



READINGS

Dynamics of a Social Norm: Female Genital Mutilation/Cutting

Reading 1.1: Bicchieri, C. Norms In The Wild

How To Diagnose, Measure And Change Social Norms, Cambridge University Press, 2016.

Chapter 1

Diagnosing norms

Collective behaviors, behavioral patterns shared by a group of individuals, may be studied in a variety of ways. We may explore the functions that they perform in a society or group and investigate the environments within which they emerge or dissipate. Alternatively, we may focus on the reasons why people engage in such behaviors by investigating the incentives and constraints that they face when engaging in an established behavior or adopting a new one. These two approaches are fully compatible, and the importance of stressing one or the other depends upon our intellectual and practical goals. Especially in light of wanting to change or promote particular behaviors, it becomes important to understand a collective behavior's nature: some, but not all, may be interdependent. People's behavior may depend on what others who matter to them do or believe should be done.

Conventions, fads, fashions, and social norms are all interdependent behaviors, and social norms are the primary example. However, not all collective behaviors are interdependent, and not all interdependent behaviors are social norms. Habits, social customs and moral injunctions are instead independent, in the sense that they all involve us undertaking certain actions regardless of what others do or expect us to do. For example, we wear warm clothes in winter and use umbrellas when it rains, independently of what our

friends or neighbors do, and we may obey kashrut dietary laws whether or not other Jews respect them.

Social norms are the primary example of interdependent behaviors, and since many of the collective patterns we may want to change are supported and motivated by norms, I will spend some time clarifying what norms are. This chapter draws on Bicchieri (2006, ch.1), although some of the details provided here are different from those in the book. Here my aim is to provide simple tools that help to quickly decide whether the collective behavior we care about is a norm or more simply a shared custom, and if it is a norm, what sort of norm it is. Without this knowledge, promoting social change would be difficult, as we would be at a loss about where and how to intervene. In what follows I shall rely on concepts such as expectations and preferences, all of which are relatively easy to measure and handle, especially in light of wanting to conduct experiments or field surveys. *How* we come to the conclusion that a collective behavior is a social norm is the subject of the next chapter, where I will discuss ways to measure norms that are based on the concepts introduced here.

Here I will provide a few static definitions. They are *static* because in real life, the social constructs I talk about may morph into each other and often do. A custom may become a social norm, and a social norm may revert to custom (think of the use of white wedding dresses). This dynamic process merits investigation, but for the moment I will be treating social constructs as separate, static entities. This classification has the advantage of helping us to diagnose the nature of a practice or action pattern, which in turn informs us of the

best way to modify it. What is important in this classification is that *how* individuals relate to certain patterns of behavior determines the behaviors' nature. There are highways where most people drive over the speed limit, precincts with low voter turnout, pockets of resistance to polio vaccination, littered environments, countries where bribing is endemic, and cultures where girls are married at a very young age. What drives these behaviors? Are choices independent or interdependent? Understanding the motives behind these collective behaviors is critical to changing them.

Diagnosing group behaviors as interdependent, while being very specific about the nature of this interdependence, will help us decide what sort of intervention offers the best chance of success. Think of widespread HIV awareness campaigns in African countries, where condoms are freely distributed to the population, yet AIDS is not only still rampant, but the number of newly infected people is increasing. Distributing condoms and relying on information campaigns about the risks of unprotected sex is insufficient if men share a common view of masculinity that glorifies promiscuity and if they refrain from using condoms at home for fear of giving away the existence of 'other women.' When behaviors are interdependent, we have to work on entire communities, as individuals' choices depend on what people who are important to them do, and possibly also on what these people find appropriate or inappropriate.

Think also of child marriage, a practice that many governments and international organizations are actively trying to eliminate. According to the International Center for Research on Women (ICRW), 100 million girls will be married before the age of 18 in the coming

decade. Most live in sub-Saharan Africa and the Asian Subcontinent. A variety of causes have been explored. The parents of child brides are often poor and use marriage as a way to provide for their daughter's future, especially in areas where there are few economic opportunities for women. Some families use marriage to build and strengthen alliances, to seal property deals, settle disputes or pay off debts. In some cultures, child marriage is encouraged to increase the number of pregnancies and ensure enough children survive into adulthood to work on family land and support elderly relatives. In South Asia, some families marry off all their daughters at the same time to reduce the cost of the wedding ceremony. Chastity and family honor are another major reason, as many parents want to make sure their daughters do not have a child outside marriage.

There are a variety of cultural reasons for child marriage, but in all cases, the social pressure to marry very young girls is intense. In India's southern state of Tamil Nadu, some communities have a strong social stigma against girls being married after puberty. Often African families report fearing that if girls receive an education, they will be less willing to fulfill their traditional roles as wife and mother, and so it will be difficult for them to find a husband, with negative consequences for the family. Trying to induce a change in behavior critically depends upon understanding the reasons behind the choices. In many cases such choices are driven by a combination of shared factual beliefs, interdependent expectations, and normative (or religious) constraints.

Let us imagine two separate groups who marry their daughters as soon as they reach puberty. These practices look identical, but the beliefs supporting them are very different, and this has major consequences for policies aimed at curbing the practice. Members of the first group believe their religion calls for early marriage, and deviating from a religious injunction will bring disgrace to the entire family. They may entertain a host of other beliefs about marriage: they may believe that a young bride is more valuable, more fertile, more likely to obey her in-laws, will be protected from sexual violence or out-of wedlock births that would dishonor the family, and so on. The members of the second group have similar beliefs, but lack the religious principle that fosters the first group's practice. In both cases, the social pressure to marry young girls will be intense, but within the first group the religious beliefs will represent a major stumbling block to changing marriage practices. We may work hard to change some factual beliefs in both groups, and possibly succeed. We may build safe schools for girls, pay parents for attendance and subsequently provide jobs to the girls, help appease fears of violence and dishonor but the unconditional allegiance to a religious creed will be much harder to overcome. The factors that differentiate these two groups- which would inform the design of policies aiming at curbing these practices – will be explored in a later section of this chapter.

Conditional Preferences

In what follows I offer a simple way to discriminate among behavioral patterns shared by a group. The concepts I use to this effect are those of *preference* and *expectation*. Preferences are just dispositions to act in a

particular way in a specific situation. When I say that I prefer to drive to school instead of taking the train, I mean that, if given the choice, I would take the car. Often people make the mistake of equating preference with ‘liking better.’ If I choose a vanilla ice cream instead of a chocolate one, you may infer that I like better vanilla. What you may not know is that I adore chocolate, but I am allergic to it. So despite liking chocolate more, I prefer (choose) vanilla instead. What preference really means is that, in a choice situation, if I choose A over B it must be the case that, *all things considered*, I prefer A. Preference and choice are thus strictly connected.

Preferences may be strictly individual (like the ice cream example), or they may be social. For example, I may not eat ice cream when I am out with friends since they have passionate views about dieting. Social preferences take into account the choices and outcomes of other people that, presumably, matter to the decision maker. Say you have a preference for fair divisions. Then if you have to choose how to allocate some good you will take into account how much of it goes to other claimants, and you may feel guilty if you take too much for yourself. Alternatively, you may be envious, and resent an allocation that grants a larger share to others, or you might even be spiteful and want to maximize the difference between what you and others receive. In all of these cases, you care about not only what you get but what others get. You do social comparisons, but you may not care about what others do or believe. Indeed, you may not be at all concerned, or even think about it. What the other claimants believe should be done, or what they would do if they were in your place may not enter into your calculations.

Social comparisons and social expectations are very different things. In this sense social preferences can be *unconditional*, in that one's choice is not influenced by external factors, like the belief that others do certain things or approve/disapprove of certain actions. If you instead choose an action because you have expectations about what others do or believe, then your preferences are *conditional*. For example, a mother may choose to publically beat her child because all the other parents around her do so, and she fears being looked down upon or reprimanded if she does not hit him hard. In fact, she might not like to punish so harshly, but what would the neighbors think of her? In this case, we say that her 'preference' for corporal punishment is conditional upon her social expectations. She chooses to hit because she sees other parents hitting, and she believes that she would suffer negative consequences if she behaved differently and her behavior could be detected.

To go back to the case of fair division, you may not care at all about fairness per se, but you nevertheless divide the good equally because you are sensitive to what others normally do and expect you to do. So having a conditional preference for a certain behavior is quite different from being independently motivated to follow that behavior (in this case, fairness). The social preferences I will be talking about are mostly conditional, in the sense that the behaviors of interest often depend on what other people that matter to the actor think and do. Interdependent actions, as we shall see, always involve social conditional preferences.

Preferences should not be confused with what social psychologists call 'attitudes' (Fishbein 1967). An *attitude* is meant as an evaluative

disposition toward some object, person or behavior. It can be expressed by statements such as “I like/dislike...” “I believe one should/should not...” or “I approve/disapprove of...” Attitudes thus include *personal* normative beliefs, since they express a person’s positive or negative evaluation of particular behaviors. We know that preferences and choices are positively correlated. What about attitudes and choices? We might expect that people who positively evaluate a particular behavior would engage in the behavior to a greater degree than others might. If a group of people think that drinking alcohol is acceptable, should we not witness a lot of drinking in this population? Unfortunately, it has been consistently observed that attitudes and behavior are not positively correlated (Wicker 1969).¹ Individuals may express positive judgments toward behaviors that they nevertheless do not engage in. Why so? To answer, consider that most of our choices are not made in a vacuum. We are social animals embedded in thick networks of relations, and what we do has consequences, for us and for others. Interdependence, not independence, rules social life. Indeed, a host of studies show that the main variable affecting behavior is not what one personally likes or thinks he should do, but rather one’s belief about what “society” (i.e., most other people, people who matter to us, etc.) approves of.

A woman might *prefer* not to breastfeed after giving birth, even if she has learned about the advantages of feeding colostrum to the baby, or a family might *prefer* to give their young daughter in marriage even if it would have liked it better to send her to school and wait. These choices occur regardless of the mother or family’s attitudes toward these practices. All

¹ Nevertheless, attitudes can be informative only when the degree of correspondence between attitude and behavior is very high. See Ajzen and Fishbein, 1977.

these preferences are conditional on expecting people who matter to us to do the same, approve of such behaviors, and possibly punish deviations. Having a conditional preference implies that one may have a reason to avoid early breastfeeding or marry one's child, which is different from liking and endorsing these practices. To uncover the reasons why a collective behavior survives, we have to look beyond attitudes to the beliefs and conditional preferences of those who engage in it. This is why I like to use almost exclusively preferences and expectations in my analysis of norms. They are easy to measure and measuring them let us meaningfully classify collective behaviors. Only interdependent action involves conditional preferences, preferences that are influenced by our social expectations.

Social Expectations

Expectations are just beliefs. We have all sorts of beliefs. We believe that tomorrow will rain, and we believe that – on I96 – people drive faster than the speed limit and are hardly monitored. Beliefs can be factual, or they can be normative. Both “I believe that colostrum is dirty and dangerous for the baby” and “I believe that dowry costs increase with the bride's age” are *factual* beliefs, though only one is true. As we shall see when we come to social change, belief change is an important part of it, as people need *reasons* to change, and realizing that some of our factual beliefs are false can give us the needed push to consider alternatives. Beliefs like “Women should cover their heads and faces” are *normative*, in that the ‘should’ expresses an evaluation—it signals approval of veiling women.

Expectations are beliefs about what is going to happen or should happen; both presuppose a continuity between past and present or future. In

what follows, I will only refer to *social expectations*, i.e. the expectations we have about other people's behaviors and beliefs. Some social expectations are factual, or empirical: they are beliefs about how other people are going to act or react in certain situations. We may have observed how people behave, or some trusted source may have told us that people behave in such and such a way. If we have reason to believe that they will continue to act as in the past, we will have formed empirical expectations about their future behavior. What matters to our analysis is that very often these *empirical expectations influence our decisions*. For example, if every time I go to England I observe people driving on the left side of the road, and I have no reason to think there has been a change, I will expect left side driving the next time around.

Other social expectations are normative, in that they express our belief that other people believe (and will continue to believe) that certain behaviors are praiseworthy and should be carried out, and others should be avoided. *Normative (social) expectations are beliefs about other people's personal normative beliefs* (i.e., they are second-order beliefs): "I believe that the women in my village believe that a good mother should abstain from nursing her newborn baby" is a normative expectation, and it has a powerful influence on behavior. This is a very important point that is missed in surveys. Surveys usually ask questions about personal normative beliefs. For example, they may pose questions like "do you believe that a good mother should abstain from nursing her newborn baby?" or, more generally, "what do you think a mother should do with a newborn?" and all they obtain are just the personal normative beliefs of the person in question. Personal normative beliefs may or may not coincide with one's normative

expectations. A woman may believe that she ought to infibulate her daughter, or she may be less sanguine about infibulation, and in both cases believe that her fellow villagers think she *ought* to infibulate her child. As we shall see, regardless of her personal attitude, her behavior will be mostly influenced by her beliefs about what relevant others think she should do—that is, her normative expectations. Notice that normative expectations always express an indirect evaluation: one believes that other people think one *ought* to behave in a certain way (or refrain from behaving in a certain way). The man who beats his wife may believe that his neighbors approve of such behavior, that they think he should chastise her if she misbehaves. Again, this expectation presupposes some continuity between what was approved/disapproved in the past and what is approved/disapproved now and in the future.

But whose actions or approval do we care about? Depending on the circumstances, there will be people who matter to our choice. They may be family members, clan or village members, religious authorities, co-workers, bystanders, and whoever in that moment has the power to influence our choice. What we expect them to do matters; what we think they believe we ought to do matters. I call it one's *reference network* because the people who matter may be spread around and not be physically present. The Pakistani man who killed his 'dishonored' daughter in Milan, where he had lived for twenty years, was only concerned with relatives and friends in his Pakistani village, with what they expected of him, with their strict honor code. That was his reference network, not his co-workers or his neighbors in Italy. In Brazil, favela dwellers only punish stealing within the group, but

not stealing outside the group. So an action that is prohibited within a reference network is permissible outside the network. It is important to keep in mind that a crucial element of any empirical study will be the identification of the reference network against which expectations are set.

For the time being, let us agree that there are two types of social expectations, empirical and normative, that they involve a reference network, and often, alone or in combination, influence our behavior. Let us now see what might be the relation between preferences, expectations and patterns of behavior.

Customs

Imagine observing a common pattern of behavior: when it rains we see that people normally use umbrellas. Do they use umbrellas because other people do? Are their choices influenced by social expectations? If so, which expectations matter? Or would they use umbrellas irrespective of what others do? These are questions we should ask if we want to diagnose the nature of collective behaviors.

Like using umbrellas when it rains, certain action patterns are created and sustained by the motivations of actors acting independently. Suppose you live in an environment where water is scarce and latrines do not exist. All find it useful to satisfy their bodily needs by defecating in the open. This action meets their needs and therefore will be repeated. This will create a habit. Since people have similar needs, the habitual action that meets their needs will spread and become a *custom*. The consistency of the pattern is due to the actors' similar motivations and conditions. Each acts

independently, and the result is an emergent pattern of behavior that reproduces itself. Each individual knows that everybody else in her community acts in a similar way, but this awareness does not serve as a motive for doing what one does anyway, out of sheer need or expediency. As we shall see later on, these motives may act as drags on social change. I thus define a custom as follows:

A custom is a pattern of behavior such that individuals (unconditionally) prefer to conform to it because it meets their needs

Clearly in this case preferences are unconditional, in the sense that expecting other people to behave in a similar way does not influence one's behavior, since this expectation is not a reason to persist in or change one's habit. We know that other people use umbrellas, but so what? Whatever they do, we will keep using our umbrellas when it rains!

Not all customs are benign, though they may efficiently serve some basic needs. Open defecation is an example of a custom that presents a huge sanitation problem in many parts of the world. It is estimated that 15% of the world population practice open defecation, with extremely negative health consequences, as well as social costs that are less easy to quantify.² Customs can change in several ways. We may discover alternative, better

² The majority of those practicing open defecation live in rural areas. Open defecation in rural areas persists in every region of the developing world, even among those who have otherwise reached high levels of improved sanitation use. For instance, the proportion of rural dwellers still practicing open defecation is 9 per cent in Northern Africa and 17 per cent in Latin America and the Caribbean. Open defecation is highest in rural areas of Southern Asia, where it is practiced by 55 per cent of the population.

means to satisfy our needs, the external conditions that produce these needs may change, new preferences may be created, or a combination of these changes may occur. Sometimes we come to grasp the advantages of new behaviors, but if there are costs involved, change may be hard to come.

This difficulty is due to the fact that the proposed alternative may require collective belief change followed by collective action. In other words: the collective custom was a pattern of independent actions, but changing it involves interdependencies. For example, abandoning open defecation involves first a change in factual beliefs about the health and social costs of this practice. The next step consists in building latrines, using and keeping them clean. This is a process that engages the whole community that has to allocate tasks and make sure the old ways are abandoned, otherwise the health benefits of having functioning latrines may be lost. Here the individual incentive to continue with the established habit may conflict with the collective benefit of having better sanitation. People facing change confront a *social dilemma*: it is individually tempting (and most convenient) to stick to the old practice, but everyone would benefit from a collective shift to latrines.

However, if only some use latrines, the sanitation benefit is lost: water and land pollution will still occur. In this case, not only would everyone have to be convinced to change their ways, but the new behavior, in order to survive, will have to be supported by both empirical *and* normative expectations. Such expectations played no role in the custom's survival, but they become critical for its demise. What matters for the present discussion is that a *collective* process of belief change may be necessary to implement a

new behavioral pattern, even when abandoning simple customs, especially if this pattern requires the collaboration of everyone to be sustained. In cases of open defecation, building and maintaining latrines requires a collective effort and the introduction of sanctions to insure continuous compliance, since even a few norm-defectors can have a powerfully detrimental effect on a group's hygiene. Therefore monitoring norm-adherence becomes all the more critical. Yet the introduction of sanctions, though crucial, is secondary to the initial process of factual belief change. First and foremost, people must acknowledge the negative consequences of open defecation. How customs can be changed, and the challenges of sustaining new behaviors is a topic I will discuss in the third chapter.

