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REPORT OF THE WORKING GROUP ON A DRAFT DECLARATION ON THE
RIGHT AND RESPONSIBILITY OF INDIVIDUALS, GROUPS AND ORGANS
OF SOCIETY TO PROMOTE AND PROTECT UNIVERSALLY-RECOGNIZED
HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Chairman-Rapporteur: Mr. Robert H. Robertson (Australia)

Introduction

1. The Commission on Human Rights, by decision 1985/112 of 14 March 1985, established an open-ended working group to draft a declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms. This was approved by the Economic and Social Council, in decision 1985/152 of 30 May 1985. The Working Group held its first session prior to the forty-second session of the Commission and submitted its report, contained in document E/CN.4/1986/40, to the Commission.

2. The Commission, by resolution 1986/44 of 12 March 1986, decided to continue at its forty-third session, as a matter of the highest priority, its work on the elaboration of the draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms, using as a basis the views expressed and proposals made in the Working Group during the forty-second session. The Economic and Social Council, by resolution 1986/37 of 23 May 1986, endorsed the Commission's resolution and authorized a one-week session of an open-ended working group prior to the forty-third session of the Commission on Human Rights with a view to continuing the work on the draft declaration.

3. The working group held 10 meetings from 26 to 30 January, and on 6 March 1987. The session was opened by Mr. Kurt Herndl, Assistant Secretary-General for Human Rights, who made a statement.

Election of Officers

4. At its 1st meeting on 26 January 1987, the Working Group elected by acclamation, Mr. Robert H. Robertson (Australia) as Chairman-Rapporteur.

Participation

5. The meetings of the working group were open to all members of the Commission on Human Rights and were attended by representatives of the following States: Algeria, Argentina, Australia, Austria, Bangladesh, Belgium, Brazil, Bulgaria, Byelorussian SSR, China, Colombia, France, German Democratic Republic, Germany, Federal Republic of, India, Ireland, Japan, Mexico, Norway, Philippines, Senegal, Sri Lanka, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela and Yugoslavia.

6. The following States, non-members of the Commission were represented by observers: Canada, Czechoslovakia, Finland, Morocco, Netherlands, Portugal, Spain and Sweden.

7. The International Labour Office was also represented at the meetings by an observer.

8. The following non-governmental organizations in consultative status with the Economic and Social Council also sent observers to the meetings: Amnesty International, Baha'i International Community, Human Rights Advocates, International Catholic Migration Commission, International Commission of Jurists and International League for Human Rights.

Documents

9. The Working Group had before it the following documents from its first session:

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| E/CN.4/Sub.2/1985/30 and Add.1 | Draft Body of Principles and Guidelines on the Right and Responsibility of the Individuals, Groups and Organs of Society to Promote and Protect Human Rights and Fundamental Freedoms and an accompanying explanatory report by the Special Rapporteur |
| E/CN.4/1986/40 | Report of the Working Group at the first session |
| E/CN.4/1986/45 | Letter dated 11 November 1985 from the International Labour Office addressed to the Assistant Secretary-General for Human Rights |
| E/CN.4/1986/WG.6/L.2 | Note by the Secretary-General |
| E/CN.4/1986/WG.6/WP.1 | Working paper submitted by the Netherlands |
| E/CN.4/1986/WG.6/WP.2 | Working paper submitted by Canada |
| E/CN.4/1986/WG.6/WP.3 | Working paper submitted by the Union of Soviet Socialist Republics |
| E/CN.4/1986/WG.6/WP.4 | Working paper submitted by Australia |
| E/CN.4/1986/WG.6/WP.6 | Schematic outline of a draft declaration proposed by the Chairman-Rapporteur |
| E/CN.4/1986/WG.6/CRP.1 | Written statement submitted by Four Directions Council, a non-governmental organization in consultative status, category II |
| E/CN.4/1986/WG.6/CRP.2 | Written statement submitted by International League for Human Rights, a non-governmental organization in consultative status, category II |

10. Also available to the Working Group at this session were the following documents: 1/

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| E/CN.4/1987/WG.6/L.1 | Provisional agenda prepared by the Secretary-General |
|----------------------|--|

E/CN.4/1987/WG.6/WP.1	Text (operative part) of Draft Declaration proposed by Norway and Canada
E/CN.4/1987/WG.6/WP.2	Structure of a draft instrument on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms, submitted by the Byelorussian SSR and Czechoslovakia
E/CN.4/1987/WG.6/WP.3	Written statement introducing proposed elements for inclusion in the Draft Declaration submitted by the Philippines
E/CN.4/1987/WG.6/WP.4	Proposal for amendment to chapter I of the Draft Declaration in WP.1 submitted by France
E/CN.4/1987/WG.6/WP.5	Additional element for inclusion in article 1 of the Draft Declaration in WP.1 proposed by Ireland
E/CN.4/1987/WG.6/WP.6	Proposal submitted by Senegal on WP.1
E/CN.4/1987/WG.6/WP.7	Proposal for chapter I of a Draft Declaration submitted by the Union of Soviet Socialist Republics
E/CN.4/1987/WG.6/WP.8	Amendment to WP.1 presented by the Philippines
E/CN.4/1987/WG.6/WP.9	Consolidated text of general provisions elements of WP.1, as amended, proposed by the informal drafting group

11. The following written statements were submitted by non-governmental organizations in consultative status with the Economic and Social Council: 2/

E/CN.4/1987/WG.6/NGO.1	Submitted by Human Rights Advocates (category II)
E/CN.4/1987/WG.6/NGO.2	Submitted by Baha'i International Community (category II)
E/CN.4/1987/WG.6/NGO.3	Submitted by International League for Human Rights (category II)
E/CN.4/1987/WG.6/NGO.4	Submitted by International League for Human Rights (category II)

General considerations

12. At its 2nd meeting, on 27 January 1987 the Working Group conducted a debate on the organization of its work. Discussion commenced with the introduction of a text (operative part) of the Draft Declaration proposed by Norway and Canada contained in document E/CN.4/1987/WG.6/WP.1.

13. During the debate, a number of delegations suggested that the Working Group should begin its work on the drafting of specific articles of a future declaration using the proposal, contained in document E/CN.4/1987/WG.6/WP.1, as the basis for discussion. It was noted that the structure of that proposal was similar to the framework of a future declaration put forward at the last session by the Chairman-Rapporteur in his schematic outline of a future declaration (E/CN.4/1986/WG.6/WP.6). Other delegations were of the opinion that the structure of a future document should be considered and decided upon before the Working Group started the drafting process, as the subject matter of each chapter was, by its very nature, interrelated.

14. A proposal on the structure of a draft instrument was submitted by the Byelorussian SSR and Czechoslovakia (E/CN.4/1987/WG.6/WP.2).

15. After extensive consideration of the various views expressed, the Working Group proceeded to consider the elements to be incorporated in the first chapter of a future document. An ensuing debate as to the appropriate title for the chapter led to agreement to substitute "General Provisions" (drawn from E/CN.4/1987/WG.6/WP.2) for the formulation used in documents E/CN.4/1986/WG.6/WP.6 and E/CN.4/1987/WG.6/WP.1. It followed that material would appropriately be drawn from chapter V as well as chapter I of E/CN.4/1987/WG.6/WP.1, together with E/CN.4/1986/WG.6/WP.3 and other relevant documents from the 1986 session.

