

## DRAFT

# UN Convention on Justice and Support for Victims of Crime and Abuse of Power

## PREAMBLE

*The State Parties to this Convention:*

Recalling the resolution of the UN General Assembly (GA/RES/50/34) in 1985 which called upon Member State to take the necessary steps to give effect to the provisions contained in the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, Recognizing that millions of people, including many women and children, throughout the world still suffer harm as a result of crime, abuse of power and terrorism, and that the rights of these victims still have not been adequately recognized, and that they may, in addition, suffer hardship when assisting in the prosecution of perpetrators,

Noting the partial progress achieved by some Member State in

- legislating the basic principles of justice into domestic laws combined with a high level office to implement policies and programs to provide comprehensive measures for victims of crime;
- providing victims of crime with better information, support services, reparation from offenders, compensation from the state and a role in criminal proceedings; establishing programs to protect victims of crime who are vulnerable, for instance because of gender or age;
- launching permanent boards and legislation to promote the use of effective and proven prevention of victimisation at all levels of government.

Noting the initiatives at the UN to implement the Declaration, including:

- UN Commission endorsement of the website [Victimology.nl](http://Victimology.nl) in 1998;
- UN Commission approval of The Guide for Policy Makers and the Handbook on Justice for Victims in 1999;
- Statute of Rome in 1998 (and later the Rules of Procedure and Evidence) to establish the International Criminal Court;
- Convention on Trans-national Organized Crime in 2000 and its optional protocol in 2002 on trafficking that include specific sections for victims;
- ECOSOC adoption in 2002 of the Guidelines on Restorative Justice;
- UN Commission funding in 2003 for 19 pilot projects;
- ECOSOC adoption in 2005 of the Guidelines for Child Victims and Witnesses;
- ECOSOC acceptance in 2002 of crime prevention guidelines;
- UN General Assembly adoption of the Basic Principles and Guidelines on the Rights to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law in 2005.

Recognizing that some issues relating to justice and support for victims are handled increasingly through a variety of processes often referred to as restorative justice. This includes systems found in indigenous societies and incorporates principles of community involvement in dispute reconciliation; perpetrator accountability; victim empowerment; and restoration of harmony in relationships and community. Some examples include mediation, family group conferencing and indigenous community justice systems.

Noting in 2005 the inclusion in the Declaration of the UN Crime Congress in Bangkok by the Member State of the following paragraph:

“17. We recognize the importance of giving special attention to the need to protect witnesses and victims of crime and terrorism, and we commit ourselves to strengthening, where needed, the legal and financial framework for providing support to such victims, taking into account, inter alia, the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power.”

Recognizing the importance of promoting full use and application of the UN Declaration on the Basic Principles of Justice for Victims of Crime and Abuse of Power.

*Have agreed as follows:*

## **PART I GENERAL CONSIDERATIONS**

### **Article 1**

#### *Definitions*

(1) ‘Victims’ means natural persons who, individually or collectively, have suffered harm including physical or mental injury, emotional suffering or economic loss or violations of fundamental rights in relation to victimizations identified under ‘scope’.

(2) A person is a victim regardless of whether the crime is reported to the police, regardless of whether a perpetrator is identified, apprehended, prosecuted or convicted and regardless of the familial relationship between the perpetrator and the victim. The term ‘victims’ also includes, where appropriate, the immediate family or dependants of the direct victims and persons who have suffered in intervening to assist victims in distress or to prevent victimization.

(3) A ‘witness’ is a person who could be called to a court or other appropriate forum to provide testimony.

(4) An ‘expert’ is a person who by virtue of specialized training, particular knowledge or experience assists the legal system.

### **Article 2**

#### *Scope*

This convention covers natural persons who are victimized by acts or omissions that:

(a) are violations of criminal laws of State Parties or;

(b) are abuses of power; defined as acts or omissions that are not violations of national criminal laws but are violations of internationally recognized *jus cogens* norms.

(c) are acts of terrorism, as defined in international instruments relevant to terrorism, intended to cause death or serious bodily harm to civilians or noncombatants, or damage to property, when the purpose of such an act, by its nature or context, is to intimidate a population, or to compel a government or an international organization to do or to abstain from doing any act.

(d) are acts of human trafficking, which includes persons who have been kidnapped, coerced or deceived away from their homes and communities with the promise of legitimate employment but in actual fact is sexual exploitation, forced prostitution, bonded labor, debt bondage or slavery.

### **Article 3**

#### *General application*

(1) Nothing in this Convention shall diminish any provisions which protect the rights and interests of victims which are contained in the law and practice of a State Party or international law in force in that State.

