabilities to attain and maintain maximum independence, full physical, mental, social and vocational ability, and full inclusion and participation in all aspects of life. To that end, States Parties shall organize, strengthen and extend comprehensive habilitation and rehabilitation services and programmes, particularly in the areas of health, employment, education and social services, in such a way that these services and programmes:

- Begin at the earliest possible stage, and are based on the multidisciplinary assessment of individual needs and strengths;
- Support participation and inclusion in the community and all aspects of society, are voluntary, and are available to persons with disabilities as close as possible to their own communities, including in rural areas.

States Parties shall promote the development of initial and continuing training for professionals and staff working in habilitation and rehabilitation services.

States Parties shall promote the availability, knowledge and use of assistive devices and technologies, designed for persons with disabilities, as they relate to habilitation and rehabilitation.

## Article 27 – Work and employment

States Parties recognize the right of persons with disabilities to work, on an equal basis with others; this includes the right to the opportunity to gain a living by work freely chosen or accepted in a labour market and work environment that is open, inclusive and accessible to persons with disabilities. States Parties shall safeguard and promote the realization of the right to work, including for those who acquire a disability during the course of employment, by taking appropriate steps, including through legislation, to, inter alia:

- Prohibit discrimination on the basis of disability with regard to all matters concerning all forms of employment, including conditions of recruitment, hiring and employment,

continuance of employment, career advancement and safe and healthy working conditions;

- Protect the rights of persons with disabilities, on an equal basis with others, to just and favourable conditions of work, including equal opportunities and equal remuneration for work of equal value, safe and healthy working conditions, including protection from harassment, and the redress of grievances;
- Ensure that persons with disabilities are able to exercise their labour and trade union rights on an equal basis with others;
- Enable persons with disabilities to have effective access to general technical and vocational guidance programmes, placement services and vocational and continuing training;
- Promote employment opportunities and career advancement for persons with disabilities in the labour market, as well as assistance in finding, obtaining, maintaining and returning to employment;
- Promote opportunities for self-employment, entrepreneurship, the development of cooperatives and starting one's own business;
- Employ persons with disabilities in the public sector;
- Promote the employment of persons with disabilities in the private sector through appropriate policies and measures, which may include affirmative action programmes, incentives and other measures;
- Ensure that reasonable accommodation is provided to persons with disabilities in the workplace;
- Promote the acquisition by persons with disabilities of work experience in the open labour market;
- Promote vocational and professional rehabilitation, job retention and return-to-work programmes for persons with disabilities.

States Parties shall ensure that persons with disabilities are not held in slavery or in servitude, and are protected, on an equal basis with others, from forced or compulsory labour.

## Article 28 – Adequate standard of living and social protection

States Parties recognize the right of persons with disabilities to an adequate standard of living for themselves and their families, including adequate food, clothing and housing, and to the continuous improvement of living conditions, and shall take appropriate steps to safeguard and promote the realization of this right without discrimination on the basis of disability.

States Parties recognize the right of persons with disabilities to social protection and to the enjoyment of that right without discrimination on the basis of disability, and shall take appropriate steps to safeguard and promote the realization of this right, including measures:

- To ensure equal access by persons with disabilities to clean water services, and to ensure access to appropriate and affordable services, devices and other assistance for disability-related needs;
- To ensure access by persons with disabilities, in particular women and girls with disabilities and older persons with disabilities, to social protection programmes and poverty reduction programmes;
- To ensure access by persons with disabilities and their families living in situations of poverty to assistance from the State with disability-related expenses, including adequate training, counselling, financial assistance and respite care;
- To ensure access by persons with disabilities to public housing programmes;
- To ensure equal access by persons with disabilities to retirement benefits and programmes.

## Article 29 – Participation in political and public life

States Parties shall guarantee to persons with disabilities political rights and the opportunity to enjoy them on an equal basis with others, and shall undertake to:

- Ensure that persons with disabilities can effectively and fully participate in political and public life on an equal basis with others, directly or through freely chosen representatives, including the right and opportunity for persons with disabilities to vote and be elected, inter alia, by:
  - Ensuring that voting procedures, facilities and materials are appropriate, accessible and easy to understand and use;
  - Protecting the right of persons with disabilities to vote by secret ballot in elections and public referendums without intimidation, and to stand for elections, to effectively hold office and perform all public functions at all levels of government, facilitating the use of assistive and new technologies where appropriate;
  - Guaranteeing the free expression of the will of persons with disabilities as electors and to this end, where necessary, at their request, allowing assistance in voting by a person of their own choice;
  - Promote actively an environment in which persons with disabilities can effectively and fully participate in the conduct of public affairs, without discrimination and on an equal basis with others, and encourage their participation in public affairs, including:

- Participation in non-governmental organizations and associations concerned with the public and political life of the country, and in the activities and administration of political parties;
- Forming and joining organizations of persons with disabilities to represent persons with disabilities at international, national, regional and local levels.

## Article 30 – Participation in cultural life, recreation, leisure and sport

States Parties recognize the right of persons with disabilities to take part on an equal basis with others in cultural life, and shall take all appropriate measures to ensure that persons with disabilities:

- Enjoy access to cultural materials in accessible formats;
- Enjoy access to television programmes, films, theatre and other cultural activities, in accessible formats;
- Enjoy access to places for cultural performances or services, such as theatres, museums, cinemas, libraries and tourism services, and, as far as possible, enjoy access to monuments and sites of national cultural importance.

States Parties shall take appropriate measures to enable persons with disabilities to have the opportunity to develop and utilize their creative, artistic and intellectual potential, not only for their own benefit, but also for the enrichment of society.

States Parties shall take all appropriate steps, in accordance with international law, to ensure that laws protecting intellectual property rights do not constitute an unreasonable or discriminatory barrier to access by persons with disabilities to cultural materials.

Persons with disabilities shall be entitled, on an equal basis with others, to recognition and support of their specific cultural and linguistic identity, including sign languages and deaf culture.

With a view to enabling persons with disabilities to participate on an equal basis with others in recreational, leisure and sporting activities, States Parties shall take appropriate measures:

- To encourage and promote the participation, to the fullest extent possible, of persons with disabilities in mainstream sporting activities at all levels;
- To ensure that persons with disabilities have an opportunity to organize, develop and participate in disability-specific sporting and recreational activities and, to this end,

encourage the provision, on an equal basis with others, of appropriate instruction, training and resources;

- To ensure that persons with disabilities have access to sporting, recreational and tourism venues;
- To ensure that children with disabilities have equal access with other children to participation in play, recreation and leisure and sporting activities, including those activities in the school system;
- To ensure that persons with disabilities have access to services from those involved in the organization of recreational, tourism, leisure and sporting activities.

## Article 31 – Statistics and data collection

States Parties undertake to collect appropriate information, including statistical and research data, to enable them to formulate and implement policies to give effect to the present Convention. The process of collecting and maintaining this information shall:

- Comply with legally established safeguards, including legislation on data protection, to ensure confidentiality and respect for the privacy of persons with disabilities;
- Comply with internationally accepted norms to protect human rights and fundamental freedoms and ethical principles in the collection and use of statistics.

The information collected in accordance with this article shall be disaggregated, as appropriate, and used to help assess the implementation of States Parties' obligations under the present Convention and to identify and address the barriers faced by persons with disabilities in exercising their rights.

States Parties shall assume responsibility for the dissemination of these statistics and ensure their accessibility to persons with disabilities and others.

## Article 32 – International cooperation

States Parties recognize the importance of international cooperation and its promotion, in support of national efforts for the realization of the purpose and objectives of the present Convention, and will undertake appropriate and effective measures in this regard, between and among States and, as appropriate, in partnership with relevant international and regional

organizations and civil society, in particular organizations of persons with disabilities. Such measures could include, inter alia:

- Ensuring that international cooperation, including international development programmes, is inclusive of and accessible to persons with disabilities;
- Facilitating and supporting capacity-building, including through the exchange and sharing of information, experiences, training programmes and best practices;
- Facilitating cooperation in research and access to scientific and technical knowledge;
- Providing, as appropriate, technical and economic assistance, including by facilitating access to and sharing of accessible and assistive technologies, and through the transfer of technologies.

The provisions of this article are without prejudice to the obligations of each State Party to fulfil its obligations under the present Convention.

### Article 33 – National implementation and monitoring

States Parties, in accordance with their system of organization, shall designate one or more focal points within government for matters relating to the implementation of the present Convention, and shall give due consideration to the establishment or designation of a coordination mechanism within government to facilitate related action in different sectors and at different levels.

States Parties shall, in accordance with their legal and administrative systems, maintain, strengthen, designate or establish within the State Party, a framework, including one or more independent mechanisms, as appropriate, to promote, protect and monitor implementation of the present Convention. When designating or establishing such a mechanism, States Parties shall take into account the principles relating to the status and functioning of national institutions for protection and promotion of human rights.

Civil society, in particular persons with disabilities and their representative organizations, shall be involved and participate fully in the monitoring process.

### Article 34 – Committee on the Rights of Persons with Disabilities

There shall be established a Committee on the Rights of Persons with Disabilities (hereafter referred to as "the Committee"), which shall carry out the functions hereinafter provided.

The Committee shall consist, at the time of entry into force of the present Convention, of twelve experts. After an additional sixty ratifications or accessions to the Convention, the membership of the Committee shall increase by six members, attaining a maximum number of eighteen members.

The members of the Committee shall serve in their personal capacity and shall be of high moral standing and recognized competence and experience in the field covered by the present Convention. When nominating their candidates, States Parties are invited to give due consideration to the provision set out in article 4.3 of the present Convention.

The members of the Committee shall be elected by States Parties, consideration being given to equitable geographical distribution, representation of the different forms of civilization and of the principal legal systems, balanced gender representation and participation of experts with disabilities.

The members of the Committee shall be elected by secret ballot from a list of persons nominated by the States Parties from among their nationals at meetings of the Conference of States Parties. 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.

The initial election shall be held no later than six months after the date of entry into force of the present 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 the nominations within two months. The Secretary-General shall subsequently prepare a list in alphabetical order of all persons thus nominated, indicating the State Parties which have nominated them, and shall submit it to the States Parties to the present Convention.

The members of the Committee shall be elected for a term of four years. They shall be eligible for re-election once. However, the term of six 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 six members shall be chosen by lot by the chairperson of the meeting referred to in paragraph 5 of this article.

The election of the six additional members of the Committee shall be held on the occasion of regular elections, in accordance with the relevant provisions of this article.

If a member of the Committee dies or resigns or declares that for any other cause she or he can no longer perform her or his duties, the State Party which nominated the member shall appoint another expert possessing the qualifications and meeting the requirements set out in the relevant provisions of this article, to serve for the remainder of the term.

The Committee shall establish its own rules of procedure.

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, and shall convene its initial meeting.

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, having regard to the importance of the Committee's responsibilities.

