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HUMAN  
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Basic  
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L. Nurick

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Human Rights - Basic Documents (Reference Material) - 1948 to 1969

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# The UN and Human Rights

The protection of individual human rights has traditionally been considered the responsibility of national governments. Human rights provisions are included in the UN Charter, however, and from the beginning, the UN has tried to set standard of conduct for governmental behavior. What follows are brief analyses of just a few of the human rights issues being dealt with by the United Nations. Others include the status of women; the rights of children, refugees, the elderly and the handicapped; the right of asylum; freedom of information; torture and treatment of prisoners; and religious intolerance.

Some changes in the actions and procedures described below are expected as a result of the initiatives now being taken by the United States as well as other countries.

## THE CHARTER PROVISIONS

There are specific references to human rights in the Preamble and six articles in the UN Charter; the most important are in Articles 55 and 56. Article 55 calls for "universal respect for, and observance of, human rights and fundamental freedoms for all . . ." Article 56 obligates all UN member nations "to take joint and separate action in cooperation with the Organization for the achievement of (these) purposes . . ."

In an apparent contradiction of these provisions, Article 2 (paragraph 7) stipulates that "Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state . . ." This is the most frequently used justification for rejection of international jurisdiction over human rights issues. In the opinion of most experts, however, this is negated in part by the Nuremberg principle that criminal violations of human rights are subject to the rules of international law. In addition, two advisory opinions by the International Court of Justice uphold the view that all obligations of the Charter are legally binding, including those on human rights. President Carter, in his address at the United Nations in March 1977, supported this contention: "All the signatories of the UN Charter have pledged themselves to observe and respect human rights. Thus, no member of the United Nations can claim that mistreatment of its citizens is solely its own business."

## DEFINING HUMAN RIGHTS

Perceptions of human rights vary widely among UN member nations. The Western concept tends to emphasize individual political freedoms such as the right to vote and hold public office and the rights of free speech and assembly. In the developing countries, the achievement of economic and social rights, such as the meeting of basic human needs for adequate food, clothing and shelter, are necessarily seen to be at least as important as political rights. Political rights, in this view, may be subordinated to progress on economic and social development, if only temporarily in some cases. Communist doctrine is essentially incompatible with both these positions. Under Marxist theory, there are no individual rights; human rights are defined collectively in terms of the needs of the state which are considered paramount.

Since 1946, with the founding of the UN Commissions on Human Rights and the Status of Women, most UN activities in the human rights field have been directed at further defining the Charter provisions. Both Commissions report to the Economic and Social Council (ECOSOC) and through ECOSOC to the General Assembly (GA). Through the work of these and other forums, the UN has built up an impressive body of standards, law and precedents. These fall into three main categories: conventions and covenants (treaties), non-binding declarations of principles and recommendations for national and international action.

The UN lists 19 major conventions on human rights and over 20 declarations. Others have been adopted by the UN's specialized agencies. What follows is a brief description of the more important of these international instruments.

## THE UNIVERSAL DECLARATION OF HUMAN RIGHTS

The Universal Declaration of Human Rights was adopted by the General Assembly in 1948. It had been drafted in the UN Commission on Human Rights under the leadership of Eleanor Roosevelt. Based in part on the US Bill of Rights, its 30 Articles cover the full range of civil, political, economic, social and cultural rights. The GA proclaims it a "common standard of achievement for all nations."

Although not legally binding, it has become the basis for most subsequent UN actions in this field. Its provisions have been included in the constitutions and legislation of many of the newly independent countries, and it has served as the basis for several judicial decisions. Experts consider it an authoritative interpretation of the human rights provisions of the UN Charter as well as part of customary international law. In this respect, it has attained a degree of legal importance.

## THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS

Because of the non-binding character of the Declaration, it was considered necessary to translate its provisions into treaty form and to define them in greater detail. Work began in 1949, and was completed by the Human Rights Commission in 1954. After long and difficult negotiations in the GA's Third (Social and Humanitarian) Committee, two Covenants were finally adopted in 1966. Both have been criticized for loose wording which might be subject to distortion and manipulation, and for weak implementation procedures which rely too heavily on reporting by governments.

The Covenants took effect in 1976, after 35 governments ratified them. There are now 46 parties to the Covenant on Economic, Social and Cultural Rights and 44 to the Covenant on Civil and Political Rights. Of the five permanent members of the Security Council (US, UK, USSR, France and China), only the UK and the Soviet Union have signed and ratified both Covenants, the latter on the basis of interpretations which in effect nullify their provisions. China has indicated its intention to examine all treaties entered into by the Nationalist regime after October 1, 1949, the date the Mao government assumed power in Peking, but has taken no action.

In the United States, much of the opposition to the Covenants, and to other human rights conventions as well, is based on the contention that under the 10th Amendment to the Constitution the protection of human rights is left to the states. Advocates of ratification question the states' rights argument because national legislation already deals with many of these issues. President Carter has announced his intention of signing both Covenants and transmitting them to the Senate for ratification.

**The International Covenant on Economic, Social and Cultural Rights** includes provisions on freedom from hunger, the right to an adequate standard of living, favorable working conditions and the right to an education. Governments ratifying the Covenant are required to submit to the Economic and Social Council (ECOSOC) periodic reports on steps that have been taken to implement its provisions.

To most of those developing countries which have ratified the Covenant, these terms are viewed as goals to be achieved gradually. In the United States, however, where ratification would automatically make it the law of the land, the chief criticism of the Covenant is that the standards it sets might be difficult to enforce in the courts because some of them are in conflict with US domestic law and with the US economic system. For example, Article 6 refers to the "right to work," a highly controversial phrase in the United States; Article 7 has language even more precise than the proposed Equal Rights Amendment with regard to "women being guaranteed conditions of work not inferior to those enjoyed by men;" Article 10 requires paid leave during a "reasonable period" before and after childbirth, an issue subject to union contracts in most cases. Even the strongest supporters of ratification assume the US would have to add reservations to its ratification to the effect that the Covenant's provisions could not supersede domestic law in certain areas.

**The International Covenant on Civil and Political Rights** includes, among others, the right to life, liberty, security and privacy of person, freedom of expression and assembly and the right to equality before law. In most instances, these rights are qualified by the need to protect national security and public order, public health, morals, and the rights and freedoms of others. Certain rights, however, such as protection from torture, inhuman or degrading treatment are not subject to these exceptions.

Much of the criticism of the Covenant in the United States has centered on Article 20, which prohibits "propaganda for war" and any "advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence." This might constitute an infringement of First Amendment rights to freedom of speech and the press. US ratification of the Covenant would probably be contingent on a reservation protecting US constitutional rights.

A Human Rights Committee of 18 experts will review reports by governments on their compliance with the Covenant. Under Article 41, the Committee is also authorized to hear complaints of violations by one state against another, provided both have accepted the competence of the Committee to do so. The Committee held its first session in March 1977, to approve its rules of procedure.

**The Optional Protocol to the Covenant on Civil and Political Rights** provides for complaints by individuals against their governments. The Human Rights Committee is required to hear such complaints in closed session, to forward its views to the country and the individual concerned and to submit an annual summary of these activities to the GA. Petitioners must have exhausted all domestic remedies for their grievances and all complaints must be signed and verifiable.

The Protocol took effect in 1976; it has been ratified by only 17 nations, including Canada and the Scandinavian countries, but by none of the major powers.

## CONVENTION ON THE PREVENTION AND PUNISHMENT OF THE CRIME OF GENOCIDE

The Genocide Convention, adopted in 1948, defines the term as "acts committed with the intent to destroy, in whole or in part, a national, ethnic, racial or religious group." These acts include killing, "causing serious bodily or mental harm, deliberately inflicting . . . conditions of life calculated to bring about physical destruction," measures to prevent birth and forcible transfer of children. Article 1 of the Convention specifically states that "genocide, whether committed in time of peace or in time of war is a crime under international law which (governments) undertake to prevent and to punish."

The Convention became effective in 1951 and has now been ratified by 82 nations. The US, which had played a leading role in drafting the Convention, was among the first to sign it. It was transmitted to the Senate for ratification in 1951, where it ran into opposition from some who feared its implications on treatment of US minorities and by others who argued that it would supersede the authority of the states in criminal matters. Several attempts at ratification failed. President Carter has included the Genocide Convention in his list of four conventions to be recommended for Senate ratification. If ratified, enabling legislation under the "necessary and proper clause" of the Constitution would probably stipulate the continued power of the states to act in criminal cases such as murder.

### INTERNATIONAL CONVENTION ON THE ELIMINATION OF RACIAL DISCRIMINATION

The General Assembly adopted the Convention in 1965. It has been in effect since 1969, and has been ratified by over 90 countries. The Convention obligates all states to combat all acts of racial prejudice and discrimination, which is defined in the text as "any distinction, exclusion or preference based on race, color, descent or national or ethnic origin."

It was the first human rights treaty to contain implementation provisions. A Committee on Racial Discrimination examines periodic reports submitted by governments on measures taken in compliance with the Convention. The Committee is also authorized to hear state-to-state complaints of violations (Article 11), and it may review complaints from individuals and groups if the state concerned has accepted the competence of the Committee to do so. (Article 14)

The United States signed the Convention in 1966, but it was not sent to the Senate for ratification. One potential obstacle to US ratification is Article 4, which obliges states to "declare illegal and prohibit organizations, and also organized and all other propaganda activities, which promote and incite racial discrimination." Article 4 also calls for "due regard to the principles embodied in the . . . Declaration" but US ratification will thus certainly require a reservation specifying protection of constitutional rights of free speech and assembly. The UK has attached a similar reservation to its ratification.

President Carter is expected to transmit the Convention to the Senate during the 95th Congress.

**The International Convention on the Suppression and Punishment of the Crime of Apartheid** was adopted by the GA in 1971. It is directed primarily against South Africa and its policies of racial segregation. The text defines *apartheid* as any "act committed for the purpose of establishing and maintaining domination by one racial group of persons over any other racial group." Such acts are to be treated as criminal offenses "against humanity." The Convention took effect in 1976 and has now been ratified by 31 states. The US and most other Western countries have criticized its loosely worded definition of *apartheid*. They also consider it redundant because most of its key provisions are already included in the Genocide and Racial Discrimination Conventions.

**The Decade for Action to Combat Racism and Racial Discrimination**, an effort to focus world attention on racial issues, particularly in southern Africa, was inaugurated by the GA in December 1973. The Assembly also adopted a program of action for the ten-year period which has since been expanded to include a World Conference to Combat Racism, now scheduled for 1978 in Ghana. In protest over the Assembly's adoption in 1975 of a resolution equating Zionism with racism, the US has refused to participate in either the planning or the funding of the Conference.

### IMPLEMENTATION PROCEDURES AND THE "DOUBLE STANDARD"

A major criticism of actions in the human rights field is the UN's "double standard," the ignoring of known violations in many nations, while indulging in regular denunciations of only a few countries, usually South Africa, Israel and Chile. In part this is a reflection of the difficulties in reaching agreement on what constitutes violations of human rights. More importantly, many human rights issues, particularly those related to the Middle East, are in fact highly explosive political issues. And, because the UN is essentially a political institution, even if they are not political issues, they are usually treated as such. The decision in 1977 by the Human Rights Commission not to investigate charges of murder in Uganda is eloquent testimony to the priority accorded political considerations, in this case, maintenance of African unity. The machinery for dealing with human rights violations exists, but it is cumbersome and is not often activated.

**ECOSOC Resolution 1503** was adopted in 1970. It established the first procedures *not* required by treaty for reviewing complaints from private groups and individuals. It authorizes the Human Rights Commission and its Sub-Commission on the Prevention of Discrimination and Protection of Minorities to review and make recommendations on those situations "which reveal a consistent pattern of gross and reliably attested violations of human rights."

Since adoption of Resolution 1503, the number of complaints has risen dramatically, to over 50,000 in 1976. Processing of these complaints is slow, however, taking a minimum of 18 months. The complaints are handled on a confidential basis and the petitioner is not informed if his complaint is being considered, if or when it has been rejected, or if and how it has been acted upon. (In 1972 and 1973 several cases were reportedly referred to the Sub-Commission by the special five-member working group charged with reviewing the complaints, but no further action was taken.)

The Soviet Bloc is now claiming that the 1503 procedures are no longer needed because they have been supplanted by those included in the Covenants. The Covenants' procedures, however, apply only to governments, not private complaints, and governments are usually loath to criticize other governments for fear of possible retaliation. The worst cases of human rights violations are usually publicized, not by governments, but by private non-governmental organizations.

**The ILO Precedent:** The International Labor Organization (ILO) has developed effective and sophisticated procedures for enforcing the provisions of the more than 150 conventions it has sponsored, several dealing with human rights. The effectiveness of the ILO procedures lies in the tripartite character of the agency: governments' reports on their implementation of ILO con-

ventions are regularly and critically reviewed by both management and labor experts, as well as by other governments. These reviews have frequently led to improvements in national legislation. The US is not a party to any ILO convention. In 1975 the United States gave formal notice of its intention to withdraw from the ILO partly because of the "erosion of tripartite representation in the agency." In its letter of intent, the US declared that it "cannot accept the workers and employer groups in the ILO falling under the domination of Governments."

**UN High Commissioner for Human Rights:** This proposed office, first suggested by Costa Rica in 1975, would be intended to provide high-level private conciliation and mediation efforts by a respected and impartial international civil servant. Although his powers have not been defined, the Soviet bloc and the Arab states have consistently opposed the proposal as a violation of Article 2 (7) of the UN Charter and a potential encroachment on national sovereignty. The idea has been shelved since 1974. President Carter has announced his intention to revive it.

### US POLICY: CREDIBILITY AND THE CONSTITUTION

The US has ratified only five UN human rights conventions, dealing with the status of refugees, the political rights of women and slavery. Those who support US ratifications of other UN conventions maintain that the US will have little or no credibility in its advocacy of human rights until action is completed on at least those four conventions supported by President Carter. In addition, they cite the ineligibility of the US to participate in either the Human Rights Committee or the committee on Racial Discrimination because the US is not a party to either the Covenant on Civil and Political Rights or the Racial Discrimination Convention. This permits, by default, the USSR and Third World countries to interpret the conventions in ways which tend to distort or negate their original intent.

Opponents of ratification rely primarily on the 10th Amendment provisions on states' rights. The landmark Supreme Court decision of *Missouri v. Holland* in 1920, refuted this argument. This so-called "migratory birds case" involved the constitutionality of Congressional legislation giving effect to a treaty with Canada which encroached on state game laws. The Court upheld the authority of Congress to implement valid treaty commitments even if they deal with matters normally under state authority. In addition, Justice Holmes, writing for the majority, stated that "no doubt the great body of private relations usually fall within the control of the state, but a treaty may override its power."

In 1953, Secretary of State John Foster Dulles took a different view. He pledged that the Eisenhower Administration would "not become party to any (human rights) covenant or present it as a treaty for consideration by the Senate," but would seek to promote human rights by "methods of persuasion, education and example." The treaty-making power was not to be used "to effect internal social changes."

Ten years later, President Kennedy attempted to reverse this policy, and transmitted three conventions to the Senate for ratification, all apparently chosen to avoid the constitutional issue: the Convention on the Political Rights of Women, a matter of federal law under the 19th Amendment; the Supplementary Convention on Slavery and the ILO Convention on the Abolition of Forced Labor, both under the purview of the 13th Amendment. The Slavery Convention was ratified in 1967, and the Convention on the Political Rights of Women in 1976. No action has been taken on the ILO Convention.

The Security Assistance Act of 1976 requires annual reporting on observance of human rights in every country receiving US security assistance. The first report issued in 1977 showed most of the 82 countries listed as violators of human rights. Cuts in security assistance, however, were proposed for only three countries, Argentina, Uruguay and Ethiopia. For political and security reasons, there were no requests for others such as Brazil, South Korea and the Philippines.

In addition, several attempts have been made to add human rights criteria to loans made by international financial institutions (IFIs) such as the World Bank. These conditions are strongly opposed by World Bank President Robert McNamara who maintains they would destroy the traditionally non-political character of international development agencies.

The Helsinki agreement, scheduled for review in June 1977, is not being dealt with in the UN, but it has been discussed as a possible precedent for future regional agreements on human rights.

April 1977

HUMAN RIGHTS -- BASIC DOCUMENTS

1. Universal Declaration of Human Rights (1948).
  
2. European Convention for the Protection of Human Rights and Fundamental Freedoms (1950).
  
3. International Covenant on Economic, Social and Cultural Rights (1966).  
International Covenant on Civil and Political Rights (1966).  
Optional Protocol to the International Covenant on Civil and Political Rights (1966).
  
4. American Convention on Human Rights (1969).



some defect or impossibility of proof, then the procedure established in Articles 37 through 51, inclusive, of these Regulations shall be applied instead.

*Interpretation of the Regulations*

*Article 59.* If any questions arise with respect to the interpretation or application of the present Regulations, they shall be resolved by an absolute majority of the members of the Commission.

*Amendments to the Regulations*

*Article 60.* The present Regulations may be amended by an absolute majority vote of the members of the Commission.

→ 4. AMERICAN CONVENTION ON HUMAN RIGHTS

Signed at the Inter-American Specialized Conference on Human Rights, San José, Costa Rica, 22 November 1969; not yet in force. OAS Treaty Series, No. 36, at 1-21 (OAS Official Records, OEA/SER.A/16, English).

PREAMBLE

The American states signatory to the present Convention, *Reaffirming* their intention to consolidate in this hemisphere, within the framework of democratic institutions, a system of personal liberty and social justice based on respect for the essential rights of man;

*Recognizing* that the essential rights of man are not derived from one's being a national of a certain state, but are based upon attributes of the human personality, and that they therefore justify international protection in the form of a convention reinforcing or complementing the protection provided by the domestic law of the American states;

*Considering* that these principles have been set forth in the Charter of the Organization of American States, in the American Declaration of the Rights and Duties of Man, and in the Universal Declaration of Human Rights, and that they have been reaffirmed and refined in other international instruments, worldwide as well as regional in scope;

*Reiterating* that, in accordance with the Universal Declaration of Human Rights, the ideal of free men enjoying freedom from fear and want can be achieved only if conditions are created whereby everyone may enjoy his economic, social, and cultural rights, as well as his civil and political rights; and

*Considering* that the Third Special Inter-American Conference (Buenos Aires, 1967) approved the incorporation into the Charter of the Organization itself of broader standards with respect to economic, social, and educational rights and resolved that an

inter-American convention on human rights should determine the structure, competence, and procedure of the organs responsible for these matters,

Have agreed upon the following:

## PART I. STATE OBLIGATIONS AND RIGHTS PROTECTED

### CHAPTER I. GENERAL OBLIGATIONS

#### *Article 1. Obligation to Respect Rights*

1. The States Parties to this Convention undertake to respect the rights and freedoms recognized herein and to ensure to all persons subject to their jurisdiction the free and full exercise of those rights and freedoms, without any discrimination for reasons of race, color, sex, language, religion, political or other opinion, national or social origin, economic status, birth, or any other social condition.

2. For the purposes of this Convention, "person" means every human being.

#### *Article 2. Domestic Legal Effects*

Where the exercise of any of the rights or freedoms referred to in Article 1 is not already ensured by legislative or other provisions, the States Parties undertake to adopt, in accordance with their constitutional processes and the provisions of this Convention, such legislative or other measures as may be necessary to give effect to those rights or freedoms.

### CHAPTER II. CIVIL AND POLITICAL RIGHTS

#### *Article 3. Right to Juridical Personality*

Every person has the right to recognition as a person before the law.

#### *Article 4. Right to Life*

1. Every person has the right to have his life respected. This right shall be protected by law and, in general, from the moment of conception. No one shall be arbitrarily deprived of his life.

2. In countries that have not abolished the death penalty, it may be imposed only for the most serious crimes and pursuant to a final judgment rendered by a competent court and in accordance with a law establishing such punishment, enacted prior to the commission of the crime. The application of such punishment shall not be extended to crimes to which it does not presently apply.

3. The death penalty shall be abolished in all cases.

4. In no case shall the death penalty be imposed for offenses or related offenses committed by persons under the age of 18.

