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Optional Protocol

to the Convention on the Elimination of all forms
of Discrimination against Women

New York, 6 October 1999

[The United Kingdom instrument of accession was deposited on 17 December 2004 and the Optional Protocol entered into force for the United Kingdom on 17 March 2005]

*Presented to Parliament
by the Secretary of State for Foreign and Commonwealth Affairs
by Command of Her Majesty
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**OPTIONAL PROTOCOL TO THE CONVENTION ON THE
ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST
WOMEN**

The States Parties to the present Protocol,

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,

Also noting 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 forth therein, without distinction of any kind, including distinction based on sex,

Recalling that the International Covenants on Human Rights and other international human rights instruments prohibit discrimination on the basis of sex,

Also recalling the Convention on the Elimination of All Forms of Discrimination against Women¹ (“the Convention”), in which the States Parties thereto condemn discrimination against women in all its forms and agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women,

Reaffirming their determination to ensure the full and equal enjoyment by women of all human rights and fundamental freedoms and to take effective action to prevent violations of these rights and freedoms,

Have agreed as follows:

ARTICLE 1

A State Party to the present Protocol (“State Party”) recognizes the competence of the Committee on the Elimination of Discrimination against Women (“the Committee”) to receive and consider communications submitted in accordance with article 2.

ARTICLE 2

Communications may be submitted by or on behalf of individuals or groups of individuals, under the jurisdiction of a State Party, claiming to be victims of a violation of any of the rights set forth in the Convention by that State Party. Where a communication is submitted on behalf of individuals or groups of individuals, this shall be with their consent unless the author can justify acting on their behalf without such consent.

¹ Treaty Series No. 2 (1989) Cm 643

ARTICLE 3

Communications shall be in writing and shall not be anonymous. No communication shall be received by the Committee if it concerns a State Party to the Convention that is not a party to the present Protocol.

ARTICLE 4

1. The Committee shall not consider a communication unless it has ascertained that all available domestic remedies have been exhausted unless the application of such remedies is unreasonably prolonged or unlikely to bring effective relief.
2. The Committee shall declare a communication inadmissible where:
 - (a) The same matter has already been examined by the Committee or has been or is being examined under another procedure of international investigation or settlement;
 - (b) It is incompatible with the provisions of the Convention;
 - (c) It is manifestly ill-founded or not sufficiently substantiated;
 - (d) It is an abuse of the right to submit a communication;
 - (e) The facts that are the subject of the communication occurred prior to the entry into force of the present Protocol for the State Party concerned unless those facts continued after that date.

ARTICLE 5

1. At any time after the receipt of a communication and before a determination on the merits has been reached, the Committee may transmit to the State Party concerned for its urgent consideration a request that the State Party take such interim measures as may be necessary to avoid possible irreparable damage to the victim or victims of the alleged violation.
2. Where the Committee exercises its discretion under paragraph 1 of the present article, this does not imply a determination on admissibility or on the merits of the communication.

ARTICLE 6

1. Unless the Committee considers a communication inadmissible without reference to the State Party concerned, and provided that the individual or individuals consent to the disclosure of their identity to that State Party, the

Committee shall bring any communication submitted to it under the present Protocol confidentially to the attention of the State Party concerned.

2. Within six months, the receiving State Party shall submit to the Committee written explanations or statements clarifying the matter and the remedy, if any, that may have been provided by that State Party.

ARTICLE 7

1. The Committee shall consider communications received under the present Protocol in the light of all information made available to it by or on behalf of individuals or groups of individuals and by the State Party concerned, provided that this information is transmitted to the parties concerned.

2. The Committee shall hold closed meetings when examining communications under the present Protocol.

3. After examining a communication, the Committee shall transmit its views on the communication, together with its recommendations, if any, to the parties concerned.

4. The State Party shall give due consideration to the views of the Committee, together with its recommendations, if any, and shall submit to the Committee, within six months, a written response, including information on any action taken in the light of the views and recommendations of the Committee.

5. The Committee may invite the State Party to submit further information about any measures the State Party has taken in response to its views or recommendations, if any, including as deemed appropriate by the Committee, in the State Party's subsequent reports under article 18 of the Convention.

ARTICLE 8

1. If the Committee receives reliable information indicating grave or systematic violations by a State Party of rights set forth in the Convention, the Committee shall invite that State Party to cooperate in the examination of the information and to this end to submit observations with regard to the information concerned.

2. Taking into account any observations that may have been submitted by the State Party concerned as well as any other reliable information available to it, the Committee may designate one or more of its members to conduct an inquiry and to report urgently to the Committee. Where warranted and with the consent of the State Party, the inquiry may include a visit to its territory.