(2) State Parties shall undertake to implement these provisions to the maximum extent of their available resources. For planning purposes, State Parties shall set priorities for implementing the provisions and seek to provide them over time through progressive realization of goals.

(3) State Parties shall ensure that the provisions contained herein shall be applicable to all, without discrimination of any kind, such as race, color, gender, age, language, religion, nationality, political or other opinion, cultural beliefs or practices, property, birth or family status, ethnic or social origin, and disability. This will be without prejudice to providing special justice and support best suited to victims who are particularly vulnerable because of age, gender, disability or other characteristics.

(4) State Parties shall ensure that all officials and other persons dealing with victims treat them with courtesy, compassion, cultural sensitivity, and respect for their rights and dignity.

### **Article 4**

#### *Commitment to reduce victimization*

State Parties shall commit to provide both justice and support for victims and to reduce victimization consistent with international guidelines by, *inter alia*, developing:

(a) more effective detection, prosecution, sentencing and corrections of perpetrators, consistent with internationally recognized norms;

(b) measures to reduce the risk of occurrence of victimization by considering vulnerable groups and identifying resource deficiencies and vulnerability factors; and, creating ways to neutralize these weaknesses;

(c) strategies to reduce the opportunity for repeat victimization by improving services and support for those already victimized;

(d) international cooperation to exchange proven and promising practices and seek trans-national solutions.

## **PART II RIGHTS AND DUTIES**

### **Article 5**

#### *Access to justice and fair treatment*

(1) State Parties shall provide victims with access to the mechanisms of justice and redress which is expeditious, fair, inexpensive and accessible, as provided for by domestic legislation, through:

(a) judicial and administrative mechanisms which will enable victims to obtain redress;

(b) informal mechanisms for the resolution of disputes, including mediation, arbitration, and customary justice processes or indigenous practices, where appropriate, to facilitate conciliation and redress for victims;

(c) information about their rights in seeking redress through all these mechanisms.

(2) State Parties shall ensure that the judicial, administrative and informal processes are responsive to the needs of victims. This should be facilitated by:

(a) giving the victim a fair hearing within a reasonable time in the determination of their entitlement to a remedy for the injury, loss or damage suffered by them as a result of their victimization without prejudice to the accused;

(b) allowing the views and concerns of victims to be presented and considered at appropriate stages of proceedings where their personal interests are affected, without prejudice to the accused and consistent with the relevant domestic criminal justice system;

- (c) allowing victims to present their views and concerns themselves or through legal or other representatives without prejudice to the discretion of the court, tribunal or other appropriate authority, and in consonance with the relevant domestic criminal justice system;
  - (d) the prompt return to victims of their property, taken or recovered by the police or any other agency for the purpose of the investigation, when no longer needed;
  - (e) providing to victims, where appropriate, the right of appeal against decisions of the prosecutorial authority not to prosecute in cases where they were victimized.
  - (f) providing proper assistance to victims throughout informal, administrative, investigative and judicial processes;
  - (g) taking measures to minimize inconvenience to victims and protect their privacy wherever appropriate;
  - (h) ensuring the safety of victims, as well as that of their families and witnesses on their behalf, from intimidation and retaliation;
  - (i) avoiding unnecessary delay in the disposition of cases and the execution of orders or decrees granting awards to victims;
  - (j) ensuring the enforcement of any order or decree granting awards to victims.
- (3) State Parties shall reimburse victims and witnesses for their reasonable expenses related to the procedure incurred as a result of their legitimate participation in criminal proceedings.

## **Article 6**

### *Protection of victims, witnesses and experts*

- (1) State Parties shall take appropriate measures in accordance with their domestic legal systems to protect the safety, physical, psychological, and social well-being, dignity and privacy of victims, witnesses and experts from potential retaliation or intimidation and, as appropriate, for their relatives and other persons close to them.
- (2) The measures envisaged in paragraph 1 of this article may include:
- (a) establishing procedures for the physical protection of such persons, such as, where appropriate, non-disclosure or limitations on the disclosure of information concerning the identity and whereabouts of such persons; and/or to the extent necessary and feasible, relocating them, changing their identity and any other measures needed for their protection;
  - (b) providing evidentiary rules to permit victims, witnesses and experts to give testimony in a manner that ensures the safety of such persons, such as permitting testimony to be given through the use of communications technology such as video or other appropriate means;
  - (c) agreements or arrangements with other State Parties for the relocation of persons.