5. Capital punishment shall not be imposed upon persons who, at the time of the crime, were under the age of 70 or over 70 years of age.

6. Every person has the right to be tried in a fair and public trial. Amnesty shall not be granted in cases of political offenses or offenses committed while such persons were in the hands of the enemy.

#### *Article 5. Right to Fair Trial*

1. Every person has the right to a fair trial, with moral integrity and impartiality.

2. No one shall be held in slavery or degraded punishment. No one shall be held in slavery or their liberty shall be restricted in a manner that is contrary to the human person.

3. Punishment shall not be inflicted upon the criminal.

4. Accused persons shall not be segregated from the general population or receive separate treatment apart from the general population.

5. Minors who are separated from adults shall be treated as speedily as possible in accordance with their status as minors.

6. Punishments shall be imposed as an essential aim of the penal system and shall not be applied to prisoners.

#### *Article 6. Right to Work*

1. No one shall be held in slavery or in a condition similar to slavery, which are prohibited in all trade and traffic in persons.

2. No one shall be held in forced labor. This provision shall not apply to those countries in which the application of such a sentence is a necessary part of the penal system. Forced labor shall not be applied to persons whose physical or intellectual capacities are exhausted.

3. The death penalty shall not be reestablished in states that have abolished it.

4. In no case shall capital punishment be inflicted for political offenses or related common crimes.

5. Capital punishment shall not be imposed upon persons who, at the time the crime was committed, were under 18 years of age or over 70 years of age; nor shall it be applied to pregnant women.

6. Every person condemned to death shall have the right to apply for amnesty, pardon, or commutation of sentence, which may be granted in all cases. Capital punishment shall not be imposed while such a petition is pending decision by the competent authority.

#### *Article 5. Right to Humane Treatment*

1. Every person has the right to have his physical, mental, and moral integrity respected.

2. No one shall be subjected to torture or to cruel, inhuman, or degrading punishment or treatment. All persons deprived of their liberty shall be treated with respect for the inherent dignity of the human person.

3. Punishment shall not be extended to any person other than the criminal.

4. Accused persons shall, save in exceptional circumstances, be segregated from convicted persons, and shall be subject to separate treatment appropriate to their status as unconvicted persons.

5. Minors while subject to criminal proceedings shall be separated from adults and brought before specialized tribunals, as speedily as possible, so that they may be treated in accordance with their status as minors.

6. Punishments consisting of deprivation of liberty shall have as an essential aim the reform and social readaptation of the prisoners.

#### *Article 6. Freedom from Slavery*

1. No one shall be subject to slavery or to involuntary servitude, which are prohibited in all their forms, as are the slave trade and traffic in women.

2. No one shall be required to perform forced or compulsory labor. This provision shall not be interpreted to mean that, in those countries in which the penalty established for certain crimes is deprivation of liberty at forced labor, the carrying out of such a sentence imposed by a competent court is prohibited. Forced labor shall not adversely affect the dignity or the physical or intellectual capacity of the prisoner.

3. For the purposes of this article, the following do not constitute forced or compulsory labor:

a. work or service normally required of a person imprisoned in execution of a sentence or formal decision passed by the competent judicial authority. Such work or service shall be carried out under the supervision and control of public authorities, and any persons performing such work or service shall not be placed at the disposal of any private party, company, or juridical person;

b. military service and, in countries in which conscientious objectors are recognized, national service that the law may provide for in lieu of military service;

c. service exacted in time of danger or calamity that threatens the existence or the well-being of the community; or

d. work or service that forms part of normal civic obligations.

#### *Article 7. Right to Personal Liberty*

1. Every person has the right to personal liberty and security.

2. No one shall be deprived of his physical liberty except for the reasons and under the conditions established beforehand by the constitution of the State Party concerned or by a law established pursuant thereto.

3. No one shall be subject to arbitrary arrest or imprisonment.

4. Anyone who is detained shall be informed of the reasons for his detention and shall be promptly notified of the charge or charges against him.

5. Any person detained shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to be released without prejudice to the continuation of the proceedings. His release may be subject to guarantees to assure his appearance for trial.

6. Anyone who is deprived of his liberty shall be entitled to recourse to a competent court, in order that the court may decide without delay on the lawfulness of his arrest or detention and order his release if the arrest or detention is unlawful. In States Parties whose laws provide that anyone who believes himself to be threatened with deprivation of his liberty is entitled to recourse to a competent court in order that it may decide on the lawfulness of such threat, this remedy may not be restricted or abolished. The interested party or another person in his behalf is entitled to seek these remedies.

7. No one shall be...  
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#### *Article 8*

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#### *Article 9*

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constitute a criminal

7. No one shall be detained for debt. This principle shall not limit the orders of a competent judicial authority issued for non-fulfillment of duties of support.

*Article 8. Right to a Fair Trial*

1. Every person has the right to a hearing, with due guarantees and within a reasonable time, by a competent, independent, and impartial tribunal, previously established by law, in the substantiation of any accusation of a criminal nature made against him or for the determination of his rights and obligations of a civil, labor, fiscal, or any other nature.

2. Every person accused of a criminal offense has the right to be presumed innocent so long as his guilt has not been proven according to law. During the proceedings, every person is entitled, with full equality, to the following minimum guarantees:

a. the right of the accused to be assisted without charge by a translator or interpreter, if he does not understand or does not speak the language of the tribunal or court;

b. prior notification in detail to the accused of the charges against him;

c. adequate time and means for the preparation of his defense;

d. the right of the accused to defend himself personally or to be assisted by legal counsel of his own choosing, and to communicate freely and privately with his counsel;

e. the inalienable right to be assisted by counsel provided by the state, paid or not as the domestic law provides, if the accused does not defend himself personally or engage his own counsel within the time period established by law;

f. the right of the defense to examine witnesses present in the court and to obtain the appearance, as witnesses, of experts or other persons who may throw light on the facts;

g. the right not to be compelled to be a witness against himself or to plead guilty; and

h. the right to appeal the judgment to a higher court.

3. A confession of guilt by the accused shall be valid only if it is made without coercion of any kind.

4. An accused person acquitted by a nonappealable judgment shall not be subjected to a new trial for the same cause.

5. Criminal proceedings shall be public, except insofar as may be necessary to protect the interests of justice.

*Article 9. Freedom from Ex Post Facto Laws*

No one shall be convicted of any act or omission that did not constitute a criminal offense, under the applicable law, at the

time it was committed. A heavier penalty shall not be imposed than the one that was applicable at the time the criminal offense was committed. If subsequent to the commission of the offense the law provides for the imposition of a lighter punishment, the guilty person shall benefit therefrom.

*Article 10. Right to Compensation*

Every person has the right to be compensated in accordance with the law in the event he has been sentenced by a final judgment through a miscarriage of justice.

*Article 11. Right to Privacy*

1. Everyone has the right to have his honor respected and his dignity recognized.

2. No one may be the object of arbitrary or abusive interference with his private life, his family, his home, or his correspondence, or of unlawful attacks on his honor or reputation.

3. Everyone has the right to the protection of the law against such interference or attacks.

*Article 12. Freedom of Conscience and Religion*

1. Everyone has the right to freedom of conscience and of religion. This right includes freedom to maintain or to change one's religion or beliefs and freedom to profess or disseminate one's religion or beliefs, either individually or together with others, in public or in private.

2. No one shall be subject to restrictions that might impair his freedom to maintain or to change his religion or beliefs.

3. Freedom to manifest one's religion and beliefs may be subject only to the limitations prescribed by law that are necessary to protect public safety, order, health, or morals, or the rights or freedoms of others.

4. Parents or guardians, as the case may be, have the right to provide for the religious and moral education of their children or wards that is in accord with their own convictions.

*Article 13. Freedom of Thought and Expression*

1. Everyone has the right to freedom of thought and expression. This right includes freedom to seek, receive, and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing, in print, in the form of art, or through any other medium of one's choice.

2. The exercise of the right provided for in the foregoing paragraph shall not be subject to prior censorship but shall be

subject to subsequent review by courts or by other independent and impartially established bodies.

a. respect for

b. the protection of public health or morals

3. The right of freedom of expression shall not be subject to prior censorship or administrative controls over newsprint or other means used in the dissemination of ideas and opinions.

4. Notwithstanding the foregoing, public entertainment for the sole purpose of the protection of children shall be subject to prior censorship.

5. Any propaganda for racial, or religious violence or to any group of persons on the basis of color, religion, language, or social class shall be subject to prior censorship as offenses punishable by law.

1. Anyone injured by the dissemination of ideas through the medium of communication shall be entitled to correction using the same conditions as the law.

2. The correction shall be subject to legal liabilities that shall be determined by law.

3. For the effective exercise of the right of freedom of expression, the publisher, and even the television company, shall be protected by immunity.

The right of peaceful assembly shall be subject to such restrictions as may be necessary in a democratic society in the interests of national safety or public order or for the protection of the rights or freedoms of others.

subject to subsequent imposition of liability, which shall be expressly established by law to the extent necessary to ensure:

- a. respect for the rights or reputations of others; or
- b. the protection of national security, public order, or public health or morals.

3. The right of expression may not be restricted by indirect methods or means, such as the abuse of government or private controls over newsprint, radio broadcasting frequencies, or equipment used in the dissemination of information, or by any other means tending to impede the communication and circulation of ideas and opinions.

4. Notwithstanding the provisions of paragraph 2 above, public entertainments may be subject by law to prior censorship for the sole purpose of regulating access to them for the moral protection of childhood and adolescence.

5. Any propaganda for war and any advocacy of national, racial, or religious hatred that constitute incitements to lawless violence or to any other similar illegal action against any person or group of persons on any grounds including those of race, color, religion, language, or national origin shall be considered as offenses punishable by law.

#### *Article 14. Right of Reply*

1. Anyone injured by inaccurate or offensive statements or ideas disseminated to the public in general by a legally regulated medium of communication has the right to reply or to make a correction using the same communications outlet, under such conditions as the law may establish.

2. The correction or reply shall not in any case remit other legal liabilities that may have been incurred.

3. For the effective protection of honor and reputation, every publisher, and every newspaper, motion picture, radio, and television company, shall have a person responsible who is not protected by immunities or special privileges.

#### *Article 15. Right of Assembly*

The right of peaceful assembly, without arms, is recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and necessary in a democratic society in the interest of national security, public safety or public order, or to protect public health or morals or the rights or freedoms of others.

*Article 16. Freedom of Association*

1. Everyone has the right to associate freely for ideological, religious, political, economic, labor, social, cultural, sports, or other purposes.

2. The exercise of this right shall be subject only to such restrictions established by law as may be necessary in a democratic society, in the interest of national security, public safety or public order, or to protect public health or morals or the rights and freedoms of others.

3. The provisions of this article do not bar the imposition of legal restrictions, including even deprivation of the exercise of the right of association, on members of the armed forces and the police.

*Article 17. Rights of the Family*

1. The family is the natural and fundamental group unit of society and is entitled to protection by society and the state.

2. The right of men and women of marriageable age to marry and to raise a family shall be recognized, if they meet the conditions required by domestic laws, insofar as such conditions do not affect the principle of nondiscrimination established in this Convention.

3. No marriage shall be entered into without the free and full consent of the intending spouses.

4. The States Parties shall take appropriate steps to ensure the equality of rights and the adequate balancing of responsibilities of the spouses as to marriage, during marriage, and in the event of its dissolution. In case of dissolution, provision shall be made for the necessary protection of any children solely on the basis of their own best interests.

5. The law shall recognize equal rights for children born out of wedlock and those born in wedlock.

*Article 18. Right to a Name*

Every person has the right to a given name and to the surnames of his parents or that of one of them. The law shall regulate the manner in which this right shall be ensured for all, by the use of assumed names if necessary.

*Article 19. Rights of the Child*

Every minor child has the right to the measures of protection required by his condition as a minor on the part of his family, society, and the state.

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*Article 22*

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*Article 20. Right to Nationality*

1. Every person has the right to a nationality.
2. Every person has the right to the nationality of the state in whose territory he was born if he does not have the right to any other nationality.
3. No one shall be arbitrarily deprived of his nationality or of the right to change it.

*Article 21. Right to Property*

1. Everyone has the right to the use and enjoyment of his property. The law may subordinate such use and enjoyment to the interest of society.
2. No one shall be deprived of his property except upon payment of just compensation, for reasons of public utility or social interest, and in the cases and according to the forms established by law.
3. Usury and any other form of exploitation of man by man shall be prohibited by law.

*Article 22. Freedom of Movement and Residence*

1. Every person lawfully in the territory of a State Party has the right to move about in it, and to reside in it subject to the provisions of the law.
2. Every person has the right to leave any country freely, including his own.
3. The exercise of the foregoing rights may be restricted only pursuant to a law to the extent necessary in a democratic society to prevent crime or to protect national security, public safety, public order, public morals, public health, or the rights or freedoms of others.
4. The exercise of the rights recognized in paragraph 1 may also be restricted by law in designated zones for reasons of public interest.
5. No one can be expelled from the territory of the state of which he is a national or be deprived of the right to enter it.
6. An alien lawfully in the territory of a State Party to this Convention may be expelled from it only pursuant to a decision reached in accordance with law.
7. Every person has the right to seek and be granted asylum in a foreign territory, in accordance with the legislation of the state and international conventions, in the event he is being pursued for political offenses or related common crimes.
8. In no case may an alien be deported or returned to a country, regardless of whether or not it is his country of origin,

if in that country his right to life or personal freedom is in danger of being violated because of his race, nationality, religion, social status, or political opinions.

9. The collective expulsion of aliens is prohibited.

*Article 23. Right to Participate in Government*

1. Every citizen shall enjoy the following rights and opportunities:

a. to take part in the conduct of public affairs, directly or through freely chosen representatives;

b. to vote and to be elected in genuine periodic elections, which shall be by universal and equal suffrage and by secret ballot that guarantees the free expression of the will of the voters; and

c. to have access, under general conditions of equality, to the public service of his country.

2. The law may regulate the exercise of the rights and opportunities referred to in the preceding paragraph only on the basis of age, nationality, residence, language, education, civil and mental capacity, or sentencing by a competent court in criminal proceedings.

*Article 24. Right to Equal Protection*

All persons are equal before the law. Consequently, they are entitled, without discrimination, to equal protection of the law.

*Article 25. Right to Judicial Protection*

1. Everyone has the right to simple and prompt recourse, or any other effective recourse, to a competent court or tribunal for protection against acts that violate his fundamental rights recognized by the constitution or laws of the state concerned or by this Convention, even though such violation may have been committed by persons acting in the course of their official duties.

2. The States Parties undertake:

a. to ensure that any person claiming such remedy shall have his rights determined by the competent authority provided for by the legal system of the state;

b. to develop the possibilities of judicial remedy; and

c. to ensure that the competent authorities shall enforce such remedies when granted.

CHAPTER III. ECON

*Article 26.*

The States Parties undertake to eliminate discrimination and through international economic and technical cooperation progressively, by legislation and other measures, the realization of the rights of national, scientific, and cultural development of the Organization of American States and of Buenos Aires.

CHAPTER IV.

INTERPRET

*Article 27.*

1. In time of war, public emergency, or other grave threatens the independence of a State, the States Parties may take measures derogating from their obligations under the Convention to the extent required by the exigencies of the situation, provided such measures are not inconsistent with their other obligations under national law and do not discriminate on the basis of race, color, sex, language, or religion.

2. The foregoing provisions shall not affect the application of the following articles: Article 1 (Right to Nationality), Article 4 (Right to Nationality), Article 5 (Right to Nationality), Article 6 (Right to Nationality), Article 7 (Right to Nationality), Article 8 (Right to Nationality), Article 9 (Right to Nationality), Article 10 (Right to Nationality), Article 11 (Right to Nationality), Article 12 (Right to Nationality), Article 13 (Right to Nationality), Article 14 (Right to Nationality), Article 15 (Right to Nationality), Article 16 (Right to Nationality), Article 17 (Right to Nationality), Article 18 (Right to Nationality), Article 19 (Right to Nationality), Article 20 (Right to Nationality), Article 21 (Right to Nationality), Article 22 (Right to Nationality), Article 23 (Right to Nationality), Article 24 (Right to Nationality), Article 25 (Right to Nationality), Article 26 (Right to Nationality), Article 27 (Right to Nationality), Article 28 (Right to Nationality), Article 29 (Right to Nationality), Article 30 (Right to Nationality), Article 31 (Right to Nationality), Article 32 (Right to Nationality), Article 33 (Right to Nationality), Article 34 (Right to Nationality), Article 35 (Right to Nationality), Article 36 (Right to Nationality), Article 37 (Right to Nationality), Article 38 (Right to Nationality), Article 39 (Right to Nationality), Article 40 (Right to Nationality), Article 41 (Right to Nationality), Article 42 (Right to Nationality), Article 43 (Right to Nationality), Article 44 (Right to Nationality), Article 45 (Right to Nationality), Article 46 (Right to Nationality), Article 47 (Right to Nationality), Article 48 (Right to Nationality), Article 49 (Right to Nationality), Article 50 (Right to Nationality), Article 51 (Right to Nationality), Article 52 (Right to Nationality), Article 53 (Right to Nationality), Article 54 (Right to Nationality), Article 55 (Right to Nationality), Article 56 (Right to Nationality), Article 57 (Right to Nationality), Article 58 (Right to Nationality), Article 59 (Right to Nationality), Article 60 (Right to Nationality), Article 61 (Right to Nationality), Article 62 (Right to Nationality), Article 63 (Right to Nationality), Article 64 (Right to Nationality), Article 65 (Right to Nationality), Article 66 (Right to Nationality), Article 67 (Right to Nationality), Article 68 (Right to Nationality), Article 69 (Right to Nationality), Article 70 (Right to Nationality), Article 71 (Right to Nationality), Article 72 (Right to Nationality), Article 73 (Right to Nationality), Article 74 (Right to Nationality), Article 75 (Right to Nationality), Article 76 (Right to Nationality), Article 77 (Right to Nationality), Article 78 (Right to Nationality), Article 79 (Right to Nationality), Article 80 (Right to Nationality), Article 81 (Right to Nationality), Article 82 (Right to Nationality), Article 83 (Right to Nationality), Article 84 (Right to Nationality), Article 85 (Right to Nationality), Article 86 (Right to Nationality), Article 87 (Right to Nationality), Article 88 (Right to Nationality), Article 89 (Right to Nationality), Article 90 (Right to Nationality), Article 91 (Right to Nationality), Article 92 (Right to Nationality), Article 93 (Right to Nationality), Article 94 (Right to Nationality), Article 95 (Right to Nationality), Article 96 (Right to Nationality), Article 97 (Right to Nationality), Article 98 (Right to Nationality), Article 99 (Right to Nationality), Article 100 (Right to Nationality).

3. Any State Party availing itself of the provisions of this article shall immediately inform the Secretary General of the Organization of American States of the provisions the application of which have given rise to the suspension of such suspension.

*Article*

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## CHAPTER III. ECONOMIC, SOCIAL, AND CULTURAL RIGHTS

*Article 26. Progressive Development*

The States Parties undertake to adopt measures, both internally and through international cooperation, especially those of an economic and technical nature, with a view to achieving progressively, by legislation or other appropriate means, the full realization of the rights implicit in the economic, social, educational, scientific, and cultural standards set forth in the Charter of the Organization of American States as amended by the Protocol of Buenos Aires.

CHAPTER IV. SUSPENSION OF GUARANTEES,  
INTERPRETATION, AND APPLICATION*Article 27. Suspension of Guarantees*

1. In time of war, public danger, or other emergency that threatens the independence or security of a State Party, it may take measures derogating from its obligations under the present Convention to the extent and for the period of time strictly required by the exigencies of the situation, provided that such measures are not inconsistent with its other obligations under international law and do not involve discrimination on the ground of race, color, sex, language, religion, or social origin.

2. The foregoing provision does not authorize any suspension of the following articles: Article 3 (Right to Juridical Personality), Article 4 (Right to Life), Article 5 (Right to Humane Treatment), Article 6 (Freedom from Slavery), Article 9 (Freedom from *Ex Post Facto* Laws), Article 12 (Freedom of Conscience and Religion), Article 17 (Rights of the Family), Article 18 (Right to a Name), Article 19 (Rights of the Child), Article 20 (Right to Nationality), and Article 23 (Right to Participate in Government), or of the judicial guarantees essential for the protection of such rights.

