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Agenda item 12

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 and its second session prior to the forty-third session of the Commission, its reports to the Commission being contained in documents E/CN.4/1986/40 and E/CN.4/1987/38, respectively.

2. The Commission, by resolution 1987/52 of 11 March 1987, decided to continue at its forty-fourth 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-third session. The Economic and Social Council, by resolution 1987/59 of 29 May 1987, endorsed the Commission's resolution and authorized a one-week session of an open-ended working group prior to the forty-fourth session of the Commission on Human Rights with a view to continuing the work on the draft declaration.

3. The Working Group held 13 meetings from 25 January to 3 February, and on 8 March 1988. The session was opened by Mr. Jan Martenson, Under-Secretary-General for Human Rights, who made an introductory statement.

ELECTION OF OFFICERS

4. At its 1st meeting, on 25 January 1988, 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: Argentina, Belgium, Botswana, Brazil, Bulgaria, Byelorussian SSR, China, Cyprus, France, German Democratic Republic, Germany, Federal Republic of, India, Ireland, Japan, Norway, Pakistan, Peru, Philippines, Portugal, Senegal, Spain, 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: Australia, Austria, Bolivia, Canada, Cuba, Czechoslovakia, Democratic Peoples Republic of Korea, Finland, Gabon, Iran, Lebanon, Morocco, Netherlands, Qatar, Sweden and Ukrainian SSR.

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, Friends World Committee for Consultation, International League for Human Rights and Pax Christi International.

DOCUMENTS

9. The working group had before it the following documents:

E/CN.4/1987/38	Report of the Working Group on its second session
E/CN.4/1988/WG.6/L.1	Provisional agenda prepared by the Secretary-General
E/CN.4/1988/WG.6/WP.1	Working paper submitted by China
E/CN.4/1988/WG.6/WP.2	Working paper submitted by Ireland
E/CN.4/1988/WG.6/WP.3	Working paper submitted by China
E/CN.4/1988/WG.6/WP.4	Working paper submitted by the USSR
E/CN.4/1988/WG.6/WP.5	Working paper submitted by the Byelorussian SSR
E/CN.4/1988/WG.6/WP.6	Chairman's draft consolidated text of chapter II
E/CN.4/1988/WG.6/WP.7	Set of paragraphs agreed upon provisionally by the informal drafting group examining the "Compendium of Proposals" (E/CN.4/1987/38, para. 46)
E/CN.4/1988/WG.6/WP.7/Rev.1	Amended set of paragraphs agreed upon provisionally by the informal drafting group
E/CN.4/1988/WG.6/WP.8	Proposals by the German Democratic Republic for inclusion in WP.7
E/CN.4/1988/WG.6/WP.9	Proposal by Bulgaria for inclusion in WP.7
E/CN.4/1988/WG.6/WP.10	Proposal by the German Democratic Republic for fusion of paragraphs II and III of WP.6
E/CN.4/1988/WG.6/WP.11	Informal drafting group's amended text for paragraph IV of WP.6
E/CN.4/1988/WG.6/WP.12	Informal drafting group's amended text for paragraph VII of WP.6

E/CN.4/1988/WG.6/WP.13	Text of chapter II
E/CN.4/1988/WG.6/WP.14	Proposal on chapter III submitted by the USSR
E/CN.4/1988/WG.6/NGO.1	Written statement submitted by the International League for Human Rights

ORGANIZATION OF WORK

10. At its 1st meeting on 25 January 1988, the Working Group adopted its provisional agenda, contained in E/CN.4/1988/WG.6/L.1 and conducted a brief debate on the organization of work. The Chairman-Rapporteur, referring to his letter dated 9 October 1987 to the members of the Commission and other delegations that had actively participated at the Working Group's second session, recalled that the Group at that session had reached consensus that it would be logical to proceed next to a consideration of chapter II of the Draft Declaration. He had suggested that the chapter should bear the broad heading which he had given in his "Schematic Outline" (E/CN.4/1986/WG.6/WP.6), which read "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 publications and other means of dissemination. The responsibility of States to accord priority to the dissemination of human rights material."

11. The Chairman-Rapporteur also recalled that in 1987 the Group had agreed in principle that, if satisfactory progress continued at its third session preceding 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. He also recalled paragraph 45 of the 1987 report in which the Working Group suggested that more progress could be made at the forty-fourth session if additional meetings could be scheduled, preferably during the first two weeks of the Commission. With that in mind, he would request the Bureau of the Commission, when established, to allocate three additional meetings to the Working Group.

12. Some delegations favoured having a separate item on the agenda of the Commission dealing with the subject. Other delegations, however, questioned the appropriateness of such a step and suggested that the report of the Working Group could be considered under a sub-item of item 12. Lack of time prevented the Working Group from coming to a conclusion on that issue.

13. The Chairman-Rapporteur drew attention to the draft text for a declaration submitted by Canada and Norway (Annex I of the 1987 report of the Working Group E/CN.4/1987/38). This had not been examined by the Working Group, and it remained on the table for consideration under the second and later chapters of the future declaration.

14. After a short discussion, the Working Group agreed that its deliberations should focus on the actual drafting of chapter II, and that the proposal of Canada and Norway might serve as the basis for its consideration, bearing in mind that other proposals should also be taken into full account.