16. In the course of the discussion, it was pointed out by a number of delegations that a future declaration must not undermine or weaken the existing human rights standards, nor was there any need to reiterate them. As extensive human rights standards already existed, the aim of a future declaration should be to promote and safeguard their effective implementation. One delegation pointed out that the wording adopted should take into account the need for the future declaration to be applicable to future as well as existing human rights standards.

17. Several delegations suggested that in a future declaration the concept of duties of individuals should be included. One delegation referred to the provisions of the African Charter on Human and People's Rights and pointed out the importance of introducing a similar concept within a future declaration. Several other delegations, however, did not believe that the duties of individuals should be the subject of consideration by the Working Group.

18. Referring to the relevant paragraphs in E/CN.4/1986/WG.6/WP.3, some delegations spoke in favour of giving precedence to elements relating to the rights and responsibilities of States for the promotion and protection of human rights over those attaching to individuals, groups and organs of society. Others were of the opinion that rights and responsibilities of States should be treated seriatim under each chapter of rights as subsequently identified and agreed. There was an eventual understanding in the group that after finding generally agreed language, grouping and placement could be held over for later consideration.

19. One delegation urged that chapter I include the right of an individual to demand that his national authorities guarantee to observe human rights. It further suggested inclusion of confirmation that no one should be compelled to carry out human rights violations.

Consideration and drafting of articles

20. At its 4th meeting, on 28 January 1987, the Working Group generally agreed that the discussion should focus on the actual drafting of chapter I of a future declaration.

21. Regarding the contents of chapter I of a future declaration, various proposals additional to or related to E/CN.4/1987/WG.6/WP.1 (the Norwegian/Canadian proposal) were presented. Amendments were proposed by France (E/CN.4/1987/WG.6/WP.4), by Ireland (E/CN.4/1987/WG.6/WP.5) and by Senegal (E/CN.4/1987/WG.6/WP.6). The Union of Soviet Socialist Republics submitted a separate proposal (E/CN.4/1987/WG.6/WP.7).

22. Some delegations expressed the view that all proposals submitted could be considered by the Working Group separately, whilst others suggested that consolidated texts of the different proposals could be prepared.

23. Following the Chairman-Rapporteur's suggestion, an informal group consisting of the sponsors of E/CN.4/1987/WG.6/WP.1 and a number of delegations who had proposed amendments thereto prepared the text in document E/CN.4/1987/WG.6/WP.9 which consolidated the "General Provisions" articles from E/CN.4/1987/WG.6/WP.1.

24. During the discussion of that consolidated text (E/CN.4/1987/WG.6/WP.9), some delegations were of the opinion that it could not be taken as the final draft of chapter I, as it had not taken account of the proposal made by the Union of Soviet Socialist Republics (E/CN.4/1987/WG.6/WP.7) nor of relevant paragraphs of that delegation's working paper E/CN.4/1986/WG.6/WP.3. The Working Group agreed to return to that question at a later stage.

25. At the 6th meeting of the Working Group, on 29 January 1987, the delegation of India introduced an amendment to article 2 of the above-mentioned consolidated text of draft chapter I (E/CN.4/1987/WG.6/WP.9), which read as follows:

"Article 2

Every individual, having duties to other individuals and to the community and the State to which he belongs, is under a responsibility, individually as well as together with others, to strive for the promotion of these rights and freedoms and to act with others in all spheres of individual and collective endeavour in a spirit of tolerance and universal brotherhood, transcending distinction of any kind such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status."

26. Certain conceptual difficulties were expressed concerning the first three lines of the above-mentioned amendment to article 2. The Netherlands proposed that the beginning of article should read "Everyone should individually as well as with others strive for the promotion of these rights

and fundamental freedoms ...". The United States of America proposed to replace the words "to the community and to the State to which he belongs" by "to his community and State". Ireland proposed to replace the word "State" by "country". It was agreed that these alternatives would be formally noted in the present report, on the understanding that the issues raised would be open to further discussion at subsequent reading, the text meanwhile being left as it stood.

27. The delegation of China suggested that draft chapter I should contain the following article based upon Article 3 (1) of the proposal contained in E/CN.4/1987/WG.6/WP.6 as a supplement to article 4 of E/CN.4/1987/WG.6/WP.9:

"The State has the prime responsibility for and duty of promoting and protecting human rights by taking specific legislative, administrative or other measures, at the national level or in co-operation with other States, to develop a peaceful social climate."

28. A number of delegations thought that article 4 of E/CN.4/1987/WG.6/WP.9 and the above-mentioned article, could be successfully combined into a new article. In this regard, the following amendment was presented by the delegation of the United Kingdom:

"The State has the responsibility and the duty to give effect to the rights and freedoms set forth in the present Declaration, by taking the necessary steps in accordance with its constitutional processes to adopt such legislative or other measures as may be necessary to give effect to these rights and freedoms."

29. The United States of America proposed an amendment to the United Kingdom proposal by deleting the words "to give effect to these rights and fundamental freedoms" from the end of the paragraph and substituting "to ensure that everyone shall be able to avail himself effectively of such rights and freedoms".

30. Norway also proposed an amendment to the United Kingdom proposal. It suggested replacing the words "has the responsibility and duty to" by "shall". The representative of Norway added that he would support the proposal made by the United States.

31. Ireland supported the amendments proposed by the United States of America and Norway and suggested that the words "and shall have recourse to effective remedies in cases of violation of these rights" be added to the end of the proposed amendment by the United States of America.

32. A number of delegations also pointed out that the words "set forth" were not appropriate as they could be interpreted as implying that the new declaration established new rights. In this connection, Austria further proposed an amendment to the United Kingdom's proposal to replace the words "The State has the responsibility and the duty to give effect to the rights and freedoms set forth in the present Declaration" by the words "Each State has the responsibility to promote and protect human rights and freedoms, and in particular ...".

33. China also proposed an amendment to the proposal made by the United Kingdom to replace the words "the rights and freedoms set forth in the present Declaration", by "the universally recognized human rights and fundamental freedoms", and also to insert the word "primary" before the words "the responsibility and duty".

34. The full Working Group being unable to reach a compromise on these several issues, the Chairman-Rapporteur suggested that an informal group meet to prepare an agreed text.

35. The informal group submitted the following consolidation of amendments to chapter I:

"Article 1 (Article 1 of document E/CN.4/1987/WG.6/WP.9)

Article 2 (new article)

Each State has a prime responsibility and duty to promote and protect universally recognized human rights and fundamental freedoms by adopting concrete legislative, administrative and other measures and by taking such other steps as may be necessary to create social conditions favourable to the realization of these rights and freedoms.

Article 3 (Article 2 of document E/CN.4/1987/WG.6/WP.9, as amended by India)

Every individual, having duties to other individuals and to the community and the State to which he belongs, is under a responsibility, individually as well as together with others, to strive for the promotion of these rights and freedoms and to act with others in all spheres of individual and collective endeavour in a spirit of tolerance and universal brotherhood, transcending distinction of any kind such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Article 4 (Article 3 of document E/CN.4/1987/WG.6/WP.9)

Article 5 (new article)

The rights and freedoms set forth in the present Declaration shall be given effect in domestic legal systems in such a manner that everyone shall be able to avail themselves effectively of these rights and freedoms."

36. During discussion of this consolidated document, several delegations again expressed their uneasiness with the words "set forth" in the new article 5. The delegation of Norway suggested that these words simply be deleted. The Working Group agreed to return to this issue at a later stage.