Descriptive norms

There are many collective behaviors that may *look* like customs but are instead influenced by social expectations. These collective behaviors depend on expectations about what others do or expect one to do in a similar situation. Such behaviors display various degrees of interdependence, depending on whether expectations are normative or empirical, unilateral or multilateral. I use the word *descriptive norm* to refer to all those interdependent behaviors where preferences are conditional on empirical expectations only.

Let me add a note of warning, since my definition is unconventional. The term descriptive norm is widely employed to mean 'what is commonly done,' what is usual and customary (Shultz et al 2007). It describes how people typically act, what they regularly do in particular situations. I find

this definition too vague and of little practical use. The traditional understanding of a descriptive norm includes, for example, a custom like open defecation, a fashion like wearing very high heels, or the use of a common signaling system, like traffic lights or language, for coordination purposes.

While the perceived existence of a custom alone does not cause people to engage in it, the perceived existence of a fashion or common signaling system can do so. A custom is a *consequence* of independently motivated actions that happen to be similar to each other, whereas a common signaling system *causes* action via the joint force of expectations and a desire to coordinate with other users of the system. The existence of an established fashion *causes* an action congruent with it via the presence of expectations and the desire to imitate the trendy. Depending on the context, one might copy those in proximity, those in similar situations, those with similar characteristics, or similar in some other relevant way. And one may copy either what one perceives to be the most frequent action the most successful actors. Women buy very high heels not for the (zero) comfort of the shoe, but instead because they want to be fashionable, copy trendsetters, and expect other women in their circle to do the same. Once a fashion is established, it will induce actions in line with it. I thus define a descriptive norm as follows (Bicchieri 2006):

A descriptive norm is a pattern of behavior such that individuals prefer to conform to it on condition that they believe that most people in their reference network conform to it (empirical expectation).

There are two elements here that differentiate a descriptive norm from a shared custom. In the case of a descriptive norm, people do not prefer to engage in a particular behavior irrespective of what others do. Instead, their preference for conformity is *conditional* upon believing how others act. The ‘others’ in this case must be somehow relevant to the actor. The *reference network* may be scattered, and may not necessarily coincide with groups one associates with daily. In the television series *The Sopranos*, many of the characters’ behaviors were based on what they (wrongly) believed to be the customary ways in Italy, only to realize later on that modern Italians had moved well beyond those patterns. A young woman in Philadelphia wearing very high heels will probably not care what other women do in India, or even New Orleans. Her reference network may be the ‘fashionable’ crowd in her town, those who she is likely to meet and give her a chance to ‘show off,’ or it may be a celebrity, magazine starlets or TV series that girls in her reference network follow.³ In the case of significant media influence, it is important to recognize that those who watch the television program or read the popular magazine know that “*everyone is reading/watching that,*” where “everyone” presumably refers to people that matter to one’s choice to adopt a fashion. One of the reasons the media can be so influential in initiating/changing behavior is precisely the viewer or reader’s awareness that many others in one’s reference network receive the same message.

Second, expectations about what others are doing play a decisive role in choosing (or avoiding) an action, as in their absence different actions may be chosen. The main difference between a custom and a descriptive norm

³ Sex and the City TV series was associated with a spike in sales of Manolo Blahnik shoes.

lies in the *reasons* why people follow them, since from an observational viewpoint, they may look identical. Understanding this distinction is crucial if we want to promote behavioral change. With a negative custom, we may want to start by trying to convince individuals that a particular action or practice – though it meets a need – has serious drawbacks, and propose feasible alternatives. People normally have factual beliefs about the consequences of their actions, and changing those beliefs is a first step to changing behavior. With descriptive norms instead, we have to engage the norm-following group in a more complex way, as expectations play a crucial role in sustaining the practice. To enact change, the empirical expectations of most participants have to change. This proves to be challenging as change, to succeed, has to be *coordinated*. If I wear very high heels because of the drive to imitate the fashionable and the concurring belief that most women in my social network now wear them, it is not sufficient to observe a few women behaving differently (especially if they are not trendsetters)⁴. I must be *convinced* that very high heels are now out of fashion. The same goes for a signaling system. Since our goal is coordinated communication, we have to be convinced that everybody we may communicate with is moving to another system of signals before we change, too. Coordinated change is obviously critical. How this can be done is the subject of the third chapter, where I discuss social change. What must be clear is that the means employed to induce change will be different, as they must fit the nature of the behavioral pattern.

⁴ Trendsetters are [early adopters](#), people who start (or follow early on) a new trend before most other people. Psychologists still debate whether there are specific character traits that make people trendsetters, apart for their social position (some may be in positions of power or privilege.)

Imitation and coordination

Why people have conditional preferences, why they prefer to do something if they expect others to do it, and why some behaviors become viral are all questions relevant to understanding social change, especially change that involves abandoning or creating norms. Economic, legal, political changes often instigate or accompany norm change. Yet if norms, descriptive or otherwise, exist because followers have certain preferences and expectations, exogenous triggers may only go that far. In any event, they will be successful only if they produce and coordinate a collective change in expectations.

In his essay "On sumptuary laws," Montaigne cleverly observed that 16th-century French laws aiming at restricting superfluous and excessive consumption among the merchant class often had the opposite effect.

"The way by which our laws attempt to regulate idle and vain expenses in meat and clothes, seems to be quite contrary to the end designed... For to enact that none but princes shall eat [turbot](#), shall wear [velvet](#) or gold [lace](#), and interdict these things to the people, what is it but to bring them into a greater esteem, and to set every one more agog to eat and wear them?(p. 300)

In this case, prohibiting imitation of the aristocratic ways made them ever more attractive to commoners. If anything, preferences were reinforced.

In other cases exogenous triggers may work quite well. When we want to coordinate with others, any change in expectations will lead to a change in preferences and behavior. An external intervention that credibly changes expectations will most certainly produce a change in preferences. On September 3rd, 1967, traffic in Sweden switched from [driving on the left-](#)

[hand side of the road to the right](#). The change was mandated by the government and went on smoothly. Nobody would have wanted to keep driving on the left side of the road if the expectation was that now everybody would drive to the right-hand side.

Coordination is different from imitation. With imitation, those I imitate do not expect me to behave like they do and may not even know they are being imitated, so my expectations are unilateral. When a girl imitates an actress or the fashionable group in her school, they do not expect *her* to act as they do. What matters is that she expects *them* to act in a certain way. And this is true for each and every imitator. With coordination, expectations are instead multilateral. If you and I want to coordinate on wearing a bandanna of the same color, it matters what each expects the other to do. To succeed, our expectations have to match. An external intervention can potentially change behavior if it works as a coordinating device. It is much less apt to succeed with imitation, unless it mandates a change in the imitated party.

Many descriptive norms do not directly fulfill a coordination function, even if we observe what appears to be coordinated behavior. It is often noticed that portfolio managers tend to make similar financial choices, and offer similar advice to clients. One reason for this is that nobody is capable of predicting market gyrations, and in case the market tanks it is better to be aligned with the herd, so as to diffuse responsibility for a bad choice and relativize losses. Those managers do not intentionally coordinate, but rather imitate each other. Imitative behavior is widespread in every society. When uncertain, we look at what others do to resolve insecurity about making a decision. Before buying a refrigerator or a car, or hire a landscaper, we

often go to web sites that list buyers' comments about products and services. Web sites like Angie's List owe their fortune to social proof, our tendency to imitate others' choices since we grant them superior knowledge of the product or service (they bought it!).

Imitation, or conformity to others' behavior, has two components: *informational* and *normative* (Deutsch and Gerard 1955). In new, uncertain or ambiguous situations, we often turn to others to gather information and obtain guidance. Imitation may be rational, if collecting information is very hard or very costly, we lack expertise or instead the choice is unimportant, so a wrong decision is not the end of the world. When many people make similar choices, we tend to take it as evidence of effective, adaptive behavior. Note that large numbers are not necessary to induce imitation. People often imitate the behavior of the successful, guessing that some observable traits correlate with their accomplishments. 'Dress for success' is a glaring example of this naïve belief.

We all have a natural desire 'to be correct,' and often what is correct is defined by our social reality: I know I am a good runner when I compare my record to those of other runners. The case of financial managers is a little different: their herding behavior has the effect of minimizing potential losses. In situations of great uncertainty, it pays to 'follow the herd,' for if things go sour one will not look that bad ("*everyone was doing it!*").

Besides being correct, people also want to be liked, to belong, and to 'go along with the crowd.' We often adopt the prevailing group standards, behaviors, et cetera to gain (or avoid losing) social appreciation, respect, and acceptance. In the case of informational influence, there is no social pressure to conform to other people's views and beliefs, nor is one expected

to conform. As I said, expectations are unilateral. With normative influence, there may or may not be group pressure to conform. That is, one may conform because one wants to gain acceptance or be liked, but lack of conformity will not necessarily be reproved by the group. In other cases, violation of group rules may elicit mild negative reactions, as compliance is expected.

Let's go back for a moment to our fashion slave. What motivates her to buy those uncomfortable, high heel shoes? Both informational and normative influences are likely at work. On the one hand, she wants to imitate the fashionable crowd, as looking at what they wear is giving her valuable information about what is now 'in.' On the other hand, being fashionable makes her feel she belongs to a valuable group, and she will possibly become more popular if she dresses like them. However, nobody is going to *require* that she wears high heels, and nobody will spend time and energy reprimanding her for not doing so. A different case is one in which employees in a coffee shop 'salt' the tip jar. Here they play on the common tendency of 'doing as others do' and hope clients will be induced to leave a tip, like others appear to have done. They hope clients will feel social pressure to leave a tip. Again, there is no evident reproach for not doing it, aside from perhaps a slight embarrassment on the client's part.

Think instead of coordinating on a signal. Signals may be as complex as a language, or as simple as traffic lights. Here the normative influence may vary from nil to significant. If I stop using a signal that many others use, as in the case of a widely spoken language, nobody will possibly care, and I will be the only one to pay a price, for I will be ignored. But think of stopping (unilaterally) to obey traffic lights. Running a red light not only

endangers my own life, but doing so endangers other people's lives as well. To safely use traffic lights, everyone must expect that all drivers stop at red and go at green. If people start disregarding the signal, coordination is lost, and everybody is put at risk. When we call those who disregard a red light 'crazy' or 'idiots,' we imply that they are doing something that can damage them too. So, there sure is some normative influence here, but is it superseding everything else? What are the *chief* reasons why people stop at a red light? Is there a temptation not to? If there were no blame for disregarding traffic signals, would you disregard them? If your reason to stop is that you expect other drivers to obey traffic lights and thus drive smoothly and safely, your empirical expectation and the desire to coordinate with other drivers are what matters most to your choice. The coordination motive is very different from imitation, in that expectations are multilateral and stem from a desire to 'harmonize' our actions with those of others so that each of our individual goals can be achieved.

Preference for following a descriptive norm may involve both informational and normative influences or the wish to coordinate with others, but *this preference remains conditional on empirical expectations alone*. This means that if these expectations were to change, preferences and behavior would change too. There is a causal relation between expectations, preferences and behavior. If we want to appeal to descriptive norms in a causal explanation, it is not sufficient to look for a correlation between expectations and behavior. There are many correlations that are causally irrelevant. Wearing warm clothes in winter is a collective habit motivated by the need to keep the body warm. We do not choose to wear warm clothes

because we expect others to wear them⁵. Our choice is independent of expectations. If we were to interview Philadelphia residents, we would find out that everyone expects other residents to wear warm clothes in winter. And we may also observe that the individuals we have queried wear warm clothes in winter. We do have a correlation between expectations and choices (they occur together in a consistent way). But are those expectations *causally relevant* to the behavior we observe? Or does the observed behavior instead generate the expectation?

Causal relations involve counterfactual dependence: A and B both occurred, but if A had not occurred (and B had no other sufficient cause), B would not have occurred either. For example, if we think that lack of water is the main reason why people do not build latrines, we must be prepared to say that, if water were abundant (contrary to the fact that it is scarce), then latrines would be built and used.⁶ I am greatly simplifying here, but these are the basic ideas. We may be pretty sure that were we to observe people going around scantily dressed in a harsh winter, our expectations would change, but our behavior would not. When I was teaching at Carnegie Mellon, many computer students braved the winter snow in T-shirts, shorts and flip-flops. Most of us looked at them as alien nerds as we snuggled in our warm coats.

My view about descriptive norms, as opposed to customs, is that they have causal influence on behavior. Expecting members of our reference network to behave according to the descriptive norm (i.e., expecting a

⁵ Though the *kind* of clothes we wear may be fashion-based, and thus influenced by expectations.

⁶ Many interventions have been based on the belief that economic or ecological conditions are the most important causal factors, and changing them would dramatically improve the situation. Since many such interventions failed, we must be aware that it is of foremost importance to correctly identify causal factors.

consistent pattern of behavior) and having preferences conditional on these expectations induces individuals to conform to that pattern. In this case, we would observe that expectations and behavior are strongly correlated, but to know *why* we must know what mechanism produced the correlation. To find out, we need to experimentally manipulate one or more factors (the independent variables) to observe their effect on behavior (the dependent variable). It is important to give both independent and dependent variables precise operational definitions that specify how to manipulate the independent variable (in our case, empirical expectations) and how to measure the dependent variable (conforming behavior). For example, one way to influence empirical expectations is to tell one group of participants in an experiment about the behavior of other participants in a similar past experiment (thereby shifting their empirical expectations). Another group of participants (the control group) instead is not given any information. If there is a significant difference in behavior between the two groups, we can be fairly certain that expectations matter to choice (Bicchieri and Xiao 2009).

Another, less precise way to check for a causal connection is to ask counterfactual, hypothetical questions. If a behavioral pattern is very common, we may ask those who conform to it what would they do if most people in their reference network were to behave differently. Would they stick to the behavior? If not, why not?

Empirical expectations must be coupled with a conditional preference for conforming, otherwise they would have no influence. This preference has informational (and possibly also weakly normative) roots in imitation, or stems from a desire to coordinate with others in all those cases, such as

signaling, in which coordination brings about benefits for each and every participant. But what about stronger normative influences? What about behaviors that are keenly endorsed by a reference network, so much so, that deviations get punished and compliance praised? What about situations in which the expectation of approval and disapproval, the acknowledged presence of sanctions act as important motivators? In this case, we are dealing with social norms.

Social norms

Consider the following scene. A long line of people is waiting to buy a ticket for a popular movie. Someone approaches the first person in line and offers a few dollars to take her place. When I give this example to my class, students react with outrage. “If I were in line behind the guy, I would get mad,” and “It is unfair to those who wait patiently,” are common reactions. If the payment is to literally cut in front of the first person, then the exchange is imposing a negative externality on everyone behind her in the queue because they now have to wait one person longer. She has no right to sell her place. Indeed, paying for cutting a cue elicits strong disapproval. However, what if somebody at the end of a long line went to the first in line, and offered him money to switch places? In this case, nobody would be disadvantaged, yet nevertheless many would find this exchange objectionable. A common concern is that if we allow people to jump ahead in queues of all sorts (as opposed to traditional waiting in line), there is a fundamental sense that people are not treated equally. If efficiency is the argument, why not allow someone to sell her vote as well? While

inefficient, queues embody a standard of fairness in which nobody is more important than another and anyone can be subject to a wait. In a world where people can buy their way up, we can imagine a class of people who are rich and never have to wait, and a class who always must wait because their time is less 'valuable' as determined by what they can pay. Many would find such a world repulsive.

In the first example, people would feel entitled to protest, even block the transaction. In the second, even if we deeply dislike the deal, we usually feel we do not have a right to complain. Why this difference? What makes us feel we have a right to expect certain behavior but not others? The second transaction is a *private* one, and though we may dislike it, we recognize that people have a right to conduct their private business as they like. The first example instead created a *public*, negative externality, as everybody in the line has to wait longer. Only in this case, there would be much social support for openly and loudly complaining. When actions create public, negative externalities, societies evolve rules to curb these effects. Rules that enforce cooperation or reciprocation are necessary to support social interactions; without cooperation and trust, it becomes exceedingly hard, if not impossible, to sustain social exchanges. Yet these pro-social rules are not the sole rules to elicit extensive social support. Child marriage or female genital cutting do not seem to curb any particular, public negative externality. In a society where child marriage is the norm, waiting to marry off one's daughter will only produce negative consequences for the family and the girl being married, not the broader society. Yet witnesses to a contravention in such a society will feel entitled to blame, gossip about, ostracize, or pity the

girl. The socially imposed *ought* is present in these norms, even if it is not borne out of a prosocial necessity.

I believe that the difference between rules that enforce prosociality and other sorts of shared practices stems from their origins. The latter may have evolved from simpler descriptive norms that, with time, acquired a special symbolic meaning, whereas the former directly evolved from a collective need to guarantee a measure of social order. Once they are established, both kinds of rules ultimately share the same features that classify them as social norms.

Social norms perform a double function. They tell us that particular behavioral responses are warranted in situations that are sufficiently similar to each other: You do not cut a line of cars waiting at an intersection, and you similarly do not jump in front of people cuing for a cab or waiting to be served in a pastry shop. Social norms also express social approval or disapproval of such behaviors—they tell us how we *ought* to act. Social norms are often called *injunctive norms*, meaning by that what we collectively believe ought to be done, what is socially approved or disapproved (Rivis et al. 2003). As in the case of descriptive norms, there are ambiguities in this definition. For example, the moral norms a society shares prescribe and/or proscribe certain behaviors, entail evaluations and judgments, and signal the mutual expectation that we ought to abide by them. Though some may argue that there really is no difference between social and moral norms, others would object to that.