3. After examining the findings of such an inquiry, the Committee shall transmit these findings to the State Party concerned together with any comments and recommendations.

4. The State Party concerned shall, within six months of receiving the findings, comments and recommendations transmitted by the Committee, submit its observations to the Committee.

5. Such an inquiry shall be conducted confidentially and the cooperation of the State Party shall be sought at all stages of the proceedings.

ARTICLE 9

1. The Committee may invite the State Party concerned to include in its report under article 18 of the Convention details of any measures taken in response to an inquiry conducted under article 8 of the present Protocol.

2. The Committee may, if necessary, after the end of the period of six months referred to in article 8.4, invite the State Party concerned to inform it of the measures taken in response to such an inquiry.

ARTICLE 10

1. Each State Party may, at the time of signature or ratification of the present Protocol or accession thereto, declare that it does not recognize the competence of the Committee provided for in articles 8 and 9.

2. Any State Party having made a declaration in accordance with paragraph 1 of the present article may, at any time, withdraw this declaration by notification to the Secretary-General.

ARTICLE 11

A State Party shall take all appropriate steps to ensure that individuals under its jurisdiction are not subjected to ill treatment or intimidation as a consequence of communicating with the Committee pursuant to the present Protocol.

ARTICLE 12

The Committee shall include in its annual report under article 21 of the Convention a summary of its activities under the present Protocol.

ARTICLE 13

Each State Party undertakes to make widely known and to give publicity to the Convention and the present Protocol and to facilitate access to information about the views and recommendations of the Committee, in particular, on matters involving that State Party.

ARTICLE 14

The Committee shall develop its own rules of procedure to be followed when exercising the functions conferred on it by the present Protocol.

ARTICLE 15

1. The present Protocol shall be open for signature by any State that has signed, ratified or acceded to the Convention.
2. The present Protocol shall be subject to ratification by any State that has ratified or acceded to the Convention. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.
3. The present Protocol shall be open to accession by any State that has ratified or acceded to the Convention.
4. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

ARTICLE 16

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

ARTICLE 17

No reservations to the present Protocol shall be permitted.

ARTICLE 18

1. Any State Party may propose an amendment to the present Protocol and file it with 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 her or him whether they favour a conference of States Parties for the purpose of considering and voting on the proposal. In the event that 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 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 Protocol 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 Protocol and any earlier amendments that they have accepted.

ARTICLE 19

1. Any State Party may denounce the present Protocol at any time by written notification addressed to the Secretary-General of the United Nations. Denunciation shall take effect six months after the date of receipt of the notification by the Secretary-General.
2. Denunciation shall be without prejudice to the continued application of the provisions of the present Protocol to any communication submitted under article 2 or any inquiry initiated under article 8 before the effective date of denunciation.

ARTICLE 20

The Secretary-General of the United Nations shall inform all States of:

- (a) Signatures, ratifications and accessions under the present Protocol;
- (b) The date of entry into force of the present Protocol and of any amendment under article 18;
- (c) Any denunciation under article 19.

ARTICLE 21

1. The present Protocol, of which the Arabic, 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 Protocol to all States referred to in article 25 of the Convention.