The members of the Committee 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 35 – Reports by States Parties

Each State Party shall submit to the Committee, through the Secretary-General of the United Nations, a comprehensive report on measures taken to give effect to its obligations under the present Convention and on the progress made in that regard, within two years after the entry into force of the present Convention for the State Party concerned.

Thereafter, States Parties shall submit subsequent reports at least every four years and further whenever the Committee so requests.

The Committee shall decide any guidelines applicable to the content of the reports.

A State Party which has submitted a comprehensive initial report to the Committee need not, in its subsequent reports, repeat information previously provided. When preparing reports to the Committee, States Parties are invited to consider doing so in an open and transparent process and to give due consideration to the provision set out in article 4.3 of the present Convention.

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

## Article 36 – Consideration of reports

Each report shall be considered by the Committee, which shall make such suggestions and general recommendations on the report as it may consider appropriate and shall forward these to the State Party concerned. The State Party may respond with any information it chooses to the Committee. The Committee may request further information from States Parties relevant to the implementation of the present Convention.

If a State Party is significantly overdue in the submission of a report, the Committee may notify the State Party concerned of the need to examine the implementation of the present Convention in that State Party, on the basis of reliable information available to the Committee, if the relevant report is not submitted within three months following the notification. The Committee shall invite the State Party concerned to participate in such examination. Should the State Party respond by submitting the relevant report, the provisions of paragraph 1 of this article will apply.

The Secretary-General of the United Nations shall make available the reports to all States Parties.

States Parties shall make their reports widely available to the public in their own countries and facilitate access to the suggestions and general recommendations relating to these reports.

The Committee shall transmit, as it may consider appropriate, to the specialized agencies, funds and programmes of the United Nations, and other competent bodies, reports from States Parties in order to address a request or indication of a need for technical advice or assistance contained therein, along with the Committee's observations and recommendations, if any, on these requests or indications.

## Article 37 – Cooperation between States Parties and the Committee

Each State Party shall cooperate with the Committee and assist its members in the fulfilment of their mandate.

In its relationship with States Parties, the Committee shall give due consideration to ways and means of enhancing national capacities for the implementation of the present Convention, including through international cooperation.

### Article 38 – Relationship of the Committee with other bodies

In order to foster the effective implementation of the present Convention and to encourage international cooperation in the field covered by the present Convention:

- The specialized agencies 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 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 specialized agencies and other United Nations organs to submit reports on the implementation of the Convention in areas falling within the scope of their activities;
- The Committee, as it discharges its mandate, shall consult, as appropriate, other relevant bodies instituted by international human rights treaties, with a view to ensuring the consistency of their respective reporting guidelines, suggestions and general recommendations, and avoiding duplication and overlap in the performance of their functions.

### Article 39 – Report of the Committee

The Committee shall report every two years to the General Assembly and to the Economic and Social Council 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.

### Article 40 – Conference of States Parties

The States Parties shall meet regularly in a Conference of States Parties in order to consider any matter with regard to the implementation of the present Convention.

No later than six months after the entry into force of the present Convention, the Conference of the States Parties shall be convened by the Secretary-General of the United Nations. The subsequent meetings shall be convened by the Secretary-General of the United Nations biennially or upon the decision of the Conference of States Parties.

### Article 41 – Depositary

The Secretary-General of the United Nations shall be the depositary of the present Convention.

### Article 42 – Signature

The present Convention shall be open for signature by all States and by regional integration organizations at United Nations Headquarters in New York as of 30 March 2007.

### Article 43 – Consent to be bound

The present Convention shall be subject to ratification by signatory States and to formal confirmation by signatory regional integration organizations. It shall be open for accession by any State or regional integration organization which has not signed the Convention.

### Article 44 – Regional integration organizations

"Regional integration organization" shall mean an organization constituted by sovereign States of a given region, to which its member States have transferred competence in respect of matters governed by this Convention. Such organizations shall declare, in their instruments of formal confirmation or accession, the extent of their competence with respect to matters governed by this Convention. Subsequently, they shall inform the depositary of any substantial modification in the extent of their competence.

References to "States Parties" in the present Convention shall apply to such organizations within the limits of their competence.

3. For the purposes of article 45, paragraph 1, and article 47, paragraphs 2 and 3, any instrument deposited by a regional integration organization shall not be counted.



Regional integration organizations, in matters within their competence, may exercise their right to vote in the Conference of States Parties, with a number of votes equal to the number of their member States that are Parties to this Convention. Such an organization shall not exercise its right to vote if any of its member States exercises its right, and vice versa.

### Article 45 – Entry into force

The present Convention shall enter into force on the thirtieth day after the deposit of the twentieth instrument of ratification or accession.

For each State or regional integration organization ratifying, formally confirming or acceding to the Convention after the deposit of the twentieth such instrument, the Convention shall enter into force on the thirtieth day after the deposit of its own such instrument.

### Article 46 – Reservations

Reservations incompatible with the object and purpose of the present Convention shall not be permitted.

Reservations may be withdrawn at any time.

### Article 47 – Amendments

Any State Party may propose an amendment to the present Convention and submit it to the Secretary-General of the United Nations. The Secretary-General shall communicate any proposed amendments to States Parties, with a request to be notified whether they favour a conference of States Parties for the purpose of considering and deciding 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 two thirds of the States Parties present and voting shall be submitted by the Secretary-General to the General Assembly for approval and thereafter to all States Parties for acceptance.

An amendment adopted and approved in accordance with paragraph 1 of this article shall enter into force on the thirtieth day after the number of instruments of acceptance deposited reaches two thirds of the number of States Parties at the date of adoption of the amendment.

Thereafter, the amendment shall enter into force for any State Party on the thirtieth day following the deposit of its own instrument of acceptance. An amendment shall be binding only on those States Parties which have accepted it.

If so decided by the Conference of States Parties by consensus, an amendment adopted and approved in accordance with paragraph 1 of this article which relates exclusively to articles 34, 38, 39 and 40 shall enter into force for all States Parties on the thirtieth day after the number of instruments of acceptance deposited reaches two thirds of the number of States Parties at the date of adoption of the amendment.

### Article 48 – Denunciation

A State Party may denounce the present Convention by written notification to the Secretary-General of the United Nations. The denunciation shall become effective one year after the date of receipt of the notification by the Secretary-General.

### Article 49 – Accessible format

The text of the present Convention shall be made available in accessible formats.

### Article 50 – Authentic texts

The Arabic, Chinese, English, French, Russian and Spanish texts of the present Convention shall be equally authentic.

In witness thereof the undersigned plenipotentiaries, being duly authorized thereto by their respective Governments, have signed the present Convention.

United Nations

# Declaration on the Rights of Indigenous Peoples, 2007

# 8.13

# Declaration on the Rights of Indigenous Peoples, 2007

The Declaration on the Rights of Indigenous Peoples (UNDRIP or DOTROIP) is a legally non-binding resolution passed by the United Nations in 2007. It delineates and defines the individual and collective rights of Indigenous peoples, including their ownership rights to cultural and ceremonial expression, identity, language, employment, health, education, and other issues. Their ownership also extends to the protection of their intellectual and cultural property. The Declaration "emphasizes the rights of Indigenous peoples to maintain and strengthen their own institutions, cultures and traditions, and to pursue their development in keeping with their own needs and aspirations." [4] It "prohibits discrimination against indigenous peoples," and it "promotes their full and effective participation in all matters that concern them and their right to remain distinct and to pursue their own visions of economic and social development".

The goal of the declaration is to encourage countries to work alongside indigenous peoples to solve global issues, such as development, multicultural democracy, and decentralization.

On Thursday, September 13, 2007, the United Nations voted by a vast majority of 143 in favor (4 against, 11 abstained, and 34 absent) of the Declaration.

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## United Nations Declaration on the Rights of Indigenous Peoples

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations, and good faith in the fulfilment of the obligations assumed by States in accordance with the Charter,

Affirming that indigenous peoples are equal to all other peoples, while recognizing the right of all peoples to be different, to consider themselves different, and to be respected as such,

Affirming also that all peoples contribute to the diversity and richness of civilizations and cultures, which constitute the common heritage of humankind,

Affirming further that all doctrines, policies and practices based on or advocating superiority of peoples or individuals on the basis of national origin or racial, religious, ethnic or cultural differences are racist, scientifically false, legally invalid, morally condemnable and socially unjust,

Reaffirming that indigenous peoples, in the exercise of their rights, should be free from discrimination of any kind,

Concerned that indigenous peoples have suffered from historic injustices as a result of, inter alia, their colonization and dispossession of their lands, territories and resources, thus preventing them from exercising, in particular, their right to development in accordance with their own needs and interests,

Recognizing the urgent need to respect and promote the inherent rights of indigenous peoples which derive from their political, economic and social structures and from their cultures, spiritual traditions, histories and philosophies, especially their rights to their lands, territories and resources,

Recognizing also the urgent need to respect and promote the rights of indigenous peoples affirmed in treaties, agreements and other constructive arrangements with States,

Welcoming the fact that indigenous peoples are organizing themselves for political, economic, social and cultural enhancement and in order to bring to an end all forms of discrimination and oppression wherever they occur,

Convinced that control by indigenous peoples over developments affecting them and their lands, territories and resources will enable them to maintain and strengthen their institutions, cultures and traditions, and to promote their development in accordance with their aspirations and needs,

Recognizing that respect for indigenous knowledge, cultures and traditional practices contributes to sustainable and equitable development and proper management of the environment,

Emphasizing the contribution of the demilitarization of the lands and territories of indigenous peoples to peace, economic and social progress and development, understanding and friendly relations among nations and peoples of the world,

Recognizing in particular the right of indigenous families and communities to retain shared responsibility for the upbringing, training, education and well-being of their children, consistent with the rights of the child,

Considering that the rights affirmed in treaties, agreements and other constructive arrangements between States and indigenous peoples are, in some situations, matters of international concern, interest, responsibility and character,

Considering also that treaties, agreements and other constructive arrangements, and the relationship they represent, are the basis for a strengthened partnership between indigenous peoples and States,

Acknowledging that the Charter of the United Nations, the International Covenant on Economic, Social and Cultural Rights<sup>2</sup> and the International Covenant on Civil and Political Rights, as well as the Vienna Declaration and Programme of Action, affirm the fundamental importance of the right to self-determination of all peoples, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development,

Bearing in mind that nothing in this Declaration may be used to deny any peoples their right to self-determination, exercised in conformity with international law,

Convinced that the recognition of the rights of indigenous peoples in this Declaration will enhance harmonious and cooperative relations between the State and indigenous peoples,

based on principles of justice, democracy, respect for human rights, non-discrimination and good faith,

Encouraging States to comply with and effectively implement all their obligations as they apply to indigenous peoples under international instruments, in particular those related to human rights, in consultation and cooperation with the peoples concerned,

Emphasizing that the United Nations has an important and continuing role to play in promoting and protecting the rights of indigenous peoples,

Believing that this Declaration is a further important step forward for the recognition, promotion and protection of the rights and freedoms of indigenous peoples and in the development of relevant activities of the United Nations system in this field,

Recognizing and reaffirming that indigenous individuals are entitled without discrimination to all human rights recognized in international law, and that indigenous peoples possess collective rights which are indispensable for their existence, well-being and integral development as peoples,

Recognizing that the situation of indigenous peoples varies from region to region and from country to country and that the significance of national and regional particularities and various historical and cultural backgrounds should be taken into consideration,

Solemnly proclaims the following United Nations Declaration on the Rights of Indigenous Peoples as a standard of achievement to be pursued in a spirit of partnership and mutual respect:

## Article 1

Indigenous peoples have the right to the full enjoyment, as a collective or as individuals, of all human rights and fundamental freedoms as recognized in the Charter of the United Nations, the Universal Declaration of Human Rights and international human rights law.