3. Any State Party availing itself of the right of suspension shall immediately inform the other States Parties, through the Secretary General of the Organization of American States, of the provisions the application of which it has suspended, the reasons that gave rise to the suspension, and the date set for the termination of such suspension.

*Article 28. Federal Clause*

1. Where a State Party is constituted as a federal state, the national government of such State Party shall implement all the

provisions of the Convention over whose subject matter it exercises legislative and judicial jurisdiction.

2. With respect to the provisions over whose subject matter the constituent units of the federal state have jurisdiction, the national government shall immediately take suitable measures, in accordance with its constitution and its laws, to the end that the competent authorities of the constituent units may adopt appropriate provisions for the fulfillment of this Convention.

3. Whenever two or more States Parties agree to form a federation or other type of association, they shall take care that the resulting federal or other compact contains the provisions necessary for continuing and rendering effective the standards of this Convention in the new state that is organized.

*Article 29. Restrictions Regarding Interpretation*

No provision of this Convention shall be interpreted as:

- a. permitting any State Party, group, or person to suppress the enjoyment or exercise of the rights and freedoms recognized in this Convention or to restrict them to a greater extent than is provided for herein;
- b. restricting the enjoyment or exercise of any right or freedom recognized by virtue of the laws of any State Party or by virtue of another convention to which one of the said states is a party;
- c. precluding other rights or guarantees that are inherent in the human personality or derived from representative democracy as a form of government; or
- d. excluding or limiting the effect that the American Declaration of the Rights and Duties of Man and other international acts of the same nature may have.

*Article 30. Scope of Restrictions*

The restrictions that, pursuant to this Convention, may be placed on the enjoyment or exercise of the rights or freedoms recognized herein may not be applied except in accordance with laws enacted for reasons of general interest and in accordance with the purpose for which such restrictions have been established.

*Article 31. Recognition of Other Rights*

Other rights and freedoms recognized in accordance with the procedures established in Articles 76 and 77 may be included in the system of protection of this Convention.

CHAPTER

*Article 32.*

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PART I

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## CHAPTER V. PERSONAL RESPONSIBILITIES

*Article 32. Relationship Between Duties and Rights*

1. Every person has responsibilities to his family, his community, and mankind.

2. The rights of each person are limited by the rights of others, by the security of all, and by the just demands of the general welfare, in a democratic society.

## PART II. MEANS OF PROTECTION

## CHAPTER VI. COMPETENT ORGANS

*Article 33*

The following organs shall have competence with respect to matters relating to the fulfillment of the commitments made by the States Parties to this Convention:

a. the Inter-American Commission on Human Rights, referred to as "The Commission"; and

b. the Inter-American Court of Human Rights, referred to as "The Court."

## CHAPTER VII. INTER-AMERICAN COMMISSION ON HUMAN RIGHTS

*Section 1. Organization**Article 34*

The Inter-American Commission on Human Rights shall be composed of seven members, who shall be persons of high moral character and recognized competence in the field of human rights.

*Article 35*

The Commission shall represent all the member countries of the Organization of American States.

*Article 36*

1. The members of the Commission shall be elected in a personal capacity by the General Assembly of the Organization from a list of candidates proposed by the governments of the member states.

2. Each of those governments may propose up to three candidates, who may be nationals of the states proposing them or of any other member state of the Organization of American States. When a slate of three is proposed, at least one of the candidates shall be a national of a state other than the one proposing the slate.

*Article 37*

1. The members of the Commission shall be elected for a term of four years and may be reelected only once, but the terms of three of the members chosen in the first election shall expire at the end of two years. Immediately following that election the General Assembly shall determine the names of those three members by lot.

2. No two nationals of the same state may be members of the Commission.

*Article 38*

Vacancies that may occur on the Commission for reasons other than the normal expiration of a term shall be filled by the Permanent Council of the Organization in accordance with the provisions of the Statute of the Commission.

*Article 39*

The Commission shall prepare its Statute, which it shall submit to the General Assembly for approval. It shall establish its own Regulations.

*Article 40*

Secretariat services for the Commission shall be furnished by the appropriate specialized unit of the General Secretariat of the Organization. This unit shall be provided with the resources required to accomplish the tasks assigned to it by the Commission.

*Section 2. Functions**Article 41*

The main function of the Commission shall be to promote respect for and defense of human rights. In the exercise of its mandate, it shall have the following functions and powers:

- a. to develop an awareness of human rights among the peoples of America;
- b. to make recommendations to the governments of the member states, when it considers such action advisable, for the adoption of progressive measures in favor of human rights within the framework of their domestic law and constitutional provisions as well as appropriate measures to further the observance of those rights;
- c. to prepare such studies or reports as it considers advisable in the performance of its duties;
- d. to request the governments of the member states to supply it with information on the measures adopted by them in matters of human rights;

e. to respond, through the Commission, to the request of American States on matters related to human rights, in the light of the possibilities, to provide technical assistance, upon request;

f. to take action in accordance with the authority conferred by Article 51 of this Convention;

g. to submit an annual report to the Organization of American States.

The States Parties to this Convention shall submit to each of the reports and the Executive Committees of the Council and the Inter-American Commission on Human Rights, in their respective spheres, and may watch over the performance of the economic, social, educational and cultural rights set forth in the Charter of the Organization, as amended by the Protocol of San José.

The States Parties to this Convention shall provide such information as it may be necessary for which their domestic law provides, in accordance with the provisions of this Convention.

Any person or group of persons, legally recognized in the State Party, may lodge petitions, denunciations or complaints with the State Party.

1. Any State Party to this Convention, upon ratification of or adherence to, shall, at any time, declare that it recognizes the jurisdiction of the Commission to receive and examine petitions and that no State Party alleges that another State Party has violated a human right set forth in this Convention.
2. Communications and petitions admitted and examined by the Commission shall be processed in accordance with the provisions of this Convention.

e. to respond, through the General Secretariat of the Organization of American States, to inquiries made by the member states on matters related to human rights and, within the limits of its possibilities, to provide those states with the advisory services they request;

f. to take action on petitions and other communications pursuant to its authority under the provisions of Articles 44 through 51 of this Convention; and

g. to submit an annual report to the General Assembly of the Organization of American States.

#### *Article 42*

The States Parties shall transmit to the Commission a copy of each of the reports and studies that they submit annually to the Executive Committees of the Inter-American Economic and Social Council and the Inter-American Council for Education, Science, and Culture, in their respective fields, so that the Commission may watch over the promotion of the rights implicit in the economic, social, educational, scientific, and cultural standards set forth in the Charter of the Organization of American States as amended by the Protocol of Buenos Aires.

#### *Article 43*

The States Parties undertake to provide the Commission with such information as it may request of them as to the manner in which their domestic law ensures the effective application of any provisions of this Convention.

### *Section 3. Competence*

#### *Article 44*

Any person or group of persons, or any nongovernmental entity legally recognized in one or more member states of the Organization, may lodge petitions with the Commission containing denunciations or complaints of violation of this Convention by a State Party.

#### *Article 45*

1. Any State Party may, when it deposits its instrument of ratification of or adherence to this Convention, or at any later time, declare that it recognizes the competence of the Commission to receive and examine communications in which a State Party alleges that another State Party has committed a violation of a human right set forth in this Convention.

2. Communications presented by virtue of this article may be admitted and examined only if they are presented by a State Party

that has made a declaration recognizing the aforementioned competence of the Commission. The Commission shall not admit any communication against a State Party that has not made such a declaration.

3. A declaration concerning recognition of competence may be made to be valid for an indefinite time, for a specified period, or for a specific case.

4. Declarations shall be deposited with the General Secretariat of the Organization of American States, which shall transmit copies thereof to the member states of that Organization.

#### Article 46

1. Admission by the Commission of a petition or communication lodged in accordance with Articles 44 or 45 shall be subject to the following requirements:

a. that the remedies under domestic law have been pursued and exhausted in accordance with generally recognized principles of international law;

b. that the petition or communication is lodged within a period of six months from the date on which the party alleging violation of his rights was notified of the final judgment;

c. that the subject of the petition or communication is not pending in another international proceeding for settlement; and

d. that, in the case of Article 44, the petition contains the name, nationality, profession, domicile, and signature of the person or persons or of the legal representative of the entity lodging the petition.

2. The provisions of paragraphs 1.a and 1.b of this article shall not be applicable when:

a. the domestic legislation of the state concerned does not afford due process of law for the protection of the right or rights that have allegedly been violated;

b. the party alleging violation of his rights has been denied access to the remedies under domestic law or has been prevented from exhausting them; or

c. there has been unwarranted delay in rendering a final judgment under the aforementioned remedies.

#### Article 47

The Commission shall consider inadmissible any petition or communication submitted under Articles 44 or 45 if:

a. any of the requirements indicated in Article 46 has not been met;

b. the petition tend to establish a violation;

c. the statement that the petition is obviously out of order;

d. the petition is as one previously submitted to a national organization.

1. When the Commission receives a petition alleging violation of the Convention, it shall proceed as follows:

a. If it considers that the petition is inadmissible, it shall request the petitioner to furnish that government with the petition or communication submitted within a period established by the Commission in a previous decision.

b. After the period established by the Commission has expired, the Commission shall receive the petition or communication and shall refer it to the Commission for its consideration.

c. The Commission shall examine the communication in order to determine whether it contains information or evidence which would justify the opening of a proceeding.

d. If the records of the Commission do not contain the information or evidence referred to in the petition or communication, the Commission shall, if necessary and appropriate, conduct an investigation, for which it may request the cooperation of the states concerned.

e. The Commission shall examine the information and evidence furnished by the parties concerned and shall render a judgment on the merits of the case.

f. The Commission shall inform the parties concerned of the results of its investigation and of the reasons for its judgment.

g. The Commission shall inform the states concerned of the results of its investigation and of the reasons for its judgment.

h. The Commission shall inform the states concerned of the results of its investigation and of the reasons for its judgment.

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b. the petition or communication does not state facts that tend to establish a violation of the rights guaranteed by this Convention;

c. the statements of the petitioner or of the state indicate that the petition or communication is manifestly groundless or obviously out of order; or

d. the petition or communication is substantially the same as one previously studied by the Commission or by another international organization.

#### *Section 4. Procedure*

##### *Article 48*

1. When the Commission receives a petition or communication alleging violation of any of the rights protected by this Convention, it shall proceed as follows:

a. If it considers the petition or communication admissible, it shall request information from the government of the state indicated as being responsible for the alleged violations and shall furnish that government a transcript of the pertinent portions of the petition or communication. This information shall be submitted within a reasonable period to be determined by the Commission in accordance with the circumstances of each case.

b. After the information has been received, or after the period established has elapsed and the information has not been received, the Commission shall ascertain whether the grounds for the petition or communication still exist. If they do not, the Commission shall order the record to be closed.

c. The Commission may also declare the petition or communication inadmissible or out of order on the basis of information or evidence subsequently received.

d. If the record has not been closed, the Commission shall, with the knowledge of the parties, examine the matter set forth in the petition or communication in order to verify the facts. If necessary and advisable, the Commission shall carry out an investigation, for the effective conduct of which it shall request, and the states concerned shall furnish to it, all necessary facilities.

e. The Commission may request the states concerned to furnish any pertinent information and, if so requested, shall hear oral statements or receive written statements from the parties concerned.

f. The Commission shall place itself at the disposal of the parties concerned with a view to reaching a friendly settlement of the matter on the basis of respect for the human rights recognized in this Convention.

2. However, in serious and urgent cases, only the presentation of a petition or communication that fulfills all the formal requirements of admissibility shall be necessary in order for the Commission to conduct an investigation with the prior consent of the state in whose territory a violation has allegedly been committed.

*Article 49*

If a friendly settlement has been reached in accordance with paragraph 1.f of Article 48, the Commission shall draw up a report, which shall be transmitted to the petitioner and to the States Parties to this Convention, and shall then be communicated to the Secretary General of the Organization of American States for publication. This report shall contain a brief statement of the facts and of the solution reached. If any party in the case so requests, the fullest possible information shall be provided to it.

*Article 50*

1. If a settlement is not reached, the Commission shall, within the time limit established by its Statute, draw up a report setting forth the facts and stating its conclusions. If the report, in whole or in part, does not represent the unanimous agreement of the members of the Commission, any member may attach to it a separate opinion. The written and oral statements made by the parties in accordance with paragraph 1.e of Article 48 shall also be attached to the report.

2. The report shall be transmitted to the states concerned, which shall not be at liberty to publish it.

3. In transmitting the report, the Committee may make such proposals and recommendations as it sees fit.

*Article 51*

1. If, within a period of three months from the date of the transmittal of the report of the Commission to the states concerned, the matter has not either been settled or submitted by the Commission or by the state concerned to the Court and its jurisdiction accepted, the Commission may, by the vote of an absolute majority of its members, set forth its opinion and conclusions concerning the question submitted for its consideration.

2. Where appropriate, the Commission shall make pertinent recommendation and shall prescribe a period within which the state is to take the measures that are incumbent upon it to remedy the situation examined.

3. When the prescribed period has expired, the Commission shall decide by the vote of an absolute majority of its members

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CHAPTER VIII.

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## CHAPTER VIII. INTER-AMERICAN COURT OF HUMAN RIGHTS

### *Section 1. Organization*

#### *Article 52*

1. The Court shall consist of seven judges, nationals of the member states of the Organization, elected in an individual capacity from among jurists of the highest moral authority and of recognized competence in the field of human rights, who possess the qualifications required for the exercise of the highest judicial functions in conformity with the law of the state of which they are nationals or of the state that proposes them as candidates.

2. No two judges may be nationals of the same state.

#### *Article 53*

1. The judges of the Court shall be elected by secret ballot by an absolute majority vote of the States Parties to the Convention, in the General Assembly of the Organization, from a panel of candidates proposed by those states.

2. Each of the States Parties may propose up to three candidates, nationals of the state that proposes them or of any other member state of the Organization of American States. When a slate of three is proposed, at least one of the candidates shall be a national of a state other than the one proposing the slate.

#### *Article 54*

1. The judges of the Court shall be elected for a term of six years and may be reelected only once. The term of three of the judges chosen in the first election shall expire at the end of three years. Immediately after the election, the names of the three judges shall be determined by lot in the General Assembly.

2. A judge elected to replace a judge whose term has not expired shall complete the term of the latter.

3. The judges shall continue in office until the expiration of their term. However, they shall continue to serve with regard to cases that they have begun to hear and that are still pending, for which purposes they shall not be replaced by the newly elected judges.

#### *Article 55*

1. If a judge is a national of any of the States Parties to a case submitted to the Court, he shall retain his right to hear that case.

2. If one of the judges called upon to hear a case should be a national of one of the States Parties to the case, any other State Party in the case may appoint a person of its choice to serve on the Court as an *ad hoc* judge.

3. If among the judges called upon to hear a case none is a national of any of the States Parties to the case, each of the latter may appoint an *ad hoc* judge.

4. An *ad hoc* judge shall possess the qualifications indicated in Article 52.

5. If several States Parties to the Convention should have the same interest in a case, they shall be considered as a single party for purposes of the above provisions. In case of doubt, the Court shall decide.

#### Article 56

Five judges shall constitute a quorum for the transaction of business by the Court.

#### Article 57

The Commission shall appear in all cases before the Court.

#### Article 58

1. The Court shall have its seat at the place determined by the States Parties to the Convention in the General Assembly of the Organization; however, it may convene in the territory of any member state of the Organization of American States when a majority of the Court consider it desirable, and with the prior consent of the state concerned. The seat of the Court may be changed by the States Parties to the Convention in the General Assembly by a two-thirds vote.

2. The Court shall appoint its own Secretary.

3. The Secretary shall have his office at the place where the Court has its seat and shall attend the meetings that the Court may hold away from its seat.

#### Article 59

The Court shall establish its Secretariat, which shall function under the direction of the Secretary of the Court, in accordance with the administrative standards of the General Secretariat of the Organization in all respect not incompatible with the independence of the Court. The staff of the Court's Secretariat shall be appointed by the Secretary General of the Organization, in consultation with the Secretary of the Court.

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*Article 60*

The Court shall draw up its Statute which it shall submit to the General Assembly for approval. It shall adopt its own Rules of Procedure.

*Section 2. Jurisdiction and Functions**Article 61*

1. Only the States Parties and the Commission shall have the right to submit a case to the Court.

2. In order for the Court to hear a case, it is necessary that the procedures set forth in Articles 48 to 50 shall have been completed.

*Article 62*

1. A State Party may, upon depositing its instrument of ratification or adherence to this Convention, or at any subsequent time, declare that it recognizes as binding, *ipso facto*, and not requiring special agreement, the jurisdiction of the Court on all matters relating to the interpretation or application of this Convention.

2. Such declaration may be made unconditionally, on the condition of reciprocity, for a specified period, or for specific cases. It shall be presented to the Secretary General of the Organization, who shall transmit copies thereof to the other member states of the Organization and to the Secretary of the Court.

3. The jurisdiction of the Court shall comprise all cases concerning the interpretation and application of the provisions of this Convention that are submitted to it, provided that the States Parties to the case recognize or have recognized such jurisdiction, whether by special declaration pursuant to the preceding paragraphs, or by a special agreement.

*Article 63*

1. If the Court finds that there has been a violation of a right or freedom protected by this Convention, the Court shall rule that the injured party be ensured the enjoyment of his right or freedom that was violated. It shall also rule, if appropriate, that the consequences of the measure or situation that constituted the breach of such right or freedom be remedied and that fair compensation be paid to the injured party.

2. In cases of extreme gravity and urgency, and when necessary to avoid irreparable damage to persons, the Court shall adopt such provisional measures as it deems pertinent in matters it has under consideration. With respect to a case not yet submitted to the Court, it may act at the request of the Commission.

*Article 64*

1. The member states of the Organization may consult the Court regarding the interpretation of this Convention or of other treaties concerning the protection of human rights in the American states. Within their spheres of competence, the organs listed in Chapter X of the Charter of the Organization of American States, as amended by the Protocol of Buenos Aires, may in like manner consult the Court.

2. The Court, at the request of a member state of the Organization, may provide that state with opinions regarding the compatibility of any of its domestic laws with the aforesaid international instruments.

*Article 65*

To each regular session of the General Assembly of the Organization of American States the Court shall submit, for the Assembly's consideration, a report on its work during the previous year. It shall specify, in particular, the cases in which a state has not complied with its judgments, making any pertinent recommendations.

*Section 3. Procedure**Article 66*

1. Reasons shall be given for the judgment of the Court.
2. If the judgment does not represent in whole or in part the unanimous opinion of the judges, any judge shall be entitled to have his dissenting or separate opinion attached to the judgment.

*Article 67*

The judgment of the Court shall be final and not subject to appeal. In case of disagreement as to the meaning or scope of the judgment, the Court shall interpret it at the request of any of the parties, provided the request is made within ninety days from the date of notification of the judgment.

*Article 68*

1. The States Parties to the Convention undertake to comply with the judgment of the Court in any case to which they are parties.
2. That part of a judgment that stipulates compensatory damages may be executed in the country concerned in accordance with domestic procedure governing the execution of judgments against the state.

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*Article 69*

The parties to the case shall be notified of the judgment of the Court and it shall be transmitted to the States Parties to the Convention.

## CHAPTER IX. COMMON PROVISIONS

*Article 70*

1. The judges of the Court and the members of the Commission shall enjoy, from the moment of their election and throughout their term of office, the immunities extended to diplomatic agents in accordance with international law. During the exercise of their official function they shall, in addition, enjoy the diplomatic privileges necessary for the performance of their duties.

2. At no time shall the judges of the Court or the members of the Commission be held liable for any decisions or opinions issued in the exercise of their functions.

*Article 71*

The position of judge of the Court or member of the Commission is incompatible with any other activity that might affect the independence or impartiality of such judge or member, as determined in the respective statutes.