37. The Working Group, having provisionally exhausted discussion on the text of the elements deriving from E/CN.4/1987/WG.6/WP.9, moved on to consideration of the proposal made by the USSR (E/CN.4/1987/WG.6/WP.7) and a structural proposal submitted by the German Democratic Republic, in which it was suggested that paragraphs 1, 2, 3 and 4 of E/CN.4/1987/WG.6/WP.7 and paragraphs 9, 10 and 11 of E/CN.4/1986/WG.6/WP.3 be included in chapter I.

38. In addition, the Philippines had proposed inclusion in chapter I of a paragraph reading:

"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."

39. The Working Group conducted a debate at some length on the substance and appropriate placement of these suggested paragraphs. In the outcome, an open-ended informal drafting group was established at the 8th meeting, mandated to attempt to amalgamate into one document all the proposals made under draft chapter I.

40. At the 9th meeting, the delegation of Norway introduced, on behalf of this drafting group, a "compendium of elements", the text of which, annotated by reference to documentary source, is reproduced in paragraph 45 below. The document incorporated and grouped by subject matter the various proposals with regard to chapter I made during the session of the Working Group. It was stressed that time had not permitted achievement of consensus on the issue of dividing the proposals between the preambular and the operative parts of a future document. It was also emphasized that the elements within each basket did not represent a hierarchical order of proposals. Also, the enumeration of proposals within the compendium of elements was limited to those put forward during the current session for inclusion in "Chapter I: General Provisions". Therefore, the elements contained therein should not be considered exhaustive or immutable and elements could in the future be added to or removed from the baskets.

41. The delegation of the Netherlands expressed inability to accept two of the elements included in the baskets: element D of basket four and element B of basket five.

42. It was pointed out by a number of representatives that although the compendium of elements would be a good starting point for future discussion, the Chairman-Rapporteur's schematic outline (E/CN.4/1986/WG.6/WP.6) would remain a valid framework for the second and later chapters. It was also pointed out that those other proposals in document E/CN.4/1987/WG.6/WP.1 which had not been examined by the Working Group at this session remained on the table for discussion at future sessions when drafting proceeded to the second and later chapters. The same consideration was true of the as yet undiscussed parts of E/CN.4/1986/WG.6/WP.3.

43. The Working Group also discussed the possibility of recommending to the Commission on Human Rights to consider the report of the Working Group under a separate agenda item. Some representatives supported such a recommendation, whilst others suggested that the report could be considered as a sub-item under the agenda item on future promotion and encouragement of human rights and fundamental freedoms (item 11). The Working Group agreed in principle that if satisfactory progress continued at its session at the forty-fourth session of the Commission, favourable consideration should be given to inscribing a separate item on the agenda of the forty-fifth session of the Commission.

44. The Working Group held a short discussion on its future organization of work. There was consensus that it would be logical to proceed next to consideration of chapter II. For purposes of guidance to Governments wishing in the interim to prepare additional material for consideration under that chapter, it was suggested by the Chairman-Rapporteur that it should bear the broad headings in his schematic outline E/CN.4/1986/WG.6/WP.6, i.e., "The right to know and to impart to others knowledge of their rights. The right of individuals and groups to know, and to impart to others, knowledge of human rights, through teaching and publication and other means of dissemination. The responsibility of States to accord priority to the dissemination of human rights material."

45. It was suggested that the Working Group could make more progress at the Commission's forty-fourth session if additional meetings could be scheduled, preferably during the first two weeks of the session.

COMPENDIUM OF PROPOSALS

46. Basket One. THE INTERNATIONAL CONTEXT

Element A (proposed by the Philippines)

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 distinction of any kind such as race, colour, sex, language, religion, political or other opinions.

Element B (document E/CN.4/1987/WG.6/WP.7)

All human rights and fundamental freedoms are indivisible and interdependent.

Element C (document E/CN.4/1987/WG.6/WP.7)

Priority shall be given to the realization of the new international economic order as a necessary element for the effective promotion of human rights.

Element D (document E/CN.4/1987/WG.6/WP.7)

The maintenance of international peace and security is a fundamental condition for the realization of the entire range of human rights.

Element E (document E/CN.4/1986/WG.6/WP.3)

It is essential for the promotion of human rights and fundamental freedoms that States should enter into concrete undertakings by acceding to or ratifying international instruments in this field.

Element F (document E/CN.4/1987/WG.6/WP.7)

The international community shall give priority to combating the mass and gross violations of the human rights of peoples and individuals which result from apartheid, all forms of racial discrimination, colonialist, foreign domination or occupation, aggression or threats to national sovereignty,

national unity or territorial integrity, and from refusal to recognize the right of peoples to self-determination and the right of every people to exercise full sovereignty over its wealth and natural resources.

Basket Two. RIGHTS AND RESPONSIBILITY FOR
INDIVIDUALS AND GROUPS

Element A (document E/CN.4/1987/WG.6/WP.9)

Everyone has the right individually as well as together with others: to know, to be informed about and to make known the universally recognized human rights and fundamental freedoms;

to exercise these rights and freedoms;

to strive to secure, for themselves and for others, the universal and effective observance and implementation of these rights and freedoms;

to enjoy protection in the exercise, the strengthening and the promotion of these rights and freedoms;

to have recourse to effective national and international remedies in cases of violations of these rights and freedoms.

Element B (document E/CN.4/1987/WG.6/WP.9)

Every individual, having duties to other individuals and to the community and States to which he belongs, has the responsibility, individually as well as together with others, to strive for the promotion of these rights and freedoms and to act with others in all spheres of individual and collective endeavour in a spirit of tolerance and universal brotherhood, transcending distinction of any kind such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Element C (document E/CN.4/1987/WG.6/WP.9)

No one shall participate in violating the universally recognized human rights and fundamental freedoms of others, and no one shall be subject to punishment or adverse action of any kind for refusing to violate or otherwise be associated with violations of universally recognized human rights and fundamental freedoms.

Element D (document E/CN.4/1987/WG.6/WP.6)

It is the duty of the individual to respect the rights, beliefs and cultural identity of others by recognizing that the enjoyment of rights and freedoms implies that everyone must discharge his duties within the community in which he lives.

It is the duty of every individual within the community to promote, develop and safeguard mutual respect and tolerance.

It is the duty of all individuals or groups to contribute, within the limits of their means and their physical and intellectual abilities, to the economic development of their country.

It is the responsibility and duty of every organ or society to discourage racial hatred and promote mutual understanding.

Element E (document E/CN.4/1987/WG.6/NGO.2)

Individuals and groups have a moral responsibility to act towards others in a spirit of brotherhood, to strive for the promotion and observance of universally recognized human rights and fundamental freedoms, and to strive by teaching and education to promote respect for these rights and freedoms, in recognition that everyone has duties to the community in which alone the free and full development of his personality is possible.

Every organ of society, as an organization under the control of the State, has the responsibility to promote and protect all universally recognized human rights and fundamental freedoms as well as all the rights guaranteed in any international instruments to which its State is a party. It shall strive to secure the universal and effective recognition and observance of these rights and freedoms and, by teaching and education, to promote respect for them.