## Article 2

Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their indigenous origin or identity.

### Article 3

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

### Article 4

Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.

### Article 5

Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State.

### Article 6

Every indigenous individual has the right to a nationality.

### Article 7

1. Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person.
2. Indigenous peoples have the collective right to live in freedom, peace and security as distinct peoples and shall not be subjected to any act of genocide or any other act of violence, including forcibly removing children of the group to another group.

### Article 8

1. Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture.

2. States shall provide effective mechanisms for prevention of, and redress for:

- a. Any action which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities;
- b. Any action which has the aim or effect of dispossessing them of their lands, territories or resources;
- c. Any form of forced population transfer which has the aim or effect of violating or undermining any of their rights;
- d. Any form of forced assimilation or integration;
- e. Any form of propaganda designed to promote or incite racial or ethnic discrimination directed against them.

### Article 9

Indigenous peoples and individuals have the right to belong to an indigenous community or nation, in accordance with the traditions and customs of the community or nation concerned. No discrimination of any kind may arise from the exercise of such a right.

### Article 10

Indigenous peoples shall not be forcibly removed from their lands or territories. No relocation shall take place without the free, prior and informed consent of the indigenous peoples concerned and after agreement on just and fair compensation and, where possible, with the option of return.

### Article 11

1. Indigenous peoples have the right to practise and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artefacts, designs, ceremonies, technologies and visual and performing arts and literature.
2. States shall provide redress through effective mechanisms, which may include restitution, developed in conjunction with indigenous peoples, with respect to their cultural, intellectual, religious and spiritual property taken without their free, prior and informed consent or in violation of their laws, traditions and customs.

## Article 12

1. Indigenous peoples have the right to manifest, practise, develop and teach their spiritual and religious traditions, customs and ceremonies; the right to maintain, protect, and have access in privacy to their religious and cultural sites; the right to the use and control of their ceremonial objects; and the right to the repatriation of their human remains.
2. States shall seek to enable the access and/or repatriation of ceremonial objects and human remains in their possession through fair, transparent and effective mechanisms developed in conjunction with indigenous peoples concerned.

## Article 13

1. Indigenous peoples have the right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places and persons.
2. States shall take effective measures to ensure that this right is protected and also to ensure that indigenous peoples can understand and be understood in political, legal and administrative proceedings, where necessary through the provision of interpretation or by other appropriate means.

## Article 14

1. Indigenous peoples have the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning.
2. Indigenous individuals, particularly children, have the right to all levels and forms of education of the State without discrimination.
3. States shall, in conjunction with indigenous peoples, take effective measures, in order for indigenous individuals, particularly children, including those living outside their communities, to have access, when possible, to an education in their own culture and provided in their own language.

## Article 15

1. Indigenous peoples have the right to the dignity and diversity of their cultures, traditions, histories and aspirations which shall be appropriately reflected in education and public information.
2. States shall take effective measures, in consultation and cooperation with the indigenous peoples concerned, to combat prejudice and eliminate discrimination and to promote tolerance, understanding and good relations among indigenous peoples and all other segments of society.

## Article 16

1. Indigenous peoples have the right to establish their own media in their own languages and to have access to all forms of non-indigenous media without discrimination.
2. States shall take effective measures to ensure that State-owned media duly reflect indigenous cultural diversity. States, without prejudice to ensuring full freedom of expression, should encourage privately owned media to adequately reflect indigenous cultural diversity.

## Article 17

1. Indigenous individuals and peoples have the right to enjoy fully all rights established under applicable international and domestic labour law.
2. States shall in consultation and cooperation with indigenous peoples take specific measures to protect indigenous children 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, taking into account their special vulnerability and the importance of education for their empowerment.
3. Indigenous individuals have the right not to be subjected to any discriminatory conditions of labour and, inter alia, employment or salary.

## Article 18

Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their

own procedures, as well as to maintain and develop their own indigenous decision-making institutions.

## Article 19

States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.

## Article 20

1. Indigenous peoples have the right to maintain and develop their political, economic and social systems or institutions, to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities.
2. Indigenous peoples deprived of their means of subsistence and development are entitled to just and fair redress.

## Article 21

1. Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.
2. States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities.

## Article 22

1. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities in the implementation of this Declaration.

2. States shall take measures, in conjunction with indigenous peoples, to ensure that indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination.

## Article 23

Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.

## Article 24

1. Indigenous peoples have the right to their traditional medicines and to maintain their health practices, including the conservation of their vital medicinal plants, animals and minerals. Indigenous individuals also have the right to access, without any discrimination, to all social and health services.
2. Indigenous individuals have an equal right to the enjoyment of the highest attainable standard of physical and mental health. States shall take the necessary steps with a view to achieving progressively the full realization of this right.

## Article 25

Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.

## Article 26

1. Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.
2. Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.

3. States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned.

### Article 27

States shall establish and implement, in conjunction with indigenous peoples concerned, a fair, independent, impartial, open and transparent process, giving due recognition to indigenous peoples' laws, traditions, customs and land tenure systems, to recognize and adjudicate the rights of indigenous peoples pertaining to their lands, territories and resources, including those which were traditionally owned or otherwise occupied or used. Indigenous peoples shall have the right to participate in this process.

### Article 28

1. Indigenous peoples have the right to redress, by means that can include restitution or, when this is not possible, just, fair and equitable compensation, for the lands, territories and resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent.
2. Unless otherwise freely agreed upon by the peoples concerned, compensation shall take the form of lands, territories and resources equal in quality, size and legal status or of monetary compensation or other appropriate redress.

### Article 29

1. Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programmes for indigenous peoples for such conservation and protection, without discrimination.
2. States shall take effective measures to ensure that no storage or disposal of hazardous materials shall take place in the lands or territories of indigenous peoples without their free, prior and informed consent.
3. States shall also take effective measures to ensure, as needed, that programmes for monitoring, maintaining and restoring the health of indigenous peoples, as developed and implemented by the peoples affected by such materials, are duly implemented.

### Article 30

4. Military activities shall not take place in the lands or territories of indigenous peoples, unless justified by a relevant public interest or otherwise freely agreed with or requested by the indigenous peoples concerned.
5. States shall undertake effective consultations with the indigenous peoples concerned, through appropriate procedures and in particular through their representative institutions, prior to using their lands or territories for military activities.

### Article 31

1. Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts. They also have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions.
2. In conjunction with indigenous peoples, States shall take effective measures to recognize and protect the exercise of these rights.

### Article 32

1. Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.
2. States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.
3. States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.



## Article 33

1. Indigenous peoples have the right to determine their own identity or membership in accordance with their customs and traditions. This does not impair the right of indigenous individuals to obtain citizenship of the States in which they live.
2. Indigenous peoples have the right to determine the structures and to select the membership of their institutions in accordance with their own procedures.

## Article 34

Indigenous peoples have the right to promote, develop and maintain their institutional structures and their distinctive customs, spirituality, traditions, procedures, practices and, in the cases where they exist, juridical systems or customs, in accordance with international human rights standards.

## Article 35

Indigenous peoples have the right to determine the responsibilities of individuals to their communities.

## Article 36

1. Indigenous peoples, in particular those divided by international borders, have the right to maintain and develop contacts, relations and cooperation, including activities for spiritual, cultural, political, economic and social purposes, with their own members as well as other peoples across borders.
2. States, in consultation and cooperation with indigenous peoples, shall take effective measures to facilitate the exercise and ensure the implementation of this right.

## Article 37

1. Indigenous peoples have the right to the recognition, observance and enforcement of treaties, agreements and other constructive arrangements concluded with States or their successors and to have States honour and respect such treaties, agreements and other constructive arrangements.

2. Nothing in this Declaration may be interpreted as diminishing or eliminating the rights of indigenous peoples contained in treaties, agreements and other constructive arrangements.

## Article 38

States in consultation and cooperation with indigenous peoples, shall take the appropriate measures, including legislative measures, to achieve the ends of this Declaration.

## Article 39

Indigenous peoples have the right to have access to financial and technical assistance from States and through international cooperation, for the enjoyment of the rights contained in this Declaration.

## Article 40

Indigenous peoples have the right to access to and prompt decision through just and fair procedures for the resolution of conflicts and disputes with States or other parties, as well as to effective remedies for all infringements of their individual and collective rights. Such a decision shall give due consideration to the customs, traditions, rules and legal systems of the indigenous peoples concerned and international human rights.

## Article 41

The organs and specialized agencies of the United Nations system and other intergovernmental organizations shall contribute to the full realization of the provisions of this Declaration through the mobilization, inter alia, of financial cooperation and technical assistance. Ways and means of ensuring participation of indigenous peoples on issues affecting them shall be established.

## Article 42

The United Nations, its bodies, including the Permanent Forum on Indigenous Issues, and specialized agencies, including at the country level, and States shall promote respect for and full application of the provisions of this Declaration and follow up the effectiveness of this Declaration.

## Article 43

The rights recognized herein constitute the minimum standards for the survival, dignity and well-being of the indigenous peoples of the world.

## Article 44

All the rights and freedoms recognized herein are equally guaranteed to male and female indigenous individuals.

## Article 45

Nothing in this Declaration may be construed as diminishing or extinguishing the rights indigenous peoples have now or may acquire in the future.

## Article 46

1. Nothing in this Declaration may be interpreted as implying for any State, people, group or person any right to engage in any activity or to perform any act contrary to the Charter of the United Nations or construed as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States.
2. In the exercise of the rights enunciated in the present Declaration, human rights and fundamental freedoms of all shall be respected. The exercise of the rights set forth in this Declaration shall be subject only to such limitations as are determined by law and in accordance with international human rights obligations. Any such limitations shall be non-discriminatory and strictly necessary solely for the purpose of securing due recognition and respect for the rights and freedoms of others and for meeting the just and most compelling requirements of a democratic society.
3. The provisions set forth in this Declaration shall be interpreted in accordance with the principles of justice, democracy, respect for human rights, equality, non-discrimination, good governance and good faith.