*Article 72*

The judges of the Court and the members of the Commission shall receive emoluments and travel allowances in the form and under the conditions set forth in their statutes, with due regard for the importance and independence of their office. Such emoluments and travel allowances shall be determined in the budget of the Organization of American States, which shall also include the expenses of the Court and its Secretariat. To this end, the Court shall draw up its own budget and submit it for approval to the General Assembly through the General Secretariat. The latter may not introduce any changes in it.

*Article 73*

The General Assembly may, only at the request of the Commission or the Court, as the case may be, determine sanctions to be applied against members of the Commission or judges of the Court when there are justifiable grounds for such action as set forth in the respective statutes. A vote of a two-thirds majority of the member states of the Organization shall be required for a decision in the case of members of the Commission and, in the

case of judges of the Court, a two-thirds majority vote of the States Parties to the Convention shall also be required.

### PART III. GENERAL AND TRANSITORY PROVISIONS

#### CHAPTER X. SIGNATURE, RATIFICATION, RESERVATIONS, AMENDMENTS, PROTOCOLS, AND DENUNCIATION

##### *Article 74*

1. This Convention shall be open for signature and ratification by or adherence of any member state of the Organization of American States.

2. Ratification of or adherence to this Convention shall be made by the deposit of an instrument of ratification or adherence with the General Secretariat of the Organization of American States. As soon as eleven states have deposited their instruments of ratification or adherence, the Convention shall enter into force. With respect to any state that ratifies or adheres thereafter, the Convention shall enter into force on the date of the deposit of its instrument of ratification or adherence.

3. The Secretary General shall inform all member states of the Organization of the entry into force of the Convention.

##### *Article 75*

This Convention shall be subject to reservations only in conformity with the provisions of the Vienna Convention on the Law of Treaties signed on May 23, 1969.

##### *Article 76*

1. Proposals to amend this Convention may be submitted to the General Assembly for the action it deems appropriate by any State Party directly, and by the Commission or the Court through the Secretary General.

2. Amendments shall enter into force for the states ratifying them on the date when two-thirds of the States Parties to this Convention have deposited their respective instruments of ratification. With respect to the other States Parties, the amendments shall enter into force on the dates on which they deposit their respective instruments of ratification.

##### *Article 77*

1. In accordance with Article 31, any State Party and the Commission may submit proposed protocols to this Convention for consideration by the States Parties at the General Assembly

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with a view to gradually including other rights and freedoms within its system of protection.

2. Each protocol shall determine the manner of its entry into force and shall be applied only among the States Parties to it.

#### *Article 78*

1. The States Parties may denounce this Convention at the expiration of a five-year period starting from the date of its entry into force and by means of notice given one year in advance. Notice of the denunciation shall be addressed to the Secretary General of the Organization, who shall inform the other States Parties.

2. Such a denunciation shall not have the effect of releasing the State Party concerned from the obligations contained in this Convention with respect to any act that may constitute a violation of those obligations and that has been taken by that state prior to the effective date of denunciation.

### CHAPTER XI. TRANSITORY PROVISIONS

#### *Section I. Inter-American Commission on Human Rights*

#### *Article 79*

Upon the entry into force of this Convention, the Secretary General shall, in writing, request each member state of the Organization to present, within ninety days, its candidates for membership on the Inter-American Commission on Human Rights. The Secretary General shall prepare a list in alphabetical order of the candidates presented, and transmit it to the member states of the Organization at least thirty days prior to the next session of the General Assembly.

#### *Article 80*

The members of the Commission shall be elected by secret ballot of the General Assembly from the list of candidates referred to in Article 79. The candidates who obtain the largest number of votes and an absolute majority of the votes of the representatives of the member states shall be declared elected. Should it become necessary to have several ballots in order to elect all the members of the Commission, the candidates who receive the smallest number of votes shall be eliminated successively, in the manner determined by the General Assembly.

Section 2. *Inter-American Court  
of Human Rights*

*Article 81*

Upon the entry into force of this Convention, the Secretary General shall, in writing, request each State Party to present, within ninety days, its candidates for membership on the Inter-American Court of Human Rights. The Secretary General shall prepare a list in alphabetical order of the candidates presented and transmit it to the States Parties at least thirty days prior to the next session of the General Assembly.

*Article 82*

The judges of the Court shall be elected from the list of candidates referred to in Article 81, by secret ballot of the States Parties to the Convention in the General Assembly. The candidates who obtain the largest number of votes and an absolute majority of the votes of the representatives of the States Parties shall be declared elected. Should it become necessary to have several ballots in order to elect all the judges of the Court, the candidates who receive the smallest number of votes shall be eliminated successively, in the manner determined by the States Parties.

PART IV

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Translation from 2 E. I.

*Article VII.* His Majesty the King of Great Britain and His Majesty the Emperor of Prussia, His Majesty the King of the Netherlands, shall participate in the Concert of Europe to respect the Independence of the Ottoman Empire; and that engagement; and its violation.

*Article VIII.* If and one or more of the States Parties, and the Sublime Porte, and to the use of force, opportunity of preventing Mediation.

*Article IX.* His Majesty the Emperor of Russia, with constant solicitude for the maintenance of which, while amenable to the Christian population, the further proof of his Majesty's communication to the States Parties, and spontaneously from the Contracting Parties.

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*Article XLIV.* In and confessions shall



→ 3. INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL  
AND CULTURAL RIGHTS

Adopted by Resolution 2200 (XXI) of the General Assembly, 16 December 1966. 21 GAOR, Suppl. No. 16 (A/6316), at 49-52.

PREAMBLE

*The States Parties to the present Covenant,*

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

*Recognizing* that these rights derive from the inherent dignity of the human person,

*Recognizing* that, in accordance with the Universal Declaration of Human Rights, the ideal of free human beings enjoying freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his economic, social and cultural rights, as well as his civil and political rights,

*Considering* the obligation of States under the Charter of the United Nations to promote universal respect for, and observance of, human rights and freedoms,

*Realizing* that the individual, having duties to other individuals and to the community to which he belongs, is under a responsibility to strive for the promotion and observance of the rights recognized in the present Covenant,

*Agree* upon the following articles:

PART I

*Article 1.*—1. All peoples have the right of self-determination. By virtue of the right they freely determine their political status and freely pursue their economic, social and cultural development.

2. All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.

3. The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the United Nations Charter.

## PART II

*Article 2.*—1. Each State Party to the present Covenant undertakes to take steps, individually and through international assistance and co-operation especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures.

2. The States Parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, religion, political or other opinion, national or social origin, property, birth or other status.

3. Developing countries, with due regard to human rights and their national economy, may determine to what extent they would guarantee the economic rights recognized in the present Covenant to non-nationals.

*Article 3.* The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights set forth in this Covenant.

*Article 4.* The States Parties to the present Covenant recognize that in the enjoyment of those rights provided by the State in conformity with the present Covenant, the State may subject such rights only to such limitations as are determined by law only in so far as this may be compatible with the nature of these rights and solely for the purpose of promoting the general welfare in a democratic society.

*Article 5.*—1. Nothing in the present Covenant may be interpreted as implying for any State, group or person, any right to engage in any activity or to perform any act aimed at the destruction of any of the rights or freedoms recognized herein, or at their limitation to a greater extent than is provided for in the present Covenant.

2. No restriction upon or derogation from any of the fundamental human rights recognized or existing in any country in virtue of law, conventions, regulations or custom shall be admitted on the pretext that the present Covenant does not recognize such rights or that it recognizes them to a lesser extent.

## PART III

*Article 6.*—1. The States Parties to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely

chooses or accepts, a this right.

2. The steps to be taken to achieve the full realization of this right shall include technical and vocational training and techniques to a high standard, and development and functioning of institutions safeguarding fundamental rights to the individual.

*Article 7.* The States Parties to the present Covenant recognize the right of everyone to just and favourable conditions of work, which include, as a minimum:

(a) Remuneration which includes, as a minimum, with:

(i) Fair wages which are not less than a minimum value without discrimination, and which being guaranteed shall be paid equally to men and women, with:

(ii) A decent living for himself and his family in accordance with the conditions of each country.

(b) Safe and healthy working conditions.

(c) Equal opportunity for men and women to an adequate standard of employment to an adequate standard of living, taking into consideration other factors.

(d) Rest, leisure and periodic holidays with pay, including public holidays.

*Article 8.*—1. The States Parties to the present Covenant undertake to ensure:

(a) The right of everyone to form and to join the trade union of his choice, subject to the limitations of the law, and to participate in the activities and programmes of such organization concerning his economic and social interests, and on the exercise of which no limitations shall be placed, and which are necessary for the protection of national security, public order, rights and freedoms of others.

(b) The right of everyone to form and to join international organizations of workers and employers, subject to the limitations of the law, and to participate in the activities and programmes of such organizations.

(c) The right of everyone to no limitations other than those which are necessary in a democratic society.

chooses or accepts, and will take appropriate steps to safeguard this right.

2. The steps to be taken by a State Party to the present Covenant to achieve the full realization of this right shall include technical and vocational guidance and training programmes, policies and techniques to achieve steady economic, social and cultural development and full and productive employment under conditions safeguarding fundamental political and economic freedoms to the individual.

*Article 7.* The States Parties to the present Covenant recognize the right of everyone to the enjoyment of just and favourable conditions of work, which ensure, in particular:

(a) Remuneration which provides all workers as a minimum with:

(i) Fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work; and

(ii) A decent living for themselves and their families in accordance with the provisions of the present Covenant;

(b) Safe and healthy working conditions;

(c) Equal opportunity for everyone to be promoted in his employment to an appropriate higher level, subject to no considerations other than those of seniority and competence;

(d) Rest, leisure and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays.

*Article 8.—1.* The States Parties to the present Covenant undertake to ensure:

(a) The right of everyone to form trade unions and join the trade union of his choice subject only to the rules of the organization concerned, for the promotion and protection of his economic and social interests. No restrictions may be placed on the exercise of this right other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others;

(b) The right of trade unions to establish national federations or confederations and the right of the latter to form or join international trade-union organizations;

(c) The right of trade unions to function freely subject to no limitations other than those prescribed by law and which are necessary in a democratic society in the interests of na-

tional security or public order or for the protection of the rights and freedoms of others;

(d) The right to strike, provided that it is exercised in conformity with the laws of the particular country.

2. This article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces, or of the police, or of the administration of the State.

3. Nothing in this article shall authorize State Parties to the International Labour Convention of 1948 on Freedom of Association and Protection of the Right to Organize to take legislative measures which would prejudice, or apply the law in such a manner as would prejudice, the guarantees provided for in that Convention.

*Article 9.* The States Parties to the present Covenant recognize the right of everyone to social security including social insurance.

*Article 10.* The States Parties to the present Covenant recognize that:

1. The widest possible protection and assistance should be accorded to the family, which is the natural and fundamental group unit of society, particularly for its establishment and while it is responsible for the care and education of dependent children. Marriage must be entered into with the free consent of the intending spouses;

2. Special protection should be accorded to mothers during a reasonable period before and after childbirth. During such period working mothers should be accorded paid leave or leave with adequate social security benefits;

3. Special measures of protection and assistance should be taken on behalf of all children and young persons without any discrimination for reasons of parentage or other conditions. Children and young persons should be protected from economic and social exploitation. Their employment in work harmful to their morals or health or dangerous to life or likely to hamper their normal development should be punishable by law. States should also set age limits below which the paid employment of child labour should be prohibited and punishable by law.

*Article 11.—1.* The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the reali-

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2. The States Parties to the present Covenant, recognizing the fundamental right of everyone to be free from hunger, shall take, individually and through international co-operation, the measures, including specific programmes, which are needed:

(a) To improve methods of production, conservation and distribution of food by making full use of technical and scientific knowledge, by disseminating knowledge of the principles of nutrition and by developing or reforming agrarian systems in such a way as to achieve the most efficient development and utilization of natural resources; and

(b) Take into account the problems of both food-importing and food-exporting countries, to ensure an equitable distribution of world food supplies in relation to need.

*Article 12.*—1. The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.

2. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for:

(a) The provision for the reduction of the still-birth-rate and of infant mortality and for the healthy development of the child;

(b) The improvement of all aspects of environmental and industrial hygiene;

(c) The prevention, treatment and control of epidemic, endemic, occupational and other diseases;

(d) The creation of conditions which would assure to all medical service and medical attention in the event of sickness.

*Article 13.*—1. The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace.

2. The States Parties to the present Covenant recognize that, with a view to achieving the full realization of this right:

(a) Primary education shall be compulsory and available free to all;



(b) Secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education;

(c) Higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education;

(d) Fundamental education shall be encouraged or intensified as far as possible for those persons who have not received or completed the whole period of their primary education;

(e) The development of a system of schools at all levels shall be actively pursued, an adequate fellowship system shall be established, and the material conditions of teaching staff shall be continuously improved.

3. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians, to choose for their children schools other than those established by the public authorities which conform to such minimum educational standards as may be laid down or approved by the State and to ensure the religious and moral education of their children in conformity with their own convictions.

4. No part of this article shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principles set forth in paragraph 1 and to the requirement that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

*Article 14.* Each State Party to the present Covenant which, at the time of becoming a Party, has not been able to secure in its metropolitan territory or other territories under its jurisdiction compulsory primary education, free of charge, undertakes, within two years, to work out and adopt a detailed plan of action for the progressive implementation, within a reasonable number of years, to be fixed in the plan, of the principle of compulsory education free of charge for all.

*Article 15.—1.* The States Parties to the present Covenant recognize the right of everyone:

(a) To take part in cultural life;

(b) To enjoy the benefits of scientific progress and its applications;

(c) To benefit from the material interests resulting from the production of scientific, literary, artistic or intellectual works.

2. The steps to be taken by a State Party to the Covenant to achieve those necessary for the diffusion of scientific, literary, artistic or intellectual works, so far as it is practicable, shall be determined on an individual basis, in accordance with the obligations of States Parties to the Covenant and with the particular conditions of each State Party.

3. The States Parties to the Covenant shall respect the freedom of scientific research and creative activity.

4. The States Parties to the Covenant shall take all appropriate measures to promote the benefits to be derived from international co-operation in the cultural fields.

*Article 16.—1.* The States Parties to the present Covenant undertake to submit reports on the measures they have taken which give effect to the provisions of the present Covenant, and on the progress made in the realization of the Covenant, in conformity with the provisions herein.

2. (a) All reports shall be transmitted to the Secretary-General of the United Nations, who shall transmit them to the Economic and Social Council, which shall report thereon to the General Assembly with the provisions of the present Covenant.

(b) The Secretary-General shall transmit to the States Parties to the present Covenant which have submitted reports, any relevant part of the reports of the Economic and Social Council, in so far as they relate to the matters which concern the States Parties in accordance with the provisions of the present Covenant.

*Article 17.—1.* The States Parties to the present Covenant shall furnish the Secretary-General of the United Nations with a programme to be executed within one year of the date of the entry into force of the present Covenant, after consultation of the agencies concerned, for the progressive realization of the rights recognized in the present Covenant.

2. Reports made by the States Parties to the present Covenant shall indicate the degree of fulfillment of the obligations assumed by them.

3. Where relevant to the United Nations, the States Parties to the present Covenant shall produce that information in the form and to the extent so furnished.

(c) To benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

2. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for the conservation, the development and the diffusion of science and culture.

3. The States Parties to the present Covenant undertake to respect the freedom indispensable for scientific research and creative activity.

4. The States Parties to the present Covenant recognize the benefits to be derived from the encouragement and development of international contracts and co-operation in the scientific and cultural fields.

#### PART IV

*Article 16.*—1. The States Parties to the present Covenant undertake to submit in conformity with this part of the Covenant reports on the measures which they have adopted and the progress made in achieving the observance of the rights recognized herein.

2. (a) All reports shall be submitted to the Secretary-General of the United Nations who shall transmit copies to the Economic and Social Council for consideration in accordance with the provisions of the present Covenant.

(b) The Secretary-General of the United Nations shall also transmit to the specialized agencies copies of the reports, or any relevant parts therefrom, from States Parties to the present Covenant which are also members of these specialized agencies in so far as these reports, or parts therefrom, relate to any matters which fall within the responsibilities of the said agencies in accordance with their constitutional instruments.

*Article 17.*—1. The States Parties to the present Covenant shall furnish their reports in stages, in accordance with a programme to be established by the Economic and Social Council within one year of the entry into force of the present Covenant after consultation with the States Parties and the specialized agencies concerned.

2. Reports may indicate factors and difficulties affecting the degree of fulfilment of obligations under the present Covenant.

3. Where relevant information has previously been furnished to the United Nations or to any specialized agency by any State Party to the present Covenant it will not be necessary to reproduce that information but a precise reference to the information so furnished will suffice.

3. When amendments come into force they shall be binding on those States Parties which have accepted them, other States Parties being still bound by the provisions of the present Covenant and any earlier amendment which they have accepted.

*Article 52.* Irrespective of the notifications made under article 48, paragraph 5, the Secretary-General of the United Nations shall inform all States referred to in paragraph 1 of the same article of the following particulars:

- (a) Signatures, ratifications and accessions under article 48;
- (b) The date of the entry into force of the present Covenant under article 49 and the date of the entry into force of any amendments under article 51.

*Article 53.—1.* The present Covenant, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.

2. The Secretary-General of the United Nations shall transmit certified copies of the present Covenant to all States referred to in article 48.

#### 5. OPTIONAL PROTOCOL TO THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS

Adopted by Resolution 2200 (XXI) of the General Assembly, 16 December 1966. 21 GAOR, Suppl. No. 16 (A/6316), at 59-60.

The States Parties to the present Protocol,

Considering that in order further to achieve the purposes of the Covenant on Civil and Political Rights (hereinafter referred to as "the Covenant") and the implementation of its provisions it would be appropriate to enable the Human Rights Committee set up in part IV of the Covenant (hereinafter referred to as "the Committee") to receive and consider, as provided in the present Protocol, communications from individuals claiming to be victims of violations of any of the rights set forth in the Covenant,

Have agreed as follows:

*Article 1.* A State Party to the Covenant that becomes a party to the present Protocol recognizes the competence of the Committee to receive and consider communications from individuals, subject to its jurisdiction, claiming to be victims of a violation by that State Party of any of the rights set forth in the Covenant. No communication shall be received by the Committee if it concerns a State Party to the Covenant which is not a Party to the present Protocol.

*Article 2.* Subject to the provision of article 1, individuals claiming that any of their rights enumerated in the Covenant

have been violated, remedies may be sought from the Committee for consideration.

*Article 3.* The Committee shall receive and consider such communications as it may receive from individuals claiming to be victims of a violation of the Covenant.

*Article 4.—1.* The Committee shall be composed of five members who shall be elected by the General Assembly of the United Nations from among persons of high moral character and recognized competence in the field of human rights.

2. Within six months of the entry into force of the present Protocol, the Committee shall elect its members for two of the terms of office. The Committee shall elect its members for two of the terms of office.

*Article 5.—1.* The Committee shall receive and consider such communications as it may receive from individuals claiming to be victims of a violation of the Covenant.

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*Article 6.* The Committee shall receive and consider such communications as it may receive from individuals claiming to be victims of a violation of the Covenant.

*Article 7.* The Committee shall receive and consider such communications as it may receive from individuals claiming to be victims of a violation of the Covenant.

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10. The Committee shall receive and consider such communications as it may receive from individuals claiming to be victims of a violation of the Covenant.

have been violated and who have exhausted all available domestic remedies may submit a written communication to the Committee for consideration.

*Article 3.* The Committee shall consider inadmissible any communication under this Protocol which is anonymous, or which it considers to be an abuse of the right of submission of such communications or to be incompatible with the provisions of the Covenant.

*Article 4.—1.* Subject to the provisions of article 3, the Committee shall bring any communications submitted to it under the present Protocol to the attention of the State Party to the present Protocol alleged to be violating any provision of the Covenant.

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

*Article 5.—1.* The Committee shall consider communications received under the present Protocol in the light of all written information made available to it by the individual and by the State Party concerned.

2. The Committee shall not consider any communication from an individual unless it has ascertained that:

(a) the same matter is not being examined under another procedure of international investigation or settlement;

(b) the individual has exhausted all available domestic remedies. This shall not be the rule where the application of the remedies is unreasonably prolonged.

