



Ratifying the International Covenants: The International Covenant on Economic, Social and Cultural Rights (ICESCR) and the International Covenant on Civil and Political Rights (ICCPR)

A toolkit



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About the Toolkit

The 75th anniversary of the Universal Declaration of Human Rights celebrated in 2023 is an occasion to renew the ground-breaking commitments made by States when they adopted the text in 1948. The Declaration has inspired the norms and standards that are embodied in the core human rights treaties and their optional protocols. These instruments aim to realize the rights contained in the Declaration, by making human rights universal legal entitlements with legally binding obligations for States.

Ratifying these instruments is an essential means to translating the human rights enshrined in the Declaration into reality on the ground, while conveying a message of commitment to human rights to the international community.

Human Rights 75 is an initiative led by UN Human Rights and its partners. It seeks, among others, to promote universality and renewed commitment, including through a campaign advocating for the ratification of the core human rights treaties and their optional protocols. In this context, States are called upon to demonstrate their commitment to the protection and respect of human rights by ratifying outstanding human rights instruments.

This toolkit presents the benefits of ratifying the two International Covenants, namely, the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the International Covenant on Civil and Political Rights (ICCPR). It answers questions on its content and application, provides a simplified version of the provisions of the Covenants and offers practical information on ratification and accession of treaties.



Why Ratify?

The International Covenant on Economic, Social, and Cultural Rights (ICESCR) and the International Covenant on Civil and Political Rights (ICCPR) are the international human rights treaties that enshrine key civil, cultural, economic, political and social rights. The treaties (also known as the Covenants) recognize the inherent dignity of each individual and require States to take measures to promote, protect and respect the enjoyment of human rights without discrimination, including but not limited to the rights to an adequate standard of living, education, fair trial, health, liberty and security of the person, participation in cultural life, peaceful assembly, political participation, privacy, social security, and work.

The Universal Declaration of Human Rights and the two Covenants altogether constitute "the International Bill of Rights" – the foundation of the international human rights law system. They enshrine global human rights standards and have inspired numerous United Nations and regional human rights treaties, declarations and other universally recognized instruments. They have also inspired countless national constitutions across countries and different legal systems.

Ratifying the International Covenants:



1. Strengthens the enjoyment of civil, cultural, economic, political, and social rights, without discrimination by acknowledging the universality, indivisibility, interdependence and interrelatedness of human rights. The ratification of both instruments strengthens the rule of law, good governance and administration of justice, guaranteeing effective participation of rights holders in cultural, economic, political and social life, which contributes to

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building safer and more inclusive societies in which individuals can enjoy their rights freely.



2. Encourages the involvement of the various sectors of society in the formulation, implementation, and review of laws and relevant policies, as the Covenants contain a wide range of provisions guaranteeing the rights and freedoms of both individuals and groups, including those most marginalised and disadvantaged.

3. Helps the State translate and mainstream all human rights into national laws, strategies and policies, recognizing the indivisibility and interdependence of human rights and giving human rights an equal status noting that the fulfilment of one right often depends, wholly or in part, upon the fulfilment of other rights.

4. Supports the State in adopting safeguards to protect all human rights and provides a comprehensive framework for reviewing domestic legislation, policies, and programmes in the light of civil, cultural, economic, political, and social rights.

5. Allows the State to take stock of their laws and policies and conduct a self-assessment of how they guarantee the realization of civil, cultural, economic, political, and social rights.

6. Complements national protection of human rights with international protection, taking into account that many national constitutions have already recognized the rights enshrined in the Covenants and that they address the general obligations of States to realize many rights provided in the Covenants. At the same time, human rights obligations outlined in the Covenants have also influenced the drafting of many modern constitutions.



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7. Enables the participation of the State in the review processes of treaty bodies and brings the benefit of expert advice from the Committee on Economic, Social and Cultural Rights and the Human Rights Committee through constructive dialogues and targeted recommendations to enhance the implementation of the Covenants.

8. Sends an unequivocal message that the State is committed to human rights and boosts national and international standing and credibility by taking a strong position on the recognition of civil, political, economic, social and cultural rights.