From a purely descriptive standpoint, morality is a code of conduct that guides behavior, and, apart from the importance accorded to the

avoidance and prevention of harm, morality has no special features that distinguish it from non-moral codes of conduct. Morality typically refers to behaviors that directly or indirectly affect others: rules against killing, causing pain or deceiving, are all examples of rules that prohibit causing direct or indirect harm. Such rules contribute to the peaceful and harmonious coexistence of members of society, and thus it is often argued that they would be put forward by any rational person for the governance of society's behavior. Because of their important social function, prosocial norms are often 'moralized': they are endowed with a universality and impartiality that other social norms do not possess. If you uphold what you consider a moral norm, you do not want to confine it to a reference network or a specific time frame, nor do you mean to apply it only to a special class of people. A norm that dictates female genital cutting may embed important ideals of purity and honor, among others, but does it have the status of a moral norm?⁷ Would it be the case that those who endorse this practice would still support it if they reflected upon their basic values (such as not inflicting unnecessary harm)? As we shall see when discussing norm change, there is ample evidence that such collective reflection may lead to the abandonment of social norms that conflict with some basic human values, whereas I doubt that individual reflection upon the importance of not causing unnecessary pain would lead to forsaking such a rule (Bicchieri and Mercier 2014).

If so, allegiance to moral rules should in principle be *unconditional*, in the sense that one's choice to obey them should not be conditional on one's

⁷ I am assuming here a case in which there is no religious belief supporting and justifying the practice.

expectation that others obey them, or that one will be sanctioned for violating them, even if in practice we may fall short of our best judgment. I say ‘in principle’ because I can think of extreme situations in which what others do may matter to one’s allegiance to a moral rule. In a state of anarchy, one may conclude that harming and deceiving is the only way to survive, but one may do so with great anguish and guilt and still endorse (if not follow) general rules against harming and deceiving (Bicchieri 2006). I mention here the strong emotion of guilt because it is often associated, as a moral emotion, to our commitment and conformity to moral rules. Yet, as I have noted elsewhere (Bicchieri 2010), emotions are not a necessary hallmark of morality. One may feel guilty at openly choosing an unfair offer in a dictator game, but conveniently give nothing to an unaware recipient, provided it is plain that one’s choice is hidden (Dana et al. 2007) Would we be willing to say that fairness matters when one is ‘watched’ but loses its appeal when one can cheat in secret? It seems that a better way to distinguish, as far as we want to make such distinction, between the moral and the social is to think of our willingness to justify a transgression. If I am willing to defend my unfair decision by pointing out that “others are unfair too,” or that “I am not really expected to act fairly on this occasion,” or even that “the subject of my choice will believe his misfortune was just bad luck,” it seems clear that my choice was conditional on certain occurrences. Fairness, for me, is not a moral norm to be followed almost no matter what.

The important point is that we have (in principle) reasons for upholding what we take to be moral norms that go beyond the fact that we *perceive* them to be generally upheld *by a reference network* that may

reproach deviance. Our commitment to these moral norms is largely independent from what we expect others to believe, do, or approve/disapprove of. Social norms instead are always *conditional*, in the sense that our preference for obeying them depends upon our expectations of collective compliance. This does not mean that we may not find good reasons to support some of those norms. There are many social norms that we may find socially beneficial, like rules of fairness or reciprocity, but I argue that we follow them because we know that they are generally followed and because we expect most individuals in our reference network to keep following them. We also have reason to think most individuals in our reference network believe that we ought to be fair and reciprocate in the appropriate conditions.

Like descriptive norms, social norms rely upon empirical expectations, that is, the belief that others in our reference network follow the norm. However, with social norms, the normative influence is strong and plays a crucial role in driving compliance. It matters to us that most people in our reference network believe we ought to conform to a certain behavioral pattern. This point needs to be emphasized. First, let me point out that people may think one ought to behave in a specific way for many different reasons. Parents who marry off their young daughters believe they are protecting them while simultaneously affording a good husband at a reasonable dowry price. Many Islamic countries require women to cover their bodies and faces, for reasons of modesty and family honor. Southern whites thought blacks should take menial jobs, to stress their alleged cultural and economic inferiority and ultimately to support a system that favored

whites. A gang requires its members to wear particular clothes and colors to signal their group identity and show pride in belonging to that group. We think that trust should be reciprocated, because otherwise we would end up in a society in which very few transactions would occur. *For every social norm we may think of, we will find some reason why supporters think it should be upheld.* When a norm is in place, we may or may not embrace what we believe are the reasons why the norm exists. In other words, we may be more or less *sensitive* or sympathetic to the norm's content. Yet the social pressure to conform, expressed in the social expectation that one ought to conform, is a powerful motivator. I thus define a social norm as follows (Bicchieri 2006):⁸

A social norm is a rule of behavior such that individuals prefer to conform to it on condition that they believe that (a) most people in their reference network conform to it (empirical expectation), and (b) that most people in their reference network believe they ought to conform to it (normative expectation).

If others believe one *ought to conform*, the reaction to non-conformity may go from slight displeasure to active or even extreme punishment. The extent of the social reaction varies, depending on how important or central to social life a norm is, how entrenched it is, and what sort of real or perceived harm disobedience creates. The combination of punishment (mild, serious, or absent) and a person's sensitivity to the norm will determine individual

⁸ I do not use 'behavioral pattern' but instead talk of behavioral rules, for the reason that often norms proscribe behaviors, so we do not typically observe the behavior proscribed by the rule. It is also the case that a norm may exist but not be followed at a given time if the potential followers' expectations are not met (Bicchieri 2006, p.11).

compliance. Someone who is indifferent to or even disagrees with the norm's content will avoid conformity if no sanction is present, whereas someone who supports the norm will tend to conform even if no punishment looms. This individual will usually recognize that the request to conform is legitimate, and respond positively. Normative expectations may also be accompanied by positive sanctions, such as liking, appreciation, trust and respect. Again, the existence of strong positive rewards may move the indifferent and the contrarian to comply, but it will just reinforce the supporter's conviction. This is why norms that are (or are believed to be) onerous to follow are usually accompanied by strong negative and positive sanctions: in a society in which cooperation or reciprocation with strangers are perceived to be difficult to obtain, an honest cooperator is praised, and a non-reciprocator will acquire a bad reputation. A culture that holds ideals of family respectability and honor, and the belief that women are men's property, as well as being weak and easily seduced, will impose strict rules of conduct on women, and punish transgressions harshly. Honor killing is an extreme measure, but the reward is high status and social respect. Sometimes even norms that are not particularly onerous to follow, like a gang's dress code or other outer signs of belonging, are supported by significant sanctions, in that disregarding them defies the group's identity, and signals disrespect. In the TV show *Sons of Anarchy*, a man who belongs to a motorcycle club is a "badass." Yet, "you know you're a badass when you'll strap down an ex-member and set his back on fire to remove his club tattoo."⁹ Small, close groups are particularly defensive about the norms

⁹ In the show the person had been required to remove his tattoo, and since he didn't, they burned it off of him so no one would mistake him for a member in good standing. <http://www.sidereel.com/posts/36137->

that identify them, and are ready to punish deviators that threaten the very identity of the group.

What matters here is not drawing a taxonomy of norms and related sanctions, but the relation of conditional preferences to empirical and normative expectations. Conformity to a social norm, it should now be clear, can be completely independent of attributing value to the norm one obeys. We may be induced to obey norms we dislike, or reject behaviors that we find perfectly appropriate. Often, however, especially with norms that are well established, norm followers tend to *value* what the norm stands for. An external observer may be induced to think that, since people have a positive attitude toward a norm, they may obey it *regardless* of what others around them do. Social expectations do not seem important anymore!

In fact, we may be tempted to explain why a given behavior persists by referring to the observation that most individuals in the network where it is commonly practiced share the conviction that it is good and valuable. We do not seem to be facing conditional preferences here: individuals behave in a similar way because they all think such behavior carries some advantage. Is this a correct conclusion? Recall what I said about causality. It involves counterfactual dependence: all other things being equal, if an individual did not have a positive attitude towards *x*, she would not do *x*. This seems to have been the premise of many information interventions designed to change some negative practices, such as new mothers' refusal to breastfeed immediately after giving birth. Information was introduced with the intention of changing factual beliefs (and attitudes) about the importance of immediate and continuous breastfeeding, the damages of giving newborns

news-missing-sons-of-anarchy-top-10-badass-moments-featured

water (often contaminated), and the connection between infant mortality and traditional practices. Such interventions failed when not accompanied by the understanding that the practice was supported by widely held social expectations, both empirical and normative. Even if we were to succeed at convincing a young mother of the benefits of immediate breastfeeding, would she dare incur the wrath of the mother-in-law, the scorn of other women, and the accusation that she was risking the life of her child? This problem is particularly acute in cases of *pluralistic ignorance*.

Belief traps: pluralistic ignorance

Consider the case of a social norm present in a network G . We know that:

1. All members of G believe that all other members of G follow N .
2. All members of G believe that all other members of G believe one ought to follow N .

However, it is not true that “all members of G believe one ought to follow N .” In fact, a majority of individuals dislike N and do not think one ought to follow it. In a UNICEF study on violence on children, it was stunning to realize that caregivers who report a negative judgment on punishment still punish in large numbers (country median: 50%).¹⁰ One possible explanation for this disparity is that these caregivers observe corporal punishment, or what they believe are corporal punishment’s consequences, and have no reason to believe that those who conform to the norm dislike it as much as

¹⁰ www.childinfo.org/discipline.html

they do. They dare not speak out or openly transgress, for fear of being regarded as weak or uncaring parents. In this way a norm nobody actually likes will keep being followed and, if deviations occur, they will be kept secret. This is an example of *pluralistic ignorance*, a cognitive state in which each member of a group believes her attitudes and preferences are different from those of similarly situated others, even if public behavior is identical (Miller and McFarland 1987). The following set of conditions is a fertile ground for pluralistic ignorance (Bicchieri 2006, Ch. 5; 2012):

- a) Individuals engage in social comparison with their reference network. We constantly observe what others do, and from these observations, we get clues about appropriate behavior, others' attitudes, beliefs, and so forth. In the case of norms, we are influenced by the behavior of other network members, but we do not know the true distribution of their beliefs and attitudes, which we try to infer from observing their behavior.
- b) Others' behavior is observable. If not, then the consequences of such behavior are observable.¹¹
- c) No transparent communication is possible. Because of shared values, religious reasons, or simply the fear of being shunned or ridiculed as a deviant or just different, we do not express views that we think will put us at a disadvantage.
- d) We assume that, unlike us, others' behavior is consistent with their attitudes and beliefs. There are several possible reasons why this

¹¹ For example, compliance with norms that regulate sexual behavior or other unobservable behaviors can be assessed by observing the presence or absence of the consequences of such behaviors. In the case of norms that prohibit pre-marital sex, teen pregnancies would be a sign that the norm has been flouted.

might occur. Fear of embarrassment or the desire to fit in are not easy to observe in others, so we may come to believe that we experience these emotions more strongly than others do. Another possible cause of the self/other discrepancy is the *fundamental attribution error* (Ross 1977): We tend to overestimate the extent to which others act on private motives (beliefs, attitudes), while we instead attribute our own behavior to external factors (social pressure in this case).

- e) We infer that all but us endorse the observed norm. We discount personal evidence in favor of what we observe and take it at face value.
- f) All end up conforming to the public norm, oblivious to the possibility that they are participants in a group dynamic in which all pretend to support the norm, while in fact all dislike it.

In a state of pluralistic ignorance, individuals are caught into a belief trap and will keep following a norm that they deeply dislike. How long can this last? One may suspect that a norm that is so much disliked would not be stable, since even small shocks to the system of beliefs that support it would lead to its demise. Once the frequency of true beliefs is conveyed to the relevant population, a change would occur. This conclusion is only partially true. When actions are strongly interdependent, it is not sufficient to publically disclose that most individuals dislike the norm and would like to do something different. Since a norm is supported by normative expectations, the participants must also be sure that its abandonment will not be followed by negative sanctions. People face a double credibility problem here: they must believe that the information they receive about others' true

beliefs and preferences is accurate, and they must also believe that everyone else is committed to change their ways. There are many ways to achieve these goals, and there are several examples in the literature of successful changes of negative norms by means of information campaigns, public declarations, and common pledges (Bicchieri and Mercier 2014). Any successful change, I shall argue in the last chapter, must change both empirical and normative expectations, precisely in this order.

Whether we are facing pluralistic ignorance is an entirely empirical question. A few years ago, a friend from UNICEF presented me with the following data, confessing she was at a loss as to how to interpret them.

Area name	Time period	Prevalence	Support	
Somalia	2006	97.9	64.5	MICS 2006
Guinea	2005	95.6	69.2	DHS 2005
Djibouti	2006	93.1	36.6	MICS 2006, table CP5.
Egypt	2008	91.1	54	DHS 2008, table 15.1, page 197.
Sudan	2006	89.3	23.7	SHHS 2006
Mali	2007	85.2	76	DHS 2006
Ethiopia	2005	74.3	31.4	DHS 2005, table 16.13, page 253.
Burkina Faso	2006	72.5	11.1	MICS 2006, table CP5.
Mauritania	2007	72.2	53.4	MICS 2007
Chad	2004	44.9	49.4	DHS 2004, table 11.1, page 170.
Yemen	1997	22.6	41	DHS 1997

Female genital cutting prevalence vs. support of the practice among women 15-49

She noted that in Sudan, Djibuti and Burkina Faso there was a significant discrepancy between the prevalence of FGC and its support among women who must have been directly involved in getting their daughters cut. However, in places like Chad, prevalence and support were very much in line. At the time, I knew that women were only questioned about their attitudes, not about their expectations, especially normative ones. It was possible that in Sudan women did not dare express their true preferences and beliefs and kept performing a ritual that was expected of them, without being aware they were not the lone deviants. It is also possible that women knew about other women's opinions, but were forced to perform the ritual, or that the practice was so ubiquitous that it became naturalized and people did not even consider alternatives, even if they may not have had a strong preference for it. To know the reasons for the discrepancy, we must be able to measure normative expectations, and check whether perceived and objective consensus differ. Measuring expectations is precisely what I recommend to do in the next chapter, when I tackle the issue of norm measurement.

Conclusion

Many programs designed to curb the incidence of sexual behaviors that spread AIDS, induce people to build and use latrines, educate girls, or convince families not to marry their very young daughters have failed. Program failures have taught us that causal factors have to be addressed, and the most important part of the job is precisely to identify causal relations. I have maintained that experiments are the best way to assess causal relations.

However, it is not possible to manipulate personal evaluations in an experiment. What we can do is influence expectations about what others do or believe should be done (that is, alter normative and empirical expectations). In other words, if we were to believe that social expectations play no role in directing behavior, then altering them experimentally (creating or eliminating them) should not change the behavior of individuals who have expressed a positive evaluation (through a questionnaire) of the behavior in question. I will return to this important point in the chapter on measurement. For the time being, let me remind the reader of the existence of a large body of research in social psychology that shows that the link between attitudes and behavior is controversial (Eagly and Chaiken 1992). In my own language, personal normative beliefs do not seem to play a particularly important role in inducing specific behaviors. People may *say* that they approve or disapprove of something, but when we look at their actions we see no consistency with their evaluative judgments.

In defining social norms as I did, I have stressed the role of conditional preferences and social expectations (see Appendix). In other words, I have relied upon the *reasons* that make people behave as they do. Understanding these reasons is critical to instigate social change. If we believe social norms have causal efficacy, we must be ready to show that, were the expectations that support a norm absent, the norm would not be followed. Since the preference for following a social norm is conditional upon having the right kind of social expectations, altering expectations should affect behavior in significant ways.

Again, experiments are the best means to check whether empirical and normative expectations matter to choice and under what conditions. Yet

there are many situations in which experiments are difficult or impossible to perform, and we may have to fall back on questionnaires to assess whether a norm is present and how and when it influences behavior. In the following chapter I shall provide tools for measuring norms and ways to check the causal pathways that link a social norm to actio

References

Ajzen, I. and Fishbein, M. (1977). “ Attitude-behavior relations: a theoretical analysis and review of empirical research” *Psychological Bulletin*, Vol 84(5): 888-918.

[Bicchieri, Cristina](#) (2006). *The Grammar of Society: The Nature and Dynamics of Social Norms*. New York: Cambridge University Press

Bicchieri, C. and Mercier, H. (2014). "Norms and beliefs: How Change Occurs". *Iyyun: The Jerusalem Philosophical Quarterly* 63. Reprinted in B. Edmonds (ed.) *The Complexity of Social Norms*. Springer 2014

Bicchieri, C. and Muldoon, R. (2011). *Social Norms*. The Stanford Encyclopedia of Philosophy

Bicchieri, C. and Chavez, A. (2010). "Behaving as Expected: Public Information and Fairness Norms". *Journal of Behavioral Decision Making*, 23 (2): 161-178

Dana, J., Weber, R. A., & Kuang, J. X. (2007). Exploiting moral wiggle room: experiments demonstrating an illusory preference for fairness. *Economic Theory*, 33(1), 67-80.

Deutsch, M. and Gerard, H.B. (1955). A study of normative and informational social influence upon individual judgment. *Journal of Abnormal and Social Psychology*, 51: 629-636.

Eagly, A. H. and Chaiken, S. (1992) *The Psychology of Attitudes*. San Diego, CA: Harcourt Brace

Fishbein, M. (1967) "A consideration of beliefs and their role in attitude measurement." In *Readings in attitude theory and measurement*, Fishbein, Martin, ed. New York: Wiley.

LeJeune, L, and Mackie, G. (2009). Social dynamics and the abandonment of harmful practices: A new look at the theory. *UNICEF Innocenti Research Centre*.

Miller, D.T., and McFarland, C. (1987). "Pluralistic ignorance: When similarity is interpreted as dissimilarity". *Journal of Personality and Social Psychology*, 53, 298-305.

Montaigne, M. de. *Michel de Montaigne, The complete Essays*. M.A. Screech (ed.) Penguin Books, London 2003. Can also be accessed from <http://oll.libertyfund.org/title/1744/91226> on 2013-11-02

Rivis, A. and Sheeran, P (2003). Descriptive Norms as an Additional

Predictor in the Theory of Planned Behaviour: A Meta-Analysis. *Current Psychology: A Journal for Diverse Perspectives on Diverse Psychological Issues*, 22(3) :218-233.