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

4. The Committee shall forward its views to the State Party concerned and to the individual.

*Article 6.* The Committee shall include in its annual report under article 45 of the Covenant a summary of its activities under the present Protocol.

*Article 7.* Pending the achievement of the objectives of General Assembly resolution 1514 (XV) of 14 December 1960 concerning the Declaration on the Granting of Independence to Colonial Countries and Peoples, the provisions of the present Protocol shall in no way limit the right of petition granted to these peoples by the Charter of the United Nations and other international conventions and instruments under the United Nations and its specialized agencies.

*Article 8.*—1. The present Protocol is open for signature by any State which has signed the Covenant.

2. The present Protocol is subject to ratification by any State which has ratified or acceded to the Covenant. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

3. The present Protocol shall be open to accession by any State which has ratified or acceded to the Covenant.

4. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

5. The Secretary-General of the United Nations shall inform all States which have signed the present Protocol or acceded to it of the deposit of each instrument of ratification or accession.

*Article 9.*—1. Subject to the entry into force of the Covenant, the present Protocol shall enter into force three months after the date of the deposit with the Secretary-General of the United Nations of the tenth instrument of ratification or instrument of accession.

2. For each State ratifying the present Protocol or acceding to it after the deposit of the tenth instrument of ratification or instrument of accession, the present Protocol shall enter into force three months after the date of the deposit of its own instrument of ratification or instrument of accession.

*Article 10.* The provision of the present Protocol shall extend to all parts of federal States without any limitations or exceptions.

*Article 11.*—1. Any State Party to the present Protocol may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General of the United Nations shall thereupon communicate any proposed amendments to the States Parties to the present Protocol with a request that they notify him whether they favour a conference of States Parties for the purpose of considering and voting upon the proposal. In the event that at least one third of the State Parties favours such a conference the Secretary-General of the United Nations shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of the States Parties present and voting at the conference shall be submitted to the General Assembly of the United Nations for approval.

2. Amendments shall come into force when they have been approved by the General Assembly and accepted by a two-thirds majority of the States Parties to the present Protocol in accordance with their respective constitutional processes.

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3. When amendments come into force they shall be binding on those States Parties which have accepted them, other States Parties being still bound by the provisions of the present Protocol and any earlier amendment which they have accepted.

*Article 12.*—1. Any State Party may denounce the present Protocol at any time by written notification addressed to the Secretary-General of the United Nations. Denunciation shall take effect three months after the date of receipt of the notification by the Secretary-General of the United Nations.

2. Denunciation shall be without prejudice to the continued application of the provisions of the present Protocol to any communication submitted under article 2 before the effective date of denunciation.

*Article 13.* Irrespective of the notifications made under article 8, paragraph 5, of the present Protocol, the Secretary-General of the United Nations shall inform all States referred to in article 48, paragraph 1, of the Covenant of the following particulars:

- (a) Signatures, ratifications and accessions under article 8;
- (b) The date of the entry into force of the present Protocol under article 9 and the date of the entry into force of any amendments under article 11;
- (c) Denunciations under article 12.

*Article 14.*—1. The present Protocol, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.

2. The Secretary-General of the United Nations shall transmit certified copies of the present Protocol to all States referred to in article 48 of the Covenant.

## 6. PROCLAMATION OF TEHERAN

Adopted at the International Conference on Human Rights, Teheran, 13 May 1968. United Nations, Final Act of the International Conference on Human Rights, Teheran, 22 April to 13 May 1968, at 3-5 (UN Doc. A/CONF. 32/41, UN Publ. E.68.XIV.2). Endorsed by the General Assembly of the United Nations "as an important and timely reaffirmation of the principles embodied in the Universal Declaration of Human Rights and in other international instruments in the field of human rights." GA Resolution 2442 (XXIII), 19 December 1968, para. 5; 23 GAOR, Suppl. No. 18 (A/7218), at 49-50.

*The International Conference on Human Rights,*

*Having met* at Teheran from April 22 to May 13, 1968 to review the progress made in the twenty years since the adoption of the Universal Declaration of Human Rights and to formulate a programme for the future,

*Having considered* the problems relating to the activities of the United Nations for the promotion and encouragement of respect for human rights and fundamental freedoms,

*Bearing in mind* the resolutions adopted by the Conference,

*Noting* that the observance of the International Year for Human Rights takes place at a time when the world is undergoing a process of unprecedented change,

*Having regard* to the new opportunities made available by the rapid progress of science and technology,

*Believing* that, in an age when conflict and violence prevail in many parts of the world, the fact of human interdependence and the need for human solidarity are more evident than ever before,

*Recognizing* that peace is the universal aspiration of mankind and that peace and justice are indispensable to the full realization of human rights and fundamental freedoms,

Solemnly proclaims that:

1. It is imperative that the members of the international community fulfil their solemn obligations to promote and encourage respect for human rights and fundamental freedoms for all without distinctions of any kind such as race, colour, sex, language, religion, political or other opinions;

2. The Universal Declaration of Human Rights states a common understanding of the peoples of the world concerning the inalienable and inviolable rights of all members of the human family and constitutes an obligation for the members of the international community;

3. The International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Declaration on the Granting of Independence to Colonial Countries and Peoples, the International Convention on the Elimination of All Forms of Racial Discrimination, as well as other conventions and declarations in the field of human rights adopted under the auspices of the United Nations, the specialized agencies and the regional inter-governmental organizations, have created new standards and obligations to which States should conform;

4. Since the adoption of the Universal Declaration of Human Rights the United Nations has made substantial progress in defining standards for the enjoyment and protection of human rights and fundamental freedoms. During this period many important international instruments were adopted but much remains to be done in regard to the implementation of those rights and freedoms;

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11. Gross denials on grounds of race outrage the conscien of freedom, justice

5. The primary aim of the United Nations in the sphere of human rights is the achievement by each individual of the maximum freedom and dignity. For the realization of this objective, the laws of every country should grant each individual, irrespective of race, language, religion or political belief, freedom of expression, of information, of conscience and of religion, as well as the right to participate in the political, economic, cultural and social life of his country;

6. States should reaffirm their determination effectively to enforce the principles enshrined in the Charter of the United Nations and in other international instruments that concern human rights and fundamental freedoms;

7. Gross denials of human rights under the repugnant policy of *apartheid* is a matter of the gravest concern to the international community. This policy of *apartheid*, condemned as a crime against humanity, continues seriously to disturb international peace and security. It is therefore imperative for the international community to use every possible means to eradicate this evil. The struggle against *apartheid* is recognized as legitimate;

8. The peoples of the world must be made fully aware of the evils of racial discrimination and must join in combating them. The implementation of this principle of non-discrimination, embodied in the Charter of the United Nations, the Universal Declaration of Human Rights, and other international instruments in the field of human rights, constitutes a most urgent task of mankind, at the international as well as at the national level. All ideologies based on racial superiority and intolerance must be condemned and resisted;

9. Eight years after the General Assembly's Declaration on the Granting of Independence to Colonial Countries and Peoples the problems of colonialism continue to preoccupy the international community. It is a matter of urgency that all Member States should co-operate with the appropriate organs of the United Nations so that effective measures can be taken to ensure that the Declaration is fully implemented;

10. Massive denials of human rights, arising out of aggression or any armed conflict with their tragic consequences, and resulting in untold human misery, engender reactions which could engulf the world in ever growing hostilities. It is the obligation of the international community to co-operate in eradicating such scourges;

11. Gross denials of human rights arising from discrimination on grounds of race, religion, belief or expressions of opinion outrage the conscience of mankind and endanger the foundations of freedom, justice and peace in the world;



12. The widening gap between the economically developed and developing countries impedes the realization of human rights in the international community. The failure of the Development Decade to reach its modest objectives makes it all the more imperative for every nation, according to its capacities, to make the maximum possible effort to close this gap;

13. Since human rights and fundamental freedoms are indivisible, the full realization of civil and political rights without the enjoyment of economic, social and cultural rights, is impossible. The achievement of lasting progress in the implementation of human rights is dependent upon sound and effective national and international policies of economic and social development;

14. The existence of over seven hundred million illiterates throughout the world is an enormous obstacle to all efforts at realizing the aims and purposes of the Charter of the United Nations and the provisions of the Universal Declaration of Human Rights. International action aimed at eradicating illiteracy from the face of the earth and promoting education at all levels requires urgent attention;

15. The discrimination of which women are still victims in various regions of the world must be eliminated. An inferior status for women is contrary to the Charter of the United Nations as well as the provisions of the Universal Declaration of Human Rights. The full implementation of the Declaration on the Elimination of All Forms of Discrimination Against Women is a necessity for the progress of mankind;

16. The protection of the family and of the child remains the concern of the international community. Parents have a basic human right to determine freely and responsibly the number and the spacing of their children;

17. The aspirations of the younger generation for a better world, in which human rights and fundamental freedoms are fully implemented, must be given the highest encouragement. It is imperative that youth participate in shaping the future of mankind;

18. While recent scientific discoveries and technological advances have opened vast prospects for economic, social and cultural progress, such developments may nevertheless endanger the rights and freedoms of individuals and will require continuing attention;

19. Disarmament would release immense human and material resources now devoted to military purposes. These resources should be used for the promotion of human rights and fundamental freedoms. General and complete disarmament is one of the highest aspirations of all peoples;

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## SECTION

### 1. CONVENTION

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*The International Conference on Human Rights,*

1. *Affirming* its faith in the principles of the Universal Declaration of Human Rights and other international instruments in this field,

2. *Urges* all peoples and governments to dedicate themselves to the principles enshrined in the Universal Declaration of Human Rights and to redouble their efforts to provide for all human beings a life consonant with freedom and dignity and conducive to physical, mental, social and spiritual welfare.

## SECTION B. DOCUMENTS RELATING TO SPECIAL QUESTIONS

### I. CONVENTION ON THE PREVENTION AND PUNISHMENT OF THE CRIME OF GENOCIDE

Approved by Resolution 260A (III) of the General Assembly, 9 December 1948; entered into force on 12 January 1951. 78 UNTS 277 (1951).

*The Contracting Parties,*

*Having considered* the declaration made by the General Assembly of the United Nations in its resolution 96 (I) dated 11 December 1946 that genocide is a crime under international law, contrary to the spirit and aims of the United Nations and condemned by the civilized world;

*Recognizing* that at all periods of history genocide has inflicted great losses on humanity; and

*Being convinced* that, in order to liberate mankind from such an odious scourge, international co-operation is required:

*Hereby agree as hereinafter provided.*

*Article I.* The Contracting Parties confirm that genocide, whether committed in time of peace or in time of war, is a crime under international law which they undertake to prevent and to punish.

*Article II.* In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group as such:

- (a) Killing members of the group;
- (b) Causing serious bodily or mental harm to members of the group;
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) Imposing measures intended to prevent births within the group;



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## PART II. EUROPE

### → 1. [EUROPEAN] CONVENTION FOR THE PROTECTION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Signed at Rome, 4 November 1950; entered into force on 3 September 1953. Council of Europe, European Convention on Human Rights: Collected Texts, Section 1, Doc. 1 (7th ed., Strasbourg, 1971).

The Governments signatory hereto, being Members of the Council of Europe,

Considering the Universal Declaration of Human Rights proclaimed by the General Assembly of the United Nations on 10th December 1948;

Considering that this Declaration aims at securing the universal and effective recognition and observance of the Rights therein declared;

Considering that the aim of the Council of Europe is the achievement of greater unity between its Members and that one of the methods by which that aim is to be pursued is the maintenance and further realisation of Human Rights and Fundamental Freedoms;

Reaffirming their profound belief in those Fundamental Freedoms which are the foundation of justice and peace in the world and are best maintained on the one hand by an effective political democracy and on the other by a common understanding and observance of the Human Rights upon which they depend;

Being resolved, as the Governments of European countries which are like-minded and have a common heritage of political traditions, ideals, freedom and the rule of law, to take the first steps for the collective enforcement of certain of the Rights stated in the Universal Declaration;

Have agreed as follows:

#### *Article 1*

The High Contracting Parties shall secure to everyone within their jurisdiction the rights and freedoms defined in Section I of this Convention.

### SECTION I

#### *Article 2*

(1) Everyone's right to life shall be protected by law. No one shall be deprived of his life intentionally save in the execution of a sentence of a court following his conviction of a crime for which this penalty is provided by law.

(2) Deprivation of life shall not be regarded as inflicted in contravention of this Article when it results from the use of force which is no more than absolutely necessary:

- (a) in defence of any person from unlawful violence;
- (b) in order to effect a lawful arrest or to prevent the escape of a person lawfully detained;
- (c) in action lawfully taken for the purpose of quelling a riot or insurrection.

#### Article 3

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

#### Article 4

- (1) No one shall be held in slavery or servitude.
- (2) No one shall be required to perform forced or compulsory labour.
- (3) For the purpose of this Article the term "forced or compulsory labour" shall not include:
  - (a) any work required to be done in the ordinary course of detention imposed according to the provisions of Article 5 of this Convention or during conditional release from such detention;
  - (b) any service of a military character or, in case of conscientious objectors in countries where they are recognised, service exacted instead of compulsory military service;
  - (c) any service exacted in case of an emergency or calamity threatening the life or well-being of the community;
  - (d) any work or service which forms part of normal civic obligations.

#### Article 5

- (1) Everyone has the right to liberty and security of person. No one shall be deprived of his liberty save in the following cases and in accordance with a procedure prescribed by law:
  - (a) the lawful detention of a person after conviction by a competent court;
  - (b) the lawful arrest or detention of a person for non-compliance with the lawful order of a court or in order to secure the fulfilment of any obligation prescribed by law;
  - (c) the lawful arrest or detention of a person effected for the purpose of bringing him before the competent legal authority on reasonable suspicion of having committed an offence or when it is reasonably considered necessary to prevent his committing an offence or fleeing after having done so;

(d) the detention for the purpose of education or reformation of a minor for the purpose of bringing him back to the law;

(e) the lawful arrest or detention of a person for the purpose of preventing the spreading of infectious diseases, alcoholism or drug addiction;

(f) the lawful arrest or detention of a person for the purpose of effecting an extradition or extradition.

(2) Everyone who is arrested shall be informed at the time of his arrest of the reasons for his arrest and of any charge against him.

(3) Everyone who is arrested shall be brought promptly before a judge or other judicial authority and shall be entitled to trial within a reasonable time or to release pending trial. He shall be allowed legal assistance of his own choosing or, if he has none, to be defended by counsel provided for by the law.

(4) Everyone who is arrested shall be entitled to challenge the lawfulness of his detention and to be released if it is found to be unlawful.

(5) Everyone who is arrested shall be entitled to be released if the law so requires.

(6) Everyone who is arrested shall be entitled to be released if the law so requires.

(1) In the determination of any criminal charge against him, everyone shall be entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. The press and public may be excluded from all or part of the trial in the interests of national security, morality, public order or the protection of juveniles or the protection of the private life of the parties, or to the extent strictly necessary in the interests of justice.

(2) Everyone charged with a criminal offence shall be presumed innocent until proved guilty.

(3) Everyone charged with a criminal offence shall have the minimum rights:

(d) the detention of a minor by lawful order for the purpose of educational supervision or his lawful detention for the purpose of bringing him before the competent legal authority;

(e) the lawful detention of persons for the prevention of the spreading of infectious diseases, of persons of unsound mind, alcoholic or drug addicts or vagrants;

(f) the lawful arrest or detention of a person to prevent his effecting an unauthorised entry into the country or of a person against whom action is being taken with a view to deportation or extradition.

(2) Everyone who is arrested shall be informed promptly, in a language which he understands, of the reasons for his arrest and of any charge against him.

(3) Everyone arrested or detained in accordance with the provisions of paragraph 1 (c) of this Article shall be brought promptly before a judge or other officer authorised by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release pending trial. Release may be conditioned by guarantees to appear for trial.

(4) Everyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings by which the lawfulness of his detention shall be decided speedily by a court and his release ordered if the detention is not lawful.

(5) Everyone who has been the victim of arrest or detention in contravention of the provisions of this Article shall have an enforceable right to compensation.

#### Article 6

(1) In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. Judgment shall be pronounced publicly but the press and public may be excluded from all or part of the trial in the interests of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice.

(2) Everyone charged with a criminal offence shall be presumed innocent until proved guilty according to law.

(3) Everyone charged with a criminal offence has the following minimum rights:

(a) to be informed promptly, in a language which he understands and in detail, of the nature and cause of the accusation against him;

(b) to have adequate time and facilities for the preparation of his defence;

(c) to defend himself in person or through legal assistance of his own choosing or, if he has not sufficient means to pay for legal assistance, to be given it free when the interests of justice so require;

(d) to examine or have examined witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;

(e) to have the free assistance of an interpreter if he cannot understand or speak the language used in court.

#### Article 7

(1) No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence under national or international law at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the criminal offence was committed.

(2) This Article shall not prejudice the trial and punishment of any person for any act or omission which, at the time when it was committed, was criminal according to the general principles of law recognised by civilised nations.

#### Article 8

(1) Everyone has the right to respect for his private and family life, his home and his correspondence.

(2) There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

#### Article 9

(1) 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 worship, teaching, practice and observance.

(2) Freedom to manifest his religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of the rights and freedoms of others or for the protection of the rights and freedoms of the individual.

(1) Everyone has the right to freedom of expression. This right shall include freedom to impart information and ideas without interference by public authorities and regardless of frontiers. This right shall not prevent States from requiring the licensing of radio, television, cinema enterprises.

(2) The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject in a democratic society to such conditions, restrictions, penalties or sanctions as are necessary in a democratic society in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of the reputation or rights of others, for the protection of the disclosure of information and for maintaining the authority and impartiality of the judiciary.

(1) Everyone has the right to freedom of assembly and to freedom of association with others in a democratic society.

(2) No restrictions shall be placed on the exercise of these rights other than such as are justified in a democratic society in the interests of national security, public safety, for the protection of health or morals, and freedoms of others. The exercise of these rights shall be subject to such limitations as are justified in a democratic society in the interests of national security, public safety, for the protection of health or morals, and freedoms of others. The exercise of these rights shall be subject to such limitations as are justified in a democratic society in the interests of national security, public safety, for the protection of health or morals, and freedoms of others.

Men and women of marriageable age have the right to marry and to found a family, according to the national laws governing the exercise of this right.

Everyone whose rights and freedoms as set forth in this Convention are violated shall have an effective remedy before a national authority, provided that nothing in this article shall deprive anyone of the right to a fair and public hearing by an independent and impartial tribunal.

(2) Freedom to manifest one's religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others.

#### *Article 10*

(1) Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This Article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.

(2) The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

#### *Article 11*

(1) Everyone has the right to freedom of peaceful assembly and to freedom of association with others, including the right to form and to join trade unions for the protection of his interests.

(2) No restrictions shall be placed on the exercise of these rights other than such as are prescribed by law and are necessary in a democratic society in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others. This Article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces, of the police or of the administration of the State.

#### *Article 12*

Men and women of marriageable age have the right to marry and to found a family, according to the national laws governing the exercise of this right.

#### *Article 13*

Everyone whose rights and freedoms as set forth in this Convention are violated shall have an effective remedy before a na-



tional authority notwithstanding that the violation has been committed by persons acting in an official capacity.

#### *Article 14*

The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

#### *Article 15*

(1) In time of war or other public emergency threatening the life of the nation any High Contracting Party may take measures derogating from its obligations under this Convention to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with its other obligations under international law.

(2) No derogation from Article 2, except in respect of deaths resulting from lawful acts of war, or from Articles 3, 4 (paragraph 1) and 7 shall be made under this provision.

(3) Any High Contracting Party availing itself of this right of derogation shall keep the Secretary-General of the Council of Europe fully informed of the measures which it has taken and the reasons therefor. It shall also inform the Secretary-General of the Council of Europe when such measures have ceased to operate and the provisions of the Convention are again being fully executed.

#### *Article 16*

Nothing in Articles 10, 11 and 14 shall be regarded as preventing the High Contracting Parties from imposing restrictions on the political activity of aliens.

#### *Article 17*

Nothing in this Convention may be interpreted as implying for any State, group or person any right to engage in any activity or perform any act aimed at the destruction of any of the rights and freedoms set forth herein or at their limitation to a greater extent than is provided for in the Convention.