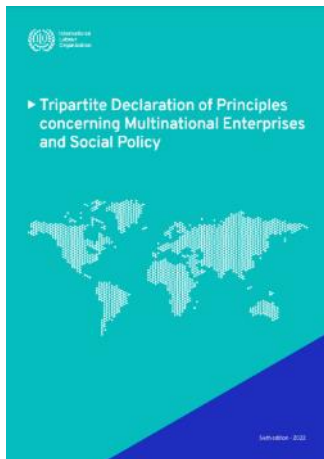
International Labor Organization  
Tripartite Declaration  
of Principles concerning  
Multinational Enterprises and  
Social Policy

8.14

International Labor Organization Conventions

# Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy

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The Tripartite declaration of principles concerning Multinational Enterprises and social policy (MNE Declaration) is the ILO instrument that provides direct guidance to enterprises on social policy and inclusive, responsible and sustainable workplace practices. The aim of this Declaration is to encourage the positive contribution which Multinational Enterprises can make to economic and social progress and the realization of decent work for all; and to minimize and resolve the difficulties to which their various operations may give rise. These principles do not aim at introducing or maintaining inequalities of treatment between multinational and national enterprises. They reflect good practice for all. Multinational and national enterprises, wherever the principles of the MNE Declaration are relevant to both, should be subject to the same expectations in

respect of their conduct in general and their social practices in particular.

Its principles are addressed to MNEs, governments of home and host countries, and employers' and workers' organizations and cover areas such as employment, training, conditions of work and life, and industrial relations as well as general policies.

1. General policies
2. Employment
  - Employment promotion
  - Social security
  - Elimination of forced or compulsory labour

- Effective abolition of child labour: minimum age and worst forms
  - Equality of opportunity and treatment
  - Security of employment
3. Training
  4. Conditions of work and life
    - Wages, benefits and conditions of work
    - Safety and health
  5. Industrial relations
    - Freedom of association and the right to organize
    - Collective bargaining
    - Consultation
    - Access to remedy and examination of grievances

The guidance is founded substantially on principles contained in international labour standards (ILO conventions and recommendations listed in Annex I of the instrument), and on obligations that States have through their ILO membership and following their ratification of ILO conventions.

## Aim and scope

1. **Multinational Enterprises** play an important part in the economies of most countries and in international economic relations. This is of increasing interest to governments as well as to employers and workers and their respective organizations. Through international direct investment, trade and other means, such enterprises can bring substantial benefits to home and host countries by contributing to the more efficient utilization of capital, technology and labour. Within the framework of sustainable development policies established by governments, they can also make an important contribution to the promotion of economic and social welfare; to the improvement of living standards and the satisfaction of basic needs; to the creation of employment opportunities, both directly and indirectly; and to the enjoyment of human rights, including freedom of association, throughout the world. On the other hand, the advances made by Multinational Enterprises in organizing their operations beyond the national framework may lead to abuse of concentrations of economic power and to conflicts with national policy objectives and with the interest of the workers. In addition, the complexity of Multinational Enterprises

and the difficulty of clearly perceiving their diverse structures, operations and policies sometimes give rise to concern either in the home or in the host countries, or in both.

2. The aim of this Declaration is to encourage the positive contribution which Multinational Enterprises can make to economic and social progress and the realization of decent work for all; and to minimize and resolve the difficulties to which their various operations may give rise.
3. This aim will be furthered by appropriate laws and policies, measures and actions adopted by the governments, including in the fields of labour administration and public labour inspection, and by cooperation among the governments and the employers' and workers' organizations of all countries.
4. The principles of this Declaration are intended to guide governments, employers' and workers' organizations of home and host countries and Multinational Enterprises in taking measures and actions and adopting social policies, including those based on the principles laid down in the Constitution and the relevant Conventions and Recommendations of the ILO, to further social progress and decent work.
5. These principles do not aim at introducing or maintaining inequalities of treatment between multinational and national enterprises. They reflect good practice for all. Multinational and national enterprises, wherever the principles of the MNE Declaration are relevant to both, should be subject to the same expectations in respect of their conduct in general and their social practices in particular.
6. To serve its purpose the MNE Declaration does not require a precise legal definition of Multinational Enterprises; this paragraph is designed to facilitate the understanding of the Declaration and not to provide such a definition. Multinational Enterprises include enterprises – whether fully or partially state-owned or privately owned – which own or control production, distribution, services or other facilities outside the country in which they are based. They may be large or small; and can have their headquarters in any part of the world. The degree of autonomy of entities within Multinational Enterprises in relation to each other varies widely from one such enterprise to another, depending on the nature of the links between such entities and their fields of activity and having regard to the great diversity in the form of ownership, in the size, in the nature and location of the operations of the enterprises concerned. Unless otherwise specified, the term “multinational enterprise” is used in this Declaration to designate the various entities (parent companies or local entities or both or the organization as a whole) according to the distribution of responsibilities among them, in the expectation that they will cooperate and provide assistance to one another as necessary to facilitate observance of the principles laid down in this Declaration. In that regard, it also recognizes that Multinational Enterprises often operate through relationships with other enterprises as part of their

overall production process and, as such, can contribute to further the aim of this Declaration.

7. This Declaration sets out principles in the fields of employment, training, conditions of work and life, and industrial relations which governments, employers' and workers' organizations and Multinational Enterprises are recommended to observe on a voluntary basis; its principles shall not limit or otherwise affect obligations arising out of ratification of any ILO Convention.

## General policies

8. All the parties concerned by the MNE Declaration should respect the sovereign rights of States, obey the national laws and regulations, give due consideration to local practices and respect relevant international standards. They should also honour commitments which they have freely entered into, in conformity with the national law and accepted international obligations. They should respect the Universal Declaration of Human Rights (1948) and the corresponding International Covenants (1966) adopted by the General Assembly of the United Nations as well as the Constitution of the International Labour Organisation and its principles according to which freedom of expression and association are essential to sustained progress.
9. All parties should contribute to the realization of the ILO Declaration on Fundamental Principles and Rights at Work (1998), as amended in 2022. All Members, even if they have not ratified the fundamental Conventions in question, have an obligation, arising from the very fact of membership in the Organization, to respect, to promote and to realize, in good faith and in accordance with the Constitution, the principles concerning the fundamental rights which are the subject of those Conventions, namely:
  - a. freedom of association and the effective recognition of the right to collective bargaining;
  - b. the elimination of all forms of forced or compulsory labour;
  - c. the effective abolition of child labour;
  - d. the elimination of discrimination in respect of employment and occupation; and
  - e. a safe and healthy working environment.

Governments of States which have not yet ratified the Conventions concerning fundamental principles and rights at work recognized in the 1998 Declaration are urged to do so. Multinational Enterprises, through their operations, can contribute significantly to the attainment of its objectives.

10. The principles set out in the MNE Declaration are commended to governments, employers' and workers' organizations of home and host countries and to Multinational Enterprises themselves. The principles thereby reflect the fact that different actors have a specific role to play. In this regard for the purpose of this Declaration:
- a. The Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework (2011) outline the respective duties and responsibilities of States and enterprises on human rights. These principles are grounded in recognition of:
    - i. States' existing obligations to respect, protect and fulfil human rights and fundamental freedoms ("the State duty to protect human rights");
    - ii. the role of enterprises as specialized organs of society performing specialized functions, required to comply with all applicable laws and to respect human rights ("the corporate responsibility to respect human rights"); and
    - iii. the need for rights and obligations to be matched to appropriate and effective remedies when breached ("access to remedy").
  - b. The Guiding Principles apply to all States and to all enterprises, both multinational and others, regardless of their size, sector, operational context, ownership and structure.
  - c. The corporate responsibility to respect human rights requires that enterprises, including Multinational Enterprises wherever they operate:
    - i. avoid causing or contributing to adverse impacts through their own activities, and address such impacts when they occur; and
    - ii. seek to prevent or mitigate adverse human rights impacts that are directly linked to their operations, products or services by their business relationships, even if they have not contributed to those impacts.
  - d. Enterprises, including Multinational Enterprises, should carry out due diligence to identify, prevent, mitigate and account for how they address their actual and potential adverse impacts that relate to internationally recognized human rights, understood, at a minimum, as those expressed in the International Bill of Human Rights and the principles concerning fundamental rights set out in the ILO Declaration on Fundamental Principles and Rights at Work.
  - e. In order to gauge human rights risks, enterprises – including Multinational Enterprises – should identify and assess any actual or potential adverse human rights impacts with which they may be involved either through their own activities or as a result of their business relationships. This process should involve meaningful consultation with potentially affected groups and other relevant stakeholders

including workers' organizations, as appropriate to the size of the enterprise and the nature and context of the operation. For the purpose of achieving the aim of the MNE Declaration, this process should take account of the central role of freedom of association and collective bargaining as well as industrial relations and social dialogue as an ongoing process.

11. Multinational Enterprises should take fully into account established general policy objectives of the countries in which they operate. Their activities should be consistent with national law and in harmony with the development priorities and social aims and structure of the country in which they operate. To this effect, consultations should be held between Multinational Enterprises, the government and, wherever appropriate, the national employers' and workers' organizations concerned.
12. Governments of host countries should promote good social practice in accordance with this Declaration among Multinational Enterprises operating in their territories. Governments of home countries should promote good social practice in accordance with this Declaration among their Multinational Enterprises operating abroad, having regard to the social and labour law, regulations and practices in host countries as well as to relevant international standards. Both host and home country governments should be prepared to have consultations with each other, whenever the need arises, on the initiative of either.

## Employment

### Employment promotion

13. With a view to stimulating sustainable economic growth and development, raising living standards, meeting employment requirements and overcoming unemployment and underemployment, governments should declare and pursue, as a major goal, an active policy designed to promote full, productive and freely chosen employment, and decent work.
14. This is particularly important in the case of host country governments where the problems of unemployment and underemployment are most serious, and in particular in developing areas of the world. In this connection, the Global Employment Agenda (2003), the ILC Conclusions concerning the promotion of sustainable enterprises (2007), the Global Jobs Pact (2009), as amended in 2022, and Goal 8 of the Sustainable Development Goals should be kept in mind.

15. Paragraphs 13 and 14 above establish the framework within which due attention should be paid, in both home and host countries, to the employment impact of Multinational Enterprises.
16. Multinational Enterprises, particularly when operating in developing countries, should endeavour to increase employment opportunities and standards, taking into account the employment policies and objectives of the governments, as well as security of employment and the long-term development of the enterprise.
17. Before starting operations, Multinational Enterprises should, wherever appropriate, consult the competent authorities and the national employers' and workers' organizations in order to keep their employment plans, as far as practicable, in harmony with national social development policies. Such consultation, as in the case of national enterprises, should continue between the Multinational Enterprises and all parties concerned, including the workers' organizations.
18. Multinational Enterprises should give priority to the employment, occupational development, promotion and advancement of nationals of the host country at all levels in cooperation, as appropriate, with representatives of the workers employed by them or of the organizations of these workers and governmental authorities.
19. Multinational Enterprises, when investing in developing countries, should have regard to the importance of using technologies which generate employment, both directly and indirectly. To the extent permitted by the nature of the process and the conditions prevailing in the economic sector concerned, they should adapt technologies to the needs and characteristics of the host countries. They should also, where possible, take part in the development of appropriate technology in host countries.
20. To promote employment in developing countries, in the context of an expanding world economy, Multinational Enterprises, wherever practicable, should give consideration to the conclusion of contracts with national enterprises for the manufacture of parts and equipment, to the use of local raw materials and to the progressive promotion of the local processing of raw materials. Such arrangements should not be used by Multinational Enterprises to avoid the responsibilities embodied in the principles of this Declaration.
21. Governments should develop and implement an integrated policy framework to facilitate the transition to the formal economy, recognizing that decent work deficits are most pronounced in the informal economy. Multinational and other enterprises should also contribute to this aim.