RATIFICATIONS, ACCESSIONS, EFFECTIVE DATES AND DECLARATIONS

<i>State</i>	<i>Action</i>	<i>Date</i>	<i>Effective Date</i>
Albania	Acceptance	23 Jun 2003	23 Sep 2003
Andorra	Signature	9 Jul 2001	
	Ratification	14 Oct 2002	14 Jan 2003
Angola	Accession	1 Nov 2007	1 Feb 2008
Antigua & Barbuda	Accession	5 Jun 2006	5 Sep 2006
Argentina	Signature	28 Feb 2000	
Armenia	Accession	14 Sep 2006	14 Dec 2006
Austria	Signature	10 Dec 1999	
	Ratification	6 Sep 2000	22 Dec 2000
Azerbaijan	Signature	6 Jun 2000	
	Ratification	1 Jun 2001	1 Sep 2001
Bangladesh	Signature	6 Sep 2000	
	Ratification	6 Sep 2000	22 Dec 2000
	Declaration	6 Sep 2000	
Belarus	Signature	29 Apr 2002	
	Ratification	3 Feb 2004	3 May 2004
Belgium	Signature	10 Dec 1999	
	Ratification	17 Jun 2004	17 Sep 2004
Belize	Accession	9 Dec 2002	9 Mar 2003
Benin	Signature	25 May 2000	
Bolivia	Signature	10 Dec 1999	
	Ratification	27 Sep 2000	27 Dec 2000
Bosnia & Herzegovina	Signature	7 Sep 2000	
	Ratification	4 Sep 2002	4 Dec 2002
Botswana	Accession	21 Feb 2007	21 May 2007
Brazil	Signature	13 Mar 2001	
	Ratification	28 Jun 2002	28 Sep 2002
Bulgaria	Signature	6 Jun 2000	
	Ratification	20 Sep 2006	20 Dec 2006
Burkina Faso	Signature	16 Nov 2001	
	Ratification	10 Oct 2005	10 Jan 2005
Burundi	Signature	13 Nov 2001	
Cambodia	Signature	11 Nov 2001	
Cameroon	Accession	7 Jan 2005	7 April 2005
Canada	Accession	18 Oct 2002	18 Jan 2003
Chile	Signature	10 Dec 1999	
Colombia	Signature	10 Dec 1999	
	Ratification	23 Jan 2007	23 Apr 2007
	Declaration	23 Jan 2001	
Costa Rica	Signature	10 Dec 1999	
	Ratification	20 Sep 2001	20 Dec 2001
Croatia	Signature	5 Jun 2000	
	Ratification	7 Mar 2001	7 Jun 2001
Cuba	Signature	17 Mar 2000	

	Declaration	17 Mar 2000	
Cyprus	Signature	8 Feb 2001	
	Ratification	26 Apr 2002	26 Jul 2002
Czech Republic	Signature	10 Dec 1999	
	Ratification	26 Feb 2001	26 May 2001
Denmark	Signature	10 Dec 1999	
	Ratification	31 May 2000	22 Dec 2000
Dominican Republic	Signature	14 Mar 2000	
	Ratification	10 Aug 2001	10 Nov 2001
Ecuador	Signature	10 Dec 1999	
	Ratification	5 Feb 2002	5 May 2002
El Salvador	Signature	4 Apr 2001	
Finland	Signature	10 Dec 1999	
	Ratification	29 Dec 2000	29 Mar 2001
France	Signature	10 Dec 1999	
	Ratification	9 Jun 2000	22 Dec 2000
Gabon	Accession	5 Nov 2004	5 Feb 2004
Georgia	Accession	1 Aug 2002	1 Nov 2002
Germany	Signature	10 Dec 1999	
	Ratification	15 Jan 2002	15 Apr 2002
Ghana	Signature	24 Feb 2000	
Greece	Signature	10 Dec 1999	
	Ratification	24 Jan 2002	24 Apr 2002
Guatemala	Signature	7 Sep 2000	
	Ratification	9 May 2002	9 Aug 2002
Guinea-Bissau	Signature	12 Sep 2000	
Hungary	Accession	22 Dec 2000	22 Mar 2001
Iceland	Ratification	6 Mar 2001	6 Jun 2001
Indonesia	Signature	28 Feb 2000	
Ireland	Signature	7 Sep 2000	
	Ratification	7 Feb 2000	22 Dec 2000
Italy	Signature	10 Dec 1999	
	Ratification	22 Sep 2000	22 Dec 2000
Kazakhstan	Signature	6 Sep 2000	
	Ratification	24 Nov 2001	24 Feb 2002
Kyrgyzstan	Accession	22 Jul 2002	22 Oct 2002
Korea Republic of	Accession	10 Oct 2006	18 Jan 2007
Lesotho	Signature	6 Sep 2000	
	Ratification	24 Sep 2004	24 Dec 2004
Liberia	Signature	22 Sep 2004	
Libyan Arab Jamahiriya	Accession	18 Jun 2004	18 Sep 2004
Liechtenstein	Signature	10 Dec 1999	
	Ratification	24 Oct 2001	24 Jan 2002
Lithuania	Signature	8 Sep 2000	
	Ratification	5 Aug 2004	5 Nov 2004
Luxembourg	Signature	10 Dec 1999	