#### *Article 18*

The restrictions permitted under this Convention to the said rights and freedoms shall not be applied for any purpose other than those for which they have been prescribed.

To ensure the the High Contracting Parties shall be set up:

(1) A European Court of Human Rights referred to as "the Court."

(2) A European Commission of Human Rights referred to as "the Commission."

The Commission shall be set up to that of the High Contracting Parties. The Commission may be

(1) The members of the Committee of Ministers shall draw up a list of names drawn from among the High Contracting Parties in the list of candidates, of whom

(2) As far as possible, the Commission shall be composed of members to complete the Commission in the event of vacancies.

(1) The members of the Commission shall be elected for a period of six years. The members elected at the first election shall expire at the end of

(2) The members of the Commission shall be elected for an initial period of three years. The Secretary-General of the Council of Europe shall be consulted if an election has been con-

(3) A member of the Commission whose term of office expires shall remain in office for the remainder of his predecessor's term.

(4) The members of the Commission shall be elected after having been consulted with such cases as the

## SECTION II

*Article 19*

To ensure the observance of the engagements undertaken by the High Contracting Parties in the present Convention, there shall be set up:

(1) A European Commission of Human Rights hereinafter referred to as "the Commission";

(2) A European Court of Human Rights, hereinafter referred to as "the Court."

## SECTION III

*Article 20*

The Commission shall consist of a number of members equal to that of the High Contracting Parties. No two members of the Commission may be nationals of the same State.

*Article 21*

(1) The members of the Commission shall be elected by the Committee of Ministers by an absolute majority of votes, from a list of names drawn up by the Bureau of the Consultative Assembly; each group of the Representatives of the High Contracting Parties in the Consultative Assembly shall put forward three candidates, of whom two at least shall be its nationals.

(2) As far as applicable, the same procedure shall be followed to complete the Commission in the event of other States subsequently becoming Parties to this Convention, and in filling casual vacancies.

*Article 22*

(1) The members of the Commission shall be elected for a period of six years. They may be re-elected. However, of the members elected at the first election, the terms of seven members shall expire at the end of three years.

(2) The members whose terms are to expire at the end of the initial period of three years shall be chosen by lot by the Secretary-General of the Council of Europe immediately after the first election has been completed.

(3) A member of the Commission elected to replace a member whose term of office has not expired shall hold office for the remainder of his predecessor's term.

(4) The members of the Commission shall hold office until replaced. After having been replaced, they shall continue to deal with such cases as they already have under consideration.

*Article 23*

The members of the Commission shall sit on the Commission in their individual capacity.

*Article 24*

Any High Contracting Party may refer to the Commission, through the Secretary-General of the Council of Europe, any alleged breach of the provisions of the Convention by another High Contracting Party.

*Article 25*

(1) The Commission may receive petitions addressed to the Secretary-General of the Council of Europe from any person, non-governmental organisation or group of individuals claiming to be the victim of a violation by one of the High Contracting Parties of the rights set forth in this Convention, provided that the High Contracting Party against which the complaint has been lodged has declared that it recognises the competence of the Commission to receive such petitions. Those of the High Contracting Parties who have made such a declaration undertake not to hinder in any way the effective exercise of this right.

(2) Such declarations may be made for a specific period.

(3) The declarations shall be deposited with the Secretary-General of the Council of Europe who shall transmit copies thereof to the High Contracting Parties and publish them.

(4) The Commission shall only exercise the powers provided for in this Article when at least six High Contracting Parties are bound by declarations made in accordance with the preceding paragraphs.

*Article 26*

The Commission may only deal with the matter after all domestic remedies have been exhausted, according to the generally recognised rules of international law, and within a period of six months from the date on which the final decision was taken.

*Article 27*

(1) The Commission shall not deal with any petition submitted under Article 25 which

(a) is anonymous, or

(b) is substantially the same as a matter which has already been examined by the Commission or has already been submitted to another procedure of international investigation or settlement and if it contains no relevant new information.

(2) The Commission shall consider inadmissible any petition submitted under Article 25 which it considers incompatible with

the provisions of the Convention or an abuse of the right of petition.

(3) The Commission shall not deal with any petition which it considers incompatible with the provisions of the Convention or an abuse of the right of petition.

In the event of the Commission finding a violation of the Convention, it:

(a) it shall, with the High Contracting Parties concerned, take such measures as may be necessary to put an end to the violation and to secure the effective and just satisfaction of the claims of the injured party, after an exchange of views with the High Contracting Parties concerned, after an exchange of views with the High Contracting Parties concerned, after an exchange of views with the High Contracting Parties concerned.

(b) it shall place the High Contracting Parties concerned with a view to securing the effective and just satisfaction of the claims of the injured party on the basis of respect for the Convention.

(1) The Commission shall report to the High Contracting Parties on Article 28 by means of a Report.

(2) Each of the High Contracting Parties shall publish the Report of this Sub-Commission.

(3) The remaining High Contracting Parties shall, in accordance with arrangements to be decided by the Commission.

If the Sub-Commission finds a violation of the Convention, it shall report to the High Contracting Parties, which shall be sent to the High Contracting Parties and to the Secretary-General for publication. This Report shall contain a summary of the facts and

(1) If a solution is found, the Commission shall draw up a Report on the facts and circumstances of the case. If the facts found disclose a violation of the Convention, the Commission shall also draw up a Report on the facts and circumstances of the case.

(2) The Report shall be transmitted to the High Contracting Parties. It shall also be transmitted to the Secretary-General. It shall not be at liberty to publish the Report.

(3) In transmitting the Report to the High Contracting Parties, the Commission may

the provisions of the present Convention, manifestly ill-founded, or an abuse of the right of petition.

(3) The Commission shall reject any petition referred to it which it considers inadmissible under Article 26.

#### *Article 28*

In the event of the Commission accepting a petition referred to it:

(a) it shall, with a view to ascertaining the facts, undertake together with the representatives of the parties an examination of the petition and, if need be, an investigation, for the effective conduct of which the States concerned shall furnish all necessary facilities, after an exchange of views with the Commission;

(b) it shall place itself at the disposal of the parties concerned with a view to securing a friendly settlement of the matter on the basis of respect for Human Rights as defined in this Convention.

#### *Article 29*

(1) The Commission shall perform the functions set out in Article 28 by means of a Sub-Commission consisting of seven members of the Commission.

(2) Each of the parties concerned may appoint as members of this Sub-Commission a person of its choice.

(3) The remaining members shall be chosen by lot in accordance with arrangements prescribed in the Rules of Procedure of the Commission.

#### *Article 30*

If the Sub-Commission succeeds in effecting a friendly settlement in accordance with Article 28, it shall draw up a Report which shall be sent to the States concerned, to the Committee of Ministers and to the Secretary-General of the Council of Europe for publication. This Report shall be confined to a brief statement of the facts and of the solution reached.

#### *Article 31*

(1) If a solution is not reached, the Commission shall draw up a Report on the facts and state its opinion as to whether the facts found disclose a breach by the State concerned of its obligations under the Convention. The opinions of all the members of the Commission on this point may be stated in the Report.

(2) The Report shall be transmitted to the Committee of Ministers. It shall also be transmitted to the States concerned, who shall not be at liberty to publish it.

(3) In transmitting the Report to the Committee of Ministers the Commission may make such proposals as it thinks fit.

*Article 32*

(1) If the question is not referred to the Court in accordance with Article 48 of this Convention within a period of three months from the date of the transmission of the Report to the Committee of Ministers, the Committee of Ministers shall decide by a majority of two-thirds of the members entitled to sit on the Committee whether there has been a violation of the Convention.

(2) In the affirmative case the Committee of Ministers shall prescribe a period during which the High Contracting Party concerned must take the measures required by the decision of the Committee of Ministers.

(3) If the High Contracting Party concerned has not taken satisfactory measures within the prescribed period, the Committee of Ministers shall decide by the majority provided for in paragraph (1) above what effect shall be given to its original decision and shall publish the Report.

(4) The High Contracting Parties undertake to regard as binding on them any decision which the Committee of Ministers may take in application of the preceding paragraphs.

*Article 33*

The Commission shall meet in camera.

*Article 34*

The Commission shall take its decisions by a majority of the Members present and voting; the Sub-Commission shall take its decisions by a majority of its members.

*Article 35*

The Commission shall meet as the circumstances require. The meetings shall be convened by the Secretary-General of the Council of Europe.

*Article 36*

The Commission shall draw up its own rules of procedure.

*Article 37*

The secretariat of the Commission shall be provided by the Secretary-General of the Council of Europe.

## SECTION IV

*Article 38*

The European Court of Human Rights shall consist of a number of judges equal to that of the Members of the Council of Europe. No two judges may be nationals of the same State.

(1) The members of the Consultative Assembly by persons nominated by each Member shall at least shall be its national.

(2) As far as applicable to complete the Court Members of the Court.

(3) The candidates either possess the qualifications for judicial office or be judges.

(1) The members of nine years. They are elected at the first election at the end of three years shall expire at the end of their term.

(2) The members of initial periods of three years Secretary-General in completed.

(3) A member of term of office has no effect of his predecessor's term.

(4) The members of After having been re-elected cases as they already.

The Court shall be elected for a period of three years.

The members of the Court shall receive compensation to be determined by the Council of Europe.

For the consideration of the Court shall consist of a Chamber sit as an ex officio member national of any State of its choice who shall be elected by the Council of Europe.

*Article 39*

(1) The members of the Court shall be elected by the Consultative Assembly by a majority of the votes cast from a list of persons nominated by the Members of the Council of Europe; each Member shall nominate three candidates, of whom two at least shall be its nationals.

(2) As far as applicable, the same procedure shall be followed to complete the Court in the event of the admission of new Members of the Council of Europe, and in filling casual vacancies.

(3) The candidates shall be of high moral character and must either possess the qualifications required for appointment to high judicial office or be jurisconsults of recognised competence.

*Article 40*

(1) The members of the Court shall be elected for a period of nine years. They may be re-elected. However, of the members elected at the first election the terms of four members shall expire at the end of three years, and the terms of four more members shall expire at the end of six years.

(2) The members whose terms are to expire at the end of the initial periods of three and six years shall be chosen by lot by the Secretary-General immediately after the first election has been completed.

(3) A member of the Court elected to replace a member whose term of office has not expired shall hold office for the remainder of his predecessor's term.

(4) The members of the Court shall hold office until replaced. After having been replaced, they shall continue to deal with such cases as they already have under consideration.

*Article 41*

The Court shall elect its President and Vice-President for a period of three years. They may be re-elected.

*Article 42*

The members of the Court shall receive for each day of duty a compensation to be determined by the Committee of Ministers.

*Article 43*

For the consideration of each case brought before it the Court shall consist of a Chamber composed of seven judges. There shall sit as an ex officio member of the Chamber the judge who is a national of any State party concerned, or, if there is none, a person of its choice who shall sit in the capacity of judge; the names of the

other judges shall be chosen by lot by the President before the opening of the case.

*Article 44*

Only the High Contracting Parties and the Commission shall have the right to bring a case before the Court.

*Article 45*

The jurisdiction of the Court shall extend to all cases concerning the interpretation and application of the present Convention which the High Contracting Parties or the Commission shall refer to it in accordance with Article 48.

*Article 46*

(1) Any of the High Contracting Parties may at any time declare that it recognises as compulsory *ipso facto* and without special agreement the jurisdiction of the Court in all matters concerning the interpretation and application of the present Convention.

(2) The declarations referred to above may be made unconditionally or on condition of reciprocity on the part of several or certain other High Contracting Parties or for a specified period.

(3) These declarations shall be deposited with the Secretary-General of the Council of Europe who shall transmit copies thereof to the High Contracting Parties.

*Article 47*

The Court may only deal with a case after the Commission has acknowledged the failure of efforts for a friendly settlement and within the period of three months provided for in Article 32.

*Article 48*

The following may bring a case before the Court, provided that the High Contracting Party concerned, if there is only one, or the High Contracting Parties concerned, if there is more than one, are subject to the compulsory jurisdiction of the Court or, failing that, with the consent of the High Contracting Party concerned, if there is only one, or of the High Contracting Parties concerned if there is more than one:

- (a) the Commission;
- (b) a High Contracting Party whose national is alleged to be a victim;
- (c) a High Contracting Party which referred the case to the Commission;
- (d) a High Contracting Party against which the complaint has been lodged.

In the event of disjunctive jurisdiction the matter shall be referred to the Court.

If the Court finds that a High Contracting Party has violated its obligations under the Convention, it shall have the authority to award such reparation as it may consider just and equitable. The Court shall have the authority to award interest on the sums awarded. The Court shall have the authority to award costs. The Court shall have the authority to award interest on the sums awarded. The Court shall have the authority to award costs.

- (1) Reasons shall be given for the judgment.
- (2) If the judgment is not unanimous, the reasons shall be given for the majority and for the minority.

The judgment of the Court shall be final and without appeal.

The High Contracting Parties shall be bound by the judgment of the Court in the matters in respect of which they have accepted its jurisdiction.

The judgment of the Court shall be binding on the parties to the case and on the High Contracting Parties in respect of which they have accepted its jurisdiction.

The Court shall have the authority to award such reparation as it may consider just and equitable. The Court shall have the authority to award interest on the sums awarded. The Court shall have the authority to award costs.

- (1) The first election shall be held in the year 1958 and thereafter every six years.
- (2) No case can be referred to the Court before the first election.

On receipt of a request from the Council of Europe, the Court shall have the authority to award such reparation as it may consider just and equitable. The Court shall have the authority to award interest on the sums awarded. The Court shall have the authority to award costs.

*Article 49*

In the event of dispute as to whether the Court has jurisdiction, the matter shall be settled by the decision of the Court.

*Article 50*

If the Court finds that a decision or a measure taken by a legal authority or any other authority of a High Contracting Party is completely or partially in conflict with the obligations arising from the present Convention, and if the internal law of the said Party allows only partial reparation to be made for the consequences of this decision or measure, the decision of the Court shall, if necessary, afford just satisfaction to the injured party.

*Article 51*

- (1) Reasons shall be given for the judgment of the Court.
- (2) If the judgment does not represent in whole or in part the unanimous opinion of the judges, any judge shall be entitled to deliver a separate opinion.

*Article 52*

The judgment of the Court shall be final.

*Article 53*

The High Contracting Parties undertake to abide by the decision of the Court in any case to which they are parties.

*Article 54*

The judgment of the Court shall be transmitted to the Committee of Ministers which shall supervise its execution.

*Article 55*

The Court shall draw up its own rules and shall determine its own procedure.

*Article 56*

(1) The first election of the members of the Court shall take place after the declarations by the High Contracting Parties mentioned in Article 46 have reached a total of eight.

(2) No case can be brought before the Court before this election.

## SECTION V

*Article 57*

On receipt of a request from the Secretary-General of the Council of Europe any High Contracting Party shall furnish an



explanation of the manner in which its internal law ensures the effective implementation of any of the provisions of this Convention.

*Article 58*

The expenses of the Commission and the Court shall be borne by the Council of Europe.

*Article 59*

The members of the Commission and of the Court shall be entitled, during the discharge of their functions, to the privileges and immunities provided for in Article 40 of the Statute of the Council of Europe and in the agreements made thereunder.

*Article 60*

Nothing in this Convention shall be construed as limiting or derogating from any of the human rights and fundamental freedoms which may be ensured under the laws of any High Contracting Party or under any other agreement to which it is a Party.

*Article 61*

Nothing in this Convention shall prejudice the powers conferred on the Committee of Ministers by the Statute of the Council of Europe.

*Article 62*

The High Contracting Parties agree that, except by special agreement, they will not avail themselves of treaties, conventions or declarations in force between them for the purpose of submitting, by way of petition, a dispute arising out of the interpretation or application of this Convention to a means of settlement other than those provided for in this Convention.

*Article 63*

(1) Any State may at the time of its ratification or at any time thereafter declare by notification addressed to the Secretary-General of the Council of Europe that the present Convention shall extend to all or any of the territories for whose international relations it is responsible.

(2) The Convention shall extend to the territory or territories named in the notification as from the thirtieth day after the receipt of this notification by the Secretary-General of the Council of Europe.

(3) The provisions of this Convention shall be applied in such territories with due regard, however, to local requirements.

(4) Any State which, in accordance with paragraph 1 of this Article, declares on behalf of one or more of its territories that it accepts the Convention shall receive petitions from individuals or groups of individuals in its territories in accordance with the Convention.

(1) Any State may, at the time of depositing its instrument of ratification, in respect of any particular territory, declare that any law then in force in that territory is in conformity with the provision. Reservations may be permitted under the Convention.

(2) Any reservation shall be accompanied by a brief statement of the reasons therefor.

(1) A High Contracting Party may ratify the Convention only after the date on which it became a Party to the Convention, and a notification addressed to the Secretary-General of Europe, who shall inform the High Contracting Parties.

(2) Such a denunciation shall not affect the Convention in force in any territory constituting a violation of the Convention formed by it before the date of its becoming effective.

(3) Any High Contracting Party which is a Member of the Council of Europe may denounce this Convention under the conditions provided in Article 63.

(4) The Convention shall apply to the territories to which it has been extended in accordance with Article 63.

(1) This Convention shall be ratified by the Members of the Council of Europe. The ratifications shall be deposited with the Secretary-General of Europe.

(2) The present Convention shall be deposited with the Secretary-General of Europe.

(4) Any State which has made a declaration in accordance with paragraph 1 of this Article may at any time thereafter declare on behalf of one or more of the territories to which the declaration relates that it accepts the competence of the Commission to receive petitions from individuals, non-governmental organisations or groups of individuals in accordance with Article 25 of the present Convention.

#### *Article 64*

(1) Any State may, when signing this Convention or when depositing its instrument of ratification, make a reservation in respect of any particular provision of the Convention to the extent that any law then in force in its territory is not in conformity with the provision. Reservations of a general character shall not be permitted under this Article.

(2) Any reservation made under this Article shall contain a brief statement of the law concerned.

#### *Article 65*

(1) A High Contracting Party may denounce the present Convention only after the expiry of five years from the date on which it became a Party to it and after six months' notice contained in a notification addressed to the Secretary-General of the Council of Europe, who shall inform the other High Contracting Parties.

(2) Such a denunciation shall not have the effect of releasing the High Contracting Party concerned from its obligations under this Convention in respect of any act which, being capable of constituting a violation of such obligations, may have been performed by it before the date at which the denunciation became effective.

(3) Any High Contracting Party which shall cease to be a Member of the Council of Europe shall cease to be a Party to this Convention under the same conditions.

(4) The Convention may be denounced in accordance with the provisions of the preceding paragraphs in respect of any territory to which it has been declared to extend under the terms of Article 63.

#### *Article 66*

(1) This Convention shall be open to the signature of the Members of the Council of Europe. It shall be ratified. Ratifications shall be deposited with the Secretary-General of the Council of Europe.

(2) The present Convention shall come into force after the deposit of ten instruments of ratification.

(3) As regards any signatory ratifying subsequently, the Convention shall come into force at the date of the deposit of its instrument of ratification.

(4) The Secretary-General of the Council of Europe shall notify all the Members of the Council of Europe of the entry into force of the Convention, the names of the High Contracting Parties who have ratified it, and the deposit of all instruments of ratification which may be effected subsequently.

2. PROTOCOL [NO. 1] TO THE [EUROPEAN] CONVENTION FOR THE PROTECTION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Signed at Paris, 20 March 1952; entered into force on 18 May 1954. Council of Europe, European Convention on Human Rights: Collected Texts, Section 1, Doc. 2 (7th ed., Strasbourg, 1971). This Protocol added three additional rights to those protected by the Convention.

The Governments signatory hereto, being Members of the Council of Europe,

Being resolved to take steps to ensure the collective enforcement of certain rights and freedoms other than those already included in Section I of the Convention for the Protection of Human Rights and Fundamental Freedoms signed at Rome on 4th November 1950 (hereinafter referred to as "the Convention"),

Have agreed as follows:

*Article 1*

Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties.

*Article 2*

No person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions.