No individual, group or organ of society has a right to engage in any activity or to perform any act aimed at the destruction of any human rights and fundamental freedoms; nor to make any discrimination whatsoever in matters of these rights and freedoms in the treatment of persons, groups of persons or institutions on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Basket Three. ROLE OF THE STATE

Element A (document E/CN.4/1987/WG.6/WP.9)

Each State has a prime responsibility and duty to promote and protect universally recognized human rights and fundamental freedoms by adopting concrete legislative, administrative and other measures and by taking such other steps as may be necessary to create social conditions favourable to the realization of these rights.

Element B (document E/CN.4/1986/WG.6/WP.3)

Respect for the person and defence of human rights and freedoms are incumbent upon all States bodies and officials. States shall ensure compliance with this provision by means of legislation.

Element C (document E/CN.4/1986/WG.6/WP.3)

The State shall create conditions for the ever wider participation of citizens in the conduct of State and public affairs.

Basket Four. LIMITATIONS

Element A (document E/CN.4/1987/WG.6/WP.7)

Any restrictions of rights and freedoms, except those which are envisaged by law, which are necessary to safeguard security, national public order, health or moral of the population or rights and freedoms of others, are inadmissible.

Element B (document E/CN.4/1987/WG.6/WP.1)

In the exercise of these 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 public health and morality, public order and the general welfare in a democratic society.

Element C (document E/CN.4/1987/WG.6/WP.1)

Nothing in the present Declaration shall be construed as restricting or derogating from any right defined in the Universal Declaration of Human Rights and the International Covenants on Human Rights.

Element D (document E/CN.4/1987/WG.6/WP.7)

It is necessary to refrain from using or distorting human rights questions as a means of interference in the internal affairs of States, exercising pressure on them or creating an atmosphere of mistrust within or between States.

Basket Five. FULFILMENT OF THE DECLARATION

Element A (document E/CN.4/1987/WG.6/WP.9)

The rights and freedoms set forth in the present Declaration shall be given effect in domestic legal systems in such a manner that everyone shall be able to avail themselves effectively of these rights and freedoms.

Element B (document E/CN.4/1987/WG.6/WP.7)

Matters relating to human rights shall be considered within the context of the various societies in which they arise.

Adoption of report

47. At its 10th meeting, on 6 March 1987, the Working Group adopted this report.

Notes

1/ The full texts of E/CN.4/1987/WG.6/WP.1 to WP.9, inclusive, appear in Annex I.

2/ The texts of E/CN.4/1987/WG.6/NGO.1 to 4, inclusive, appear in Annex II.

Annex I

[E/CN.4/1987/WG.6/WP.1 */]
[28 January 1987]

[Original: ENGLISH]

DRAFT DECLARATION ON THE RIGHT AND RESPONSIBILITY OF
INDIVIDUALS, GROUPS AND ORGANS OF SOCIETY TO PROMOTE
AND PROTECT UNIVERSALLY RECOGNIZED HUMAN RIGHTS AND
FUNDAMENTAL FREEDOMS

Text (Operative part) of Draft Declaration proposed by the
delegations of Norway and Canada

The General Assembly,

Proclaims this Declaration on the Right and Responsibility of
Individuals, Groups and Organs of Society to Promote and Protect Universally
Recognized Human Rights and Fundamental Freedoms:

Chapter I: Affirmation and Definition of the Right

1. Everyone has the right, individually as well as together with others, to know and act upon their universally recognized human rights and fundamental freedoms, and to assist others in the enjoyment of this right.
2. No one shall participate in violating the universally recognized human rights and fundamental freedoms of others, and no one shall be subject to punishment or adverse action of any kind for refusing to violate or otherwise be associated with violations of universally recognized human rights and fundamental freedoms.

Chapter II: The Right to Know and to Impart to Others Knowledge
about Universally Recognized Human Rights and
Fundamental Freedoms

1. Everyone has the right to know their human rights and fundamental freedoms.
2. Everyone has the right, individually or together with others, to obtain and to impart freely to others views and information on their rights and freedoms. This includes the right to promote and protect, both at the national and international levels, these rights and freedoms, by, inter alia, seeking, receiving, holding, imparting, publishing, monitoring and disseminating information and views concerning any aspect of them, including the monitoring of their actual observance or non-observance.

*/ Re-issued for technical reason.

3. Everyone has the right of access to information about these rights and freedoms, and on the means by which these rights and freedoms are given full effect in domestic judicial and administrative systems. This shall include the publication and widespread distribution by States of the texts of relevant laws and regulations, and of their periodic reports to the bodies responsible for implementation of international human rights treaties to which they are parties, as well as the records of deliberations by such bodies on these reports. States shall also seek to ensure that information on these rights and freedoms is widely available in the educational system, including professional training.

4. Everyone has the right to study and to discuss the actual observance or non-observance of these rights and freedoms, either in one's own country or in other countries, and to solicit the attention of the public at large on these matters by such means as the encouragement of public discussion, the use of the media, peaceful demonstrations, and other forms of free expression.

5. Everyone has the right to develop and discuss new human rights ideas and principles, and to advocate their universal acceptance.

Chapter III: The Right to Associate with Others in the Promotion and the Dissemination of Knowledge about Human Rights

1. Everyone has the right to associate with others, and to meet or assemble, in order to promote and protect universally recognized human rights and fundamental freedoms. This right shall include the rights to form, join and participate effectively in non-governmental organizations, including trade unions and human rights monitoring groups.

2. This right to associate includes the right to solicit, receive, and utilize voluntary financial and other contributions from individuals and any other national and international sources.

3. This right of association encompasses the right to participate in peaceful organized refusal to contribute to violations of human rights.

4. Members of such organizations and other individuals may engage in exchanges, contacts and co-operation with other such organizations on a bilateral or multilateral basis, by means of travel, including full enjoyment of the right to leave any country and to return to one's own, or other forms of communication.

5. Everyone has the right to communicate by any means with representatives of such organizations, including international organizations and organizations in other countries.

Chapter IV: The Right to be Protected in the Exercise, Assertion and Promotion of One's Rights and Those of Others, and to Have Recourse to Effective Remedies in the Event of Violations of Those Rights (Preventive and Remedial Measures)

1. Everyone has the right to effective remedies in the event of violations of their internationally recognized human rights and fundamental freedoms.

2. This includes:

(a) the right to draw attention to violations by means of petition or other appeals to executive, legislative, judicial and administrative organs and relevant international organizations;

(b) the right to a fair and public hearing before independent and competent judicial tribunals in order to obtain prompt, adequate and effective redress of grievances, including monetary or other compensation where appropriate;

(c) the right to attend such trials or proceedings to monitor their fairness;

(d) the right of lawyers to offer and provide legal assistance;

(e) the right to seek the assistance of others in defending one's own human rights;

(f) the right to offer and provide assistance to victims of human rights abuses;

(g) the right of effective complaint against the policies and actions of individual officials and governmental bodies;

(h) the right to unhindered access to and communication with international bodies with general or special competence to receive and consider communications on matters of human rights in accordance with applicable international instruments.

3. In the exercise of these rights and freedoms, security of person shall be guaranteed and respected. States shall take effective measures to prevent the use or threat of violence by individuals or groups against those exercising the rights and freedoms set forth in this document.

4. Persons availing themselves of the right to promote and protect human rights and fundamental freedoms shall not suffer any de jure or de facto prejudice, whether through judicial or administrative measures, such as the withholding of practical advantages, or through defamation, intimidation or threats against self, family, friends or associates. In particular, no one shall be accused of undermining or subverting the political or social system of a State because they advocate the actual observance of human rights in that State.