Ross, L. (1977). "The intuitive psychologist and his shortcomings: Distortions in the attribution process". In Berkowitz, L.. *Advances in experimental social psychology*. New York: Academic Press. pp. 173–220

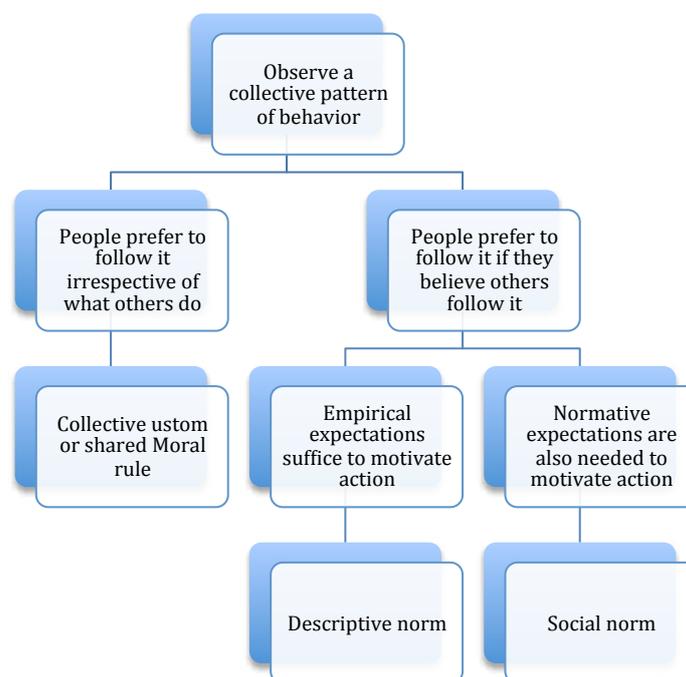
Schultz, Nolan, Cialdini, Goldstein, Griskevicius (2007). The constructive, destructive, and reconstructive power of social norms. *Psychological Science* 18 (5) pp 429–434

Sumner, W. G. (1906). *Folkways: A study of the sociological importance of usages, manners, customs, mores, and morals*. Boston: Athenaeum Press.

Wicker, A.W. (1969). "Attitudes versus actions: the relationship of verbal and overt behavioral responses to attitude objects" *Journal of Social Issues* 25:41-78

Appendix 1

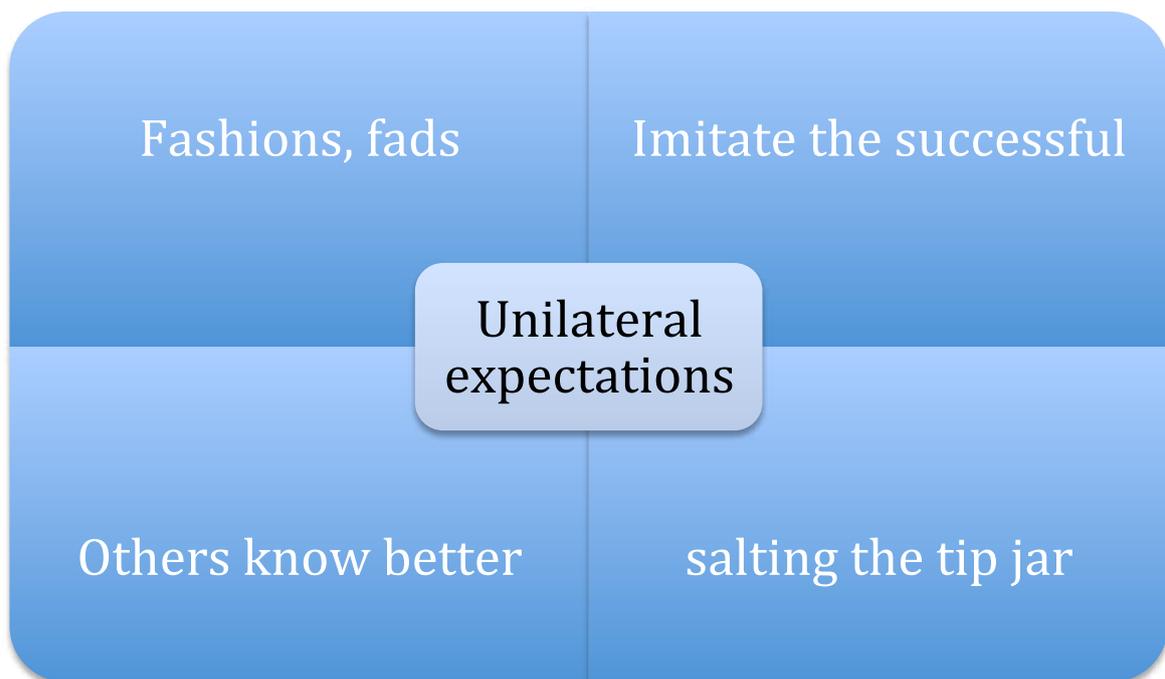
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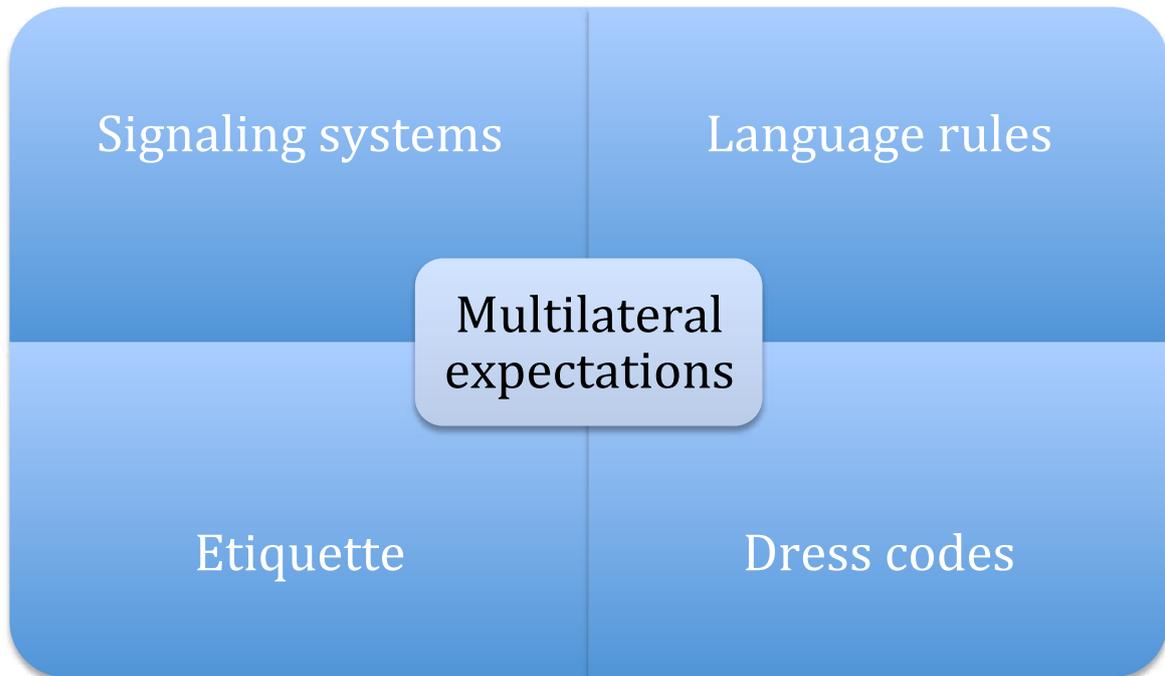
Source: C. Bicchieri, *Social Norms, Social Change*. Penn-UNICEF Lecture, July 2012

Appendix 2

Descriptive norms: examples of unilateral expectations



Descriptive norms: examples of multilateral expectations





READINGS

From Human Rights Principles to Shared Social Norms

Reading 2.1 — Key Factors of Early Marriage in Bangladesh:
A Program Analysis of Alliance, Vulnerability And Options

Reading 2.2 — Universal Declaration of Human Rights

Reading 2.3 — Convention on the Rights of the Child

Reading 2.4 — Convention on the Elimination of All Forms of Discrimination Against Women

KEY FACTORS OF EARLY MARRIAGE IN BANGLADESH: A PROGRAM ANALYSIS OF ALLIANCE, VULNERABILITY AND OPTIONS

Steps 6-9, 11 — Source: Amin et al. 2005, pp. 48-54 (unpublished)

1. Description of process of early marriage prevention advocacy

Five Early Marriage Program cases were studied in Chittagong and four cases in Chapainawabganj. Of these, three were successful in the former and one in the latter.

The Peer Leaders (PL) mainly take on the cases of Center for Mass Education in Science group members and those requesting intervention in their own marriage plans. The first step taken is a discussion with the adolescent in question and all members of the PL group. Then a decision is made amongst themselves concerning who would be the best person to broach the subject with the parents. In some cases, members of the Support Group are involved from the beginning if the PL group feels the need. They then talk to the parents of the adolescent. Their approach is to discuss the negative effects of early marriage with them. They use knowledge from and even read out passages on the harmful effects on health for mother and child, dowry and laws related to early marriage to the parents in order for them to understand why they are working against it. If discussions fail and the parents are not dissuaded, the PL group seeks the help of the members of the Support Group. This is usually the last step taken, whether or not they are successful in preventing the marriage. In some cases, attempts are made to hold discussions with members of the groom's family.

Furthermore, the PL group, in some cases, tries to ensure proper registration of the marriage, by checking the kabin-nama in which the personal details are enlisted, the mohrana, and entries pertaining to certain rights belonging to the wife, without which, she is often deprived of her legal rights.

1.1 STAGES IN EARLY MARRIAGE PREVENTION ADVOCACY

Both peer leaders groups identified early marriage prevention as the most difficult aspect of their advocacy activities. The Chittagong group reported that, prior to CMES activities, girls in their village were married by the age of 12 and that they had some success in preventing early marriage during the past year. The Chapainawabganj group was less enthusiastic about their accomplishments.

Of the combined four successful cases between the two groups, two were cases of a PLS' own marriage negotiations, one was a peer leader's younger sister, and the last was a peer leader's relative—all members of CMES. Of the five unsuccessful cases, also members of CMES, fathers were unable to be convinced in two cases, the wedding was secretly held in another village in the third case, information was received too late in the fourth case, and the last because it was a love marriage.

ARGUMENTS USED FOR PREVENTION OF EARLY MARRIAGE

- Societal/familial problems
- Health issues: malnutrition of mother and child, problems during delivery
- Reading out the chapter on mother and child from Outreach Center books
- Possibility of difficulties and even violence that may befall the girl for dowry
- Fine and punishment for taking or giving dowry
- Laws regarding minimum age at marriage and dowry
- Discussion of mother's own experience of marriage and childbearing.
- Loss of her looks (unattractive to spouse—a common cause for divorce, abuse or justification for spouse's second marriage)
- Deprived from education
- Deprived from playing
- Difficulty adjusting to new environment and family at young age without any say
- Inability to care for children/in-laws

ARGUMENTS USED AGAINST PREVENTION ACTION

“Just like fish that has been kept too long, girls too start stinking if kept at home too long. Then no one wants her.”

- There is no discussion—this marriage will take place
- “They are so young!” “How much do you think you know?”
- I don’t have to listen to small girls
- Mother married young and had no problems in performing her duties
- Preference for young brides
- Who will take responsibility of daughter’s marriage if no proposals come later?
- What if a good proposal such as this does not come later?
- Not possible to pass up such a good groom
- Groom’s family very enthusiastic about taking the girl as their bride
- The groom’s family is economically better-off
- You keep and support her until she is old enough to get married
- No dowry/no cash dowry/small dowry required
- Amount of dowry will increase with age and education
- Priority is to get rid of this burden. ok for a boy to get married late, but for a girl it is utter disgrace
- Community gossip, sparked by girl’s mobility and any communication between her and a boy, increases with her age
- Loss of good reputation/possibility of scandal ruins her chances of marriage
- Marriage talks have progressed too far and it is too late to reconsider now

2. The support group & community involvement

2.1 ALLIANCE

From the above illustrations and from many references by adolescents and parents alike, the Support Group was essential in this advocacy effort. The main function of the Support Group is the credence it provides to the positions, assertions and the arguments posed by the adolescents.

One of the initial hurdles the adolescents face is the bias against their age. They are in various ways reminded of their age—they are not at an age to be heard, considered or even paid attention to by adults, least of all to be consulted or bargained with in decisions that do not concern 'children'. In fact, they are considered to be precocious, rude and disrespectful to speak out in, what is clearly a matter for adults to decide. Adults, in this context, are not used to hearing, much less taking opinions from the younger generation.

Secondly, even if they are heard, they are not considered to be knowledgeable or properly informed with regard to the issues they raise and try to discuss. The idea is, "how could such young people possibly know the truth?" It is the Support Group that confirms the adolescents' assertions and bolsters their effort. Thus, one of the motivated mothers later admits that she was convinced once the Support Group explained everything to her—after all, the adolescents may be mistaken in the information they have and give as they are young, but there can be no lies in what the elders say.

The PLs point to the fact that in the case of preventing early marriage, it is simply not possible or even recommended that that an adolescent takes own decision or ventures alone to advocate against EM. Even when it is possible to soften the mother's attitude drawing upon her own experience and difficulties with early marriage and childbearing, fathers are more resistant, and more so to arguments put forth by 'mere' adolescents. By their own admission, adolescents feel that it is impossible to make any impression on them without the help of the Support Group.

Members of the Support Group, being parents themselves, can pose arguments, apply pressure, and address fears in words or in a manner that is better understood or makes better sense to their peers. Thus, in the successful case illustrated above, the Support Group correctly pinpointed the main fear of the father and reassured him of their upholding his honour in jointly taking the responsibility of his daughter's marriage in future, if he ends the present marriage negotiations. However, the earlier it is in terms of the talks, the easier it is motivate the parents, according to members of the Support Group. Therefore, swift information regarding marriage negotiations is vital and facilitates the advocacy efforts.

The collaboration of government representatives such as the Union Parishad Member, Chairman, in addition to the involvement of respected community members is especially effective according to the PLs, in that people should be obliged to respect decisions given by an official they, themselves elected to office.

As a pressure group, they are in a position to defuse negative community response. As an active and vocal member of the Support Group stated, if those opposing are to continue living in the same community, they have to abide by or at least, contend with the opinion of the Support Group.

Two positive indicators of community response may be identified from the cases investigated. Members of the Support Group are not outsiders to the community. Rather they are representatives, albeit of a segment, of the community, and more pertinently, they are themselves parents of adolescents, facing not dissimilar quandaries as every other parent of adolescents 'eligible' for marriage, with the same risks involved. Thus, in a sense they may be seen as role models for their peers, counterpart to that of the adolescent members in relation to their peers.

Secondly, evasive maneuvers such as relocating a wedding to another village may be seen as evidence of the pressure created within their community to no longer tolerate adolescents being given into marriages prior to their legal age. This sends out a strong message signaling a change in the community's attitude towards the issue and experience reveals that community pressure is one, which cannot be easily dismissed nor flouted in the long run.

However, it is also on this particular point that the Support Group and community may reveal its weakness. If the Support Group is economically weak, lacks cohesion and/or knowledge and skill, or lacks government representatives willing to lay down the law instead of aiding its circumvention, it is likely to become a defunct body. A further obstacle is posed by social customs that would consider any attempt to foil, disrupt or delay a marriage negotiation as an anti-social and contemptible act. Thus examples may be found among our case studies where the community played along or remained mute in one party's attempt to woo the interest and favors of another party during information gathering and verification prior to agreeing to a proposed marriage.

2.2 VULNERABILITY

Economic

The issue of economic vulnerability manifests itself in various guises in decisions related to early marriage. The foremost among them is in reducing the number of dependents by marrying off a daughter at the earliest feasible time when she starts receiving proposals. Dowry as a major cost has to be calculated in taking a decision for marriage. Thus, proposals asking for no or little dowry are especially attractive and are therefore more difficult to prevent. Although the findings from the qualitative research on the entire intervention reveal desperate attempts by parents to make as "good" a choice for their daughter as their economic situation allows them to, the very poor often believe that they do not have a choice. They can then only rely on developing/ maintaining certain qualities (usually in the realm of demeanor, reputation, education and certain skills) of their daughter that have some value sought by boys' families to partially compensate for their inability to pay an adequate dowry.

Also important is the economic condition of the community as a whole. It usually determines, at least to a certain extent, the range of dowry expectations, the minimum of which the poorest struggle to amass. It may also have an influence on how far the Support Group can press for delaying marriages. On the one hand, as parents

themselves, they may empathize with the stringent economic pressure of marrying off a daughter with dowry and, on the other, not be solvent or secure enough to give their word to take on responsibility of their daughter's marriage in future.

Social/ Cultural

i) Preference for younger brides Current trends in marriage indicate a marked preference for young brides among men/ groom's families in general, which may have an economic root but translates into social norms. Boys too are opting to get married younger. These have further lead to certain trends that include:

- A rush of proposals for girls starting at age 12
- Less dowry being demanded for younger girls
- An increasingly narrow window of opportunity of a "good" marriage for slightly older girls where population dynamics promise a growing base of younger girls and lower the "desirable" age range.

ii) Preference for educated brides (or not) Social norms, though by definition practiced "traditionally" and appearing to be almost rigid and unchanging, have been adopted or rejected due to changes, for example in this case, in the education policy. The main expected outcome of the government policy of FSSSP introduced in 1994 was to promote secondary schooling practice amongst girls. This, it was hoped, would facilitate delay in the age at marriage. A further corollary suggested that it might create access to upward social mobility through wider marriage options for girls. The hypothesis was based on the perceived value of education that, on the one hand, would create a demand for educated wives while maintaining the "tradition" of educational hierarchy of husbands over their wives, and on the other, compensate for, to an extent, the amount of dowry. However, the fact that most girls had equally high levels of education to offer meant competing for husbands with higher education. Together, with the fact that these girls were entering the marriage market later, that is, when they are older, led to the increase in the amount of dowry. This further led to forsaking the "tradition" of higher authority of the male, and marrying their 'educated' daughters to less educated/ illiterate men, using her education to reduce the amount of dowry.

iii) Fear of disrepute "A girl only has to talk to a boy, to spark off a torrent of gossip in the community, debasing her character and spreading disrepute - the gossip swelling into a full-scale scandal". For parents, this is worst nightmare, literally robbing them of their sleep. As mentioned above, a girl's reputation and demeanor forms the basis of any marriage negotiation to take place. While, the more affluent, the more educated and the more powerful have their defining characteristics to build up on the basic quality of her good reputation, the latter is the only resort for a decent marriage for those who cannot offer anything more. Thus it is an asset most valued, but also most fragile. It is to minimize the risk of disgrace and scandal that parents prefer to marry off their daughters young. As their own honour/ prestige in the community is tied to that of their daughters', and research experience shows that most communities will not spare any words to rub their disgrace in and dwell on it, it makes community life unpleasant for the parents, and even more unpleasant for the adolescents.