## **Article 7**

### *Information*

- (1) State Parties shall ensure that victims have a right to information, and must be informed of this, from their first contact with law enforcement or other agencies. State Parties shall ensure that victims receive general information in the most expeditious and efficient method appropriate to the culture such as through oral or written communication with concern for literacy and literary traditions. Specific information should be given person to person. Such information should facilitate an informed understanding for victims and shall be at least as follows:
- (a) the type of services or organizations to which they can turn for support;
  - (b) the type of support which they can obtain, including the availability of health and social services and other relevant assistance;
  - (c) where and how they can report an offence;
  - (d) procedures following such a report and their role in connection with such procedures;
  - (e) their role and the scope, timing and progress of the proceedings and of the, disposition of their cases, especially where serious crimes are involved and where they have requested such information;

- (f) how and under what conditions they can obtain protection;
  - (g) to what extent and on what terms they have access to legal advice or legal aid;
  - (h) requirements for them to be entitled to compensation;
  - (i) if they are resident in another State, any special arrangements available to them in order to protect their interests;
  - (j) where and how victims could obtain more information.
- (2) State Parties shall ensure that victims who have expressed a wish to this effect are kept informed of:
- (a) the outcome of their complaint
  - (b) relevant factors enabling them, in the event of prosecution, to know the conduct of the proceedings regarding the person prosecuted for offences concerning them, except in exceptional cases where the proper handling of the case may be adversely affected;
  - (c) the court's sentence.
- (3) State Parties shall take the necessary measures to ensure that the victim is notified, at least in cases where there might be danger to the victim, when the person prosecuted or sentenced for an offence is released.
- (4) In so far as State Parties take forward on their own initiative the information referred to in paragraphs 2 and 3, they shall ensure that victims have the right not to receive it, unless communication thereof is compulsory under the terms of the relevant criminal proceedings.

## **Article 8**

### *Assistance*

- (1) State Parties shall ensure that the necessary material, medical, psychological and social assistance to victims is provided through government, voluntary, community-based and indigenous means. Such assistance may be provided through any agencies or comprehensive programs that are appropriate under domestic laws or norms.
- (2) State Parties should be encouraged to develop networks of criminal justice, social services, health and mental health services, victim assistance services and other relevant groups or institutions in order to facilitate referrals, coordination and planning among those providing assistance.
- (3) State Parties should be encouraged to establish local and regional victim assistance centers to coordinate networks, develop and make referrals, and provide outreach to victims and direct services where appropriate
- (4) State Parties shall facilitate the referral of victims by the police and other relevant agencies to victim assistance centers or other service institutions.
- (5) Language understood by victims should be encouraged. If translators are needed, they should be trained in the subject matter that they are addressing and victim support personnel should be familiar with common terms that will be used.
- (6) State Parties shall seek to establish the following kinds of assistance to victims:
- A. Immediate Assistance:
- (a) medical attention and accompaniment to medical exams, including first aid, emergency medical attention and medical transport. Support services should be provided to victims when forensic examinations are called for or in the aftermath of death;
  - (b) material support such as shelter, housing, transportation, or property repair;
  - (c) crisis intervention, involving crisis counseling and problem solving;
  - (d) information and notification about what happened to the extent that such information does not interfere with investigation, including notification of any immediate responsibilities to the criminal justice system. Assistance should be offered in notifying family or friends of what happened;
  - (e) protection from repeat victimization should be provided through the development of safety and security plans. This may include information on police surveillance, relocation,

emergency communication and the like. It may also involve assistance with obtaining protection orders through the judicial system;

(f) victims should be protected from media intrusion;

(g) general support and advocacy should be offered when victims interact with social, justice and medical institutions as well as appropriate referrals for urgent needs;

(h) confidentiality and privacy should be guaranteed to the extent allowable under current law and policy.

B. Medium term Assistance:

(a) the continuation of the services provided under A 'Immediate Assistance';

(b) psycho/social health and spiritual interventions that may include post-trauma counseling, mental health therapy, family counseling, pastoral counseling, or traditional healing intercessions;

(c) assistance with financial needs or claims including filing and advocacy for compensation claims, restitution, insurance, or emergency funds.

(d) legal referrals should be provided for legal assistance in the criminal or civil justice systems. To the extent possible such legal assistance should be free.

(e) Information, support and assistance concerning options for participation in alternative justice forums should be provided.

C. Long term Assistance:

(a) the continuation of the services provided under A 'Immediate Assistance' and B. 'Medium Assistance';

(b) assurances and re-establishment of the victim's place in the family, community, education and in the workplace should be encouraged;

## **Article 9**

### *Restorative justice*

(1) State Parties shall endeavor, where appropriate, to establish or enhance systems of restorative justice, that seek to represent victims' interests as a priority. State shall emphasize the need for acceptance by the offender of his or her responsibility for the offence and the acknowledgement of the adverse consequences of the offence for the victim in the form of a sincere apology.