## Social security

22. Governments should establish and maintain, as applicable, social protection floors as a fundamental element of their national social security systems; and implement social

protection floors within strategies for the extension of social security that progressively ensure higher levels of social security to as many people as possible, guided by ILO social security standards. Social partners could play a role in promoting these policies. Multinational and other enterprises could complement public social security systems and help to stimulate further their development, including through their own employer-sponsored programmes.

## Elimination of forced or compulsory labour

23. Governments should take effective measures to prevent and eliminate forced labour, to provide to victims protection and access to appropriate and effective remedies, such as compensation and rehabilitation, and to sanction the perpetrators of forced or compulsory labour. Governments should develop a national policy and plan of action, in consultation with employers' and workers' organizations. This shall involve systematic action by the competent authorities and, as appropriate, in coordination with employers' and workers' organizations, as well as with other groups concerned.
24. In order to suppress forced or compulsory labour, governments should provide guidance and support to employers and enterprises to take effective measures to identify, prevent, mitigate and account for how they address the risks of forced and compulsory labour in their operations or in products, services or operations in which they may be directly linked.
25. Multinational as well as national enterprises should take immediate and effective measures within their own competence to secure the prohibition and elimination of forced or compulsory labour in their operations.

## Effective abolition of child labour: Minimum age and worst forms

26. Governments should develop a national policy designed to ensure the effective abolition of child labour; take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour as a matter of urgency; and progressively raise the minimum age for admission to employment or work to a level consistent with the fullest physical and mental development of young persons.
27. Multinational Enterprises, as well as national enterprises, should respect the minimum age for admission to employment or work in order to secure the effective abolition of child labour in their operations and should take immediate and effective measures within their own competence to secure the prohibition and elimination of the worst forms of child labour as a matter of urgency. Equality of opportunity and treatment

28. Governments should pursue policies designed to promote equality of opportunity and treatment in employment, with a view to eliminating any discrimination based on race, colour, sex, religion, political opinion, national extraction or social origin.
29. Governments should promote equal remuneration for men and women workers for work of equal value.
30. Multinational Enterprises should be guided by the principle of non-discrimination throughout their operations without prejudice to the measures envisaged in paragraph 18 or to government policies designed to correct historical patterns of discrimination and thereby to extend equality of opportunity and treatment in employment. Multinational Enterprises should accordingly make qualifications, skill and experience the basis for the recruitment, placement, training and advancement of their staff at all levels.
31. Governments should never require or encourage Multinational Enterprises to discriminate on any of the grounds mentioned in paragraph 28, and continuing guidance from governments, where appropriate, on the avoidance of such discrimination in employment is encouraged. Security of employment
32. Governments should carefully study the impact of Multinational Enterprises on employment in different industrial sectors. Governments, as well as Multinational Enterprises themselves, in all countries should take suitable measures to deal with the employment and labour market impacts of the operations of Multinational Enterprises.
33. Multinational Enterprises as well as national enterprises, through active employment planning, should endeavour to provide stable employment for workers employed by each enterprise and should observe freely negotiated obligations concerning employment stability and social security. In view of the flexibility which Multinational Enterprises may have, they should strive to assume a leading role in promoting security of employment, particularly in countries where the discontinuation of operations is likely to accentuate long-term unemployment.
34. In considering changes in operations (including those resulting from mergers, takeovers or transfers of production) which would have major employment effects, Multinational Enterprises should provide reasonable notice of such changes to the appropriate government authorities and representatives of the workers in their employment and their organizations so that the implications may be examined jointly in order to mitigate adverse effects to the greatest possible extent. This is particularly important in the case of the closure of an entity involving collective lay-offs or dismissals.
35. Arbitrary dismissal procedures should be avoided.
36. Governments, in cooperation with multinational as well as national enterprises, should provide some form of income protection for workers whose employment has been terminated.

## Training

37. Governments, in cooperation with all the parties concerned, should develop national policies for vocational training and guidance, closely linked with employment. This is the framework within which Multinational Enterprises should pursue their training policies.
38. In their operations, Multinational Enterprises should ensure that relevant training is provided for all levels of workers employed by them in the host country, as appropriate, to meet the needs of the enterprise as well as the development policies of the country. Such training should, to the extent possible, develop generally useful skills and promote career opportunities and lifelong learning. This responsibility should be carried out, where appropriate, in cooperation with the authorities of the country, employers' and workers' organizations and the competent local, national or international institutions.
39. Multinational Enterprises operating in developing countries should participate, along with national enterprises, in programmes, including special funds, encouraged by host governments and supported by employers' and workers' organizations. These programmes should have the aim of encouraging skill formation, lifelong learning and development as well as providing vocational guidance, and should be jointly administered by the parties which support them. Wherever practicable, Multinational Enterprises should make the services of skilled resource personnel available to help in training programmes organized by governments as part of a contribution to national development.
40. Multinational Enterprises, with the cooperation of governments and to the extent consistent with the efficient operation of the enterprise, should afford opportunities within the enterprise as a whole to broaden the experience of local management in suitable fields such as industrial relations.

## Conditions of work and life

### Wages, benefits and conditions of work

41. Wages, benefits and conditions of work offered by Multinational Enterprises across their operations should be not less favourable to the workers than those offered by comparable employers in the host country. Where comparable employers do not exist, they should provide the best possible wages, benefits and conditions of work. The elements to be taken into consideration should include:



- a. the needs of workers and their families, taking into account the general level of wages in the country, the cost of living, social security benefits, and the relative living standards of other social groups; and
  - b. economic factors, including the requirements of economic development, levels of productivity and the desirability of attaining and maintaining a high level of employment. Where the employer provides workers with basic amenities such as housing, medical care or food, these amenities should be of a good standard.
42. Governments, especially in developing countries, should endeavour to adopt suitable measures to ensure that lower income groups and less developed areas benefit as much as possible from the activities of Multinational Enterprises.

## Safety and health

43. Governments should ensure that both multinational and national enterprises provide adequate safety and health standards and contribute to a preventative safety and health culture in enterprises progressively achieving a safe and healthy working environment. This would include steps to combat workplace violence against women and men and attention to building safety. The relevant international labour standards, including the list of occupational diseases, and the ILO codes of practice and guidelines in the current list of ILO publications on occupational safety and health, should also be taken into account. Compensation should be provided to workers who have been victims of occupational accidents or diseases.
44. Multinational Enterprises should maintain the highest standards of safety and health, in conformity with national requirements, bearing in mind their relevant experience within the enterprise as a whole, including any knowledge of special hazards. They should also make available to the representatives of the workers, and upon request, to the competent authorities and the workers' and employers' organizations in all countries in which they operate, information on the safety and health standards relevant to their local operations, which they observe in other countries. In particular, they should make known to those concerned any special hazards and related protective measures associated with new products and processes. They, like comparable domestic enterprises, should be expected to play a leading role in the examination of causes of industrial safety and health hazards and in the application of resulting improvements within the enterprise as a whole.
45. Multinational Enterprises should cooperate in the work of international organizations concerned with the preparation and adoption of international safety and health standards.

46. In accordance with national practice, Multinational Enterprises should cooperate fully with the competent safety and health authorities, the representatives of the workers and their organizations, and established safety and health organizations. Where appropriate, matters relating to safety and health should be incorporated in agreements with the representatives of the workers and their organizations.

## Industrial relations

47. Multinational Enterprises should observe standards of industrial relations throughout their operations.

## Freedom of association and the right to organize

48. Workers employed by Multinational Enterprises as well as those employed by national enterprises should, without distinction whatsoever, have the right to establish and, subject only to the rules of the organization concerned, to join organizations of their own choosing without previous authorization. They should also enjoy adequate protection against acts of anti-union discrimination in respect of their employment.
49. Organizations representing Multinational Enterprises or the workers in their employment should enjoy adequate protection against any acts of interference by each other or each other's agents or members in their establishment, functioning or administration.
50. Where appropriate, in the local circumstances, Multinational Enterprises should support representative employers' organizations.
51. Governments, where they do not already do so, are urged to apply the principles of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), Article 5, in view of the importance, in relation to Multinational Enterprises, of permitting organizations representing such enterprises or the workers in their employment to affiliate with international organizations of employers and workers of their own choosing.
52. Where governments of host countries offer special incentives to attract foreign investment, these incentives should not include any limitation of the workers' freedom of association or the right to organize and bargain collectively.
53. Representatives of the workers in multinational and national enterprises should not be hindered from meeting for consultation and exchange of views among themselves, provided that the functioning of the operations of the enterprise and the normal procedures which govern relationships with representatives of the workers and their organizations are not thereby prejudiced.

54. Governments should not restrict the entry of representatives of employers' and workers' organizations who come from other countries at the invitation of the local or national organizations concerned for the purpose of consultation on matters of mutual concern, solely on the grounds that they seek entry in that capacity.

## Collective bargaining

55. Workers employed by Multinational Enterprises should have the right, in accordance with national law and practice, to have representative organizations of their own choosing recognized for the purpose of collective bargaining.
56. Measures appropriate to national conditions should be taken to encourage and promote the full development and utilization of machinery for voluntary negotiation between employers or employers' organizations and workers' organizations, with a view to the regulation of terms and conditions of employment by means of collective agreements.
57. Multinational Enterprises, as well as national enterprises, should provide workers' representatives with such facilities as may be necessary to assist in the development of effective collective agreements.
58. Multinational Enterprises should enable duly authorized representatives of the workers in their employment in each of the countries in which they operate to conduct negotiations with representatives of management who are authorized to take decisions on the matters under negotiation.
59. Multinational Enterprises, in the context of bona fide negotiations with the workers' representatives on conditions of employment, or while workers are exercising the right to organize, should not threaten to utilize a capacity to transfer the whole or part of an operating unit from the country concerned in order to influence unfairly those negotiations or to hinder the exercise of the right to organize; nor should they transfer workers from affiliates in foreign countries with a view to undermining bona fide negotiations with the workers' representatives or the workers' exercise of their right to organize.
60. Collective agreements should include provisions for the settlement of disputes arising over their interpretation and application and for ensuring mutually respected rights and responsibilities.
61. Multinational Enterprises should provide workers' representatives with information required for meaningful negotiations with the entity involved and, where this accords with local law and practices, should also provide information to enable them to obtain a true and fair view of the performance of the entity or, where appropriate, of the enterprise as a whole.
62. Governments should supply to the representatives of workers' organizations on request, where law and practice so permit, information on the industries in which the enterprise

operates, which would help in laying down objective criteria in the collective bargaining process. In this context, multinational as well as national enterprises should respond constructively to requests by governments for relevant information on their operations.