Qualitative research indicates that it is when proposals start coming in steadily that signals to parents that it is time to marry their daughters. As the choice is widest at this time when the number of proposals peak, parents are both motivated and compelled for her marriage—motivated economically and compelled under societal pressure. In the rush to get girls married young, a relatively older, unmarried girl raises suspicion in the eyes of prospective groom’s family regarding her character—suspicion that, if the community is not already rife with rumours, may be used deliberately to ruin the negotiations. It is this insecurity that compounds the fear of not getting proposals in future if the girls wait too long (age factor), to the fear of not getting proposals as good as the ones at present, in the future. This fear cuts across economic lines, but has the most impact on the poorest.

iv) Communication between generations Traditional customs dictate relationships between parents and children, where, especially between fathers and children, respect, fear and distance form a bond, nonetheless formal. Mothers are usually the conduit of favors, permission, etc. for which the ultimate decision lies with the father. Although this gap may be one of the reasons why such an intervention, combining the efforts of the adolescents and the larger community is necessary, the intervention itself may be the stepping stone towards bridging the gap.

3. Options

What options do parents have? With the vulnerabilities regarding their daughters’ security, demand in the marriage market, and fear of rising dowry added to their own economic bindings, parents do not see any viable option. Delay in marriage, viewed from any angle from their perspective, only adds to the cost.

This intervention has tried to address this in its larger program through livelihood training that attempts to make girls into economic assets rather than a burden and through invoking a sense of community responsibility and resistance to early marriage and dowry.

A major hurdle of the scheme appeared to be that marriage negotiations are not known in advance and are often not publicly discussed so timely interventions are difficult to plan. Marriage matters are also considered to be a matter for elders—young people have a difficult time convincing elders that they have a legitimate position on this matter.

UNIVERSAL DECLARATION OF HUMAN RIGHTS

Steps 3-6 — Adopted by the UN General Assembly on 10 December 1948

PREAMBLE

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

Whereas it is essential to promote the development of friendly relations between nations,

Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

Whereas Member States have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,

Now, Therefore **the General Assembly** proclaims **this universal declaration of human rights** as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

Article 1.

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2.

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Article 3.

Everyone has the right to life, liberty and security of person.

Article 4.

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

Article 5.

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 6.

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

Article 7.

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 8.

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

Article 9.

No one shall be subjected to arbitrary arrest, detention or exile.

Article 10.

Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

Article 11.

1. Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.
2. No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

Article 12.

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Article 13.

1. Everyone has the right to freedom of movement and residence within the borders of each state.
2. Everyone has the right to leave any country, including his own, and to return to his country.

Article 14.

1. Everyone has the right to seek and to enjoy in other countries asylum from persecution.
2. This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

Article 15.

1. Everyone has the right to a nationality.
2. No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

Article 16.

1. Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.
2. Marriage shall be entered into only with the free and full consent of the intending spouses.
3. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

Article 17.

1. Everyone has the right to own property alone as well as in association with others.
2. No one shall be arbitrarily deprived of his property.

Article 18.

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 19.

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 20.

1. Everyone has the right to freedom of peaceful assembly and association.
2. No one may be compelled to belong to an association.

Article 21.

1. Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.
2. Everyone has the right of equal access to public service in his country.
3. The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

Article 22.

Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

Article 23.

1. Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.
2. Everyone, without any discrimination, has the right to equal pay for equal work.
3. Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

4. Everyone has the right to form and to join trade unions for the protection of his interests.

Article 24.

Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

Article 25.

1. Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.
2. Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

Article 26.

1. Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.
2. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.
3. Parents have a prior right to choose the kind of education that shall be given to their children.

Article 27.

1. Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.
2. Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

Article 28.

Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

Article 29.

1. Everyone has duties to the community in which alone the free and full development of his personality is possible.
2. In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.
3. These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

Article 30.

Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth here.

CONVENTION ON THE RIGHTS OF THE CHILD

Adopted by UN General Assembly Resolution 44/25 of 20 November 1989, entry into force 2 September 1990, in accordance with article 49

Preamble

The States Parties to the present Convention,

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Bearing in mind that the peoples of the United Nations have, in the Charter, reaffirmed their faith in fundamental human rights and in the dignity and worth of the human person, and have determined to promote social progress and better standards of life in larger freedom,

Recognizing that the United Nations has, in the Universal Declaration of Human Rights and in the International Covenants on Human Rights, proclaimed and agreed that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Recalling that, in the Universal Declaration of Human Rights, the United Nations has proclaimed that childhood is entitled to special care and assistance,

Convinced that the family, as the fundamental group of society and the natural environment for the growth and well-being of all its members and particularly children, should be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community,

Recognizing that the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding,

Considering that the child should be fully prepared to live an individual life in society, and brought up in the spirit of the ideals proclaimed in the Charter of the United Nations, and in particular in the spirit of peace, dignity, tolerance, freedom, equality and solidarity,

Bearing in mind that the need to extend particular care to the child has been stated in the Geneva Declaration of the Rights of the Child of 1924 and in the Declaration of the Rights of the Child adopted by the General Assembly on 20 November 1959 and recognized in the Universal Declaration of Human Rights, in the International Covenant on Civil and Political Rights (in particular in articles 23 and 24), in the International Covenant on Economic, Social and Cultural Rights (in particular in article 10) and in the statutes and relevant instruments of specialized agencies and international organizations concerned with the welfare of children,

Bearing in mind that, as indicated in the Declaration of the Rights of the Child, "the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth",

Recalling the provisions of the Declaration on Social and Legal Principles relating to the Protection and Welfare of Children, with Special Reference to Foster Placement and Adoption Nationally and Internationally; the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules); and the Declaration on the Protection of Women and Children in Emergency and Armed Conflict, Recognizing that, in all countries in the world, there are children living in exceptionally difficult conditions, and that such children need special consideration,

Taking due account of the importance of the traditions and cultural values of each people for the protection and harmonious development of the child, Recognizing the importance of international co-operation for improving the living conditions of children in every country, in particular in the developing countries,

Have agreed as follows:

Part I

Article 1

For the purposes of the present Convention, a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.

Article 2

1. States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.

2. States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.

Article 3

1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.
2. States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures.
3. States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision.

Article 4

States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention. With regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international co-operation.

Article 5

States Parties shall respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the present Convention.

Article 6

1. States Parties recognize that every child has the inherent right to life.
2. States Parties shall ensure to the maximum extent possible the survival and development of the child.

Article 7

1. The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents.
2. States Parties shall ensure the implementation of these rights in accordance with their national law and their obligations under the relevant international instruments in this field, in particular where the child would otherwise be stateless.

Article 8

1. States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference.

2. Where a child is illegally deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view to re-establishing speedily his or her identity.

Article 9

1. States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. Such determination may be necessary in a particular case such as one involving abuse or neglect of the child by the parents, or one where the parents are living separately and a decision must be made as to the child's place of residence.
2. In any proceedings pursuant to paragraph 1 of the present article, all interested parties shall be given an opportunity to participate in the proceedings and make their views known.
3. States Parties shall respect the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis, except if it is contrary to the child's best interests.
4. Where such separation results from any action initiated by a State Party, such as the detention, imprisonment, exile, deportation or death (including death arising from any cause while the person is in the custody of the State) of one or both parents or of the child, that State Party shall, upon request, provide the parents, the child or, if appropriate, another member of the family with the essential information concerning the whereabouts of the absent member(s) of the family unless the provision of the information would be detrimental to the well-being of the child. States Parties shall further ensure that the submission of such a request shall of itself entail no adverse consequences for the person(s) concerned.

Article 10

1. In accordance with the obligation of States Parties under article 9, paragraph 1, applications by a child or his or her parents to enter or leave a State Party for the purpose of family reunification shall be dealt with by States Parties in a positive, humane and expeditious manner. States Parties shall further ensure that the submission of such a request shall entail no adverse consequences for the applicants and for the members of their family.
2. A child whose parents reside in different States shall have the right to maintain on a regular basis, save in exceptional circumstances personal relations and direct contacts with both parents. Towards that end and in accordance with the obligation of States Parties under article 9, paragraph 1, States Parties shall respect the right of the child and his or her parents to leave any country, including their own, and to enter their own country. The right to leave any country shall be subject only to such restrictions as are prescribed by law and which are necessary to protect the national security, public order (*ordre public*), public health or morals or the rights and freedoms of others and are consistent with the other rights recognized in the present Convention.

Article 11

1. States Parties shall take measures to combat the illicit transfer and non-return of children abroad.

2. To this end, States Parties shall promote the conclusion of bilateral or multilateral agreements or accession to existing agreements.

Article 12

1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.
2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.

Article 13

1. The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice.
2. The exercise of this right may be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:
 - a. For respect of the rights or reputations of others; or
 - b. For the protection of national security or of public order (ordre public), or of public health or morals.

Article 14

1. States Parties shall respect the right of the child to freedom of thought, conscience and religion.
2. States Parties shall respect the rights and duties of the parents and, when applicable, legal guardians, to provide direction to the child in the exercise of his or her right in a manner consistent with the evolving capacities of the child.
3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others.

Article 15

1. States Parties recognize the rights of the child to freedom of association and to freedom of peaceful assembly.
2. No restrictions may be placed on the exercise of these rights other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others.

Article 16

1. No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, or correspondence, nor to unlawful attacks on his or her honour and reputation.
2. The child has the right to the protection of the law against such interference or attacks.

Article 17

States Parties recognize the important function performed by the mass media and shall ensure that the child has access to information and material from a diversity of national and international sources, especially those aimed at the promotion of his or her social, spiritual and moral well-being and physical and mental health.

To this end, States Parties shall:

- a. Encourage the mass media to disseminate information and material of social and cultural benefit to the child and in accordance with the spirit of article 29;
- b. Encourage international co-operation in the production, exchange and dissemination of such information and material from a diversity of cultural, national and international sources;
- c. Encourage the production and dissemination of children's books;
- d. Encourage the mass media to have particular regard to the linguistic needs of the child who belongs to a minority group or who is indigenous;
- e. Encourage the development of appropriate guidelines for the protection of the child from information and material injurious to his or her well-being, bearing in mind the provisions of articles 13 and 18.

Article 18

1. States Parties shall use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child. Parents or, as the case may be, legal guardians, have the primary responsibility for the upbringing and development of the child. The best interests of the child will be their basic concern.
2. For the purpose of guaranteeing and promoting the rights set forth in the present Convention, States Parties shall render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities and services for the care of children.
3. States Parties shall take all appropriate measures to ensure that children of working parents have the right to benefit from child-care services and facilities for which they are eligible.

Article 19

1. States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.
2. Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.

Article 20

1. A child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State.

2. States Parties shall in accordance with their national laws ensure alternative care for such a child.
3. Such care could include, inter alia, foster placement, kafalah of Islamic law, adoption or if necessary placement in suitable institutions for the care of children. When considering solutions, due regard shall be paid to the desirability of continuity in a child's upbringing and to the child's ethnic, religious, cultural and linguistic background.

Article 21

States Parties that recognize and/or permit the system of adoption shall ensure that the best interests of the child shall be the paramount consideration and they shall:

- a. Ensure that the adoption of a child is authorized only by competent authorities who determine, in accordance with applicable law and procedures and on the basis of all pertinent and reliable information, that the adoption is permissible in view of the child's status concerning parents, relatives and legal guardians and that, if required, the persons concerned have given their informed consent to the adoption on the basis of such counselling as may be necessary;
- b. Recognize that inter-country adoption may be considered as an alternative means of child's care, if the child cannot be placed in a foster or an adoptive family or cannot in any suitable manner be cared for in the child's country of origin;
- c. Ensure that the child concerned by inter-country adoption enjoys safeguards and standards equivalent to those existing in the case of national adoption;
- d. Take all appropriate measures to ensure that, in inter-country adoption, the placement does not result in improper financial gain for those involved in it;
- e. Promote, where appropriate, the objectives of the present article by concluding bilateral or multilateral arrangements or agreements, and endeavour, within this framework, to ensure that the placement of the child in another country is carried out by competent authorities or organs.

Article 22

1. States Parties shall take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law and procedures shall, whether unaccompanied or accompanied by his or her parents or by any other person, receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in the present Convention and in other international human rights or humanitarian instruments to which the said States are Parties.
2. For this purpose, States Parties shall provide, as they consider appropriate, co-operation in any efforts by the United Nations and other competent intergovernmental organizations or non-governmental organizations co-operating with the United Nations to protect and assist such a child and to trace the parents or other members of the family of any refugee child in order to obtain information necessary for reunification with his or her family. In cases where no parents or other members of the family can be found, the child shall be accorded the same protection as any other child permanently or temporarily deprived of his or her family environment for any reason, as set forth in the present Convention.

Article 23

1. States Parties recognize that a mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community.
2. States Parties recognize the right of the disabled child to special care and shall encourage and ensure the extension, subject to available resources, to the eligible child and those responsible for his or her care, of assistance for which application is made and which is appropriate to the child's condition and to the circumstances of the parents or others caring for the child.
3. Recognizing the special needs of a disabled child, assistance extended in accordance with paragraph 2 of the present article shall be provided free of charge, whenever possible, taking into account the financial resources of the parents or others caring for the child, and shall be designed to ensure that the disabled child has effective access to and receives education, training, health care services, rehabilitation services, preparation for employment and recreation opportunities in a manner conducive to the child's achieving the fullest possible social integration and individual development, including his or her cultural and spiritual development
4. States Parties shall promote, in the spirit of international cooperation, the exchange of appropriate information in the field of preventive health care and of medical, psychological and functional treatment of disabled children, including dissemination of and access to information concerning methods of rehabilitation, education and vocational services, with the aim of enabling States Parties to improve their capabilities and skills and to widen their experience in these areas. In this regard, particular account shall be taken of the needs of developing countries.

Article 24

1. States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services.
2. States Parties shall pursue full implementation of this right and, in particular, shall take appropriate measures:
 - a. To diminish infant and child mortality;
 - b. To ensure the provision of necessary medical assistance and health care to all children with emphasis on the development of primary health care;
 - c. To combat disease and malnutrition, including within the framework of primary health care, through, inter alia, the application of readily available technology and through the provision of adequate nutritious foods and clean drinking-water, taking into consideration the dangers and risks of environmental pollution;
 - d. To ensure appropriate pre-natal and post-natal health care for mothers;
 - e. To ensure that all segments of society, in particular parents and children, are informed, have access to education and are supported in the use of basic knowledge of child health and nutrition, the advantages of breastfeeding, hygiene and environmental sanitation and the prevention of accidents;
 - f. To develop preventive health care, guidance for parents and family planning education and services.
3. States Parties shall take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children.

4. States Parties undertake to promote and encourage international co-operation with a view to achieving progressively the full realization of the right recognized in the present article. In this regard, particular account shall be taken of the needs of developing countries.

Article 25

States Parties recognize the right of a child who has been placed by the competent authorities for the purposes of care, protection or treatment of his or her physical or mental health, to a periodic review of the treatment provided to the child and all other circumstances relevant to his or her placement.

Article 26

1. States Parties shall recognize for every child the right to benefit from social security, including social insurance, and shall take the necessary measures to achieve the full realization of this right in accordance with their national law.
2. The benefits should, where appropriate, be granted, taking into account the resources and the circumstances of the child and persons having responsibility for the maintenance of the child, as well as any other consideration relevant to an application for benefits made by or on behalf of the child.

Article 27

1. States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.
2. The parent(s) or others responsible for the child have the primary responsibility to secure, within their abilities and financial capacities, the conditions of living necessary for the child's development.
3. States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing.
4. States Parties shall take all appropriate measures to secure the recovery of maintenance for the child from the parents or other persons having financial responsibility for the child, both within the State Party and from abroad. In particular, where the person having financial responsibility for the child lives in a State different from that of the child, States Parties shall promote the accession to international agreements or the conclusion of such agreements, as well as the making of other appropriate arrangements.

Article 28

1. States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:
 - a. Make primary education compulsory and available free to all;
 - b. Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;
 - c. Make higher education accessible to all on the basis of capacity by every appropriate means;

- d. Make educational and vocational information and guidance available and accessible to all children;
 - e. Take measures to encourage regular attendance at schools and the reduction of drop-out rates.
2. States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention.
 3. States Parties shall promote and encourage international cooperation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods. In this regard, particular account shall be taken of the needs of developing countries.

Article 29

1. States Parties agree that the education of the child shall be directed to:
 - a. The development of the child's personality, talents and mental and physical abilities to their fullest potential;
 - b. The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;
 - c. The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;
 - d. The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;
 - e. The development of respect for the natural environment.
2. No part of the present article or article 28 shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principle set forth in paragraph 1 of the present article and to the requirements that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

Article 30

In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language.

Article 31

1. States Parties recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.
2. States Parties shall respect and promote the right of the child to participate fully in cultural and artistic life and shall encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity.