5. Professional individuals and groups (including the military, doctors, lawyers and the judiciary, scientists, teachers, police and correctional officers) have the right and responsibility to maintain in their activities the highest standards of professional conduct and ethics, paying the utmost attention to respect of the dignity and rights of every individual.

6. Everyone has the right to the effective and prompt protection of the law against arbitrary or unlawful interference with the exercise of these rights and freedoms.

7. States shall encourage and support the development of effective institutions for the promotion and protection of these rights and freedoms including administrative appeal bodies, ombudsmen and human rights commissions.

Chapter V: Conditions and Limitations on the Exercise of the Right
(General Provisions)

1. In the exercise of these 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 public health and morality, public order and the general welfare in a democratic society.
2. The rights and freedoms set forth in the present Declaration shall be accorded in national legislation in such a manner that everyone shall be able to avail themselves effectively of such rights and freedoms.
3. Nothing in the present Declaration shall be construed as restricting or derogating from any right defined in the Universal Declaration of Human Rights and the International Covenants on Human Rights.

[E/CN.4/1987/WG.6/WP.2]
[27 January 1987]

[ENGLISH]
[Original: RUSSIAN]

DRAFT DECLARATION ON THE RIGHT AND RESPONSIBILITY OF
INDIVIDUALS, GROUPS AND ORGANS OF SOCIETY TO PROMOTE
AND PROTECT UNIVERSALLY RECOGNIZED HUMAN RIGHTS AND
FUNDAMENTAL FREEDOMS

Structure of a draft instrument on the right and responsibility
of individuals, groups and organs of society to promote and
protect universally recognized human rights and fundamental
freedoms, submitted by the delegations of the Byelorussian SSR
and Czechoslovakia

1. General provisions;
2. Duties and responsibility of States with respect to the promotion and protection of human rights;
3. Rights and duties of social organizations in promoting and helping to protect human rights;
4. Rights of individuals and groups to ensure the promotion and protection of human rights;
5. Responsibility of individuals and groups for violations of human rights.

[E/CN.4/1987/WG.6/WP.3]
[27 January 1987]

[Original: ENGLISH]

DRAFT DECLARATION ON THE RIGHT AND RESPONSIBILITY OF
INDIVIDUALS, GROUPS AND ORGANS OF SOCIETY TO PROMOTE
AND PROTECT UNIVERSALLY RECOGNIZED HUMAN RIGHTS AND
FUNDAMENTAL FREEDOMS

Written Statement Submitted by the Philippine Delegation
Introducing Proposed Elements for Inclusion in the
Draft Declaration

It is in the light of the peaceful revolution that took place in the Philippines last year, when tens of thousands of individuals and groups of Filipinos went to the streets to claim and exercise their rights and fundamental freedoms, that we are submitting for consideration by the Group, the attached proposed elements for inclusion in the draft declaration.

The Group will immediately note that the rights and responsibilities we wish to be included in the draft are the very rights and responsibilities the Filipino people, sustained by a sympathetic international community, exercised, to bring about peaceful change from a Government which had lost its mandate to a Government which enjoys popular will and support. We submit that it is in the exercise of these rights, which in many circumstances requires courage and daring that peace and peaceful change can be brought about and that the protection and promotion of internationally recognized human rights and fundamental freedoms can be achieved.

We urge the Working Group to favourably study our proposals and to incorporate them in the chapters where they seem best to fit.

Proposed Elements for Inclusion in the Draft Declaration

1. Right to participation in the formulation and articulation of interests by sectors and classes especially the poor, hungry and jobless.
2. Right of the individual to participate in national development and transformation.
 - 2.1 Right to analytically and creatively manage his/her economic, political and socio-cultural realities.
 - 2.2 Right to critically discuss the merits and true intent of all programmes of the Government for national development.
 - 2.3 Right to initiate genuine change in laws, systems and structures to further enhance the dignity and worth of every citizen.
 - 2.4 Freedom from being branded "subversives" when advocating protest, criticism and change, and freedom from harassments and indiscriminate arrests.

- 2.5 Right to protest outlawing of opposition parties and doing away with the electoral process which only create the "silenced majority".
- 2.6 Right of the individual to seek redress before an independent international tribunal.
- 2.7 Right to assert the country's right to equality in relation with other nations.
3. Right to seek unification and create solidarity among individuals and groups on national and international levels. Responsibility to offer support to individuals and groups within authoritarian States. Such solidarity sustains hope among victims of human rights violations.
4. Right of individuals and groups to expose and criticize dictatorships, military régimes and undemocratic Governments.
5. Responsibility of individuals and groups to press for the release of political prisoners and prisoners of conscience in all countries.
6. Responsibility of the State to:
 - 6.1 Conduct massive education and information campaign on the above-mentioned rights and responsibilities.
 - 6.2 Provide by law the effective measures necessary to prevent control of the media by any group or even by the Government. The media are essential in fostering freedom of opinion and healthy debates over national and international issues.
 - 6.3 Educate its citizens on the dynamic relationship between the State and the individual: that the society cannot exist without the individuals comprising it, and the individual citizen cannot enjoy rights separated from the rights of the society.
 - 6.4 Educate its citizens on the truth that ultimately, it is the people who matter, not the laws and structures.
 - 6.5 Dispose of the country's natural wealth and resources for the benefit of all its citizens.
 - 6.6 Prevent interference by countries and foreign business conglomerates whose interests conflict with those of the people's.
 - 6.7 Prohibit and declare as crimes the production, testing, possession, deployment and use of nuclear weapons since they constitute the greatest threat to the individual's right to life.

[E/CN.4/1987/WG.6/NGO.4]

[29 January 1987]

[Original: ENGLISH]

DRAFT DECLARATION ON THE RIGHT AND RESPONSIBILITY OF
INDIVIDUALS, GROUPS AND ORGANS OF SOCIETY TO PROMOTE
AND PROTECT UNIVERSALLY RECOGNIZED HUMAN RIGHTS AND
FUNDAMENTAL FREEDOMS

Amendment presented by International League for Human Rights
a non-governmental organization in consultative status,
category II, concerning WP.9

Article 1, first line: insert after "everyone" the following: "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".

[E/CN.4/1987/WG.6/WP.5]
[27 January 1987]

[Original: ENGLISH]

DRAFT DECLARATION ON THE RIGHT AND RESPONSIBILITY OF
INDIVIDUALS, GROUPS AND ORGANS OF SOCIETY TO PROMOTE
AND PROTECT UNIVERSALLY RECOGNIZED HUMAN RIGHTS AND
FUNDAMENTAL FREEDOMS

Additional element for inclusion in Article 1 of the Draft
Declaration proposed by the delegation of Ireland

Everyone has the right to seek to secure, for themselves and for others, the universal and effective observance and implementation of universally recognized human rights and fundamental freedoms.

(The above paragraph could be inserted as an additional paragraph in chapter I (Affirmation and Definition of the Right) of E/CN.4/1987/WG.6/WP.1, between the existing paragraphs 1 and 2. Paragraph 2 would be renumbered in consequence).

[E/CN.4/1987/WG.6/WP.6]
[27 January 1987]

[ENGLISH]
[Original: FRENCH]

DRAFT DECLARATION ON THE RIGHT AND RESPONSIBILITY OF
INDIVIDUALS, GROUPS AND ORGANS OF SOCIETY TO PROMOTE
AND PROTECT UNIVERSALLY RECOGNIZED HUMAN RIGHTS AND
FUNDAMENTAL FREEDOMS

Proposal submitted by the representative of Senegal on WP.1

1. Chapter I: replace the present title by "General Provisions and Principles";

2. Add a new paragraph 3:

"Everyone has the responsibility, individually as well as together with others, of promoting human rights and acting, together with others, in a spirit of tolerance and fraternity".