	Ratification	1 Jul 2003	1 Oct 2003
Macedonia The FYR of	Signature	3 Apr 2000	
	Ratification	17 Oct 2003	17 Jan 2004
Madagascar	Signature	7 Sep 2000	
Malawi	Signature	7 Sep 2000	
Maldives	Accession	13 Mar 2006	13 Jun 2006
Mali	Accession	5 Dec 2000	5 Mar 2001
Mauritius	Signature	11 Nov 2001	
Mexico	Signature	10 Dec 1999	
	Ratification	15 Mar 2002	15 June 2002
Moldova	Accession	28 Feb 2006	28 May 2006
Mongolia	Signature	7 Sep 2000	
	Ratification	28 Mar 2002	28 Jun 2002
Montenegro	Declaration	23 Oct 2006	
Namibia	Signature	19 May 2000	
	Ratification	26 May 2000	22 Dec 2000
Nepal	Signature	18 Dec 2001	
	Ratification	15 Jun 2007	15 Sep 2007
Netherlands	Signature	10 Dec 1999	
	Ratification	22 May 2002	22 Aug 2002
New Zealand	Signature	7 Sep 2000	
	Ratification	7 Sep 2000	22 Dec 2000
Niger	Accession	30 Sep 2004	30 Dec 2004
Nigeria	Signature	8 Sep 2000	
	Ratification	22 Nov 2004	22 Feb 2005
Norway	Signature	10 Dec 1999	
	Ratification	5 Mar 2002	5 June 2002
Oman	Accession	7 Feb 2006	9 Mar 2006
	Reservation	7 Feb 2006	
Panama	Signature	9 Jun 2000	
	Ratification	9 May 2001	9 Aug 2001
Paraguay	Signature	14 May 2001	
	Ratification	15 May 2001	14 Aug 2001
Peru	Signature	22 Dec 2000	
	Ratification	9 Apr 2001	9 Jul 2001
Philippines	Signature	21 Mar 2000	
	Ratification	12 Nov 2003	12 Feb 2004
Poland	Accession	22 Dec 2003	22 Mar 2004
Portugal	Signature	16 Feb 2000	
	Ratification	26 Apr 2002	26 Jul 2002
Romania	Signature	6 Sep 2000	
	Ratification	25 Aug 2003	25 Nov 2003
Russian Federation	Signature	8 May 2001	
	Ratification	28 Jul 2004	28 Oct 2004
San Marino	Accession	15 Sep 2005	15 Dec 2005
Sao Tome and Principe	Signature	6 Sep 2000	
	Signature	6 Sep 2000	
Senegal	Signature	10 Dec 1999	

	Ratification	26 May 2000	22 Dec 2000
Serbia and Montenegro	Accession	31 Jul 2003	31 Oct 2003
Sierra Leone	Signature	8 Sep 2000	
Slovak Republic	Signature	5 Jun 2000	
	Ratification	17 Nov 2000	17 Feb 2001
Slovenia	Signature	10 Dec 1999	
	Ratification	23 Sep 2004	23 Dec 2004
Solomon Islands	Accession	6 May 2002	6 Aug 2002
South Africa	Accession	18 Oct 2005	18 Jan 2006
Spain	Signature	14 Mar 2000	
	Ratification	6 Jul 2001	6 Oct 2001
Sri Lanka	Accession	15 Oct 2002	15 Jan 2003
St Kitts and Nevis	Accession	20 Jan 2006	20 Apr 2006
Sweden	Signature	10 Dec 1999	
	Ratification	24 Apr 2003	24 Jul 2003
Switzerland	Signature	15 Feb 2007	
Tajikistan	Signature	7 Sep 2000	
Tanzania	Accession	12 Jan 2006	13 Apr 2006
Thailand	Signature	14 Jun 2000	
	Ratification	14 Jun 2000	22 Dec 2000
Timor-Leste	Accession	16 Apr 2003	16 Jul 2003
Turkey	Signature	8 Sep 2000	
	Ratification	29 Oct 2002	29 Jan 2003
Ukraine	Signature	7 Sep 2000	
	Ratification	29 Sep 2003	29 Dec 2003
United Kingdom	Accession	17 Dec 2004	17 Mar 2005
Uruguay	Signature	9 May 2000	
	Ratification	26 Jul 2001	26 Oct 2001
Vanuatu	Accession	17 May 2007	17 Aug 2007
Venezuela	Signature	17 Mar 2000	
	Ratification	13 May 2002	13 Aug 2002

Declarations

Bangladesh

Declaration:

“The Government of the People’s Republic of Bangladesh declares in accordance with Article 10 (1) thereof, that it would not undertake the obligations arising out of Article 8 and 9 of the said Optional Protocol.”

Belgium

Declaration upon signature:

The Flemish, French and German-speaking Communities of Belgium are equally bound by this signature.

Belize

Declaration:

“Whereas, Article 10 of the Optional Protocol declares that at the time of acceding to the Optional Protocol, a State Party may declare that it does not recognise the competence of the Committee provided for in Articles 8 and 9 of the Optional Protocol.