Article 32

1. States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.
2. States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article. To this end, and having regard to the relevant provisions of other international instruments, States Parties shall in particular:
 - a. Provide for a minimum age or minimum ages for admission to employment;
 - b. Provide for appropriate regulation of the hours and conditions of employment;
 - c. Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article.

Article 33

States Parties shall take all appropriate measures, including legislative, administrative, social and educational measures, to protect children from the illicit use of narcotic drugs and psychotropic substances as defined in the relevant international treaties, and to prevent the use of children in the illicit production and trafficking of such substances.

Article 34

States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent:

- a. The inducement or coercion of a child to engage in any unlawful sexual activity;
- b. The exploitative use of children in prostitution or other unlawful sexual practices;
- c. The exploitative use of children in pornographic performances and materials.

Article 35

States Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form.

Article 36

States Parties shall protect the child against all other forms of exploitation prejudicial to any aspects of the child's welfare.

Article 37

States Parties shall ensure that:

- a. No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age;
- b. No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time;
- c. Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age. In particular, every child deprived of liberty

- shall be separated from adults unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances;
- d. Every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his or her liberty before a court or other competent, independent and impartial authority, and to a prompt decision on any such action.

Article 38

1. States Parties undertake to respect and to ensure respect for rules of international humanitarian law applicable to them in armed conflicts which are relevant to the child.
2. States Parties shall take all feasible measures to ensure that persons who have not attained the age of fifteen years do not take a direct part in hostilities.
3. States Parties shall refrain from recruiting any person who has not attained the age of fifteen years into their armed forces. In recruiting among those persons who have attained the age of fifteen years but who have not attained the age of eighteen years, States Parties shall endeavour to give priority to those who are oldest.
4. In accordance with their obligations under international humanitarian law to protect the civilian population in armed conflicts, States Parties shall take all feasible measures to ensure protection and care of children who are affected by an armed conflict.

Article 39

States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child.

Article 40

1. States Parties recognize the right of every child alleged as, accused of, or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth, which reinforces the child's respect for the human rights and fundamental freedoms of others and which takes into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society.
2. To this end, and having regard to the relevant provisions of international instruments, States Parties shall, in particular, ensure that:
 - a. No child shall be alleged as, be accused of, or recognized as having infringed the penal law by reason of acts or omissions that were not prohibited by national or international law at the time they were committed;
 - b. Every child alleged as or accused of having infringed the penal law has at least the following guarantees:
 - i. To be presumed innocent until proven guilty according to law;
 - ii. To be informed promptly and directly of the charges against him or her, and, if appropriate, through his or her parents or legal guardians, and to have legal or other appropriate assistance in the preparation and presentation of his or her defence;

- iii. To have the matter determined without delay by a competent, independent and impartial authority or judicial body in a fair hearing according to law, in the presence of legal or other appropriate assistance and, unless it is considered not to be in the best interest of the child, in particular, taking into account his or her age or situation, his or her parents or legal guardians;
 - iv. Not to be compelled to give testimony or to confess guilt; to examine or have examined adverse witnesses and to obtain the participation and examination of witnesses on his or her behalf under conditions of equality;
 - v. If considered to have infringed the penal law, to have this decision and any measures imposed in consequence thereof reviewed by a higher competent, independent and impartial authority or judicial body according to law;
 - vi. To have the free assistance of an interpreter if the child cannot understand or speak the language used;
 - vii. To have his or her privacy fully respected at all stages of the proceedings.
3. States Parties shall seek to promote the establishment of laws, procedures, authorities and institutions specifically applicable to children alleged as, accused of, or recognized as having infringed the penal law, and, in particular:
- a. The establishment of a minimum age below which children shall be presumed not to have the capacity to infringe the penal law;
 - b. Whenever appropriate and desirable, measures for dealing with such children without resorting to judicial proceedings, providing that human rights and legal safeguards are fully respected.
4. A variety of dispositions, such as care, guidance and supervision orders; counselling; probation; foster care; education and vocational training programmes and other alternatives to institutional care shall be available to ensure that children are dealt with in a manner appropriate to their well-being and proportionate both to their circumstances and the offence.

Article 41

Nothing in the present Convention shall affect any provisions which are more conducive to the realization of the rights of the child and which may be contained in:

- a. The law of a State party; or
- b. International law in force for that State.

Part II

Article 42

States Parties undertake to make the principles and provisions of the Convention widely known, by appropriate and active means, to adults and children alike.

Article 43

1. For the purpose of examining the progress made by States Parties in achieving the realization of the obligations undertaken in the present Convention, there shall be established a Committee on the Rights of the Child, which shall carry out the functions hereinafter provided.
2. The Committee shall consist of eighteen experts of high moral standing and recognized competence in the field covered by this Convention.^{1/} The members of the Committee shall be elected by States Parties from among their nationals

- and shall serve in their personal capacity, consideration being given to equitable geographical distribution, as well as to the principal legal systems.
3. The members of the Committee shall be elected by secret ballot from a list of persons nominated by States Parties. Each State Party may nominate one person from among its own nationals.
 4. The initial election to the Committee shall be held no later than six months after the date of the entry into force of the present Convention and thereafter every second year. At least four months before the date of each election, the Secretary-General of the United Nations shall address a letter to States Parties inviting them to submit their nominations within two months. The Secretary-General shall subsequently prepare a list in alphabetical order of all persons thus nominated, indicating States Parties which have nominated them, and shall submit it to the States Parties to the present Convention.
 5. The elections shall be held at meetings of States Parties convened by the Secretary-General at United Nations Headquarters. At those meetings, for which two thirds of States Parties shall constitute a quorum, the persons elected to the Committee shall be those who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.
 6. The members of the Committee shall be elected for a term of four years. They shall be eligible for re-election if renominated. The term of five of the members elected at the first election shall expire at the end of two years; immediately after the first election, the names of these five members shall be chosen by lot by the Chairman of the meeting.
 7. If a member of the Committee dies or resigns or declares that for any other cause he or she can no longer perform the duties of the Committee, the State Party which nominated the member shall appoint another expert from among its nationals to serve for the remainder of the term, subject to the approval of the Committee.
 8. The Committee shall establish its own rules of procedure.
 9. The Committee shall elect its officers for a period of two years.
 10. The meetings of the Committee shall normally be held at United Nations Headquarters or at any other convenient place as determined by the Committee. The Committee shall normally meet annually. The duration of the meetings of the Committee shall be determined, and reviewed, if necessary, by a meeting of the States Parties to the present Convention, subject to the approval of the General Assembly.
 11. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Convention.
 12. With the approval of the General Assembly, the members of the Committee established under the present Convention shall receive emoluments from United Nations resources on such terms and conditions as the Assembly may decide.

Article 44

1. States Parties undertake to submit to the Committee, through the Secretary-General of the United Nations, reports on the measures they have adopted which give effect to the rights recognized herein and on the progress made on the enjoyment of those rights
 - a. Within two years of the entry into force of the Convention for the State Party concerned;
 - b. Thereafter every five years.

2. Reports made under the present article shall indicate factors and difficulties, if any, affecting the degree of fulfilment of the obligations under the present Convention. Reports shall also contain sufficient information to provide the Committee with a comprehensive understanding of the implementation of the Convention in the country concerned.
3. A State Party which has submitted a comprehensive initial report to the Committee need not, in its subsequent reports submitted in accordance with paragraph 1 (b) of the present article, repeat basic information previously provided.
4. The Committee may request from States Parties further information relevant to the implementation of the Convention.
5. The Committee shall submit to the General Assembly, through the Economic and Social Council, every two years, reports on its activities.
6. States Parties shall make their reports widely available to the public in their own countries.

Article 45

In order to foster the effective implementation of the Convention and to encourage international co-operation in the field covered by the Convention:

- a. The specialized agencies, the United Nations Children's Fund, and other United Nations organs shall be entitled to be represented at the consideration of the implementation of such provisions of the present Convention as fall within the scope of their mandate. The Committee may invite the specialized agencies, the United Nations Children's Fund and other competent bodies as it may consider appropriate to provide expert advice on the implementation of the Convention in areas falling within the scope of their respective mandates. The Committee may invite the specialized agencies, the United Nations Children's Fund, and other United Nations organs to submit reports on the implementation of the Convention in areas falling within the scope of their activities;
 - b. The Committee shall transmit, as it may consider appropriate, to the specialized agencies, the United Nations Children's Fund and other competent bodies, any reports from States Parties that contain a request, or indicate a need, for technical advice or assistance, along with the Committee's observations and suggestions, if any, on these requests or indications;
 - c. The Committee may recommend to the General Assembly to request the Secretary-General to undertake on its behalf studies on specific issues relating to the rights of the child;
 - d. The Committee may make suggestions and general recommendations based on information received pursuant to articles 44 and 45 of the present Convention. Such suggestions and general recommendations shall be transmitted to any State Party concerned and reported to the General Assembly, together with comments, if any, from States Parties.
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Part III

Article 46

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

Article 47

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

Article 48

The present Convention shall remain open for accession by any State. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

Article 49

1. The present Convention shall enter into force on the thirtieth day following the date of deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession.
2. For each State ratifying or acceding to the Convention after the deposit of the twentieth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after the deposit by such State of its instrument of ratification or accession.

Article 50

1. Any State Party may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate the proposed amendment to States Parties, with a request that they indicate whether they favour a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that, within four months from the date of such communication, at least one third of the States Parties favour such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of States Parties present and voting at the conference shall be submitted to the General Assembly for approval.
2. An amendment adopted in accordance with paragraph 1 of the present article shall enter into force when it has been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of States Parties.
3. When an amendment enters into force, it shall be binding on those States Parties which have accepted it, other States Parties still being bound by the provisions of the present Convention and any earlier amendments which they have accepted.

Article 51

1. The Secretary-General of the United Nations shall receive and circulate to all States the text of reservations made by States at the time of ratification or accession.
2. A reservation incompatible with the object and purpose of the present Convention shall not be permitted.

3. Reservations may be withdrawn at any time by notification to that effect addressed to the Secretary-General of the United Nations, who shall then inform all States. Such notification shall take effect on the date on which it is received by the Secretary-General

Article 52

A State Party may denounce the present Convention by written notification to the Secretary-General of the United Nations. Denunciation becomes effective one year after the date of receipt of the notification by the Secretary-General.

Article 53

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

Article 54

The original of the present Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations. In witness thereof the undersigned plenipotentiaries, being duly authorized thereto by their respective Governments, have signed the present Convention.

CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

Adopted and opened for signature, ratification and accession by General Assembly resolution 34/180 of 18 December 1979, entry into force 3 September 1981, in accordance with article 27(1)

The States Parties to the present Convention,

Noting that the Charter of the United Nations reaffirms faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women,

Noting that the Universal Declaration of Human Rights affirms the principle of the inadmissibility of discrimination and proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, including distinction based on sex,

Noting that the States Parties to the International Covenants on Human Rights have the obligation to ensure the equal rights of men and women to enjoy all economic, social, cultural, civil and political rights,

Considering the international conventions concluded under the auspices of the United Nations and the specialized agencies promoting equality of rights of men and women,

Noting also the resolutions, declarations and recommendations adopted by the United Nations and the specialized agencies promoting equality of rights of men and women,

Concerned, however, that despite these various instruments extensive discrimination against women continues to exist,

Recalling that discrimination against women violates the principles of equality of rights and respect for human dignity, is an obstacle to the participation of women, on equal terms with men, in the political, social, economic and cultural life of their countries, hampers the growth of the prosperity of society and the family and makes more difficult the full development of the potentialities of women in the service of their countries and of humanity,

Concerned that in situations of poverty women have the least access to food, health, education, training and opportunities for employment and other needs,

Convinced that the establishment of the new international economic order based on equity and justice will contribute significantly towards the promotion of equality between men and women,

Emphasizing that the eradication of apartheid, all forms of racism, racial discrimination, colonialism, neo-colonialism, aggression, foreign occupation and domination and interference in the internal affairs of States is essential to the full enjoyment of the rights of men and women,

Affirming that the strengthening of international peace and security, the relaxation of international tension, mutual co-operation among all States irrespective of their social and economic systems, general and complete disarmament, in particular nuclear disarmament under strict and effective international control, the affirmation of the principles of justice, equality and mutual benefit in relations among countries and the realization of the right of peoples under alien and colonial domination and foreign occupation to self-determination and independence, as well as respect for national sovereignty and territorial integrity, will promote social progress and development and as a consequence will contribute to the attainment of full equality between men and women,

Convinced that the full and complete development of a country, the welfare of the world and the cause of peace require the maximum participation of women on equal terms with men in all fields,

Bearing in mind the great contribution of women to the welfare of the family and to the development of society, so far not fully recognized, the social significance of maternity and the role of both parents in the family and in the upbringing of children, and aware that the role of women in procreation should not be a basis for discrimination but that the upbringing of children requires a sharing of responsibility between men and women and society as a whole,

Aware that a change in the traditional role of men as well as the role of women in society and in the family is needed to achieve full equality between men and women,

Determined to implement the principles set forth in the Declaration on the Elimination of Discrimination against Women and, for that purpose, to adopt the measures required for the elimination of such discrimination in all its forms and manifestations,

Have agreed on the following:

Part I

Article 1

For the purposes of the present Convention, the term "discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.

Article 2

States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:

- a. To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;
- b. To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;
- c. To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;
- d. To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;
- e. To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;
- f. To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;
- g. To repeal all national penal provisions which constitute discrimination against women.

Article 3

States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.

Article 4

1. Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.

2. Adoption by States Parties of special measures, including those measures contained in the present Convention, aimed at protecting maternity shall not be considered discriminatory.

Article 5

States Parties shall take all appropriate measures:

- a. To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;
- b. To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.

Article 6

States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.

Part II

Article 7

States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:

- a. To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;
- b. To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;
- c. To participate in non-governmental organizations and associations concerned with the public and political life of the country.

Article 8

States Parties shall take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations.

Article 9

1. States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.

2. States Parties shall grant women equal rights with men with respect to the nationality of their children.

PART III

Article 10

States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women:

- a. The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training;
- b. Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;
- c. The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods;
- d. The same opportunities to benefit from scholarships and other study grants;
- e. The same opportunities for access to programmes of continuing education, including adult and functional literacy programmes, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women;
- f. The reduction of female student drop-out rates and the organization of programmes for girls and women who have left school prematurely;
- g. The same Opportunities to participate actively in sports and physical education;
- h. Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning.

Article 11

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:
 - a. The right to work as an inalienable right of all human beings;
 - b. The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;
 - c. The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;
 - d. The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;

- e. The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;
 - f. The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.
2. In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:
 - a. To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;
 - b. To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;
 - c. To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;
 - d. To provide special protection to women during pregnancy in types of work proved to be harmful to them.
 3. Protective legislation relating to matters covered in this article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary.

Article 12

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning.
2. Notwithstanding the provisions of paragraph 1 of this article, States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.

Article 13

States Parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular:

- a. The right to family benefits;
- b. The right to bank loans, mortgages and other forms of financial credit;
- c. The right to participate in recreational activities, sports and all aspects of cultural life.

Article 14

1. States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetized sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of the present Convention to women in rural areas.
2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:

- a. To participate in the elaboration and implementation of development planning at all levels;
- b. To have access to adequate health care facilities, including information, counselling and services in family planning;
- c. To benefit directly from social security programmes;
- d. To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency;
- e. To organize self-help groups and co-operatives in order to obtain equal access to economic opportunities through employment or self employment;
- f. To participate in all community activities;
- g. To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;
- h. To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.

Part IV

Article 15

1. States Parties shall accord to women equality with men before the law.
2. States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.
3. States Parties agree that all contracts and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void.
4. States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.

Article 16

1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:
 - a. The same right to enter into marriage;
 - b. The same right freely to choose a spouse and to enter into marriage only with their free and full consent;
 - c. The same rights and responsibilities during marriage and at its dissolution;
 - d. The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;

- e. The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;
 - f. The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;
 - g. The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;
 - h. The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.
2. The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

Part V

Article 17

1. For the purpose of considering the progress made in the implementation of the present Convention, there shall be established a Committee on the Elimination of Discrimination against Women (hereinafter referred to as the Committee) consisting, at the time of entry into force of the Convention, of eighteen and, after ratification of or accession to the Convention by the thirty-fifth State Party, of twenty-three experts of high moral standing and competence in the field covered by the Convention. The experts shall be elected by States Parties from among their nationals and shall serve in their personal capacity, consideration being given to equitable geographical distribution and to the representation of the different forms of civilization as well as the principal legal systems.
2. The members of the Committee shall be elected by secret ballot from a list of persons nominated by States Parties. Each State Party may nominate one person from among its own nationals.
3. The initial election shall be held six months after the date of the entry into force of the present Convention. At least three months before the date of each election the Secretary-General of the United Nations shall address a letter to the States Parties inviting them to submit their nominations within two months. The Secretary-General shall prepare a list in alphabetical order of all persons thus nominated, indicating the States Parties which have nominated them, and shall submit it to the States Parties.
4. Elections of the members of the Committee shall be held at a meeting of States Parties convened by the Secretary-General at United Nations Headquarters. At that meeting, for which two thirds of the States Parties shall constitute a quorum, the persons elected to the Committee shall be those nominees who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.
5. The members of the Committee shall be elected for a term of four years. However, the terms of nine of the members elected at the first election shall expire at the end of two years; immediately after the first election the names of these nine members shall be chosen by lot by the Chairman of the Committee.

6. The election of the five additional members of the Committee shall be held in accordance with the provisions of paragraphs 2, 3 and 4 of this article, following the thirty-fifth ratification or accession. The terms of two of the additional members elected on this occasion shall expire at the end of two years, the names of these two members having been chosen by lot by the Chairman of the Committee.
7. For the filling of casual vacancies, the State Party whose expert has ceased to function as a member of the Committee shall appoint another expert from among its nationals, subject to the approval of the Committee.
8. The members of the Committee shall, with the approval of the General Assembly, receive emoluments from United Nations resources on such terms and conditions as the Assembly may decide, having regard to the importance of the Committee's responsibilities.
9. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Convention.