## Consultation

63. In multinational as well as in national enterprises, systems devised by mutual agreement between employers and workers and their representatives should provide, in accordance with national law and practice, for regular consultation on matters of mutual concern. Such consultation should not be a substitute for collective bargaining.

## Access to remedy and examination of grievances

64. As part of their duty to protect against business-related human rights abuses, governments should take appropriate steps to ensure, through judicial, administrative, legislative or other appropriate means, that when such abuses occur within their territory and/or jurisdiction any affected worker or workers have access to effective remedy.
65. Multinational Enterprises should use their leverage to encourage their business partners to provide effective means of enabling remediation for abuses of internationally recognized human rights.
66. Multinational as well as national enterprises should respect the right of the workers whom they employ to have all their grievances processed in a manner consistent with the following provision: any worker who, acting individually or jointly with other workers, considers that he or she has grounds for a grievance should have the right to submit such grievance without suffering any prejudice whatsoever as a result, and to have such grievance examined pursuant to an appropriate procedure. This is particularly important whenever the Multinational Enterprises operate in countries which do not abide by the principles of ILO Conventions pertaining to freedom of association, to the right to organize and bargain collectively, to discrimination, to child labour, to forced labour and to a safe and healthy working environment.

## Settlement of industrial disputes

67. Governments should ensure that voluntary conciliation and arbitration machinery, appropriate to national conditions, is made available to assist in the prevention and settlement of industrial disputes between employers and workers. The procedure should be free of charge and expeditious.

68. Multinational as well as national enterprises jointly with the representatives and organizations of the workers whom they employ should seek to establish voluntary conciliation machinery, appropriate to national conditions, which may include provisions for voluntary arbitration, to assist in the prevention and settlement of industrial disputes between employers and workers. The voluntary conciliation machinery should include equal representation of employers and workers.

## List of ILO Declarations, International Labour Conventions and Recommendations, Codes of Practice, guidelines and other guidance documents relevant to the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy

### A. ILO Declarations

- ILO Declaration on Fundamental Principles and Rights at Work (1998), as amended in 2022
- ILO Declaration on Social Justice for a Fair Globalization (2008), as amended in 2022

### B. International labour Conventions and Recommendations

<b>Forced labour</b>	<ul style="list-style-type: none"> <li>• Forced Labour Convention, 1930 (No. 29) and its Protocol of 2014; and Forced Labour (Indirect Compulsion Recommendation, 1930 (No. 35)</li> <li>• Abolition of Forced Labour Convention, 1957 (No. 105)</li> <li>• Forced Labour (Supplementary Measures) Recommendation, 2014 (No. 203)</li> </ul>
<b>Child labour</b>	<ul style="list-style-type: none"> <li>• Minimum Age Convention (No. 138) and Recommendation (No. 146), 1973</li> <li>• Worst Forms of Child Labour Convention (No. 182) and Recommendation (No. 190), 1999</li> </ul>
<b>Non-discrimination</b>	<ul style="list-style-type: none"> <li>• Equal Remuneration Convention (No. 100) and Recommendation (No. 90), 1951</li> <li>• Discrimination (Employment and Occupation) Convention (No. 111) and Recommendation (No. 111), 1958</li> </ul>
<b>Freedom of association and collective bargaining</b>	<ul style="list-style-type: none"> <li>• Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)</li> <li>• Right to Organise and Collective Bargaining Convention, 1949 (No. 98)</li> <li>• Collective Bargaining Convention (No. 154) and Recommendation (No. 163), 1981</li> </ul>
<b>A safe and healthy working environment</b>	<ul style="list-style-type: none"> <li>• Occupational Safety and Health Convention (No. 155) and Recommendation (No. 164), 1981</li> <li>• Promotional Framework for Occupational Safety and Health Convention (No. 187) and Recommendation (No. 197), 2006</li> </ul>
<b>Industrial relations</b>	<ul style="list-style-type: none"> <li>• Workers' Representatives Convention, 1971 (No. 135)</li> <li>• Voluntary Conciliation and Arbitration Recommendation, 1951 (No. 92)</li> <li>• Co-operation at the Level of the Undertaking Recommendation, 1952 (No. 94)</li> <li>• Communications within the Undertaking Recommendation, 1967 (No. 129)</li> <li>• Examination of Grievances Recommendation, 1967 (No. 130)</li> </ul>
<b>Employment promotion</b>	<ul style="list-style-type: none"> <li>• Employment Policy Convention (No. 122), and Recommendation (No. 122), 1964</li> <li>• Employment Promotion and Protection against Unemployment Convention (No. 168) and Recommendation (No. 176), 1988</li> </ul>

	<ul style="list-style-type: none"> <li>• Employment Policy (Supplementary Provisions) Recommendation, 1984 (No. 169)</li> <li>• Job Creation in Small and Medium-Sized Enterprises Recommendation, 1998 (No. 189)</li> <li>• Promotion of Cooperatives Recommendation, 2002 (No. 193)</li> </ul>
<b>Equality of treatment</b>	<ul style="list-style-type: none"> <li>• Workers with Family Responsibilities Convention (No. 156) and Recommendation (No. 165), 1981</li> <li>• HIV and AIDS Recommendation, 2010 (No. 200)</li> </ul>
<b>Security of employment</b>	<ul style="list-style-type: none"> <li>• Termination of Employment Convention (No. 158) and Recommendation (No. 166), 1982</li> </ul>
<b>Training</b>	<ul style="list-style-type: none"> <li>• Human Resources Development Convention, 1975 (No. 142)</li> <li>• Human Resources Development Recommendation, 2004 (No. 195)</li> </ul>
<b>Conditions of work</b>	<ul style="list-style-type: none"> <li>• Protection of Workers' Claims (Employer's Insolvency) Convention (No. 173) and Recommendation (No. 180), 1992</li> <li>• Workers' Housing Recommendation, 1961 (No. 115)</li> <li>• Reduction of Hours of Work Recommendation, 1962 (No. 116)</li> </ul>
<b>Occupational safety and health</b>	<ul style="list-style-type: none"> <li>• Working Environment (Air Pollution, Noise and Vibration) Convention (No. 148) and Recommendation (No. 156), 1977</li> <li>• Protocol of 2002 to the Occupational Safety and Health Convention, 1981</li> <li>• Occupational Health Services Convention (No. 161) and Recommendation (No. 171), 1985</li> <li>• Asbestos Convention (No. 162) and Recommendation (No. 172), 1986</li> <li>• Safety and Health in Construction Convention (No. 167) and Recommendation (No. 175), 1988</li> <li>• Chemicals Convention (No. 170) and Recommendation (No. 177), 1990</li> <li>• Prevention of Major Industrial Accidents Convention (No. 174) and Recommendation (No. 181), 1993</li> <li>• Safety and Health in Mines Convention (No. 176) and Recommendation (No. 183), 1995</li> <li>• Safety and Health in Agriculture Convention (No. 184) and Recommendation (No. 192), 2001</li> <li>• Radiation Protection Recommendation, 1960 (No. 114)</li> <li>• Guarding of Machinery Recommendation, 1963 (No. 118)</li> <li>• Benzene Recommendation, 1971 (No. 144)</li> <li>• Occupational Cancer Recommendation, 1974 (No. 147)</li> <li>• List of Occupational Diseases Recommendation, 2002 (No. 194)</li> </ul>
<b>Social protection</b>	<ul style="list-style-type: none"> <li>• Social Security (Minimum Standards) Convention, 1952 (No. 102)</li> <li>• Employment Injury Benefits Convention, 1964 [Schedule I amended in 1980] (No. 121)</li> <li>• Medical Care and Sickness Benefits Convention (No. 130) and Recommendation (No. 134), 1969</li> <li>• Social Protection Floors Recommendation, 2012 (No. 202)</li> </ul>
<b>Governance</b>	<ul style="list-style-type: none"> <li>• Labour Inspection Convention, 1947 (No. 81)</li> <li>• Labour Inspection (Agriculture) Convention, 1969 (No. 129)</li> <li>• Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144)</li> </ul>
<b>Indigenous and tribal peoples</b>	<ul style="list-style-type: none"> <li>• Indigenous and Tribal Peoples Convention, 1989 (No. 169)</li> </ul>
<b>Particular categories of workers</b>	<ul style="list-style-type: none"> <li>• Plantations Convention (No. 110) and Recommendation (No. 110), 1958</li> <li>• Maritime Labour Convention, 2006, as amended</li> </ul>

# International Labor Organization Declaration on Fundamental Principles and Rights at Work

The eight Fundamental Principles and Rights at Work  
and related conventions

# 8.15

# Declaration on Fundamental Principles and Rights at Work

The International Labor Organization Governing Body has identified “fundamental” Conventions, covering subjects that are considered to be fundamental principles and rights at work: freedom of association and the effective recognition of the right to collective bargaining; the elimination of all forms of forced or compulsory labor; the effective abolition of child labor; and the elimination of discrimination in respect of employment and occupation. These principles are also covered by the ILO Declaration on Fundamental Principles and Rights at Work (1998).

Conventions and Recommendations are drawn up by representatives of governments, employers and workers and are adopted at the annual International Labour Conference. Once a standard is adopted, member states are required under article 19(6) of the ILO Constitution, to submit it to their competent authority (normally Parliament) within a period of twelve months for consideration. In the case of Conventions, this means consideration for ratification. If it is ratified, a Convention generally comes into force for that country one year after the date of ratification. Ratifying countries undertake to apply the Convention in national law and practice and to report on its application at regular intervals. Technical assistance is provided by the ILO, if necessary. In addition, representation and complaint procedures can be initiated against countries for violations of a Convention that they have ratified.

(excerpt)

## The international labour conference

Recalls:

That in freely joining the ILO, all Members have endorsed the principles and rights set out in its Constitution and in the Declaration of Philadelphia, and have undertaken to work towards attaining the overall objectives of the Organization to the best of their resources and fully in line with their specific circumstances;

That these principles and rights have been expressed and developed in the form of specific rights and obligations in Conventions recognized as fundamental both inside and outside the Organization.