9. Contributes to achieving Sustainable Development Goals (SDGs), as the realization of many civil, cultural, economic, political, and social rights obligations contribute to the attainment of the SDGs. For instance, the right to social security (ICESCR Art. 9) is the basis of SDG 1 on ending poverty, while the right of everyone to be free from hunger (ICESCR Art. 11.2) is essential for understanding SDG 2 on eradicating hunger. Similarly, the right to equality before courts and tribunals and to a fair trial (ICCPR Art. 14) is directly linked to SDG 16 on peace, justice and strong institutions.



What are the main commonalities and differences between the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights?

- Both International Covenants were adopted in December 1966 as the two main international treaties that stipulate basic human rights.
- Both International Covenants guarantee the rights of peoples to self-determination (Art. 1 ICCPR and ICESCR), nondiscrimination when exercising the rights contained in the respective Covenants (Art. 2 ICCPR and ICESCR), as well as the right to equality between men and women in the enjoyment of their rights (Art. 3 ICCPR and ICESCR). Furthermore, both Covenants protect certain family and association related rights.
- The rights contained in the two Covenants complement each other based on the common understanding that civil, cultural, economic, political, and social rights are indivisible, interdependent and interrelated.

How many States have ratified the International Covenants?

As at September 2024, the International Covenant on Civil and Political Rights has been ratified by 174 States, and 172 States have ratified the International Covenant on Economic, Social and Cultural Rights.

Do the International Covenants include a reporting procedure?

The State must periodically submit a report to the Committee on Economic, Social and Cultural Rights for the ICESCR and to the Human Rights Committee for the ICCPR.

These reports outline the legislative, institutional, policy, and other measures taken to guarantee the enjoyment of the rights contained in the Covenants. The State is often requested to provide detailed



and disaggregated data on the degree to which the rights are implemented, and challenges encountered.

The State can solicit support from OHCHR for the preparation of reports and for streamlining national processes in relation to other international and regional reporting obligations, including those under the 2030 Agenda.

What are the financial implications of ratifying the International Covenants?

Although the ratification of the Covenants itself does not create financial obligations at the international level, there may be costs at the national level that are associated with legal and policy reforms and implementation measures required to comply with the Covenants. Some of these financial implications at the national level may be absorbed into existing national policies and programmes, including by taking a human rights-based approach to national budgeting and planning as well as in the context of national sustainable development efforts for the attainment of the 2030 Agenda.

Does the State need to have its legislative and policy frameworks already in compliance with the Covenants prior to ratification?

Ratification is an expression of commitment to undertake legal obligations for the implementation of the Covenants. Therefore, legislative, institutional, policy and other measures can be taken after their ratification. State parties should continuously take measures to ensure compliance with the Covenants, including through implementing recommendations emanating from constructive dialogues between Committee members and the State delegation.



The implementation of the International Covenants is an incremental and continuous process, with every State having some areas for improvement.

Do the International Covenants allow for reservations?

Yes. States can ratify the Covenants with reservations if they are compatible with the object and purpose of the Covenant. As soon as the reason for a reservation ceases to exist, it should be withdrawn.

What does the "progressive realization" of economic, social, and cultural rights mean?

The International Covenant on Economic, Social and Cultural Rights acknowledges that States may have limited available resources for the full realization of economic, social, and cultural rights. Therefore, it provides that States are required to take steps by all appropriate means for achieving progressively the full realization of the economic, social, and cultural rights in the Covenant over time. The progressive realization does not mean that States do not have any obligations under the Covenant until they can guarantee the availability of resources but allows States to take the measures gradually.

As States take measures to progressively realize economic, social, and cultural rights, 'the principle of minimum core content' of economic, social, and cultural rights suggests that although States may not have the available resources for the full realization of these rights, they are required to take all necessary steps to ensure the minimum essential level of each economic, social and cultural right. Furthermore, 'the principle of non-regression' suggests that States must not take measures that worsen the enjoyment of economic, social, and cultural rights.



How do the Committee on Economic, Social, and Cultural Rights and the Human Rights Committee take into account different cultures, traditions and values in their assessment?