Now therefore, Belize after having carefully considered Articles 8 and 9 of the Optional Protocol, hereby declares that it does not recognise the competence of the Committee provided for in Article 8 and 9.”

Colombia:

Declarations:

1. The Government of Colombia, exercising the discretion provided for in article 10 of the Optional Protocol, and subject to the conditions set out therein, declares that it does not recognise the competence of the Committee provided for in article 8 and 9 of the Protocol.
2. The Government of Colombia understands article 5 of the Protocol to mean that interim measures not only preclude “a determination on admissibility or on the merits of the communication”, as established in article 5, paragraph 2, but that any measures involving the enjoyment of economic, social and cultural rights shall be applied in keeping with the progressive nature of these rights.
3. The Government of Colombia declares that no provision of the Optional Protocol and no recommendation of the Committee may be interpreted as requiring Colombia to decriminalize offences against life or personal integrity.

Cuba

Upon signature:

Declaration:

The Government of the Republic of Cuba declares that it does not recognise the competence of the committee established by virtue of articles 8 and 9 of the Protocol.

Notes

1. With the following:

The Argentine Republic wishes to reiterate the content of its notes of 3 April 1989 and 18 January 2005, by which it rejected the extension of the territorial application of the Convention on the Elimination of All Forms of Discrimination against Women and of the Optional Protocol thereto, respectively, to the Malvinas Islands, notified by the United Kingdom of Great Britain and Northern Ireland.

The Argentine Republic recalls that the Malvinas Islands, South Georgia and the South Sandwich Islands and surrounding maritime areas are an integral part of the territory of the Argentine Republic and are illegally occupied by the United Kingdom of Great Britain and Northern Ireland, being the subject of a sovereignty dispute.

Because of the illegal occupation by the United Kingdom of Great Britain and Northern Ireland, the General Assembly of the United Nations adopted resolutions 2065 (XX), 316[0] (XXVIII), 31/49, 37/9, 38/12, 39/6, 40/21, 41/40, 42/19 and 43/25, in which a sovereignty dispute regarding the “Question of the Malvinas Islands” is recognised and the Governments of the Argentine Republic and the United Kingdom of Great Britain and Northern Ireland are urged to resume negotiations in order to find as soon as possible a peaceful and lasting solution to the dispute.

The United Nations Special Political and Decolonisation Committee has repeatedly affirmed this view, most recently in its resolution of 15 June 2006.

2. See note 1 under “Montenegro” in the “Historical Information” section in the front matter of this volume.
3. For the Kingdom in Europe and the Netherlands Antilles and Aruba.
4. With a declaration to the effect that “consistent with the constitutional status of Tokelau and taking into account its commitment to the development of self-government through an act of self-determination under the Charter of the

United Nations, this ratification shall not extend to Tokelau unless and until a Declaration to this effect is lodged by the Government of New Zealand with the depositary on the basis of appropriate consultation with that territory.”

5. With a territorial application to the Falkland Islands (Malvinas) and the Isle of Man.

On 18 January 2005, the Secretary-General received, from the Government of Argentina, the following communication:

The Argentine Republic wishes to reiterate the content of its note of 3 April 1989, but which it is rejected the extension of the territorial application of the Convention on the Elimination of All Forms of Discrimination against Women to the Malvinas (Falkland) Islands, South Georgia and the South Sandwich Islands, notified by the Government of the United Kingdom upon its ratification of that instrument on 7 April 1986.

The Argentine Republic similarly rejects the declaration of territorial application made by the United Kingdom of Great Britain and Northern Ireland upon its accession to the 1999 Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women with respect to the Malvinas (Falkland) Islands. The Government of Argentina wishes to reiterate that the Malvinas (Falkland) Islands, South Georgia and the South Sandwich Islands and surrounding maritime areas are an integral part of the territory of the Argentine Republic and are illegally occupied by the United Kingdom of Great Britain and Northern Ireland, being the subject of a sovereignty dispute.

Because of the illegal occupation by the United Kingdom of Great Britain and Northern Ireland, the General Assembly of the United Nations adopted resolutions 2065 (XX), 3160 (XXVIII), 31/49, 37/9, 38/12, 39/6, 40/21, 41/40, 42/19 and 43/25, in which a sovereignty dispute regarding the “Question of the Malvinas (Falkland) Islands” is recognised and the Governments of the Argentine Republic and the United Kingdom of Great Britain and Northern Ireland are urged to resume negotiations in order to find as soon as possible a peaceful and lasting solution to the dispute.

The United Nations Special Political and Decolonisation Committee has repeatedly affirmed this view, most recent in its resolution of 18 June 2004 (A/59/23).



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