Declares that all Members, even if they have not ratified the Conventions in question, have an obligation arising from the very fact of membership in the Organization to respect, to promote and to realize, in good faith and in accordance with the Constitution, the principles concerning the fundamental rights which are the subject of those Conventions, namely:

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

## Fundamental Conventions

The ILO Governing Body had initially identified eight “fundamental” Conventions, covering subjects that were considered to be fundamental principles and rights at work: freedom of association and the effective recognition of the right to collective bargaining; the elimination of all forms of forced or compulsory labour; the effective abolition of child labour; and the elimination of discrimination in respect of employment and occupation. These principles were also covered by the ILO [Declaration on Fundamental Principles and Rights at Work \(1998\)](#). Following the adoption of the Protocol of 2014 to the Forced Labour Convention, 1930, a ninth ILO instrument was then considered as “fundamental”. At the 110th Session of the International Labour Conference in June 2022, the ILC adopted a [Resolution on the inclusion of a safe and healthy working environment in the ILO’s framework of fundamental principles and rights at work](#). As a result, the ILO Declaration on Fundamental Principles and Rights at Work, 1998,

has been amended to this effect and the Occupational Safety and Health Convention, 1981 (No. 155) and the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187) are now considered as fundamental Conventions within the meaning of the 1998 Declaration, as amended in 2022 .

The eleven fundamental instruments are:

### [Freedom of Association and Protection of the Right to Organise Convention, 1948 \(No. 87\)](#)

(excerpt)

#### Article 2

Workers and employers, without distinction whatsoever, shall have the right to establish and, subject only to the rules of the organisation concerned, to join organisations of their own choosing without previous authorisation.

#### Article 3

1. Workers' and employers' organisations shall have the right to draw up their constitutions and rules, to elect their representatives in full freedom, to organise their administration and activities and to formulate their programmes.
2. The public authorities shall refrain from any interference which would restrict this right or impede the lawful exercise thereof.

#### Article 4

Workers' and employers' organisations shall not be liable to be dissolved or suspended by administrative authority.

#### Article 5

Workers' and employers' organisations shall have the right to establish and join federations and confederations and any such organisation, federation or confederation shall have the right to affiliate with international organisations of workers and employers.

#### Article 6

The provisions of Articles 2, 3 and 4 hereof apply to federations and confederations of workers' and employers' organisations.

### [Right to Organise and Collective Bargaining Convention, 1949 \(No. 98\)](#)

(excerpt)

#### Article 1

1. Workers shall enjoy adequate protection against acts of anti-union discrimination in respect of their employment.
2. Such protection shall apply more particularly in respect of acts calculated to--
  - a. make the employment of a worker subject to the condition that he shall not join a union or shall relinquish trade union membership;
  - b. cause the dismissal of or otherwise prejudice a worker by reason of union membership or because of participation in union activities outside working hours or, with the consent of the employer, within working hours.

#### Article 2

1. Workers' and employers' organisations shall enjoy adequate protection against any acts of interference by each other or each other's agents or members in their establishment, functioning or administration.
2. In particular, acts which are designed to promote the establishment of workers' organisations under the domination of employers or employers' organisations, or to support workers' organisations by financial or other means, with the object of placing such organisations under the control of employers or employers' organisations, shall be deemed to constitute acts of interference within the meaning of this Article.

#### Article 3

Machinery appropriate to national conditions shall be established, where necessary, for the purpose of ensuring respect for the right to organise as defined in the preceding Articles.

## Article 4

Measures appropriate to national conditions shall be taken, where necessary, to encourage and promote the full development and utilisation of machinery for voluntary negotiation between employers or employers' organisations and workers' organisations, with a view to the regulation of terms and conditions of employment by means of collective agreements.

### [Forced Labour Convention, 1930 \(No. 29\) \(and its 2014 Protocol\)](#)

### [Forced Labour Convention, 1930 \(No. 29\)](#)

## Article 2

1. For the purposes of this Convention the term forced or compulsory labour shall mean all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.
2. Nevertheless, for the purposes of this Convention, the term forced or compulsory labour shall not include:
  - a. any work or service exacted in virtue of compulsory military service laws for work of a purely military character;
  - b. any work or service which forms part of the normal civic obligations of the citizens of a fully self-governing country;
  - c. any work or service exacted from any person as a consequence of a conviction in a court of law, provided that the said work or service is carried out under the supervision and control of a public authority and that the said person is not hired to or placed at the disposal of private individuals, companies or associations;
  - d. any work or service exacted in cases of emergency, that is to say, in the event of war or of a calamity or threatened calamity, such as fire, flood, famine, earthquake, violent epidemic or epizootic diseases, invasion by animal, insect or vegetable pests, and in general any circumstance that would endanger the existence or the well-being of the whole or part of the population;
  - e. minor communal services of a kind which, being performed by the members of the community in the direct interest of the said community, can therefore be considered as normal civic obligations incumbent upon the members of the community, provided that the members of the community or their direct representatives shall have the right to be consulted in regard to the need for such services.

## 2014 Protocol

(excerpt)

## Article 1

1. In giving effect to its obligations under the Convention to suppress forced or compulsory labour, each Member shall take effective measures to prevent and eliminate its use, to provide to victims protection and access to appropriate and effective remedies, such as compensation, and to sanction the perpetrators of forced or compulsory labour.
2. Each Member shall develop a national policy and plan of action for the effective and sustained suppression of forced or compulsory labour in consultation with employers' and workers' organizations, which shall involve systematic action by the competent authorities and, as appropriate, in coordination with employers' and workers' organizations, as well as with other groups concerned.
3. The definition of forced or compulsory labour contained in the Convention is reaffirmed, and therefore the measures referred to in this Protocol shall include specific action against trafficking in persons for the purposes of forced or compulsory labour.

## Article 2

The measures to be taken for the prevention of forced or compulsory labour shall include:

- a. educating and informing people, especially those considered to be particularly vulnerable, in order to prevent their becoming victims of forced or compulsory labour;
- b. educating and informing employers, in order to prevent their becoming involved in forced or compulsory labour practices;
- c. undertaking efforts to ensure that:
- d. the coverage and enforcement of legislation relevant to the prevention of forced or compulsory labour, including labour law as appropriate, apply to all workers and all sectors of the economy; and
- e. labour inspection services and other services responsible for the implementation of this legislation are strengthened;
- f. protecting persons, particularly migrant workers, from possible abusive and fraudulent practices during the recruitment and placement process;
- g. supporting due diligence by both the public and private sectors to prevent and respond to risks of forced or compulsory labour; and

- h. addressing the root causes and factors that heighten the risks of forced or compulsory labour.

### Article 3

Each Member shall take effective measures for the identification, release, protection, recovery and rehabilitation of all victims of forced or compulsory labour, as well as the provision of other forms of assistance and support.

### Article 4

1. Each Member shall ensure that all victims of forced or compulsory labour, irrespective of their presence or legal status in the national territory, have access to appropriate and effective remedies, such as compensation.

2. Each Member shall, in accordance with the basic principles of its legal system, take the necessary measures to ensure that competent authorities are entitled not to prosecute or impose penalties on victims of forced or compulsory labour for their involvement in unlawful activities which they have been compelled to commit as a direct consequence of being subjected to forced or compulsory labour.

## Abolition of Forced Labour Convention, 1957 (No. 105)

(excerpt)

### Article 1

Each Member of the International Labour Organisation which ratifies this Convention undertakes to suppress and not to make use of any form of forced or compulsory labour:

- a. as a means of political coercion or education or as a punishment for holding or expressing political views or views ideologically opposed to the established political, social or economic system;
- b. as a method of mobilising and using labour for purposes of economic development;
- c. as a means of labour discipline;
- d. as a punishment for having participated in strikes;
- e. as a means of racial, social, national or religious discrimination.

## Minimum Age Convention, 1973 (No. 138)

(excerpt)

### Article 3

1. The minimum age for admission to any type of employment or work which by its nature or the circumstances in which it is carried out is likely to jeopardise the health, safety or morals of young persons shall not be less than 18 years.
2. The types of employment or work to which paragraph 1 of this Article applies shall be determined by national laws or regulations or by the competent authority, after consultation with the organisations of employers and workers concerned, where such exist.
3. Notwithstanding the provisions of paragraph 1 of this Article, national laws or regulations or the competent authority may, after consultation with the organisations of employers and workers concerned, where such exist, authorise employment or work as from the age of 16 years on condition that the health, safety and morals of the young persons concerned are fully protected and that the young persons have received adequate specific instruction or vocational training in the relevant branch of activity.

## Worst Forms of Child Labour Convention, 1999 (No. 182)

(excerpt)

### Article 3

For the purposes of this Convention, the term the worst forms of child labour comprises:

- a. all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict;
- b. the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;
- c. the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties;
- d. work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.



## Article 7

1. Each Member shall take all necessary measures to ensure the effective implementation and enforcement of the provisions giving effect to this Convention including the provision and application of penal sanctions or, as appropriate, other sanctions.
2. Each Member shall, taking into account the importance of education in eliminating child labour, take effective and time-bound measures to:
  - a. prevent the engagement of children in the worst forms of child labour;
  - b. provide the necessary and appropriate direct assistance for the removal of children from the worst forms of child labour and for their rehabilitation and social integration;
  - c. ensure access to free basic education, and, wherever possible and appropriate, vocational training, for all children removed from the worst forms of child labour;
  - d. identify and reach out to children at special risk; and
  - e. take account of the special situation of girls.
3. Each Member shall designate the competent authority responsible for the implementation of the provisions giving effect to this Convention.

## Equal Remuneration Convention, 1951 (No. 100)

(excerpt)

### Article 1

For the purpose of this Convention:

- a. the term remuneration includes the ordinary, basic or minimum wage or salary and any additional emoluments whatsoever payable directly or indirectly, whether in cash or in kind, by the employer to the worker and arising out of the worker's employment;
- b. the term equal remuneration for men and women workers for work of equal value refers to rates of remuneration established without discrimination based on sex.

### Article 2

1. Each Member shall, by means appropriate to the methods in operation for determining rates of remuneration, promote and, in so far as is consistent with such methods, ensure

the application to all workers of the principle of equal remuneration for men and women workers for work of equal value.

2. This principle may be applied by means of:
  - a. national laws or regulations;
  - b. legally established or recognised machinery for wage determination;
  - c. collective agreements between employers and workers; or
  - d. a combination of these various means.

## Discrimination (Employment and Occupation) Convention, 1958 (No. 111)

(excerpt)

### Article 1

1. For the purpose of this Convention the term discrimination includes--
  - a. any distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation;
  - b. such other distinction, exclusion or preference which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation as may be determined by the Member concerned after consultation with representative employers' and workers' organisations, where such exist, and with other appropriate bodies.
2. Any distinction, exclusion or preference in respect of a particular job based on the inherent requirements thereof shall not be deemed to be discrimination.
3. For the purpose of this Convention the terms employment and occupation include access to vocational training, access to employment and to particular occupations, and terms and conditions of employment.

## Article 2

Each Member for which this Convention is in force undertakes to declare and pursue a national policy designed to promote, by methods appropriate to national conditions and practice, equality of opportunity and treatment in respect of employment and occupation, with a view to eliminating any discrimination in respect thereof.