In reviewing the implementation of the respective Covenants in States parties, the Committees consider a variety of factors, including different cultures, traditions, and values, as well as their different legal systems and social and economic development status. The Committees, therefore, give States parties constructive feedback and concrete and contextualized recommendations to comply with the provisions of the Covenants. In cases where certain traditional practices are in violation of the Covenants' provisions, such as female genital mutilation or forced marriages, the Committees make recommendations for States to address such harmful practices, including by recommending legislative and policy reforms and awareness-raising activities involving also traditional and community leaders.

International Covenant on Economic, Social, and Cultural Rights (ICESCR)



Entry into force: 3 January 1976, in accordance with article 27. Registration: 3 January 1976, No. 14531 Status as at September 2024: Signatories : 71. Parties : 172

Procedural provisions of the Covenant have been omitted.

PART I

Right to self-determination (Art. 1):

All peoples have the right to determine issues such as their government system, economic, social, and cultural development and how to deal with their wealth and natural resources. No one can take away peoples' means of subsistence.

PART II

Nature of Obligations (Art. 2):

States must take all necessary measures to implement, through appropriate means, the Covenant. They should progressively improve the enjoyment of economic, social, and cultural rights over time. To this end, they must use the maximum of their available resources.

States must guarantee all economic, social, and cultural rights to everyone without discrimination. Developing countries, with due regard to human rights and their national economy, may determine to what extent they would guarantee economic rights to non-nationals.

Equality between men and women (Art. 3):

States shall ensure equal enjoyment of economic, social, and cultural rights by men and women.

Limitations (Art. 4):

States may limit economic, social, and cultural rights. However, limitations must be set out in law, respect the nature of the rights, and serve the purpose of protecting the general welfare in a democratic society.

Preservation of rights and freedoms (Art. 5):

No State, group, or person in any part of the world should act in such a way as to destroy economic, social, and cultural rights or freedoms outlined in the Covenant.

PART III

Right to work (Art. 6):

Everyone shall have the right to work, that is freely chosen and accepted. States must set up technical and vocational guidance and training programs as well as policies to attain steady development to help achieve full and productive employment.

Right to just and favorable conditions at work (Art. 7):

States should ensure:

- Fair wages and equal remuneration for work of equal value without distinction of any kind
- A minimum wage that allows all persons and their families to have a decent life
- Safe and healthy working conditions
- Equal opportunity for promotion based on seniority and competence
- Rest, leisure, and reasonable limitation of working hours, periodic holidays with pay, and remuneration for public holidays.

Trade unions rights (Art. 8):

Everyone shall have the right to start and join a trade union of their choice. Trade unions have the right to establish national and international associations with other trade unions.

States may limit trade unions' rights only if limitations are set out in law and in the interests of national security or public order or for the protection of the rights and freedoms of others.

Everyone shall have the right to strike. States can impose lawful restrictions on the exercise of trade union rights for members of the armed forces, the police, and the public service.

Right to social security (Art. 9):

Everyone shall have the right to social security, including social insurance.

Protection of the family (Art. 10):

States must protect the family unit and its members. Marriage must be entered into with the free consent of the intending spouses.

States must afford special protection for mothers during pregnancy and before and after giving birth, and ensure that working mothers have access to paid maternity leave or leave with adequate social security benefits.

States shall protect all children and young persons without any discrimination. Children shall be protected from economic and social exploitation.

States must set a minimum age for work, and punish employers who employ children in dangerous, unhealthy, or immoral work.

Adequate standard of living (Art. 11):

Everyone shall have the right to an adequate standard of living for themselves and their family, including adequate food, clothing, and housing. States shall take appropriate steps to ensure the realization of this right, including through international cooperation.

Everyone shall have the right to be free from hunger. States shall take the appropriate measures to improve methods of production, conservation, and distribution of food and ensure that world food supplies reach everyone fairly so that no one goes hungry.

Right to health (Art. 12):

Everyone shall enjoy the right to the highest attainable level of physical and mental health. States must take steps to reduce child deaths and ensure the healthy development of the child; improve environmental and industrial hygiene; prevent, control, and treat diseases; and promote a health system in which everyone can access medical services and attention when sick.

Right to education (Art. 13):

Everyone shall have the right to go to school. The purpose of education is to help everyone fully develop to their potential, to strengthen respect for human rights and fundamental freedoms and to enable everyone to participate in a free and tolerant society.