3. Delete Chapter V entitled "Conditions and Limitations" and replace it by a new chapter: "Responsibility and Duties of the Individual and of Groups with Respect to the Promotion of Human Rights"

(1) The State has the prime responsibility for and duty of promoting and protecting human rights by taking specific legislative, administrative or other measures, at the national level or in co-operation with other States, to develop a peaceful social climate;

(2) It is the duty of the individual to respect the rights, beliefs and cultural identity of others by recognizing that the enjoyment of rights and freedoms implies that everyone must discharge his duties within the community in which he lives.

It is the duty of every individual within the community to promote, develop and safeguard mutual respect and tolerance (articles 27 and 28 of the African Charter of Human and Peoples' Rights).

It is the duty of all individuals or groups to contribute, within the limits of their means and their physical and intellectual abilities, to the economic development of their country.

It is the responsibility and duty of every organ of society to discourage racial hatred and promote mutual understanding.

(To be followed by the text of article 6 (paras. 1, 2 and 3) of document E/CN.4/1987/WG.6/NGO.2, pages 3 and 4 (Baha'i)).

[E/CN.4/1987/WG.6/WP.7]
[27 January 1987]

[ENGLISH]
[Original: RUSSIAN]

DRAFT DECLARATION ON THE RIGHT AND RESPONSIBILITY OF
INDIVIDUALS, GROUPS AND ORGANS OF SOCIETY TO PROMOTE
AND PROTECT UNIVERSALLY RECOGNIZED HUMAN RIGHTS AND
FUNDAMENTAL FREEDOMS

Proposal for chapter I submitted by the delegation of
the Union of Soviet Socialist Republics

Chapter I: General provisions and principles

Article 1

1. Matters relating to human rights shall be considered within the context of the various societies in which they arise.
2. All human rights and fundamental freedoms are indivisible and interdependent.
3. Priority shall be given to the realization of the new international economic order as a necessary element for the effective promotion of human rights.
4. The maintenance of international peace and security is a fundamental condition for the realization of the entire range of human rights.

Article 2

The international community shall give priority to combating the mass and gross violations of the human rights of peoples and individuals which result from apartheid, all forms of racial discrimination, colonialism, foreign domination or occupation, aggression or threats to national sovereignty, national unity or territorial integrity, and from refusal to recognize the right of peoples to self-determination and the right of every people to exercise full sovereignty over its wealth and natural resources.

Article 3

It is essential to refrain from using or distorting matters relating to human rights as a means of interfering in the internal affairs of States, exerting pressure on States or creating an atmosphere of mistrust within or between States.

Article 4

No limitations on rights and freedoms are permissible except those provided by law and necessary for the protection of national security, public order, the health and morals of the population or the rights and freedoms of others.

[E/CN.4/1987/WG.6/WP.8]
[27 January 1987]

[Original: ENGLISH]

DRAFT DECLARATION ON THE RIGHT AND RESPONSIBILITY OF
INDIVIDUALS, GROUPS AND ORGANS OF SOCIETY TO PROMOTE
AND PROTECT UNIVERSALLY RECOGNIZED HUMAN RIGHTS AND
FUNDAMENTAL FREEDOMS

Amendment presented by the delegation of the Philippines

In document E/CN.4/1987/WG.6/WP.1 replace the title of chapter II by the following: The right to know and to be informed of the universally recognized Human Rights and Fundamental Freedoms and to impart to others knowledge about these.

[E/CN.4/1987/WG.6/WP.9]
[28 January 1987]

[Original: ENGLISH]

DRAFT DECLARATION ON THE RIGHT AND RESPONSIBILITY OF
INDIVIDUALS, GROUPS AND ORGANS OF SOCIETY TO PROMOTE
AND PROTECT UNIVERSALLY RECOGNIZED HUMAN RIGHTS AND
FUNDAMENTAL FREEDOMS

Consolidated text proposed by the informal drafting group

Chapter I. General provisions

Article 1

Everyone has the right individually as well as together with others:

- (a) to know, to be informed about and to make known the universally recognized human rights and fundamental freedoms;
- (b) to exercise these rights and freedoms;
- (c) to strive to secure, for themselves and for others, the universal and effective observance and implementation of these rights and freedoms;
- (d) to enjoy protection in the exercise, the strengthening and the promotion of these rights and freedoms;
- (e) to have recourse to effective national and international remedies in cases of violations of these rights and freedoms.

Article 2

Everyone has the [duty and] responsibility, individually as well as together with others, to encourage the promotion of these rights and freedoms and to act with others in all spheres of individual and collective endeavour in a spirit of tolerance and universal brotherhood, transcending distinction of any kind such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Article 3

No one shall participate in violating the universally recognized human rights and fundamental freedoms of others, and no one shall be subject to punishment or adverse action of any kind for refusing to violate or otherwise be associated with violations of universally recognized human rights and fundamental freedoms.

Article 4

The rights and freedoms set forth in the present Declaration shall be given effect in national legislation in such a manner that everyone shall be able to avail themselves effectively of such rights and freedoms.

Annex II

[E/CN.4/1987/WG.6/NGO.1]
[16 January 1987]

[Original: ENGLISH]

DRAFT DECLARATION ON THE RIGHT AND RESPONSIBILITY OF
INDIVIDUALS, GROUPS AND ORGANS OF SOCIETY TO PROMOTE
AND PROTECT UNIVERSALLY RECOGNIZED HUMAN RIGHTS AND
FUNDAMENTAL FREEDOMS

Written statement submitted by Human Rights Advocates,
a non-governmental organization in consultative status,
category II

PROTEST AND DEMONSTRATIONS

1. The Universal Declaration of Human Rights admonishes that "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".
2. Last year the Commission on Human Rights in resolution 1986/46 affirmed that "further measures may be required at national and international levels to ensure the respect of the right to freedom of expression" (operative paragraph 3). The Commission also decided that this year the matter should be reviewed (operative paragraph 5). In the resolution it was noted that article 19 of the Covenant on Civil and Political Rights does not proscribe certain restrictions of freedom of expression by Governments "for the protection of national security or public order (ordre public), or of public health or morals" (2nd preamb.par.).
3. We urge that this Working Group contribute to the Commission's 1987 review of the matter. For example, to match the Commission's concern with "the extensive occurrence ... of detention of persons who exercise the right to freedom of opinion and expression" (operative paragraph 1 of resolution 1986/46) there could be reference to situations where exercise of the right by individuals and groups indisputably helped protect human rights. By way of illustration, we note this brief account of a crucial moment in Philippines history (TIME, 3 January 1987, p.21):

As the rebels barricaded themselves inside two military camps, first hundreds, then thousands, then tens of thousands of common citizens poured into the streets to offer food, support and protection, if need be with their bodies, to the maverick soldiers and Aquino backers. As civilians, bearing only flags and flowers, took up positions to defend the military men, the world knew that it was watching more than just an electoral upheaval.