## Article 3

Each Member for which this Convention is in force undertakes, by methods appropriate to national conditions and practice:

- a. to seek the co-operation of employers' and workers' organisations and other appropriate bodies in promoting the acceptance and observance of this policy;
- b. to enact such legislation and to promote such educational programmes as may be calculated to secure the acceptance and observance of the policy;
- c. to repeal any statutory provisions and modify any administrative instructions or practices which are inconsistent with the policy;
- d. to pursue the policy in respect of employment under the direct control of a national authority;
- e. to ensure observance of the policy in the activities of vocational guidance, vocational training and placement services under the direction of a national authority;
- f. to indicate in its annual reports on the application of the Convention the action taken in pursuance of the policy and the results secured by such action.

## Occupational Safety and Health Convention, 1981 (No. 155)

(excerpt)

### Article 4

1. Each Member shall, in the light of national conditions and practice, and in consultation with the most representative organisations of employers and workers, formulate, implement and periodically review a coherent national policy on occupational safety, occupational health and the working environment.

2. The aim of the policy shall be to prevent accidents and injury to health arising out of, linked with or occurring in the course of work, by minimising, so far as is reasonably practicable, the causes of hazards inherent in the working environment.

## Article 5

The policy referred to in Article 4 of this Convention shall take account of the following main spheres of action in so far as they affect occupational safety and health and the working environment:

- a. design, testing, choice, substitution, installation, arrangement, use and maintenance of the material elements of work (workplaces, working environment, tools, machinery and equipment, chemical, physical and biological substances and agents, work processes);
- b. relationships between the material elements of work and the persons who carry out or supervise the work, and adaptation of machinery, equipment, working time, organisation of work and work processes to the physical and mental capacities of the workers;
- c. training, including necessary further training, qualifications and motivations of persons involved, in one capacity or another, in the achievement of adequate levels of safety and health;
- d. communication and co-operation at the levels of the working group and the undertaking and at all other appropriate levels up to and including the national level;
- e. the protection of workers and their representatives from disciplinary measures as a result of actions properly taken by them in conformity with the policy referred to in Article 4 of this Convention.

## Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187)

(excerpt)

### Article 4

1. Each Member shall establish, maintain, progressively develop and periodically review a national system for occupational safety and health, in consultation with the most representative organizations of employers and workers.
2. The national system for occupational safety and health shall include among others:

- a. laws and regulations, collective agreements where appropriate, and any other relevant instruments on occupational safety and health;
  - b. an authority or body, or authorities or bodies, responsible for occupational safety and health, designated in accordance with national law and practice;
  - c. mechanisms for ensuring compliance with national laws and regulations, including systems of inspection; and
  - d. arrangements to promote, at the level of the undertaking, cooperation between management, workers and their representatives as an essential element of workplace-related prevention measures.
3. The national system for occupational safety and health shall include, where appropriate:
- a. a national tripartite advisory body, or bodies, addressing occupational safety and health issues;
  - b. information and advisory services on occupational safety and health;
  - c. the provision of occupational safety and health training;
  - d. occupational health services in accordance with national law and practice;
  - e. research on occupational safety and health;
  - f. a mechanism for the collection and analysis of data on occupational injuries and diseases, taking into account relevant ILO instruments;
  - g. provisions for collaboration with relevant insurance or social security schemes covering occupational injuries and diseases; and
  - h. support mechanisms for a progressive improvement of occupational safety and health conditions in micro-enterprises, in small and medium-sized enterprises and in the informal economy.

# ILO – Respect Labor Standards on Working Time

The regulation of working time is one of the oldest concerns of labour legislation. Already in the early 19th century it was recognized that working excessive hours posed a danger to workers' health and to their families. The very first ILO Convention, adopted in 1919 (see below), limited hours of work and provided for adequate rest periods for workers. Today, ILO standards on working time provide the framework for regulated hours of work, daily and weekly rest periods, and annual holidays. These instruments ensure high productivity while safeguarding workers' physical and mental health. Standards on part-time work have become increasingly important instruments for addressing such issues as job creation and promoting equality between men and women.

[Hours of Work \(Industry\) Convention, 1919 \(No. 1\)](#) – [\[ratifications\]](#)

[Hours of Work \(Commerce and Offices\) Convention, 1930 \(No. 30\)](#) – [\[ratifications\]](#)

These above two conventions set the general standard at 48 regular hours of work per week, with a maximum of eight hours per day.

[Forty-Hour Week Convention, 1935 \(No. 47\)](#) – [\[ratifications\]](#)

[Reduction of Hours of Work Recommendation, 1962 \(No. 116\)](#)

These above two instruments set out the principle of the 40-hour workweek.

[Weekly Rest \(Industry\) Convention, 1921 \(No. 14\)](#) – [\[ratifications\]](#)

[Weekly Rest \(Commerce and Offices\) Convention, 1957 \(No. 106\)](#) – [\[ratifications\]](#)

The above two conventions set the general standard that workers shall enjoy a rest period of at least 24 consecutive hours every seven days.

[Holidays with Pay Convention \(Revised\), 1970 \(No. 132\)](#) – [\[ratifications\]](#)

Every person to whom the convention applies shall enjoy at least three working weeks of annual paid holiday for one year of service.

[Night Work Convention, 1990 \(No. 171\)](#) – [\[ratifications\]](#)

Requires ratifying states to take measures required by the nature of night work for the protection of night workers. Night work is defined as work performed during a period of not less than seven consecutive hours, including the interval from midnight to 5 a.m. Also requires alternatives to night work to be offered to women for specified periods during and after pregnancy.

[Part-Time Work Convention, 1994 \(No. 175\)](#) – [\[ratifications\]](#)

Requires ratifying states to ensure that part-time workers receive the same protection, basic wage and social security, as well as employment conditions equivalent to those accorded to comparable full-time workers.

## Hours of Work (Industry) Convention, 1919 (No. 1)

(excerpt)

### Article 2

The working hours of persons employed in any public or private industrial undertaking or in any branch thereof, other than an undertaking in which only members of the same family are employed, shall not exceed eight in the day and forty-eight in the week, with the exceptions hereinafter provided for:

- a. the provisions of this Convention shall not apply to persons holding positions of supervision or management, nor to persons employed in a confidential capacity;
- b. where by law, custom, or agreement between employers' and workers' organisations, or, where no such organisations exist, between employers' and workers' representatives, the hours of work on one or more days of the week are less than eight, the limit of eight hours may be exceeded on the remaining days of the week by the sanction of the competent public authority, or by agreement between such organisations or representatives; provided, however, that in no case under the provisions of this paragraph shall the daily limit of eight hours be exceeded by more than one hour;
- c. where persons are employed in shifts it shall be permissible to employ persons in excess of eight hours in any one day and forty-eight hours in any one week, if the average number of hours over a period of three weeks or less does not exceed eight per day and forty-eight per week.

## Weekly Rest (Industry) Convention, 1921 (No. 14)

(excerpt)

### Article 2

1. The whole of the staff employed in any industrial undertaking, public or private, or in any branch thereof shall, except as otherwise provided for by the following Articles, enjoy in every period of seven days a period of rest comprising at least twenty-four consecutive hours.
2. This period of rest shall, wherever possible, be granted simultaneously to the whole of the staff of each undertaking.
3. It shall, wherever possible, be fixed so as to coincide with the days already established by the traditions or customs of the country or district.

## Weekly Rest (Commerce and Offices) Convention, 1957 (No. 106)

(excerpt)

### Article 6

1. All persons to whom this Convention applies shall, except as otherwise provided by the following Articles, be entitled to an uninterrupted weekly rest period comprising not less than 24 hours in the course of each period of seven days.
2. The weekly rest period shall, wherever possible, be granted simultaneously to all the persons concerned in each establishment.
3. The weekly rest period shall, wherever possible, coincide with the day of the week established as a day of rest by the traditions or customs of the country or district.
4. The traditions and customs of religious minorities shall, as far as possible, be respected.

# ILO – Declaration on Social Justice for a Fair Globalization

(excerpt)

- ii. developing and enhancing measures of social protection – social security and labour protection – which are sustainable and adapted to national circumstances, including:
  - the extension of social security to all, including measures to provide basic income to all in need of such protection, and adapting its scope and coverage to meet the new needs and uncertainties generated by the rapidity of technological, societal, demographic and economic changes;
  - healthy and safe working conditions; and
  - policies in regard to wages and earnings, hours and other conditions of work, designed to ensure a just share of the fruits of progress to all and a minimum living wage to all employed and in need of such protection;
- Minimum Wage-Fixing Machinery Convention, 1928 (No. 26)
- Minimum Wage Fixing Convention, 1970 (No. 131)

# ILO – Indigenous and Tribal Peoples Convention, 1989 (No. 169)

[Source link](#)

The Indigenous and Tribal Peoples Convention, 1989 is an [International Labour Organization Convention](#), also known as [ILO Convention 169](#), or C169. It is the major binding international convention concerning indigenous peoples and tribal peoples, and a forerunner of the Declaration on the Rights of Indigenous Peoples.

[Source link](#)



(excerpt)

## Article 5

In applying the provisions of this Convention:

- a. the social, cultural, religious and spiritual values and practices of these peoples shall be recognised and protected, and due account shall be taken of the nature of the problems which face them both as groups and as individuals;
- b. the integrity of the values, practices and institutions of these peoples shall be respected;
- c. policies aimed at mitigating the difficulties experienced by these peoples in facing new conditions of life and work shall be adopted, with the participation and co-operation of the peoples affected.

## Article 6

1. In applying the provisions of this Convention, governments shall:
  - a. consult the peoples concerned, through appropriate procedures and in particular through their representative institutions, whenever consideration is being given to legislative or administrative measures which may affect them directly;
  - b. establish means by which these peoples can freely participate, to at least the same extent as other sectors of the population, at all levels of decision-making in elective institutions and administrative and other bodies responsible for policies and programmes which concern them;
  - c. establish means for the full development of these peoples' own institutions and initiatives, and in appropriate cases provide the resources necessary for this purpose.
2. The consultations carried out in application of this Convention shall be undertaken, in good faith and in a form appropriate to the circumstances, with the objective of achieving agreement or consent to the proposed measures.

## Article 7

1. The peoples concerned shall have the right to decide their own priorities for the process of development as it affects their lives, beliefs, institutions and spiritual well-being and the lands they occupy or otherwise use, and to exercise control, to the extent possible, over their own economic, social and cultural development. In addition, they shall participate in the formulation, implementation and evaluation of plans and programmes for national and regional development which may affect them directly.
2. The improvement of the conditions of life and work and levels of health and education of the peoples concerned, with their participation and co-operation, shall be a matter of priority in plans for the overall economic development of areas they inhabit. Special projects for development of the areas in question shall also be so designed as to promote such improvement.
3. Governments shall ensure that, whenever appropriate, studies are carried out, in co-operation with the peoples concerned, to assess the social, spiritual, cultural and environmental impact on them of planned development activities. The results of these studies shall be considered as fundamental criteria for the implementation of these activities.

4. Governments shall take measures, in co-operation with the peoples concerned, to protect and preserve the environment of the territories they inhabit.