States must ensure that primary education is free and compulsory; make secondary education available to all and progressively free; and make higher education equally accessible to all based on capacity and progressively free.

States must develop a school system and continuously improve teachers' working conditions.

Parents and guardians can choose which schools their children attend as long as those schools meet the State's minimum education standards. Parents and guardians have the liberty to choose their children's religious and moral education according to their convictions.

The right to education should not be interpreted as interfering with persons' rights to establish and manage schools, as long as these educational establishments respect the State's minimum education standards.

Plan of action for primary education (Art. 14):

Within two years of joining the Covenant, States must adopt a plan of action to ensure that primary education is compulsory and free for everyone.

Cultural rights (Art. 15):

Everyone shall have the right to participate in cultural life and enjoy the benefits of scientific progress and its applications. Authors, artists, and scientists have the right to have their works protected, and to benefit from their creative efforts.

States shall take steps to ensure the full realization of this right, including by conserving, developing, and disseminating science and culture. States must respect the freedom to engage in scientific research and creative activity.

PART IV

Reporting (Art. 16):

States parties undertake to submit reports on the implementation of the Covenant, including the measures they have adopted, the progress made, and the obstacles encountered in achieving the realization of the Covenant rights.

Monitoring the implementation of the Covenant (ECOSOC Resolution 1985/17):

United Nations Economic and Social Council (ECOSOC) establishes the UN Committee on Economic, Social and Cultural Rights as the body in charge of the monitoring functions assigned to ECOSOC in Part IV of the Covenant.¹ Therefore, States should report to the Committee on the measures they have taken to implement the Covenant. The Comittee is composed of 18 members, elected by ECOSOC, who serve in a personal capacity, independently and impartially, and without remuneration.

¹ ECOSOC Resolution 1985/17 (28 May 1985).

Simplified Version of the International Covenant on Civil and Political Rights (ICCPR)

International Covenant on Civil and Political Rights (ICCPR)



Entry into force: 23 March 1976, in accordance with article 49, for all provisions except those of article 41. Registration: 23 March 1976, No. 14668 Status as at September 2024: Signatories : 74. Parties : 174

Procedural provisions of the Covenant have been omitted.

Right to self-determination (Art. 1):

All peoples have the right to self-determination to freely determine their political status and pursue their economic, social, and cultural development.

Nature of obligations (Art. 2):

States must respect and ensure to all individuals within their territory and subject to their jurisdiction the rights recognized in the Covenant without discrimination. States shall adopt all measures necessary to give effect to the rights recognized by the Covenant. States shall ensure access to effective remedies for violation of the Covenant rights.

Equality between men and women (Art. 3):

States shall ensure equal enjoyment of civil and political rights by men and women.

States of emergency (Art. 4):

In times of public emergency, States Parties may derogate from their obligations under the Covenant to the extent strictly required by the situation, provided that such measures are not inconsistent with international law and are not discriminatory. Articles 6, 7, 8 (paragraphs 1 and 2), 11, 15, 16 and 18 cannot be derogated.

Scope of rights (Art. 5):

No State, group, or person in any part of the world should act in such a way as to destroy the rights and freedoms outlined in the Covenant or limit them beyond the permissible grounds of limitations.

Simplified Version of the the International Covenant on Civil and Political Rights (ICCPR)

Right to life (Art. 6):

States must protect by law the inherent right to life of which no one shall be arbitrarily deprived. Strict limitations apply for States that have not abolished the death penalty on its imposition and application.

Prohibition of torture and ill-treatment (Art. 7):

No one shall be subjected to torture or ill-treatment, nor to medical or scientific experimentation without free consent.

Prohibition of slavery (Art. 8):

No one shall be held in slavery or servitude, or be required to perform forced or compulsory labor. States shall prohibit slavery and slave-trade in all their forms.

Liberty and security of person (Art. 9):

No one shall be subjected to arbitrary arrest or detention, nor be deprived of their liberty except on the grounds and in accordance with procedures established by law. Procedural guarantees include information about charges, prompt judicial review, and the right to compensation in case of an unlawful arrest.

Conditions of detention (Art. 10):

Persons deprived of their liberty shall be treated with humanity and respect. Accused persons shall be separated from convicted persons, and juveniles shall be separated from adults.