Article 18

1. States Parties undertake to submit to the Secretary-General of the United Nations, for consideration by the Committee, a report on the legislative, judicial, administrative or other measures which they have adopted to give effect to the provisions of the present Convention and on the progress made in this respect:
 - a. Within one year after the entry into force for the State concerned;
 - b. Thereafter at least every four years and further whenever the Committee so requests.
2. Reports may indicate factors and difficulties affecting the degree of fulfilment of obligations under the present Convention.

Article 19

1. The Committee shall adopt its own rules of procedure. 2. The Committee shall elect its officers for a term of two years.

Article 20

1. The Committee shall normally meet for a period of not more than two weeks annually in order to consider the reports submitted in accordance with article 18 of the present Convention.
2. The meetings of the Committee shall normally be held at United Nations Headquarters or at any other convenient place as determined by the Committee.

Article 21

1. The Committee shall, through the Economic and Social Council, report annually to the General Assembly of the United Nations on its activities and may make suggestions and general recommendations based on the examination of reports and information received from the States Parties. Such suggestions and general recommendations shall be included in the report of the Committee together with comments, if any, from States Parties.
2. The Secretary-General of the United Nations shall transmit the reports of the Committee to the Commission on the Status of Women for its information.

Article 22

The specialized agencies shall be entitled to be represented at the consideration of the implementation of such provisions of the present Convention as fall within the scope of their activities. The Committee may invite the specialized agencies to submit reports on the implementation of the Convention in areas falling within the scope of their activities.

Part VI

Article 23

Nothing in the present Convention shall affect any provisions that are more conducive to the achievement of equality between men and women which may be contained:

- a. In the legislation of a State Party; or
- b. In any other international convention, treaty or agreement in force for that State.

Article 24

States Parties undertake to adopt all necessary measures at the national level aimed at achieving the full realization of the rights recognized in the present Convention.

Article 25

1. The present Convention shall be open for signature by all States.
2. The Secretary-General of the United Nations is designated as the depositary of the present Convention.
3. The present Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.
4. The present Convention shall be open to accession by all States. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

Article 26

1. A request for the revision of the present Convention may be made at any time by any State Party by means of a notification in writing addressed to the Secretary-General of the United Nations.
2. The General Assembly of the United Nations shall decide upon the steps, if any, to be taken in respect of such a request.

Article 27

1. The present Convention shall enter into force on the thirtieth day after the date of deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession.
2. For each State ratifying the present Convention or acceding to it after the deposit of the twentieth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after the date of the deposit of its own instrument of ratification or accession.

Article 28

1. The Secretary-General of the United Nations shall receive and circulate to all States the text of reservations made by States at the time of ratification or accession.
2. A reservation incompatible with the object and purpose of the present Convention shall not be permitted.
3. Reservations may be withdrawn at any time by notification to this effect addressed to the Secretary- General of the United Nations, who shall then inform all States thereof. Such notification shall take effect on the date on which it is received.

Article 29

1. Any dispute between two or more States Parties concerning the interpretation or application of the present Convention which is not settled by negotiation shall, at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration the parties are unable to agree on the organization of the arbitration, any one of those parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court.
2. Each State Party may at the time of signature or ratification of the present Convention or accession thereto declare that it does not consider itself bound by paragraph 1 of this article. The other States Parties shall not be bound by that paragraph with respect to any State Party which has made such a reservation.
3. Any State Party which has made a reservation in accordance with paragraph 2 of this article may at any time withdraw that reservation by notification to the Secretary-General of the United Nations.

Article 30

The present Convention, the Arabic, Chinese, English, French, Russian and Spanish texts of which are equally authentic, shall be deposited with the Secretary-General of the United Nations. **In witness whereof** the undersigned, duly authorized, have signed the present Convention.

3

READINGS

Effective Legislative Reforms in Situations Calling for Social Change

Reading 3.1 — Harmony and Divorce between Law, Morality and Culture

Reading 3.2 — Legislation as a Tool for Behavioral and Social Change

Reading 3.3 — Elusiveness Of Change In Bangladesh

HARMONY AND DIVORCE BETWEEN LAW, MORALITY AND CULTURE

Excerpt from Mockus 2004

https://sites.sas.upenn.edu/penn-unicef-summer/files/mockus_a._nd._bogotas_capacity_for_self_transformation.pdf

II. Citizenship Building:

4. civic culture and the shortcut culture

WHAT IS THE SHORTCUT CULTURE?

Basically, it occurs when short-term results are paramount. This phenomenon is part of the Colombian mythology, and is part of many diagnoses on the way we Colombians are. Shortcut culture happens when part of the society practices, accepts or even promotes that actions are rationalized in the following way: in terms of short term results, using little-regulated means, means that are sometimes unusual, sometimes immoral and sometimes even illegal. In shortcut culture, forms of action that are safe and legal are easily replaced by others that are perceived as quicker and more effective, even if they are illegal.

Using this definition of shortcut culture one can describe a good number of phenomena in our society, and also explain the types of antidotes we worked on from the Mayor's Office. One must understand that it is necessary to confront the habit of taking the shortest path in everyday behaviors in order to fight against more serious shortcuts, such as violence or corruption.

SOME EXAMPLES

Some of the clearest illustrations of the shortcut, and of the fight against shortcut culture, can be seen on the streets. The most typical examples would be to cross a street diagonally and halfway down the block, or saving oneself the walk down to the pedestrian bridge, trying to follow the shortest path to one's destination. In both cases one has saved time and distance, but one has also violated a traffic norm and has run the risk of being victim of an accident. In 2003, with help from the Fondo de Prevención Vial (Road Prevention Fund), the city marked stars in every place where a pedestrian has died in the past five years from being run over. This was a clear indication of the consequences of a shortcut. Pedestrians who take the time to move their humanity a

few meters more to take the bridge or crosswalk across are expressing, not with words but with their bodies, that they will not take the shortcut; that they value life and their safety more than the few minutes they could save.

Cronyism is a shortcut with respect to legitimate democratic mechanisms, and it seeks to obtain quick, individual benefits. Easy money and drug trafficking are shortcuts towards wealth; an illegal path is taken, which entails tremendous risks but also, if successful, very high economic returns. An especially serious shortcut is to take justice into one's own hands, for example when someone decides to avenge the murder of a relative.

DEVALUATION OF REMOTE CONSEQUENCES

In general, following shortcuts means devaluating or disallowing the most remote consequences of an act, in at least two ways. In the first place, consequences are disallowed in the temporal sense: "the decision we make today can induce great traffic jams ten years from now, but that doesn't matter right now". Secondly, remote consequences in the socio-cultural sense are disallowed: "I take into account the consequences for people who are close to me or similar to me, but insofar as I am more distant both socially and geographically, they matter less". In this way, in the shortcut culture, the consequences of one's actions for people who are very distant tend to be underestimated.

SHORTCUTS AND LEGITIMATE MEANS

The problem with shortcut culture is that oftentimes the shortcut is forbidden by the law but not by a social or moral norm. In many cases there isn't only a lack of social censorship for shortcuts, but these are instead acknowledged and applauded. I will now present what has been called the divorce between legal, moral and social norm hypothesis. Such hypothesis will allow us to understand shortcut culture in greater detail. To synthesize, it postulates three systems that regulate individual behavior, and whose interaction can be intervened, in great part through pedagogy, in order to modify behaviors that, like shortcut culture, are accepted morally and socially but are illegal, and also collectively destructive. Civic Culture embodied a series of actions geared toward the harmonization of these three regulatory systems.

Harmony and divorce between law, morality and culture

THREE REGULATORY SYSTEMS

It is possible to make a distinction between three different types of rules or norms: legal, moral (or norms of conscience), and cultural (those informally shared by a community). The reasons to abide by a norm change depending on the type of norm in question. Thus, one way to explain each of the three regulatory systems is by considering the reasons why we obey their respective norms.

One can obey *legal regulation* because one considers it admirable, meaning one admires the way in which it was created, how it is applied, or the effects it produces. On the other hand, a very important factor in abidance by the law is fear of legal sanctions, fines or jail.

Moral regulation is closely linked to personal autonomy and the development of one's judgment, what in the more classical Catholic tradition was deemed the age of reason: the emergence of judgment which translates into the voice of conscience, into the cricket in Pinocchio. Obedience to moral norms can come from the pleasure that doing so produces, or from the sense of duty. On the other hand, some people obey moral norms because by doing so they feel consistent with themselves, which in turn produces satisfaction. For example, if one has as a moral principle not to tell lies, then not doing so, even when one is very tempted to do so, is gratifying. In these cases one experiences a sensation of harmony with oneself. The opposite feeling, a sensation of discord or discrepancy with oneself, works as a moral punishment, and it generally receives the name of guilt. Fear of guilt can also be a cause of obedience to moral regulation.

Finally, there is *cultural or social regulation*. How to dress for the occasion, how to address someone depending on the degree of familiarity, what type of relationship to establish with colleagues, among others, are behaviors that are regulated by social norms. In contrast to moral norms, these don't depend as much on each individual's conscience, but on the group he or she belongs to. As in the case of legal and moral regulations, each individual may choose to a certain extent whether or not to follow social norms, by assessing the positive or negative consequences of her behavior. Table 1 shows the three regulatory systems summarized and the main reasons to obey each.

Legal norms	Moral norms	Social norms
Admiration for the law	Self-gratification of conscience	Social admiration and recognition
Fear of legal sanction	Fear of guilt	Fear of shame and social rejection

HARMONY AND DIVORCE

The three regulatory systems described above are relatively independent. There are many behaviors that are not contemplated in the law but that are so in social norms, such as manners at the table. There are also moral norms whose violation does not imply the violation of a law, such as lying about someone's appearance. However, there are many behaviors that are regulated by two or even all three systems simultaneously. Stealing is forbidden by law, and it would be very convenient for society if it also generated guilt and social rejection. Likewise, paying taxes is a legal duty and doing

so, in a society that understands the benefits of taxation, should produce personal satisfaction and social recognition. But there are contexts in which stealing is socially approved; for example, early in my first Administration, stealing water or electricity wasn't only approved of in some neighborhoods, it was also frowned upon to legalize and pay for the service.

When the three regulatory systems are aligned, when they coincide in the prohibition or encouragement of the same behaviors, then we say that there is harmony between law, morality and culture. In the opposite case we say that there is divorce.

REGULATORY SYSTEMS AND THE SHORTCUT CULTURE

In the shortcut culture the divorce between legal and cultural regulations is frequent, so that the latter permits an illegal behavior which is nonetheless efficient for achieving short term objectives. In other words, there is a close relationship between what is culturally accepted and short term instrumentality.

Civic Culture

THE FIGHT AGAINST SHORTCUT CULTURE

What can the State do to promote harmony between law, morality and culture and to fight against shortcut culture? It is possible to ask that people change their moral vision, by creating dilemmas and problems that question individual moral convictions. It is also possible to modify the collective acceptance of harmful behaviors, by allowing a community to change its habits and informal rules. As for intervention in legal regulation, part of my job in Bogotá consisted in initiating discussions around the transformation of the law, so that people understand its objectives and adhere to it voluntarily; this was the case with the Ley Zanahoria, and the prohibition of fireworks. Acting on legal regulation should be accompanied by a moral and cultural mobilization, by making people choose, for example, between the momentary joy felt by a thousand people burning fireworks and the suffering of a burnt child. The success of the fireworks prohibition was due mainly to the tension generated by this pressure on morality.

From the point of view of moral regulation, the State can promote more self-regulation by the citizens; it can try to foster moral norms that are congruent with the common good. This way of intervening in individual behavior is characteristic of Latin America, and is traditionally known as "concientización" (awareness-building). But perhaps the greatest innovation in Bogotá regarding this idea has been that a government can not only act upon the laws, or upon people's conscience, but also that it can intervene in the field of cultural regulation; it can try to change social norms. The most surprising part of our experience, and what has intrigued many social scientists who have studied Bogotá's experience, is that we have been able to plan and modify, from City Government, social norms at a large scale.

One must highlight, however, that pluralism constitutes a fundamental limit to change

directed to social norms, and to the harmonization between law, morality and culture. In morality there is pluralism, each person can develop their own system; in culture there is a plurality of cultural and religious traditions, acknowledged in the Constitution, so it is necessary to exercise care. It is neither possible nor desirable to mold all of culture from the State, nor to meddle in all of people's moral convictions. In this sense, Civic Culture as government action only intervenes where there is a divorce between law, morality and culture, privileging voluntary adherence to the norms.

CIVIC CULTURE: FROM 1995-1997 TO 2001-2003

In my first administration's development plan *Educating a City*, the goals of what was then called the Civic Culture Priority were geared to achieving greater adherence to norms of coexistence, to increasing mutual regulation and peaceful conflict resolution. During this administration, mutual regulation, as evidenced by decreased water consumption during the 1997 crisis, as well as the use of civic cards (which showed a "thumbs up" hand for approval, and a "thumbs down" hand as a sign of censure) illustrates a shift in social norms as a result of the Civic Culture focus. It isn't unusual for a child to help his parents or brothers to save water, but it is extraordinary for a citizen to carry a card and use it now and then to correct or to rate the behavior of strangers. This was an achievement of the Civic Culture policies.

In my second Administration's Development Plan: *Bogotá: so we all live on the same side*, there was a variation in these formulations. The Civic Culture objective proposed "increasing voluntary compliance with norms, the capacity to enter into and fulfill agreements and mutual aid in acting by one's conscience, in accordance with the law" and to "promote communication and solidarity among citizens". In the first place, the intention isn't only to increase compliance with norms but also that this compliance must be voluntary and willing: there is an emphasis on positive motives for obeying norms (admiration or understanding of the law, self-gratification of conscience and social recognition). The idea is the following: when people use safety belts out of fear of being fined, a lot of progress has been made; but it is even better when people do it because they have understood that if they crash with the seatbelt on, they will suffer less harm.

Secondly, there was an emphasis on the importance and the primacy of laws in a democratic context. In fact, in the 1995 Development Plan, the definition of Civic Culture was "the set of customs, actions and minimum shared rules that produce a sense of belonging, facilitate urban coexistence and lead to respect for common goods and a recognition of the rights and duties of citizens". However, this formulation does not specify whether these minimum rules are legal or cultural. Emphasis made on cultural regulation with the intention that, to some extent, it replaces legal regulation. The idea was roughly the following: "since we don't obey laws, let's change some customs". In the second Administration the legal topic was made much more important, partly with the aim of making effective the need for pluralism. The greater moral and cultural diversity, it is more important that people appeal to laws in order to find a common denominator. Law constitutes a framework which encompasses a diversity of moral and cultural systems, and whose application serves to mediate and to resolve incompatibilities between them. I shall come back to this idea in the following chapter, when I present the notion of democratic culture.

Another important innovation in the second Administration's Civic Culture Objective was the design and implementation of a quantitative measurement system for goals and results. For this, a conceptual framework with an indicator matrix was drafted, and measurement instruments were designed (a civic culture poll, statistical records, observations in critical points of the city). The data obtained are the basis for more specific planning of programs related to coexistence, culture and the political system, art and heritage.

LEGISLATION AS A TOOL FOR BEHAVIORAL AND SOCIAL CHANGE

Source: Toubia 2004, pp. 66-70

<http://www.npwj.org/sites/default/files/documents/Interventions2.pdf>

For many years, activists seeking ways to stop the practice of female circumcision (FC/FGM), or female genital mutilation (FGM), have wondered about the possible role of law in combating this deeply rooted and socially sanctioned violation of girls. Two competing instincts were constantly at play. On the one hand there was a strong belief that passing legislation on its own cannot possibly dissuade the public away from a practice that has long been used, symbolically and physically, to curb and control women's sexuality. On the other hand there was the desire to bring the weight of the modern state, and its legal system, to bear on the shaping of a new national consensus to protect girls and their bodily integrity. Some of the questions raised over the years are:

1. Should we lobby for new legislation to criminalise FC/FGM or will such legislation only manage to drive it underground?
2. Is passing new legislation even necessary in countries where child protection and prohibition of grievous bodily injury laws already exist?
3. Is passing a law against FC/FGM desirable in a context where citizens (both men and women) have few rights and/or in law enforcement environments with poor resources, not sensitive to women's rights and easily corruptible?
4. Is it appropriate to speak of individual (girls') rights under the law in kinship-based economies the same as in modern free market economies?
5. Should we be creating a situation where members of a family or a community are encouraged to report a criminal act perpetrated by their own people thus taking the risk of fracturing important social and economic units and alienating the dissenting members?
6. Have we learnt any lessons on the role and usefulness of anti-FGM legislation passed in the West and those passed in Africa?
7. When is passing a law a legal measure, an advocacy tool, or a political act?
8. Is passing prohibitive legislation desirable in all countries at any time or should this be strategic as to the timing of the legislation and activities surrounding their introduction.

These and many more questions need to be asked, researched and answered as we struggle to find the appropriate role of legislation in changing behaviours and practices that are deemed unnecessary or harmful to society. In the case of FGM there has not been enough thinking, research and analysis on the role of the law in stopping the practice in the rush to pass laws in as many countries as possible. A previous effort to gather and analyze the content of the emerging anti-FGM laws in Africa and in the West discussed the need for more understanding of the complexity of interaction between legal change and social, political and economic realities (Rahman and Toubia Zed Press 2000)¹. This paper reflects on what we know of what fuels the continuation of the practice in order to foresee whether criminalising the act will be effective or will be, at best, ignored or at worst be counter productive to the objective of protecting women and girls against violation.

As professionals, activists and policy makers we condemn this practice too easily without enough consideration to the social function it serves for those in our communities who strongly believe in preserving it [REF BOABAB ARTICLE](#). Without compromising our position on the need to stop this regressive and violating practice we must acknowledge that unless we get to the root of the social and economic importance of FC/FGM² to those who perpetrate it we will not achieve our goals. For most people in our communities who practice FC/FGM this is still an act of loyalty to ancestors, a duty to preserve social integrity and regulate sexuality and reproduction. In short it is an act whose perpetrators until now have been celebrated and rewarded, not punished. By passing a law we run the risk of turning concerned and faithful citizens into criminals overnight. The history and reality of dealing with social problems through legislation without getting at the root causes of the so called 'criminal behavior' speaks for itself in the form of expanding prisons full of unemployed and alienated youth, particularly those from urban slums and from racial and ethnic minorities.