*Article 3*

The High Contracting Parties undertake to hold free elections at reasonable intervals by secret ballot, under conditions which

will ensure the free choice of the

Any High Contracting Party may ratify the Convention or at a later date. The Secretary-General of the Council of Europe shall inform the High Contracting Parties of the extent to which it has been ratified. The Protocol shall apply to the High Contracting Parties in the same manner as the Convention. The High Contracting Parties shall not be bound by the provisions of this Protocol until they have ratified the Convention.

A declaration made by a High Contracting Party at the time of ratification or at any other time shall not be deemed to have been made under the provisions of Article 63 of the Convention.

As between the High Contracting Parties which have ratified the Convention, the provisions of Articles 1, 2, 3 and 4 of the Convention shall apply.

This Protocol shall be ratified by the High Contracting Parties which have not yet done so. The ratification of the Convention shall be deemed to include the ratification of this Protocol. The instruments of ratification shall be deposited with the Secretary-General of the Council of Europe. The Secretary-General shall inform the High Contracting Parties of the deposit of the instruments of ratification.

The instruments of ratification shall be deposited with the Secretary-General of the Council of Europe. The Secretary-General shall inform the High Contracting Parties of the deposit of the instruments of ratification.



*Article 18.* Pursuant to its responsibilities under the Charter in the field of human rights and fundamental freedoms, the Economic and Social Council may make arrangements with the specialized agencies in respect of their reporting to it on the progress made in achieving the observance of the provisions of the present Covenant falling within the scope of their activities. These reports may include particulars of decisions and recommendations on such implementation adopted by their competent organs.

*Article 19.* The Economic and Social Council may transmit to the Commission on Human Rights for study and general recommendation or as appropriate for information the reports concerning human rights submitted by States in accordance with articles 16 and 17, and those concerning human rights submitted by the specialized agencies in accordance with article 18.

*Article 20.* The States Parties to the present Covenant and the specialized agencies concerned may submit comments to the Economic and Social Council on any general recommendation under article 19 or reference to such general recommendation in any report of the Commission or any documentation referred to therein.

*Article 21.* The Economic and Social Council may submit from time to time to the General Assembly reports with recommendations of a general nature and a summary of the information received from the States Parties to the present Covenant and the specialized agencies on the measures taken and the progress made in achieving general observance of the rights recognized in the present Covenant.

*Article 22.* The Economic and Social Council may bring to the attention of other organs of the United Nations, their subsidiary organs and specialized agencies concerned with furnishing technical assistance, any matters arising out of the reports referred to in this part of the present Covenant which may assist such bodies in deciding each within its field of competence, on the advisability of international measures likely to contribute to the effective progressive implementation of the present Covenant.

*Article 23.* The States Parties to the present Covenant agree that international action for the achievement of the rights recognized in the present Covenant includes such methods as the conclusion of conventions, the adoption of recommendations, the furnishing of technical assistance and the holding of regional meetings and technical meetings for the purpose of consultation and study organized in conjunction with the Governments concerned.

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*Article 24.* Nothing in the present Covenant shall be interpreted as impairing the provisions of the Charter of the United Nations and of the constitutions of the specialized agencies which define the respective responsibilities of the various organs of the United Nations and of the specialized agencies in regard to the matters dealt with in the present Covenant.

*Article 25.* Nothing in the present Covenant shall be interpreted as impairing the inherent right of all peoples to enjoy and utilize fully and freely their natural wealth and resources.

## PART V

*Article 26.—1.* The present Covenant is open for signature by any State Member of the United Nations or member of any of its specialized agencies, by any State Party to the Statute of the International Court of Justice, and by any other State which has been invited by the General Assembly of the United Nations to become a party to the present Covenant.

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

3. The present Covenant shall be open to accession by any State referred to in paragraph 1 of this article.

4. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

5. The Secretary-General of the United Nations shall inform all States which have signed the present Covenant or acceded to it of the deposit of each instrument of ratification or accession.

*Article 27.—1.* The present Covenant shall enter into force three months after the date of the deposit with the Secretary-General of the United Nations of the thirty-fifth instrument of ratification or instrument of accession.

2. For each State ratifying the present Covenant or acceding to it after the deposit of the thirty-fifth instrument of ratification or instrument of accession, the present Covenant shall enter into force three months after the date of the deposit of its own instrument of ratification or instrument of accession.

*Article 28.* The provisions of the present Covenant shall extend to all parts of federal States without any limitations or exceptions.

*Article 29.—1.* Any State Party to the present Covenant may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General of the United Nations shall thereupon communicate any proposed amendments to the States Parties to the present Covenant with a request that they

notify him whether they favour a conference of States Parties for the purpose of considering and voting upon the proposal. In the event that at least one third of the States Parties favours such a conference the Secretary-General of the United Nations shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of the States Parties present and voting at the conference shall be submitted to the General Assembly of the United Nations for approval.

2. Amendments shall come into force when they have been approved by the General Assembly and accepted by a two-thirds majority of the States Parties to the present Covenant in accordance with their respective constitutional processes.

3. When amendments come into force they shall be binding on those States Parties which have accepted them, other States Parties being still bound by the provisions of the present Covenant and any earlier amendment which they have accepted.

*Article 30.* Irrespective of the notifications made under article 26, paragraph 5, the Secretary-General of the United Nations shall inform all States referred to in paragraph 1 of the same article of the following particulars:

- (a) Signatures, ratifications and accessions under article 26;
- (b) The date of the entry into force of the present Covenant under article 27 and the date of the entry into force of any amendments under article 29.

*Article 31.—1.* The present Covenant, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.

2. The Secretary-General of the United Nations shall transmit certified copies of the present Covenant to all States referred to in article 26.

4. INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS  
Adopted by Resolution 2200 (XXI) of the General Assembly, 16 December 1966. GAOR, XXI, Suppl. No. 16 (A/6316), pp. 52-58.

PREAMBLE

*The States Parties to the present Covenant,*

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

*Recognizing that these rights derive from the inherent dignity of the human person,*

*Recognizing that the realization of Human Rights, civil and political, can only be achieved if all men are to enjoy his civil and cultural rights*

*Considering that the United Nations, in its Charter, of, human rights*

*Realizing that the realization of these rights and to the responsibility to secure the rights recognized*

*Agree upon the following*

*Article 1.—1.* All human beings are born free and equal in status and freely develop their personality.

2. All people have the right to natural wealth and resources arising out of their own efforts upon the principle that no case may be made of the right to national wealth.

3. The States Parties to the present Covenant, having responsibility for the well-being and Trust Territories, shall recognize the right of self-determination of the peoples and shall conform with the obligations assumed by them.

*Article 2.—1.* The States Parties to the present Covenant undertake to respect and to ensure to all individuals within their territory and subject to their jurisdiction the rights recognized in the present Covenant, without distinction of race, colour, sex, language, religion, national or social origin, property, birth or other status.

2. Where not already provided for by law, the States Parties to the present Covenant undertake to take the necessary legislative and other measures to give effect to the rights recognized in the present Covenant and to adopt such legislative and other measures as may be necessary to give effect to the rights recognized in the present Covenant.

3. Each State Party to the present Covenant undertakes to ensure that the rights recognized in the present Covenant are exercised without discrimination of any kind, such as race, colour, sex, language, religion, national or social origin, property, birth or other status.

*Recognizing* that, in accordance with the Universal Declaration of Human Rights, the ideal of free human beings enjoying civil and political freedom and freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his civil and political rights, as well as his economic, social and cultural rights,

*Considering* the obligation of States under the Charter of the United Nations to promote universal respect for, and observance of, human rights and freedoms,

*Realizing* that the individual, having duties to other individuals and to the community to which he belongs, is under a responsibility to strive for the promotion and observance of the rights recognized in the present Covenant,

Agree upon the following articles:

#### PART I

*Article 1.*—1. All peoples have the right of self-determination. By virtue of the right they freely determine their political status and freely pursue their economic, social and cultural development.

2. All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.

3. The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the United Nations Charter.

#### PART II

*Article 2.*—1. Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

2. Where not already provided for by existing legislative or other measures, each State Party to the present Covenant undertakes to take the necessary steps, in accordance with its constitutional processes and with the provisions of the present Covenant, to adopt such legislative or other measures as may be necessary to give effect to the rights recognized in the present Covenant.

3. Each State Party to the present Covenant undertakes:

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ND POLITICAL RIGHTS  
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(a) To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy notwithstanding that the violation has been committed by persons acting in an official capacity;

(b) To ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy;

(c) To ensure that the competent authorities shall enforce such remedies when granted.

*Article 3.* The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all civil and political rights set forth in the present Covenant.

*Article 4.—1.* In time of public emergency which threatens the life of the nation and the existence of which is officially proclaimed, the States Parties to the present Covenant may take measures derogating from their obligations under the present Covenant to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with their other obligations under international law and do not involve discrimination solely on the ground of race, colour, sex, language, religion or social origin.

2. No derogation from articles 6, 7, 8 (paragraphs 1 and 2), 11, 15, 16 and 18 may be made under this provision.

3. Any State Party to the present Covenant availing itself of the right of derogation shall inform immediately the other States Parties to the present Covenant, through the intermediary of the Secretary-General of the United Nations of the provisions from which it has derogated and of the reasons by which it was actuated. A further communication shall be made, through the same intermediary, on the date on which it terminates such derogation.

*Article 5.—1.* Nothing in the present Covenant may be interpreted as implying for any State, group or person any right to engage in any activity or perform any act aimed at the destruction of any of the rights and freedoms recognized herein or at their limitation to a greater extent than is provided for in the present Covenant.

2. There shall be no restriction upon or derogation from any of the fundamental human rights recognized or existing in any State Party to the present Covenant pursuant to law, conventions, regulations or custom on the pretext that the present Covenant

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### PART III

*Article 6.*—1. Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.

2. In countries which have not abolished the death penalty, sentence of death may be imposed only for the most serious crimes in accordance with law in force at the time of the commission of the crime and not contrary to the provisions of the present Covenant and to the Convention on the Prevention and Punishment of the Crime of Genocide. This penalty can only be carried out pursuant to a final judgment rendered by a competent court.

3. When deprivation of life constitutes the crime of genocide, it is understood that nothing in this article shall authorize any State Party to the present Covenant to derogate in any way from any obligation assumed under the provisions of the Convention on the Prevention and Punishment of the Crime of Genocide.

4. Anyone sentenced to death shall have the right to seek pardon or commutation of the sentence. Amnesty, pardon or commutation of the sentence of death may be granted in all cases.

5. Sentence of death shall not be imposed for crimes committed by persons below eighteen years of age and shall not be carried out on pregnant women.

6. Nothing in this article shall be invoked to delay or to prevent the abolition of capital punishment by any State Party to the present Covenant.

*Article 7.* No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation.

*Article 8.*—1. No one shall be held in slavery; slavery and the slave-trade in all their forms shall be prohibited.

2. No one shall be held in servitude.

3. (a) No one shall be required to perform forced or compulsory labour;

(b) The preceding sub-paragraph shall not be held to preclude in countries where imprisonment with hard labour may be imposed as a punishment for a crime, the performance of hard labour in pursuance of a sentence to such punishment by a competent court;

(c) For the purpose of this paragraph the term "forced or compulsory labour" shall not include:



3. The penitentiary system shall comprise treatment of prisoners the essential aim of which shall be their reformation and social rehabilitation. Juvenile offenders shall be segregated from adults and be accorded treatment appropriate to their age and legal status.

*Article 11.* No one shall be imprisoned merely on the ground of inability to fulfil a contractual obligation.

*Article 12.—1.* Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence.

2. Everyone shall be free to leave any country, including his own.

3. The above-mentioned rights shall not be subject to any restrictions except those which are provided by law, are necessary to protect national security, public order ("*ordre public*"), public health or morals or the rights and freedoms of others, and are consistent with the other rights recognized in the present Covenant.

4. No one shall be arbitrarily deprived of the right to enter his own country.

*Article 13.* An alien lawfully in the territory of a State Party to the present Covenant may be expelled therefrom only in pursuance of a decision reached in accordance with law and shall, except where compelling reasons of national security otherwise require, be allowed to submit the reasons against his expulsion and to have his case reviewed by, and be represented for the purpose before, the competent authority or a person or persons especially designated by the competent authority.

*Article 14.—1.* All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law. The Press and the public may be excluded from all or part of a trial for reasons of morals, public order ("*ordre public*") or national security in a democratic society, or when the interest of the private lives of the parties so requires, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice; but any judgment rendered in a criminal case or in a suit at law shall be made public except where the interest of juveniles otherwise requires or the proceedings concern matrimonial disputes or the guardianship of children.

2. Everyone charged with a criminal offence shall have the right to be presumed innocent until proved guilty according to law.

3. In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality:

(a) To be informed promptly and in detail in a language which he understands of the nature and cause of the charge against him;

(b) To have adequate time and facilities for the preparation of his defence and to communicate with counsel of his own choosing;

(c) To be tried without undue delay;

(d) To be tried in his presence, and to defend himself in person or through legal assistance of his own choosing; to be informed, if he does not have legal assistance, of this right; and to have legal assistance assigned to him, in any case where the interests of justice so require, and without payment by him in any such case if he does not have sufficient means to pay for it;

(e) To examine, or have examined, the witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;

(f) To have the free assistance of an interpreter if he cannot understand or speak the language used in court;

(g) Not to be compelled to testify against himself, or to confess guilt.

4. In the case of juveniles, the procedure shall be such as will take account of their age and the desirability of promoting their rehabilitation.

5. Everyone convicted of a crime shall have the right to his conviction and sentence being reviewed by a higher tribunal according to law.

6. When a person has by a final decision been convicted of a criminal offence and when subsequently his conviction has been reversed or he has been pardoned on the ground that a new or newly discovered fact shows conclusively that there has been a miscarriage of justice, the person who has suffered punishment as a result of such conviction shall be compensated according to law, unless it is proved that the non-disclosure of the unknown fact in time is wholly or partly attributable to him.

7. No one shall be liable to be tried or punished again for an offence for which he has already been finally convicted or acquitted in accordance with the law and penal procedure of each country.

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*Article 15.*—1. No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time when the criminal offence was committed. If, subsequently to the commission of the offence, provision is made by law for the imposition of a lighter penalty, the offender shall benefit thereby.

2. Nothing in this article shall prejudice the trial and punishment of any person for any act or omission which, at the time when it was committed, was criminal according to the general principles of law recognized by the community of nations.

*Article 16.* Everyone shall have the right to recognition everywhere as a person before the law.

*Article 17.*—1. No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation.

2. Everyone has the right to the protection of the law against such interference or attacks.

*Article 18.*—1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.

2. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.

3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.

4. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians, to ensure the religious and moral education of their children in conformity with their own convictions.

*Article 19.*—1. Everyone shall have the right to hold opinions without interference.

2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.

3. The exercise of the rights provided for in the foregoing paragraph carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall be such only as are provided by law and are necessary, (1) for respect of the rights or reputations of others, (2) for the protection of national security or of public order ("*ordre public*"), or of public health or morals.

*Article 20.*—1. Any propaganda for war shall be prohibited by law.

2. Any advocacy of national, racial, or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.

*Article 21.* The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order ("*ordre public*"), the protection of public health or morals or the protection of the rights and freedoms of others.

*Article 22.*—1. Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests.

2. No restrictions may be placed on the exercise of this right other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order ("*ordre public*"), the protection of public health or morals or the protection of the rights and freedoms of others. This article shall not prevent the imposition of lawful restrictions on members of the armed forces and of the police in their exercise of this right.

3. Nothing in this article shall authorize States Parties to the International Labour Convention of 1948 on Freedom of Association and Protection of the Right to Organise to take legislative measures which would prejudice, or to apply the law in such a manner as to prejudice, the guarantees provided for in the Convention.

*Article 23.*—1. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

2. The right of men and women of marriageable age to marry and to found a family shall be recognized.

3. No marriage shall be entered into without the free and full consent of the intending spouses.

4. States Parties shall take steps to ensure equal rights for men and women, particularly in the case of marriage, divorce, and the custody of children. In the case of dissolution of marriage, the State Parties shall ensure the necessary protection of the rights of the child.

*Article 24.*—1. The State Parties shall ensure that every child has the right to a name and to a nationality. In the case of dissolution of marriage, the State Parties shall ensure the necessary protection of the rights of the child.

2. Every child shall have a name.

3. Every child shall have a nationality.

*Article 25.* Every State Party shall ensure that every child has the right to an education, without any discrimination, and that the education is without unreasonable delay.

(a) To take part in cultural, artistic, and sports activities through freely chosen organizations.

(b) To vote and to be elected, which shall be by secret ballot, and to have access to the electors;

(c) To have access to service in his country.

*Article 26.* All States Parties shall ensure that every child has the right to a nationality. In this respect the State Parties shall guarantee to all children, without any discrimination on the basis of religion, political opinion, property, birth or other status, the right to a nationality.

*Article 27.* In the case of children of ethnic minorities or indigenous peoples, the State Parties shall ensure that their religious, cultural, and linguistic identity is not denied and that they are not separated from their own religious and cultural community.

*Article 28.*—1. The State Parties shall ensure that every child has the right to a nationality. In this respect the State Parties shall guarantee to all children, without any discrimination on the basis of religion, political opinion, property, birth or other status, the right to a nationality.

2. The State Parties shall ensure that every child has the right to a nationality.

4. States Parties to the present Covenant shall take appropriate steps to ensure equality of rights and responsibilities of spouses as to marriage, during marriage and at its dissolution. In the case of dissolution, provision shall be made for the necessary protection of any children.

*Article 24.*—1. Every child shall have, without any discrimination as to race, colour, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as required by his status as a minor, on the part of his family, the society and the State.

2. Every child shall be registered immediately after birth and shall have a name.

3. Every child has the right to acquire a nationality.

*Article 25.* Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions:

(a) To take part in the conduct of public affairs, directly or through freely chosen representatives;

(b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;

(c) To have access, on general terms of equality, to public service in his country.

*Article 26.* All persons are equal before the law and are entitled without any discrimination to equal protection of the law. In this respect the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

*Article 27.* In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.

#### PART IV

*Article 28.*—1. There shall be established a Human Rights Committee (hereafter referred to in the present Covenant as "the Committee"). It shall consist of eighteen members and shall carry out the functions hereinafter provided.

2. The Committee shall be composed of nationals of the State Parties to the present Covenant who shall be persons of



high moral character and recognized competence in the field of human rights, consideration being given to the usefulness of the participation of some persons having legal experience.

3. The members of the Committee shall be elected and shall serve in their personal capacity.

*Article 29.*—1. The members of the Committee shall be elected by secret ballot from a list of persons possessing the qualifications prescribed in article 28 and nominated for the purpose by the States Parties to the present Covenant.

2. Each State Party to the present Covenant may nominate not more than two persons. These persons shall be nationals of the nominating State.

3. A person shall be eligible for renomination.

*Article 30.*—1. The initial election shall be held no later than six months after the date of the entry into force of the present Covenant.

2. At least four months before the date of each election of the Committee, other than an election to fill a vacancy declared in accordance with article 34, the Secretary-General of the United Nations shall address a written invitation to the States Parties to the present Covenant to submit their nominations for membership of the Committee within three months.

3. The Secretary-General of the United Nations shall prepare a list in alphabetical order of all the persons thus nominated, with an indication of the States Parties which have nominated them, and shall submit it to the States Parties to the present Covenant no later than one month before the date of each election.

4. Elections of the members of the Committee shall be held at a meeting of the States Parties to the present Covenant convened by the Secretary-General of the United Nations at the Headquarters of the United Nations. At that meeting, for which two thirds of the States Parties to the present Covenant shall constitute a quorum, the persons elected to the Committee shall be those nominees who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.

*Article 31.*—1. The Committee may not include more than one national of the same State.

2. In the election of the Committee consideration shall be given to equitable geographical distribution of membership and to the representation of the different forms of civilization as well as of the principal legal systems.

*Article 32.*—1.

electd for a term of five years; immediately after the first election if renominated; members elected at the first election shall serve for a term of nine months; the Secretary-General shall convene the first meeting referred to in article 29.

2. Elections at the first meeting shall be held with the preceding election.

*Article 33.*—1.