Prohibition of imprisonment for failing to fulfil a contractual obligation (Art. 11):

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

Freedom of movement (Arts. 12 and 13):

Everyone lawfully within the territory of a State shall have the right to freedom of movement, choose their residence, and leave the country. No one shall be arbitrarily deprived of their right to enter their own country. An alien lawfully in the territory may be expelled only in pursuance of a lawful decision and shall have the right to appeal such decision.

Simplified Version of the the International Covenant on Civil and Political Rights (ICCPR)

Right to a fair trial (Art. 14):

All persons shall be equal before courts and tribunals and receive a fair trial before a competent, independent and impartial judicial body. In criminal cases, the presumption of innocence applies, and minimum guarantees shall be provided, including provision of detailed information about charges against the accused, access to a defence lawyer and interpreter, time and facilities to prepare a defence, a trial without undue delay and in the presence of the accused, examination of witnesses, and the right to an appeal.

Prohibition of retroactivity (Art. 15):

No one shall be guilty of a criminal offence that did not constitute an offence at the time when it was committed.

Recognition as a person before the law (Art. 16):

Everyone shall be recognized as a person before the law.

Right to privacy (Art. 17):

No one shall be subjected to arbitrary or unlawful interference with their privacy, family, home, or correspondence, nor to unlawful attack on their honour and reputation. Everyone shall have the right to the protection of the law against such interference or attack.

Freedom of thought, conscience, and religion (Art. 18):

Everyone shall have the right to freedom of thought, conscience, and religion, including freedom to adopt and manifest a religion or belief of their choice without any coercion. No restrictions may be placed on the exercise of one's freedom to manifest their religion other than those prescribed by law and which are necessary in the interests of public safety, order, health, or morals or for the protection of the rights and freedoms of others.

Simplified Version of the the International Covenant on Civil and Political Rights (ICCPR)

Freedom of opinion and expression (Art. 19):

Everyone shall have the freedom to hold opinions without any interference. Everyone shall have the freedom to express themselves, including by seeking, receiving and sharing information or ideas. No restrictions may be placed on one's freedom of expression other than those prescribed by law and which are necessary in the interests of national security, public safety, order, health, or morals or for the protection of the rights and freedoms of others.

Prohibition of propaganda for war and hatred (Art. 20):

Any propaganda for war and advocacy of hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.

Right of peaceful assembly (Art. 21):

The right to peaceful assembly shall be recognized. It may be subject to limitations. No restrictions may be placed on one's exercise of right of peaceful assembly other than those in conformity with the law and which are necessary in a democratic society in the interests of national security, public safety, order, health, or morals or for the protection of the rights and freedoms of others.

Freedom of association (Art. 22):

Everyone shall have the right to freedom of association, including to form and join trade unions. It may be subject to limitations. No restrictions may be placed on one's freedom of association other than those prescribed by law and which are necessary in a democratic society in the interests of national security, public safety, order, health, or morals or for the protection of the rights and freedoms of others.

Rights related to family (Art. 23):

The right of men and women of marriageable age to marry, based on free and full consent, and found a family shall be recognized. States shall take measures to ensure equality of rights and responsibilities between spouses during marriage and at its dissolution.

Simplified Version of the the International Covenant on Civil and Political Rights (ICCPR)

Rights of the child (Art. 24):

Every child shall be recognized immediately after birth, have a name and nationality, and be protected without discrimination.

Right to political participation (Art. 25):

Every citizen shall have the right to take part in the conduct of public affairs, to vote and to be elected, and to have equal access to public service.

Prohibition of discrimination (Art. 26):

All persons are equal before the law and entitled to equal protection of the law without discrimination.

Rights of persons belonging to minorities (Art. 27):

Persons belonging to minorities shall not be denied the enjoyment of their own culture, religion, and language.

Human Rights Committee (Arts. 28 to 39):

The Covenant establishes the Human Rights Committee, which consists of 18 members serving in their individual capacity, independently and impartially, elected by the States parties to the Covenant from their nationals for four years with a possibility of reelection.

Reporting (Art. 40):

States parties undertake to submit the reports on the implementation of the Covenant one year after entry into force of the Covenant for the State party and subsequently whenever the Committee so requests.

Process for Ratification and Accession

What is ratification?