(2) State Parties shall ensure that victims shall have the opportunity to choose or to not choose restorative justice forums under domestic laws, and if they do decide to choose such forums, these mechanisms must accord with victims' dignity, compassion and similar rights and services to those described in this Convention.

## **Article 10**

### *Restitution including reparation*

(1) State Parties shall legislate to make offenders responsible for paying fair restitution to victims, their families or dependants. Such restitution should include the return of property or payment for the harm or loss suffered, reimbursement of expenses incurred as a result of the victimization, provide the opportunity for a sincere apology where appropriate, the provision of services and the restoration of rights.

a) State Parties shall review their practices, regulations, laws and their constitution to ensure that restitution is an available sentencing option in criminal cases.

b) In cases of environmental crime, State Parties shall legislate to include restitution to restore the environment, reconstruction of the infrastructure, replacement of community facilities and reimbursement of the expenses of relocation, whenever such harm results in the dislocation of the community.

c) Where public officials or other agents acting in an official or quasi-official capacity have violated domestic criminal laws, State Parties shall legislate to provide restitution to victims

from the State whose officials or agents were responsible for the harm inflicted. In cases where the Government under whose authority the victimizing act or omission occurs is no longer in existence, the State or Government successor in title shall provide restitution to the victims.

d) When there is a court order for restitution, the State Party shall be responsible for enforcing the order.

e) In cases where the offender is under a legal obligation to pay restitution as well as other pecuniary sanctions, the former shall have precedence over the latter.

f) In cases where the victim seeks restitution through civil remedies, State shall endeavor to expedite these proceedings and minimize expenses.

## **Article 11**

### *Compensation*

(1) When restitution is not fully available from the offender or other sources, State Parties shall endeavor to provide financial compensation to:

(a) victims who have sustained significant bodily injury or impairment of physical or mental health as a result of intentional violent crime;

(b) the victims' family, in particular dependants of persons who have died (or become physically or mentally incapacitated) as a result of such victimization.

(2) Compensation shall be provided for:

(a) treatment and rehabilitation for physical and psychological injuries caused to victims;

(3) States should also consider compensation for loss of income, funeral expenses, loss of maintenance for dependants, and pain and suffering and other psychological injuries caused to victims.

(4) The establishment, strengthening and expansion of national, regional or local funds for compensation to victims should be encouraged. State Parties may consider providing funds through general revenue, special taxes, fines, private contributions, and other sources.

(5) These funds shall guarantee fair, appropriate and timely compensation. They should also allow for emergency and/or interim payments. Special care should be taken to make the funds accessible. This requires, *inter alia*, extensive dissemination of information on the eligibility criteria and the procedure to be followed. State should also consider other means to raise public awareness of the existence of these funds.

(6) Where appropriate, other funds may also be established for this purpose, including in those cases where the State of which the victim is a national is not in a position to compensate the victim for the harm.

(7) In cases of cross border victimization, the State where the crime has occurred should pay compensation to the foreign national, subject to the principle of reciprocity.

## **PART III IMPLEMENTATION, MONITORING AND COOPERATION**

### **Article 12**

#### *Implementation*

(1) State Parties shall take appropriate measures to:

(a) bring into force the laws, regulations and administrative provisions necessary for the implementation of this Convention;

(b) establish and enhance such institutions and mechanisms as may be necessary for the achievement of the objectives of this Convention;

(c) ensure the establishment and/or enhancement of appropriate procedures, which are victim-friendly and which must be adhered to.

(2) State Parties shall ensure that personnel dealing with victims and witnesses make every effort to adopt an interdisciplinary and cooperative approach in aiding them. This approach

may include protocols for the different stages of the justice process to encourage cooperation among bodies that provide services to victims and witnesses.

(3) State Parties shall ensure the building of partnerships among local, national and international stakeholders, including intergovernmental and non-governmental organizations, civil society as well as the private sector in the implementation process. To this end, all stakeholders shall be encouraged to contribute to the resources required for implementation.

(4) State Parties shall foster, develop and improve international cooperation in order to:

(a) facilitate the more effective protection of victims' interests in informal, administrative or judicial proceedings;

(b) promote mutual assistance for the purpose of facilitating collection and exchange of information and the detection, investigation and prosecution of crimes.

(5) State Parties shall provide adequate training, education and information to all persons working with victims and witnesses with a view to improving and sustaining particular methods, approaches and attitudes that protect and deal effectively and sensitively with victims and witnesses. This training should particularly be aimed at avoiding secondary victimization.