Finally, the improbable became the impossible. Marcos' tanks rolled toward the crowds, only to be stopped by nuns kneeling in their path, saying the rosary. Old women went up to gun-toting marines and disarmed them with motherly hugs. Little girls offered their flowers to hardened combat veterans. In the face of such quiet heroism, thousands of Marcos loyalists defected; many simply broke down in tears.

4. That protest and those demonstrations were peaceful. We submit that peaceful expression, even if "illegal", exemplifies the kind of promotion and protection of human rights that this Working Group should set forth, with appropriate definitions, in its draft declaration. That is to say, peaceful expression indeed is a right of individuals and groups; and organs of society such as Governments have a responsibility not to violate that right. The time, place, and manner of protest and demonstrations may reasonably be regulated; but to prohibit them should be pronounced a violation of international law.

5. Commission resolution 1986/4 expressed a deep concern as to "unrestrained use of violence, including lethal force, in dealing with unarmed demonstrators and legitimate protests against the policies of apartheid" (operative paragraph 5b); and the Commission demanded that South Africa repeal "its ban on the popular organizations so as to afford the masses ... access to legitimate vehicles for expressing their ... aspirations" (operative paragraph 11). Resolution 1986/24 "Strongly condemns the wanton killing of peaceful and defenceless demonstrators" (operative paragraph 9).

6. In operative paragraph 1 of resolution 1986/46 the Commission did not catalogue the "many parts of the world [where] detention of persons who exercise the right of freedom of opinion and expression" has occurred. Similarly, herein we set forth no list of countries where peaceful protesters and demonstrators have been threatened, detained, imprisoned, penalized in other ways (e.g. by expulsion from school or university) and subjected to cruel, inhuman and degrading treatment. If this Working Group seeks pertinent facts regarding (1) those kinds of penalties and unlawful treatment, and (2) effective mobilization of peaceful and popular movements, we would be pleased to present our information either orally or in writing.

[E/CN.4/1987/WG.6/NGO.2]
[20 January 1987]

[Original: ENGLISH]

DRAFT DECLARATION ON THE RIGHT AND RESPONSIBILITY OF
INDIVIDUALS, GROUPS AND ORGANS OF SOCIETY TO PROMOTE
AND PROTECT UNIVERSALLY RECOGNIZED HUMAN RIGHTS AND
FUNDAMENTAL FREEDOMS

Written statement submitted by Baha'i International Community,
a non-governmental organization in consultative status,
category II

{Preamble}

The General Assembly,

Recalling that 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,

Recalling also the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Recognizing that the full realization of civil, political, economic, social and cultural rights requires action not only by States but by individuals, groups and organs of society,

Acknowledging the close and interdependent relationship between rights and responsibilities,

Desirous of strengthening the role of individuals, groups and organs of society in the promotion and protection of universally recognized human rights and fundamental freedoms,

Proclaims this Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms:

Article 1 [Definitions]

For the purpose of the present Declaration:

1. The term "individual" means every human person, and includes the individual members of groups and organs of society, as hereinafter defined.

2. The term "group" means: (1) any collection of individuals sharing one or more common characteristics, or (2) an association of individuals, not under the control of the State, which is formed in exercise of the right of association laid down under article 20 of the Universal Declaration of Human Rights.

3. The term "organ of society" means any organization which is under the control of the State and has a specific social function.

Article 2 [The right of individuals and groups to promote human rights]

Individuals and groups have the right to promote their own rights or those of other individuals and groups through the exercise of all the rights proclaimed in the Universal Declaration of Human Rights, and of any other rights recognized in international human rights declarations or protected by international human rights instruments to which their State is a party. They have the right to strive to secure the universal and effective recognition and observance of human rights and fundamental freedoms. [Preamble to UDHR]

Article 3 [Freedom of expression, information, education, association, religion and development]

1. In particular, individuals and groups have, for the purpose of promoting human rights, the right to:

(a) freedom of opinion and expression, including the freedom to seek, receive and impart information and ideas relating to human rights, their alleged or actual violation, or measures to promote or ensure their full enjoyment; [Art. 19 UDHR]

(b) promote a common knowledge and understanding of universally recognized human rights and fundamental freedoms, and to strive by teaching and education to promote respect for these rights and freedoms; [Preamble UDHR]

(c) freedom of peaceable assembly and association; and [Art. 20 UDHR]

(d) freedom of religion or belief. [DRI]

2. Individuals and groups furthermore have the right to progressive realization of the economic, social and cultural rights indispensable for their dignity, and of the right to enjoy economic, social, cultural, political and spiritual development. These rights are essential in developing the capacity of individuals and groups to promote the human rights of others. [Art. 22 UDHR and draft Declaration on the Right to Development]

Article 4 [Freedom from arbitrary interference with privacy]

In the exercise of the rights enumerated in articles 2 and 3, individuals and groups shall not be subjected to arbitrary interference with their privacy, family, home or correspondence, nor to attacks upon their honour and reputation. [Art. 12 UDHR]

Article 5 [Limitations on the right of individuals and groups to promote human rights]

In the exercise of the rights enumerated in articles 2 to 4, individuals and groups shall be subject only to such limitations as are provided for in article 29 of the Universal Declaration of Human Rights, the relevant articles of the International Covenants on Human Rights, and other international instruments.

Article 6 [The responsibility to promote and protect human rights]

1. Individuals and groups have a moral responsibility to act towards others in a spirit of brotherhood, to strive for the promotion and observance of universally recognized human rights and fundamental freedoms, and to strive by teaching and education to promote respect for these rights and freedoms, in recognition that everyone has duties to the community in which alone the free and full development of his personality is possible. [Preamble, Art. 1, Art. 29 UDHR]

2. Every organ of society, as an organization under the control of the State, has the responsibility to promote and protect all universally recognized human rights and fundamental freedoms as well as all the rights guaranteed in any international instruments to which its State is a party. It shall strive to secure the universal and effective recognition and observance of these rights and freedoms and, by teaching and education, to promote respect for them. [Preamble UDHR]

3. No individual, group or organ of society has a right to engage in any activity or to perform any act aimed at the destruction of any human rights and fundamental freedoms; nor to make any discrimination whatsoever in matters of these rights and freedoms in the treatment of persons, groups of persons or institutions on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. [Art. 30 UDHR, Art. 2 DERD, Art. 2 ICCPR]

Article 7 [Measures to implement these rights and responsibilities]

1. Every State shall take effective measures to respect and to ensure to all individuals and groups within its territory and subject to its jurisdiction the rights recognized in the present Declaration. [Art. 2 ICCPR]

2. Every State shall take effective measures to ensure that organs of society fulfil their responsibilities as set forth in the present Declaration.

3. In particular, and inter alia, every State shall:

(a) accord the rights and freedoms set forth in the present Declaration in national legislation in such a manner that every individual and group shall be able to exercise such rights and freedoms in practice; [Art. 7 DRI]

(b) ensure that no individual or group asserting or exercising its rights in compliance with this Declaration is punished or subject to any discrimination or deprivation of human rights for so doing;

(c) ensure that any individual or group whose rights or freedoms as herein recognized are violated shall have an effective remedy by the competent national tribunals; [Art. 8 UDHR, Art. 2(3) ICCPR]

(d) take measures to ensure the wide availability of texts of international human rights instruments in national and local languages, and to accord priority in this regard to the Universal Declaration of Human Rights and the International Covenants on Human Rights; [CHR resolution 1986/54]

(e) adopt, and encourage educational institutions, groups and organs of society to adopt, educational measures directed at (i) promoting awareness of universally recognized human rights and fundamental freedoms, including the rights set forth in the present Declaration, (ii) strengthening respect for human rights and fundamental freedoms, and (iii) making individuals, groups and organs of society aware of their responsibilities to promote and protect human rights. [Art. 26 UDHR]

Article 8 [Non-prejudice to other rights and responsibilities]

The provisions of the present Declaration are without prejudice to any rights enjoyed by, or responsibilities devolving upon, individuals, groups or organs of society under the provisions of other international human rights instruments.