The members, a member of the Committee, shall perform his functions for a term of five years; in his character, the Chairman of the Committee, the Secretary-General of the United Nations shall convene the first meeting referred to in article 29.

2. In the event of the death of a member of the Committee, the Secretary-General of the United Nations shall convene the first meeting referred to in article 29.

*Article 34.*—1.

with article 33 and shall be eligible for re-election; a member of the Committee who has been elected does not express his functions for a term of five years; in his character, the Chairman of the Committee, the Secretary-General of the United Nations shall convene the first meeting referred to in article 29.

2. The Secretary-General of the United Nations shall prepare a list in alphabetical order of all the persons thus nominated, with an indication of the States Parties which have nominated them, and shall submit it to the States Parties to the present Covenant no later than one month before the date of each election.

3. A member of the Committee who has been elected does not express his functions for a term of five years; in his character, the Chairman of the Committee, the Secretary-General of the United Nations shall convene the first meeting referred to in article 29.

*Article 35.* The members of the Committee shall receive no remuneration from the United Nations; they shall receive the same conditions as the Secretary-General of the United Nations; the Secretary-General shall convene the first meeting referred to in article 29.

*Article 36.* The Secretary-General shall provide the necessary staff and services for the Committee.

*Article 32.*—1. The members of the Committee shall be elected for a term of four years. They shall be eligible for re-election if renominated. However, the terms of nine of the members elected at the first election shall expire at the end of two years; immediately after the first election the names of these nine members shall be chosen by lot by the Chairman of the meeting referred to in paragraph 4 of article 30.

2. Elections at the expiry of office shall be held in accordance with the preceding articles of this part of the present Covenant.

*Article 33.*—1. If, in the unanimous opinion of the other members, a member of the Committee has ceased to carry out his functions for any cause other than absence of a temporary character, the Chairman of the Committee shall notify the Secretary-General of the United Nations who shall then declare the seat of that member to be vacant.

2. In the event of the death or the resignation of a member of the Committee, the Chairman shall immediately notify the Secretary-General of the United Nations who shall declare the seat vacant from the date of death or the date on which the resignation takes effect.

*Article 34.*—1. When a vacancy is declared in accordance with article 33 and if the term of office of the member to be replaced does not expire within six months of the declaration of the vacancy, the Secretary-General of the United Nations shall notify each of the States Parties to the present Covenant which may within two months submit nominations in accordance with article 29 for the purpose of filling the vacancy.

2. The Secretary-General of the United Nations shall prepare a list in alphabetical order of the persons thus nominated and shall submit it to the States Parties to the present Covenant. The election to fill the vacancy shall then take place in accordance with the relevant provisions of this part of the present Covenant.

3. A member of the Committee elected to fill a vacancy declared in accordance with article 33 shall hold office for the remainder of the term of the member who vacated the seat on the Committee under the provisions of that article.

*Article 35.* The members of the Committee shall, with the approval of the General Assembly of the United Nations, receive emoluments from United Nations resources on such terms and conditions as the General Assembly may decide having regard to the importance of the Committee's responsibilities.

*Article 36.* The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective per-

formance of the functions of the Committee under this Covenant.

*Article 37.*—1. The Secretary-General of the United Nations shall convene the initial meeting of the Committee at the Headquarters of the United Nations.

2. After its initial meeting, the Committee shall meet at such times as shall be provided in its rules of procedure.

3. The Committee shall normally meet at the Headquarters of the United Nations or at the United Nations Office at Geneva.

*Article 38.* Every member of the Committee shall, before taking up his duties, make a solemn declaration in open committee that he will perform his functions impartially and conscientiously.

*Article 39.*—1. The Committee shall elect its officers for a term of two years. They may be re-elected.

2. The Committee shall establish its own rules of procedure, but these rules shall provide, *inter alia*, that:

(a) Twelve members shall constitute a quorum;

(b) Decisions of the Committee shall be made by a majority vote of the members present.

*Article 40.*—1. The States Parties to the present Covenant undertake to submit reports on the measures they have adopted which give effect to the rights recognized herein and on the progress made in the enjoyment of those rights; (a) within one year of the entry into force of the present Covenant for the States Parties concerned and (b) thereafter whenever the Committee so requests.

2. All reports shall be submitted to the Secretary-General of the United Nations who shall transmit them to the Committee for consideration. Reports shall indicate the factors and difficulties, if any, affecting the implementation of the present Covenant.

3. The Secretary-General of the United Nations may after consultation with the Committee transmit to the specialized agencies concerned copies of such parts of the reports as may fall within their field of competence.

4. The Committee shall study the reports submitted by the States Parties to the present Covenant. It shall transmit its reports and such general comments as it may consider appropriate to the States Parties. The Committee may also transmit to the Economic and Social Council these comments along with the copies of the reports it has received from States Parties to the present Covenant.

5. The States Parties to the present Covenant shall make in accordance with the provisions of the present Covenant such arrangements as may be necessary to enable the Committee to carry out its functions.

*Article 41.*—1. Any State Party to the present Covenant may at any time declare to the Committee that it is not fulfilling its obligations under the present Covenant. No communication or declaration concerning a State Party to the present Covenant shall be made in accordance with the provisions of this article unless it is made in accordance with the provisions of this article.

(a) If a State Party to the present Covenant declares to the Committee that it is not fulfilling its obligations under the present Covenant, the Committee shall, within three months after the date of the declaration, submit to the State Party concerned an explanation of the reasons for its declaration, which shall be in writing, and shall be pending, or available, for the State Party concerned.

(b) If the Committee declares to the States Parties to the present Covenant that it is not fulfilling its obligations under the present Covenant, the receiving State shall have the right to request the Committee to give notice given to the States Parties to the present Covenant.

(c) The Committee shall only after it has received notice from the States Parties to the present Covenant that it has been invoked by the States Parties to the present Covenant shall have the right to give notice given to the States Parties to the present Covenant.

(d) The Committee shall only after it has received notice from the States Parties to the present Covenant shall have the right to give notice given to the States Parties to the present Covenant.

(e) Subject to the provisions of the present Covenant, the Committee shall make such arrangements as may be necessary to enable it to carry out its functions.

5. The States Parties to the present Covenant may submit to the Committee observations on any comments that may be made in accordance with paragraph 4 of this article.

*Article 41.—1.* A State Party to the present Covenant may at any time declare under this article that it recognizes the competence of the Committee to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under the present Covenant. Communications under this article may be received and considered only if submitted by a State Party which has made a declaration recognizing in regard to itself the competence of the Committee. No communication shall be received by the Committee if it concerns a State Party which has not made such a declaration. Communications received under this article shall be dealt with in accordance with the following procedure:

(a) If a State Party to the present Covenant considers that another State Party is not giving effect to the provisions of the present Covenant, it may, by written communication, bring the matter to the attention of that State Party. Within three months after the receipt of the communication, the receiving State shall afford the State which sent the communication an explanation or any other statement in writing clarifying the matter, which should include, to the extent possible and pertinent, reference to domestic procedures and remedies taken, pending, or available in the matter.

(b) If the matter is not adjusted to the satisfaction of both States Parties concerned within six months after the receipt by the receiving State of the initial communication, either State shall have the right to refer the matter to the Committee, by notice given to the Committee and to the other State.

(c) The Committee shall deal with a matter referred to it only after it has ascertained that all available domestic remedies have been invoked and exhausted in the matter, in conformity with the generally recognized principles of international law. This shall not be the rule where the application of the remedies is unreasonably prolonged.

(d) The Committee shall hold closed meetings when examining communications under this article.

(e) Subject to the provisions of sub-paragraph (c), the Committee shall make available its good offices to the States Parties concerned with a view to a friendly solution of the matter on the basis of respect for human rights and fundamental freedoms as recognized in this Covenant.

(f) In any matter referred to it, the Committee may call upon the States Parties concerned, referred to in sub-paragraph (b), to supply any relevant information.

(g) The States Parties concerned, referred to in sub-paragraph (b), shall have the right to be represented when the matter is being considered in the Committee and to make submissions orally and/or in writing.

(h) The Committee shall, within twelve months after the date of receipt of notice under sub-paragraph (b), submit a report:

(i) If a solution within the terms of sub-paragraph (e) is reached, the Committee shall confine its report to a brief statement of the facts and of the solution reached;

(ii) If a solution is not reached, within the terms of sub-paragraph (e), the Committee shall confine its report to a brief statement of the facts; the written submissions and record of the oral submissions made by the States Parties concerned shall be attached to the report.

In every matter the report shall be communicated to the States Parties concerned.

2. The provisions of this article shall come into force when ten States Parties to the present Covenant have made declarations under paragraph 1 of this article. Such declarations shall be deposited by the States Parties with the Secretary-General of the United Nations who shall transmit copies thereof to the other States Parties. A declaration may be withdrawn at any time by notification to the Secretary-General. Such a withdrawal shall not prejudice the consideration of any matter which is the subject of a communication already transmitted under this article; no further communication by any State Party shall be received after the notification of withdrawal of the declaration has been received by the Secretary-General of the United Nations unless the State Party concerned had made a new declaration.

*Article 42.*—1. (a) If a matter referred to the Committee in accordance with article 41 is not resolved to the satisfaction of the States Parties concerned, the Committee may, with the prior consent of the States Parties concerned, appoint an *ad hoc* Conciliation Commission (hereinafter referred to as "the Commission"). The good offices of the Commission shall be made available to the States Parties concerned with a view to an amicable solution of the matter on the basis of respect for the present Covenant;

(b) The Commission shall consist of five persons acceptable to the States Parties concerned. If the States Parties concerned

fail to reach agreement on the composition of the Commission concerning the States Parties concerned, the Commission shall be elected by secret ballot by a two-thirds majority of the States Parties concerned, referred to in sub-paragraph (b), to the Committee from among the States Parties concerned.

2. The members of the Commission shall serve in their personal capacity. They shall be elected for a term of two years. They may be re-elected. They shall, in the absence of special provisions in the Covenant, be elected by secret ballot by a two-thirds majority of the States Parties concerned, or of a State Party which has made a declaration under paragraph 1 of this article.

3. The Commission shall have its own rules of procedure, which shall be subject to the approval of the States Parties concerned.

4. The meetings of the Commission shall be held at the Headquarters of the United Nations Office at Geneva or at other convenient places. The Commission shall consult with the States Parties concerned and the States Parties which have made a declaration under paragraph 1 of this article.

5. The secretariat of the Commission shall also service the States Parties concerned.

6. The information received by the Commission shall be made available to the States Parties concerned. The Commission may call upon the States Parties concerned to supply any relevant information.

7. When the Commission has reached a solution, it shall submit a report to the States Parties concerned. In any event, the Commission shall submit a report to the States Parties concerned if it has not been seized of the matter. The Commission shall also submit a report to the States Parties concerned if it has not been seized of the matter.

(a) If the Commission has reached a solution, it shall submit a report to the States Parties concerned. In any event, the Commission shall submit a report to the States Parties concerned if it has not been seized of the matter.

(b) If an amicable solution has been reached, the Commission shall submit a report to the States Parties concerned. In any event, the Commission shall submit a report to the States Parties concerned if it has not been seized of the matter.

(c) If a solution has not been reached, the Commission shall submit a report to the States Parties concerned. In any event, the Commission shall submit a report to the States Parties concerned if it has not been seized of the matter.

(d) If the Commission has not been seized of the matter, the States Parties concerned shall be notified of the Commission's report.

(e) If the Commission has not been seized of the matter, the States Parties concerned shall be notified of the Commission's report.

fail to reach agreement within three months on all or part of the composition of the Commission the members of the Commission concerning whom no agreement was reached shall be elected by secret ballot by a two-thirds majority vote of the Committee from among its members.

2. The members of the Commission shall serve in their personal capacity. They shall not be nationals of the States Parties concerned, or of a State not party to the present Covenant, or of a State Party which has not made a declaration under article 41.

3. The Commission shall elect its own Chairman and adopt its own rules of procedure.

4. The meetings of the Commission shall normally be held at the Headquarters of the United Nations or at the United Nations Office at Geneva. However, they may be held at such other convenient places as the Commission may determine in consultation with the Secretary-General of the United Nations and the States Parties concerned.

5. The secretariat provided in accordance with article 36 shall also service the Commissions appointed under this article.

6. The information received and collated by the Committee shall be made available to the Commission and the Commission may call upon the States Parties concerned to supply any other relevant information.

7. When the Commission has fully considered the matter, but in any event not later than twelve months after having been seized of the matter, it shall submit to the Chairman of the Committee a report for communication to the States Parties concerned.

(a) If the Commission is unable to complete its consideration of the matter within twelve months, it shall confine its report to a brief statement of the status of its consideration of the matter.

(b) If an amicable solution to the matter on the basis of respect for human rights as recognized in the present Covenant is reached, the Commission shall confine its report to a brief statement of the facts and of the solution reached.

(c) If a solution within the terms of sub-paragraph (b) is not reached, the Commission's report shall embody its findings on all questions of fact relevant to the issues between the States Parties concerned, as well as its views on the possibilities of amicable solution of the matter. This report shall also contain the written submissions and a record of the oral submissions made by the States Parties concerned.

(d) If the Commission's report is submitted under sub-paragraph (c), the States Parties concerned shall, within three

months of the receipt of the report, inform the Chairman of the Committee whether or not they accept the contents of the report of the Commission.

8. The provisions of this article are without prejudice to the responsibilities of the Committee under article 41.

9. The States Parties concerned shall share equally all the expenses of the members of the Commission in accordance with estimates to be provided by the Secretary-General of the United Nations.

10. The Secretary-General of the United Nations shall be empowered to pay the expenses of the members of the Commission, if necessary, before reimbursement by the States Parties concerned in accordance with paragraph 9 of this article.

*Article 43.* The members of the Committee and of the *ad hoc* conciliation commissions which may be appointed under article 41, shall be entitled to the facilities, privileges and immunities of experts on mission for the United Nations as laid down in the relevant sections of the Convention on the Privileges and Immunities of the United Nations.

*Article 44.* The provisions for the implementation of the present Covenant shall apply without prejudice to the procedures prescribed in the field of human rights by or under the constituent instruments and the conventions of the United Nations and of the specialized agencies and shall not prevent the States Parties to the present Covenant from having recourse to other procedures for settling a dispute in accordance with general or special international agreements in force between them.

*Article 45.* The Committee shall submit to the General Assembly, through the Economic and Social Council, an annual report on its activities.

#### PART V

*Article 46.* Nothing in the present Covenant shall be interpreted as impairing the provisions of the Charter of the United Nations and of the constitutions of the specialized agencies which define the respective responsibilities of the various organs of the United Nations and of the specialized agencies in regard to the matters dealt with in the present Covenant.

*Article 47.* Nothing in the Covenant shall be interpreted as impairing the inherent right of all peoples to enjoy and utilize fully and freely their natural wealth and resources.

#### PART VI

*Article 48.—1.* The present Covenant is open for signature by any State Member of the United Nations or member of any

of its specialized agencies of the International Commission on Human Rights has been invited by the Secretary-General to become a party to the present Covenant.

2. The present Covenant shall be subject to ratification or accession by any State Member of the United Nations.

3. The present Covenant shall be subject to ratification or accession by any State referred to in paragraph 1 of this article.

4. Accession shall be subject to the conditions of accession with the present Covenant.

5. The Secretary-General shall deposit the present Covenant with all States which have ratified or acceded to the deposit of each instrument of ratification or accession.

*Article 49.—1.* The present Covenant shall be subject to ratification or accession by any State referred to in paragraph 1 of this article three months after the date of the receipt of the Secretary-General of the United Nations of the instrument of ratification or accession.

2. For each State referred to in paragraph 1 of this article, the present Covenant shall enter into force three months after the date of the deposit of the instrument of ratification or accession.

*Article 50.* The present Covenant shall be subject to ratification or accession by all parts of federal States.

*Article 51.—1.* Any State Member of the United Nations may propose an amendment to the present Covenant. The proposed amendment shall thereupon be referred to the States Parties to the present Covenant. They shall notify him who has proposed the amendment of their views on the proposal. In the event that a majority of the States Parties favours such an amendment, the United Nations shall be notified. The amendment of the United Nations shall be subject to ratification or accession by the States Parties to the present Covenant. The amendment shall be submitted to the Secretary-General for approval.

2. Amendments shall be subject to ratification or accession by a majority of the States Parties to the present Covenant in accordance with their respective

of its specialized agencies, by any State Party to the Statute of the International Court of Justice, and by any other State which has been invited by the General Assembly of the United Nations to become a party to the present Covenant.

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

3. The present Covenant shall be open to accession by any State referred to in paragraph 1 of this article.

4. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

5. The Secretary-General of the United Nations shall inform all States which have signed this Covenant or acceded to it of the deposit of each instrument of ratification or accession.

*Article 49.*—1. The present Covenant shall enter into force three months after the date of the deposit with the Secretary-General of the United Nations of the thirty-fifth instrument of ratification or instrument of accession.

2. For each State ratifying the present Covenant or acceding to it after the deposit of the thirty-fifth instrument of ratification or instrument of accession, the present Covenant shall enter into force three months after the date of the deposit of its own instrument of ratification or instrument of accession.

*Article 50.* The provisions of the present Covenant shall extend to all parts of federal States without any limitations or exceptions.

*Article 51.*—1. Any State Party to the present Covenant may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General of the United Nations shall thereupon communicate any proposed amendments to the States Parties to the present Covenant with a request that they notify him whether they favour a conference of States Parties for the purpose of considering and voting upon the proposal. In the event that at least one third of the States Parties favours such a conference the Secretary-General of the United Nations shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of the States Parties present and voting at the conference shall be submitted to the General Assembly of the United Nations for approval.

2. Amendments shall come into force when they have been approved by the General Assembly and accepted by a two-thirds majority of the States Parties to the present Covenant in accordance with their respective constitutional processes.



5. Immediate steps shall be taken in Trust and Non-self-governing Territories and all other territories which have not yet attained independence, to transfer all powers to the peoples of those territories, without any conditions or reservations, in accordance with their freely expressed will and desire, without any distinction as to race, creed, or colour, in order to enable them to enjoy complete independence and freedom.

6. Any attempt aimed at the partial or total disruption of the national unity and the territorial integrity of a country is incompatible with the purposes and principles of the Charter of the United Nations.

7. All States shall observe faithfully and strictly the provisions of the Charter of the United Nations, the Universal Declaration of Human Rights and the present Declaration on the basis of equality, non-interference in the internal affairs of all States, and respect for the sovereign rights of all peoples and their territorial integrity.

947th plenary meeting,  
14 December 1960

→ Universal Declaration of Human Rights

*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

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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, colour, 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 favorable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

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

*Article 24.* Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

*Article 25.* (1) Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

(2) Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

*Article 26.* (1) Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

(2) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms.

It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

(3) Parents have a prior right to choose the kind of education that shall be given to their children.

*Article 27.* (1) Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.

(2) Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

*Article 28.* Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

*Article 29.* (1) Everyone has duties to the community in which alone the free and full development of his personality is possible.

(2) In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

(3) These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

*Article 30.* Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

1904(XVIII). *United Nations Declaration on the Elimination of All Forms of Racial Discrimination*

The General Assembly,

Considering that the Charter of the United Nations is based on the principles of the dignity and equality of all human beings and seeks, among other basic objectives, to achieve international co-operation in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Considering that the Universal Declaration of Human Rights proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out in the Declaration without distinction of any kind, in particular as to race, colour or national origin,

Considering that the Universal Declaration of Human Rights proclaims further that all are equal before the law and are entitled without any discrimination to equal protection of the law and that all are entitled to equal protection against any discrimination and against any incitement to such discrimination,

Considering that the United Nations has condemned colonialism and all practices of segregation and discrimination associated therewith, and that the Declaration on the granting of independence to colonial countries and peoples proclaims in particular the necessity of bringing colonialism to a speedy and unconditional end.

Considering that any doctrine of racial differentiation or superiority is scientifically false, morally condemnable, socially unjust and dangerous, and that there is no justification for racial discrimination either in theory or practice,

Taking into account the other resolutions adopted by the General Assembly and the international instruments adopted by the specialized agencies, in particular the International Labour Organization and the United Nations Education, Scientific and Cultural Organization, in the field of discrimination,