(6) State Parties shall ensure that sufficient information, advice and assistance be provided to:

(a) victims in order to enable them to be empowered to seek assistance from appropriate quarters so as to be able to receive justice, support and assistance in respect of their victimization;

(b) members of the public in order to enable them to understand the reasons for provision of justice, support and assistance to victims.

(7) State Parties shall foster, develop and improve cooperation between State in order to facilitate the more effective implementation of the provisions contained in this Convention and the more effective protection of victims' interests in criminal proceedings, whether in the form of networks directly linked to the judicial system or of links between organizations which provide support to victims.

### **Article 13**

#### *Monitoring*

(1) State Parties shall take appropriate measures to monitor the efficiency and effectiveness of policies and measures designed for the implementation of this Convention. In particular, they shall undertake periodical review and evaluation of their legislation, regulations and procedures, including the use of research.

(2) State Parties shall ensure that the various agencies, organs or bodies dealing with victims shall submit periodic reports to an appropriate authority within their domestic jurisdiction designated for this purpose.

(3) State Parties undertake to make the principles and provisions of this Convention widely known by appropriate and active means.

### **Article 14**

#### *Committee on Justice and Support for Victims of Crime and Abuse of Power*

(1) For the purpose of examining the progress made by State Parties in achieving the realization of the obligations undertaken in the Convention, there shall be established a Committee on Justice and Support of Victims of Crime and Abuse of Power, which shall carry out the functions hereinafter provided.

(a) The Committee shall consist of ten experts of high moral standing and recognized competence in the field covered by this Convention. The members of the Committee shall be elected by State 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.

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

(c) 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 State 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 State Parties which have nominated them, and shall submit it to the State Parties to the present Convention.

(d) The elections shall be held at meetings of State Parties convened by the Secretary-General at United Nations Headquarters. At those meetings, for which two thirds of State 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 State Parties present and voting.

(e) The members of the Committee shall be elected for a term of four years. They shall be eligible for re-election if re-nominated. 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.

(f) 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.

(g) The Committee shall establish its own rules of procedure.

(h) The Committee shall elect its officers for a period of two years.

(i) 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 State Parties to the present Convention, subject to the approval of the General Assembly.

(j) 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.

(k) 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 15**

(1) State Parties undertake to submit to the Committee, through the Secretary-General of the United Nations, reports on the measures they have adopted which give effect to the rights recognized herein and on the progress made on the enjoyment of those rights:

(a) within two years of the entry into force of the Convention for the State Party concerned;

(b) thereafter every five years.

(2) Reports made under the present Article shall indicate factors and difficulties, if any, affecting the degree of fulfillment of the obligations under the present Convention. Reports shall also contain sufficient information to provide the Committee with a comprehensive understanding of the implementation of the Convention in the country concerned.

(3) A State Party which has submitted a comprehensive initial report to the Committee need not, in its subsequent reports submitted in accordance with paragraph 1 (b) of the present article, repeat basic information previously provided.

- (4) The Committee may request from State 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) State Parties shall make their reports widely available to the public in their own countries.
- (7) The Committee is entitled, where appropriate, to make on-site visits to assess progress made in the implementation of the Convention.

## **Article 16**

### *Cooperation*

- (1) 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 United Nations Office on Drugs and Crime, 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 United Nations Office on Drugs and Crime, 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 the United Nations Office for Drugs and Crime, the 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;
- (b) The Committee shall develop a regular dialogue and discuss possible areas of cooperation with all relevant actors, including national human rights institutions, governments, relevant United Nation bodies, specialized agencies and programmes, in particular with the United Nations Office on Drugs and Crime, the Counter- Terrorism Committee of the Security Council and the Office of the United Nations High Commissioner for Human Rights.
- (c) The Committee shall transmit, as it may consider appropriate, to the United Nations Office for Drugs and Crime, specialized agencies and other competent bodies, any reports from State 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;
- (d) 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 matters covered under this Convention.

## **PART IV Concluding provisions**

### **Article 17**

The present Convention shall be open for signature by all States.

### **Article 18**

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

### **Article 19**

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 20**

- (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 21**

(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 State Parties, with a request that they indicate whether they favour a conference of State 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 State 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 State 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 State Parties.

(3) When an amendment enters into force, it shall be binding on those State Parties which have accepted it, other State Parties still being bound by the provisions of the present Convention and any earlier amendments which they have accepted.

#### **Article 22**

(1) The Secretary-General of the United Nations shall receive and circulate to all State the text of reservations made by State 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 State. Such notification shall take effect on the date on which it is received by the Secretary-General

#### **Article 23**

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 24**

The Secretary-General of the United Nations is designated as the depositary of the present Convention.

#### **Article 25**

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.