Key: UDHR = Universal Declaration of Human Rights
ICCPR = International Covenant on Civil and Political Rights
DERD = Declaration on the Elimination of Racial Discrimination
DRI = Declaration on the Elimination of All Forms of Intolerance
and of Discrimination Based on Religion or Belief

[E/CN.4/1987/WG.6/NGO.3]
[27 January 1987]

[Original: ENGLISH]

DRAFT DECLARATION ON THE RIGHT AND RESPONSIBILITY OF
INDIVIDUALS, GROUPS AND ORGANS OF SOCIETY TO PROMOTE
AND PROTECT UNIVERSALLY RECOGNIZED HUMAN RIGHTS AND
FUNDAMENTAL FREEDOMS

Written statement submitted by International League
for Human Rights a non-governmental organization in
consultative status, category II

It is suggested that after discussion in the Commission on Human Rights, the following proposal be submitted to the Economic and Social Council:

The Economic and Social Council,

Recommends to the General Assembly the adoption of the following draft Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Human Rights and Fundamental Freedoms:

The General Assembly,

Cognizant of the role that the human person, individually or in association with others, is capable of playing in the process of promoting and protecting human rights and individual freedoms in the respective national society and at regional and international levels,

Recalling that it proclaimed, almost 30 years ago, the 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 the Declaration constantly in mind, should 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,

Recognizing that individuals, groups and organs of society are valuable complements of the existing system of international protection of human rights and are entitled to special protection by the international community,

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 human rights and fundamental freedoms,

Recognizing that in order to make effective use of human rights, everyone must understand the nature of these rights and his responsibility to exercise and defend them in the fulfilment of the dignity of man,

Bearing in mind that competent United Nations bodies have repeatedly and consistently emphasized the importance of the role of individuals, groups and organs of society in the promotion and protection of human rights,

Realizing that social progress and development require the active participation of all elements of society in achieving the common goals of development with full respect for the fundamental human rights and freedoms,

Realizing further that the recognition and encouragement of the role of the individual in promoting the effective observance of human rights contribute to the goals of world peace, social justice, and friendship among peoples,

PROCLAIMS THE FOLLOWING DECLARATION ON THE RIGHT AND RESPONSIBILITY OF INDIVIDUALS, GROUPS AND ORGANS OF SOCIETY TO PROMOTE AND PROTECT HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS:

Article I

1. The individual shall have the right and responsibility to promote and protect the rights recognized in the Universal Declaration of Human Rights and other relevant international instruments.
2. In the exercise of this right and responsibility, the individual shall be subject only to such limitations as are consistent with articles 29 and 30 of the Universal Declaration of Human Rights.
3. Unless otherwise specified, the term "individual" shall be understood to include groups of individuals, whether organized or not, national and international non-governmental organizations and other private associations concerned with human rights.

Article II

1. All States shall respect and ensure to all individuals within their territories and subject to their jurisdiction the rights recognized in the present Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin or other status.
2. Where not already provided for by existing legislative or other measures, every State shall take necessary steps to adopt such legislative and other measures as may be necessary to give effect to the rights recognized by the present Declaration.
3. Every State shall ensure that any authority, organization or group under its jurisdiction desist from any attempt to prevent, intimidate or punish individuals for promoting and protecting the enjoyment of universally recognized human rights and fundamental freedoms.

Article III

Everyone shall be free to seek, receive, impart, publish and distribute information and ideas about civil, political, economic, social and cultural rights, both those guaranteed by national constitutions and laws and those proclaimed in the Universal Declaration of Human Rights and other relevant international instruments. This right shall include, inter alia:

(a) The right to demand that the texts of all laws, decrees, regulations, ordinances, judicial and administrative decisions, international treaties and agreements, and United Nations resolutions dealing with human rights be readily accessible in the national language of the country and, where the circumstances make it necessary, also in the language of the minority of which the individual is a member;

(b) Free access to the documents on which a State authority bases its decision as well as the right to be informed of the reasons for a particular decision affecting his rights.

Article IV

Every individual shall have the rights to claim for himself and for others the rights and freedoms recognized in the national constitution and laws of his country as well as in the Universal Declaration of Human Rights and other relevant international instruments, and to demand a prompt and effective remedy when his or other individuals' rights and freedoms are violated. This right shall include, inter alia:

(a) Free access to the competent administrative, judicial or legislative authority of the country in which he resides;

(b) Free access to international bodies having general or special competence to receive and consider communications on matters of human rights;

(c) The rights to seek correction of human rights abuses and to offer assistance to the victims of such abuses;

(d) The rights to call attention of appropriate authorities to instances where human rights are violated, to document grievances, to suggest remedies and to make recommendations of a general or specific nature on ways to alleviate such violations.

Article V

Every individual shall have the right:

(a) To raise questions before competent State organs regarding the compatibility of national laws, regulations and practices with pertinent international standards of human rights, and to propose changes of such laws, regulations and practices, as appropriate;

(b) To conduct independent studies of questions of human rights taking into account the development of international standards by the United Nations;

(c) To conduct and participate in any programme of civil education on questions of human rights and fundamental freedoms;

(d) To communicate freely on matters of human rights with other individuals within one's country as well as outside it.

Article VI

It shall be the shared responsibility of the State, organs of society and individuals:

(a) To disseminate the knowledge of and popularize the international standards of human rights in order to make all members of society fully cognizant of their rights and duties;

(b) To collect, analyse and disseminate information concerning measures of protection as well as acts of deprivation of internationally recognized human rights;

(c) To foster positive attitudes towards human rights by engaging in constructive dialogue on ways to apply the international standards of human rights within the country, such dialogue being conducted in full freedom and in an atmosphere of tolerance for diverse points of view;

(d) To develop public and private programmes for promoting respect for human rights, geared towards instilling, especially in the younger generation, the ambition to seek the truth, follow the rules of morality, practise the duty of justice, and demand that the conditions of life conform to the standards of human dignity.

Article VII

1. States are invited to file, with the United Nations Centre on Human Rights, reports on the implementation of the present Declaration, including the texts of any laws and regulations and other information that may have a bearing on the right and responsibility of individuals, groups and organs of society to promote and protect human rights and fundamental freedoms, and update the reports as appropriate.

2. The Centre shall keep a register of such reports and make them available to United Nations bodies and interested persons and organizations on request.

[E/CN.4/1987/WG.6/NGO.4]
[29 January 1987]

[Original: ENGLISH]

DRAFT DECLARATION ON THE RIGHT AND RESPONSIBILITY OF
INDIVIDUALS, GROUPS AND ORGANS OF SOCIETY TO PROMOTE
AND PROTECT UNIVERSALLY RECOGNIZED HUMAN RIGHTS AND
FUNDAMENTAL FREEDOMS

Amendment presented by International League for Human Rights
a non-governmental organization in consultative status,
category II, concerning WP.9

Article 1, first line: insert after "everyone" the following: "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".