The history of passing laws against FGM goes back to 1946 when the British colonial administration passed a law to prohibit infibulation in the Sudan. Most of us are aware of the negative repercussions of that law as more girls were circumcised that year than before or after, and political leaders used the occasion to rally community support against the colonizers. This clearly demonstrates a case of the bad timing of a law passed by an administration which was denying a population their right to freedom, while claiming and pretending to care and protect their girls' genitals.

Today we are in world that is in some ways different from that of 1946 and in other ways quite similar. Traditional colonialism has been relegated to history and replaced by a new- world order. Independent states in Africa have been in existence for over 30-40 years and the world is linked through an unprecedented network of telecommunication and Internet based information. Yet in Africa today, we are still struggling with ethnic rivalry, stagnating or reversing economies and easily corruptible legal and health systems with poor resources. African societies in the continent, and in the Diaspora, are facing challenges that they never considered before and can no longer protect themselves against. The debates around FC/FGM or FGM, within the African community, are symbolic of the tension between attempts to preserve an inherited social order

1 A. Rahman and N. Toubia, *Female Genital Mutilation: A Guide to Worldwide Laws and Policies*, Zed Press, London, UK, 2000.

2 Toubia uses the acronym FC/FGM, which stands for female circumcision/female genital mutilation.

which seemingly worked for years, and the search for a new and viable one that can withstand the new challenges they now face.

Whether FC/FGM or other forms of violations and oppression of women, for that matter, can survive the changing African society, will depend upon whether or not the underlying reasons for its continuation over the centuries are still meaningful today.

Why is FC/FGM such a strongly upheld 'traditional practice' and is it in fact 'harmful' or useful to women?

As a Sudanese feminist and physician I have, in the past, been plagued and irritated by the nagging question: why do women in Africa insist on circumcising their girls and why do even the educated among them still defend the practice? Studies in Sudan show that women medical doctors refuse to condemn the practice in a society where infibulations is the norm. It may be easy to lay the burden of the demand for FC/FGM on the shoulders of men or, more accurately, on patriarchal society including the women within it. While such analysis still holds, there is still the unresolved issue of why women defend the practice even when men in their family or their community want to abandon it.

The answer to this question revealed itself while we were conducting an analytical review of major approaches taken against FGM in the past twenty years, which we undertook between 2001-2002. In extracting the elements of what worked and what didn't in persuading people to abandon the practice, we found that projects which focused on changing women's consciousness and, in some cases, their material conditions had a significant effect on accelerating the rate of abandonment. We also found that for the change in women's attitude and behaviour towards FC/FGM to take root and be sustained it must gather sufficient support from power holders in the community such as, husbands, health professionals, religious leaders and policy makers.

This finding made us look more carefully at our perceived notion that FC/FGM is harmful to women. On the basis of objective logic and scientific criteria FC/FGM is undoubtedly harmful to girls as it deprives them of vital sexual organs necessary for their health and holistic development. The fact that the cutting happens to minors who have no true powers of consent is a violation of their human rights under the Convention of the Rights of the Child. But these are 'our' logical and rational reasons for condemning the practice, which we attempt to transplant onto the women who want to preserve the practice. Women living in circumcising communities have 'their' own logic and rational reasons for not readily adopting our logic. For them living under a strong patriarchal social and economic regime with very few options for choices in livelihood, the room for negotiating a limited amount of power is extremely small. Circumcising your daughter and complying with other certain social norms, particularly around sexuality and its link to the economics of reproduction, is an essential requirement to these silent power negotiations. Women instinctively know this. We may scare them with all the possible risks of FC/FGM to health. We may bring religious leaders to persuade them that the

practice is not a requirement. We can try to bring the wrath of the law to bear upon them. But in their desperate hold on the little negotiated power they have known for centuries, they are not willing to let go unless they see a benefit that is equal to or more than what they already have.

The Relation between FGM, Social change and Women's Empowerment

Hypothesis 1

Women use FGM as a power-gaining tool. They forego their sexual organs in exchange for social acceptability, material survival (marriage) and other freedoms such as mobility, choice and education. Therefore women protect and practice FGM.

Hypothesis 2

By changing women's consciousness, material conditions and decision-making ability, we shift their power base away from the need for FGM.

Hypothesis 3

Shifting women's power base will be ineffective (and maybe detrimental) unless community support and consensus is built around them.

Hypothesis 4

Behavioural and social change is a cumulative non-linear process. To catalyse and sustain it requires supportive inputs over the longer term (laws, policies, investment in education, etc.).

So beyond 'educating' people on the harmful effect of FC/FGM and how it is now illegal to practice it, we owe it to women to provide them with 'alternative' tools for self-empowerment and a new social consensus that will make them feel safe if they decide to abandon the practice. Passing legislation as part of measures to empower women must address the suffering they've endured, and the violations of which they are daily victims. Legislation that ignores the crucial needs of women will result in making them criminals and end up punishing the same victims that we aim to protect. The latter, would be unpopular and will be resisted by communities as in Ghana among the people of the Sahel [REF POP COUNCIL PAPER IN BELLAGIO 2002](#) and by women themselves as in Kenya [PAPER PRESENTED IN AMANITARE CONFERENCE 2003](#).

If actions are not taken by governments and by project implementers to redress issues of women's empowerment and help negotiate a new social order more beneficial to women, our efforts to stop FC/FGM will not succeed even if legislation is passed.

But the process of individual behaviour change and the cumulative change in those individuals that results in social change, is neither linear nor a simple summation formula. People are complex beings, women are no exception. To bring about change in women's beliefs, attitudes, and ultimately a decision to abandon FC/FGM, is to gently prompt them along a road of self realization, a sense of entitlement and strength that

takes a little while to achieve. Our tools should be better information, new and different skills for reasoning and organizing, a space to speak and share thoughts and feelings. A timely passing of laws to protect emerging resistance to FC/FGM against conservative forces and to give legitimacy to women's voices is essential to escalating social change and redressing the balance of power.

How can we ensure that laws prohibiting FC/FGM empower rather than penalize women? As modern legislators and human rights activists we would like to believe that passing a law to prohibit and criminalise a violating act such as FC/FGM could only be a good thing. We would like to view our action as standing by and protecting the victims of a tragic atrocity, particularly if the victims are helpless young girls. It maybe true that a law, if effective, may protect the girl as a non-consenting child. But the woman who was once that child and had no say on what happened to her is now the person holding down that girl to be cut. Should we, with all good conscience, arrest that woman and put her in jail or deport her from her new home? We can decide that in drafting and implementing laws we cannot be held hostage to the mitigating circumstances of the perpetrators. That is one way of using laws that belong to authoritarian and non-democratic systems of repression. Humanistic laws that are meant to enhance the quality of life of citizens, and claims to protect the vulnerable, must look at the totality of the rights of those it aims to protect as much as they uphold the principles of absolute right and wrong.

For example passing laws in a Western country that severely punishes health practitioners who perform FGM is highly desirable and acceptable. The case is different for members of a refugee community who have not been well informed, and little investment is made in providing them with services or to integrate them into the new society. Even more unacceptable is that the same authorities that pass such laws refuse to give women independent legal status from their husbands as refugees and immigrants. If under these unchanged and dependent circumstances women are caught facilitating the circumcision of their daughters, they are liable to be imprisoned or deported.

In the case of perpetrators in Africa it is inappropriate and unacceptable that laws are passed against FGM while laws to protect women's rights and enhance their positions within their families and their communities are ignored. Are land and property ownership laws favourable to women? What about family laws that govern divorce and child custody? Immigration laws, citizenship and employment laws among others must be revised for their compatibility with international human rights standards on women's rights and sometimes to the countries own constitution. While empowering women to become equal citizens economically and socially is a long-term project, at least legal equity is more within reach.

If legislative bodies are contemplating passing laws against FGM why not pass a package of laws that will cover a range of violations of women's rights at the same time as passing an anti-FGM law?

In our proposed framework for better design, monitoring, and implementation FGM/c interventions, we place legal change as part of creating enabling environments for women's empowerment. An isolated act of criminalizing FGM without empowering women or involving the community could easily create an environment that is hostile to women.

Conclusion

Legislating against FGM is no longer a theoretical debate but a reality that must be addressed as a matter of urgency. Laws are being passed in an increasing number of African countries and in most Western countries where Africans have immigrated. Yet the motivation behind passing these laws and their possible consequences on the targeted communities, and particularly women, has barely been considered.

While facilitating the passage of such legislation serves the purpose of demonstrating political will on the part of governments, we must invest in a certain amount of deliberation and consultation regarding the timeliness, content and use of these laws. Good governance and democratic principles dictate that protection of the vulnerable need not happen against their will, or while ignoring or repressing their other rights. In the case of women and the practice of FGM a whole host of other legal and non-legal measures must be considered as an essential accompaniment to passing specific anti-FGM laws. Failure to do so runs the risk of making a mockery of the law or creating a situation where girls and women are faced with the double jeopardy of suffering FGM to appease an old social order and then being penalized by the modern legal system. This need not be the case if women's and girls interests are truly at the heart of efforts to stop FGM and therefore central to considerations for any new legislation.

ELUSIVENESS OF CHANGE IN BANGLADESH

Note: This reading is introduced to enable participants to appreciate the difference between legal, social and moral norms; the fact that all of three may overlap to influence behaviour (when they are in harmony); and what happens when they are discordant. The materials are taken from Khan 2005, Huda 2006 and Chowdhury 2010. They help to reconnect to the child marriage case study “Too Young to Be a Bride,” ↗ **Module 2, Handout 2.2.**

I. The issue of violence against women in Bangladesh

Despite the fact that legal measures have been introduced to protect women from various forms of gender-based violence, the country has failed to protect women's rights. Excerpts from Kahn 2005:

LEGAL INTERVENTIONS AND SUPPORT SERVICES

The Penal Code of Bangladesh contains provisions that protect women from various forms of violence, although it does not specifically define 'sexual assault'. However, offences related to rape, kidnapping, abduction of women, acid throwing or attempt to cause death or grievous injury because of dowry are treated as specific crimes of serious nature. The Penal Code prescribes capital punishment for kidnapping, abduction, acid throwing and rape.

The government promulgated a number of laws reflecting the provisions of the Penal Code with some modifications necessary to address the specific crimes... The government created a permanent Law Commission to review all laws related to protection of women's rights and to provide recommendations wherever required. The Ministry on Women and Children Affairs has undertaken multisectoral projects to eliminate violence against women including setting up One-Stop Crisis Centres (oscc) in Dhaka and Rajshahi Medical College Hospitals mainly to help acid-throwing and rape victims secure quick Formal Investigation Record (FIR) and other services. In addition, some police stations have Special Cell for Women. At the national, district and "thana" levels, Committees for the Prevention of Violence against Women have been formed. Violence prevention cells also exist in the Department of Women's Affairs and the Jatiyo Mahila Sangastha. Shelter homes for abused and tortured women and for women under safe custody have also been established both by the government and NGOs - though far too inadequate to meet the needs.

LIMITATIONS OF GOVERNMENT INTERVENTIONS

The most common causes of the failure to protect women's rights are poverty, lack of proper understanding of the rights of women, weak enforcement of the laws, and above all widespread corruption within the justice system itself.

According to a study carried out by the Policy Leadership and Advocacy for Gender Equality (PLAGE) project of the Ministry of Women's Affairs, legal measures and other support services undertaken by the government have not been able to address the issue of violence against women effectively. Due to many lacunae in the investigation and charge sheet procedures, 88% of the offenders were not brought to court. Violence-related issues such as custodial rape, illegal fatwa and other kinds of violence at the community level perpetrated by local religious leaders or arbitration bodies continue to be unresolved without any visible government intervention.

Most sources indicate that the mechanisms to enforce and administer the relevant laws are inadequate and ineffective. Unusual delay in court procedures and trial proceedings allow accused persons out on bail to intimidate victims and tamper with evidence.

Corruption in the law enforcing agencies is a critical obstacle to eliminate crime and violence against women. According to a Transparency International survey conducted in Dhaka in 1997, 63% of the 2,500 households questioned reported that they had to bribe court officials. Hiring witnesses was reported by 18.7% of the households.

II. The dowry issue in Bangladesh:

Unlike in some African countries, dowry is demanded by the husband's side.

Abstract from Huda 2006

Marriage negotiations for Bangladeshi Muslims involve various financial transactions including primarily the religiously sanctioned dower (mahr). Added to mahr, the practice of dowry or joutuk, demands made by the husband's side to the bride's side, have in the last few decades become a widespread practice supported neither by state law nor personal laws, but apparently designed to strengthen traditional patriarchal assumptions. Based on detailed fieldwork, this article discusses the historical assimilation of dowry practices in Bangladesh, including debates regarding its social ramifications on women's rights in Bangladesh, linked now to growing evidence of dowry-related violence. The existing dowry practices, despite legal intervention, continue to compromise women's rights in Bangladesh.

Abstract from Chowdhury 2010

Dowry increased with the expansion of capitalist relations that help capital accumulation by men in Bangladesh. It has been turned into 'demand, extortion, material gain, and profit maximization'. The most common motives behind the dowry system are

the grooms' and their families' greed, growing consumerism, excessive materialism, the need for status seeking, and rising expectations of a better and luxurious life. The dowry system has shifted as a result of women's increasing paid labour force activity. In most of the cases, husbands or in-laws control and appropriate women's income. Husbands consider their wives' income as a source of wealth accumulation. This must be acknowledged as reality and the Dowry Prohibition Act amended. In this article I argue that appropriation of wives' income or controlling wives' income should be considered as dowry and therefore as a criminal offence.



READINGS

Assessing for Planning and Measurement of Social Norms and Programmes Promoting Positive Social Changes

Reading 5.1 — Phase II Results Framework: Draft Indicator Guidance, 2014-2017

RESULTS-BASED MANAGEMENT FRAMEWORK AND PLAN

ACCELERATING CHANGE PHASE II - 2014-2017

Updated March 2016

The result chain and specific indicators

Goal

Prevalence of FGM/C is reduced in targeted areas of 17 countries by the end of 2017 in line with UNGA Resolution 69/150

Indicators

1. 40% decrease in prevalence among girls 0-14 years in at least 5 countries
2. One country declaring total abandonment by the end of 2017

Outcome 1		Indicators
Programme countries enact legal and policy frameworks for eliminating FGM/C which are appropriately resourced and implemented (in line with AU and UN Resolutions)		<ol style="list-style-type: none"> 1. Number of countries implementing a comprehensive legal and policy framework to address FGM/C 2. Number of countries with budget line to implement legislation and policies to eliminate FGM/C
Outputs		Indicators
1.1	Policy makers mainstream the commitment to end FGM/C throughout Government	a. Number of public policy statements on record to support the elimination of FGM/C

Outcome 1		Indicators
Outputs		Indicators
1.2	Policy makers increasingly utilize disaggregated data and best practices to enforce law and implement evidence based programmes to progressively eliminate FGM/C	<ul style="list-style-type: none"> a. Number of Joint Programme reports available and disseminated to policy makers and leaders on evidence, policy, costing related to programmes (including disaggregated data analysis) b. Number of cases of enforcement of the FGM/C law (sub-indicators: # of Arrests, # Cases brought to court, # convictions and sanctions)
1.3	Program managers and experts have capacity to implement the national and decentralized policies to end FGM/C in a coordinated way	<ul style="list-style-type: none"> a. Number of programme managers and experts trained in evidenced based programming on FGM/C b. Number per month of national and decentralized coordination meetings that address efforts to eliminate FGM/C (or other responsible committees)

Outcome 2		Indicators
Service providers provide timely, appropriate and quality services to girls and women at risk of or having experienced FGM/C in select districts in programme countries		1. Number of girls and women receiving services related to FGM/C prevention or response
Outputs		Indicators
2.1	Service providers have the capacity to provide FGM/C-related services	<ul style="list-style-type: none"> a. Number of service delivery points with at least 1 provider trained by the Joint Programme <ul style="list-style-type: none"> a. Prevention services b. Protection services c. Provision of care services
2.2	Service delivery points have the capacity to provide FGM/C-related services	<ul style="list-style-type: none"> a. Number of service delivery points that are applying tools (curricula, modules, guidance, guidelines supervision/case management forms) developed by the Joint Programme b. Frequency of media coverage on efforts to abandon FGM/C and related adverse gender norms.

Outcome 3	Indicators
A majority of individuals, families and communities in programme areas accept the norm of eliminating FGM/C	<ol style="list-style-type: none"> 1. Number of communities in programme areas having made public declarations of support for the abandonment of FGM/C 2. Degree of shift in the social norm upholding FGM/C in programme areas (composite indicator composed of: <ol style="list-style-type: none"> 1. % of individuals not supporting continuation, 2. % of individuals who believe others will cut and 3. % of individuals who believe they will be sanctioned if they do not cut.)

Outputs	Indicators
<p>3.1 Individuals, families and communities in programme areas are increasingly educated about the harms and norms related to FGM/C and alternatives the practice</p>	<ol style="list-style-type: none"> a. Proportion of population [girls/boys/women/men] in programme areas who participate regularly in educational dialogues promoting abandonment of FGM/C and related adverse gender norms b. Number of outreach events conducted by service providers in the community about prevention, protection and care services
<p>3.2 Individuals, families and communities are increasingly mobilizing collectively to abandon FGM/C</p>	<ol style="list-style-type: none"> a. Number per month of community-to-community outreach events in programme areas to expand the abandonment of FGM/C b. Number and types of media coverage of FGM/C elimination efforts c. Proportion of intended national/regional advocacy stakeholders reached with key messages on resolutions calling for the elimination of FGM/C d. Number of consensus-building activities with traditional, religious and community leaders towards organizing a public declaration