When a State ratifies an international human rights treaty, it legally commits to implement its provisions. By depositing instruments of ratification, a State expresses its consent to be bound by the treaty. Ratification is preceded by the signature of the treaty. Upon the signature, the State is obliged not to act contrary to the object and purpose of the treaty. The State may use the time between the signature and ratification to enact the necessary legislation to ensure the application of the treaty nationally.

What is accession?

Accession is the act by which a State accepts to become a party to a treaty that has already been negotiated and signed by other States. It has the same legal effect as ratification. Accession usually takes place after the treaty has entered into force.

What are the steps for formalizing a ratification or accession?

Model instruments of ratification or accession can be found on the <u>United Nations</u> <u>Treaty Collection</u> website. These templates are available in all six UN languages. The date indicated in the instrument of ratification or accession is the date on which the State becomes bound by the treaty. More information is available in the <u>Treaty</u>. <u>Handbook</u>. The annexes to the model instruments of full powers, ratification and accession are also available in this toolkit.

Once completed and signed by the competent authority in the State, e.g., the Head of State or Government or the Minister for Foreign Affairs, the signed copy of the original instrument can be emailed to <u>treatysection@un.org</u> for deposit. However, the originals must be delivered to the Treaty Section as soon as they arrive at the Permanent Mission in New York. The Depositary Unit office is at 2 UN Plaza, 323 E 44th Street, 5th Floor, Room DC2-0500, Tel: 1-212 963 504. New York, NY 10017 USA.

The Permanent Representative in New York may deliver instruments of ratification or accession. There may be a ceremony for the deposit of instruments (**pictures**). Alternatively, the Government may wish to deposit the instruments at the Treaty Event held during the opening of the General Assembly, which will provide a high-level setting for this treaty action and give visibility to the Government's commitment to human rights.

ANNEX I

MODEL INSTRUMENT OF FULL POWERS

(To be signed by the Head of State, Head of Government or Minister for Foreign Affairs)

FULL POWERS

I, [name and title of the Head of State, Head of Government or Minister for Foreign Affairs],

HEREBY AUTHORIZE [name and title] to [sign ², ratify, denounce, effect the following declaration in respect of, etc.] the [title and date of treaty, convention, agreement, etc.] on behalf of the Government of [name of State].

Done at [place] on [date].

[Signature]

 $^{^{2}}$ * Subject to the provisions of the treaty, one of the following alternatives is to be chosen: [subject to ratification] or [without reservation as to ratification]. Reservations made upon signature must be authorized by the full powers granted to the signator

MODEL INSTRUMENT OF RATIFICATION, ACCEPTANCE OR APPROVAL

(To be signed by the Head of State, Head of Government or Minister for Foreign Affairs)

[RATIFICATION / ACCEPTANCE / APPROVAL]

WHEREAS the [title of treaty, convention, agreement, etc.] was [concluded, adopted, opened for signature, etc.] at [place] on [date],

AND WHEREAS the said [treaty, convention, agreement, etc.] has been signed on behalf of the Government of [name of State] on [date],

NOW THEREFORE I, [name and title of the Head of State, Head of Government or Minister for Foreign Affairs] declare that the Government of [name of State], having considered the abovementioned [treaty, convention, agreement, etc.], [ratifies, accepts, approves] the same and undertakes faithfully to perform and carry out the stipulations therein contained.

IN WITNESS WHEREOF, I have signed this instrument of [ratification, acceptance, approval] at [place] on [date].

[Signature]

ANNEX III

MODEL INSTRUMENT OF ACCESSION

(To be signed by the Head of State, Head of Government or Minister for Foreign Affairs)

ACCESSION

WHEREAS the [title of treaty, convention, agreement, etc.] was [concluded, adopted, opened for signature, etc.] at [place] on [date],

NOW THEREFORE I, [name and title of the Head of State, Head of Government or Minister for Foreign Affairs] declare that the Government of [name of State], having considered the abovementioned [treaty, convention, agreement, etc.], accedes to the same and undertakes faithfully to perform and carry out the stipulations therein contained.

IN WITNESS WHEREOF, I have signed this instrument of accession at [place] on [date].

[Signature]

Treaty Body Capacity Building Programme, September 2024.