15. The Working Group also agreed that an informal drafting group should resume consultations on the Elements included in the Compendium of Proposals reproduced at paragraph 46 of the Working Group's 1987 report (E/CN.4/1987/38)

CONSIDERATION AND ADOPTION OF THE TITLE
OF CHAPTER II

16. After these organizational exchanges, the Working Group proceeded at its 1st and 2nd meetings to consideration and provisional adoption of the title of chapter II.

17. Some delegations believed that the title proposed by the delegations of Canada and Norway would be acceptable. This read (E/CN.4/1987/38, Annex I):

"The Right to Know and to Impart to Others Knowledge about
Universally Recognized Human Rights and Fundamental Freedoms".

18. Other delegations argued, however, that the title suggested by the Philippines in 1987 would be more appropriate. This read as follows:

"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".

19. Following extensive consideration of the various views expressed, the delegation of the United States of America proposed the following consolidated version for the title:

"The Rights to Know, to Be Informed about and to Impart to Others
Knowledge of Universally Recognized Human Rights and Fundamental
Freedoms".

20. At its 2nd meeting, on 25 January 1988, the Working Group provisionally adopted the above-mentioned text of the title of chapter II as proposed by the delegation of the United States of America with the understanding that the Working Group might wish to reconsider it when it has completed drafting of chapter II as a whole.

GENERAL CONSIDERATION OF CHAPTER II

21. At its 2nd, 3rd and 4th meetings, on 25 and 26 January 1988, the Working Group next conducted a general debate on the contents of chapter II. It was agreed that another compendium of elements should not be prepared, but, rather, that the group should consider and draft articles for inclusion. As noted above, it was also agreed that the paragraphs, tabled by the delegations of Canada and Norway in 1987 might serve as a basis for discussion (see Annex I (a)).

22. As to the ordering of articles, several delegations considered that provisions relating to the rights and freedoms of individuals should be emphasized and dealt with at the outset of chapter II. It was argued that, while the State had an overall responsibility in almost all of the aspects to be dealt with by the Declaration, a separate chapter should take up special reference to it. Other delegations, however, underlined State responsibility and proposed that chapter II should reflect it.

23. Consonant with these differing approaches, a number of proposals and amendments to them were submitted as to the reordering and content of chapter II of the Canadian and Norwegian text.

24. The delegation of China submitted a proposal (E/CN.4/1988/WG.6/WP.1) (see Annex I (b)).

25. The delegation of Ireland also submitted a proposal (E/CN.4/1988/WG.6/WP.2) (See Annex I (c)).

26. Extensive debate followed and, wishing to contribute to the Group's expeditious consideration of chapter II, the delegation of China submitted a revised text on the possible reordering of this chapter (E/CN.4/1988/WG.6/WP.3) (see Annex I (d)).

27. In document E/CN.4/1988/WG.6/WP.4 (see Annex I (e)), the delegation of the USSR submitted amendments to chapter II as submitted by Canada and Norway (E/CN.4/1987/38, Annex I).

28. The delegation of the Byelorussian SSR also submitted proposals (E/CN.4/1988/WG.6/WP.5) for chapter II (see Annex I (f)).

29. These proposals gave rise to an extensive discussion, in which the delegations of Argentina, Bulgaria, the Byelorussian SSR, China, the German Democratic Republic, the Federal Republic of Germany, Ireland, Norway, the Philippines, Portugal, the Union of Soviet Socialist Republics, the United Kingdom, the United States of America and Yugoslavia as well as the observers for Austria, Australia, Canada and the Netherlands participated.

30. While many delegates recognized that the revised proposal submitted by the delegation of China contained many valuable elements, they were of the opinion that chapter II of the text proposed by the delegations of Norway and Canada, which followed the schematic outline suggested by the Chairman (E/CN.4/1986/WG.6/WP.6), would better serve as a basis for discussion of chapter II of a future declaration. Other delegations believed that provisions defining the responsibility of the State to promote and protect the rights and freedoms of individuals should be given more priority. Therefore, the two working papers were complementary and should be combined into one.

31. Referring to paragraph I of chapter II, some delegations stated that they preferred the original text as contained in the Canadian and Norwegian draft, whilst others recorded reservation thereto.

32. In an attempt to reach consensus on paragraph I and taking account of the views expressed, the delegations of Canada and Norway orally suggested the following compromise text for paragraph I, based upon the first sentence of Element A in Basket Two of the Compendium of Proposals at paragraph 46 of E/CN.4/1987/38:

"All persons have the rights, individually as well as together with others, to know, to be informed about and to make known their universally recognized human rights and fundamental freedoms".

33. Referring to this compromise text difficulties were expressed by some delegations concerning the words "their universally recognized human rights". They expressed the view that the word "their" limited the scope of the rights and could be interpreted as not referring to the rights of others or to collective rights. Other delegations, however, questioned this approach and, pointing out that the Declaration dealt with the rights of human rights defenders, argued that the possessive pronoun was required and was normally used when there was a general reference.

34. In this regard, the representative of the International League for Human Rights suggested that the following formula be substituted for the latter part of the Canadian and Norwegian compromise text:

"... those human rights and fundamental freedoms which are universally recognized to belong to each man, woman and child".

35. After some discussion, it was generally agreed that this formula created problems of its own, and the Working Group reverted to the compromise text put forward by Canada and Norway. The observer for Austria, supported by the delegation of the Federal Republic of Germany, orally proposed that the words "and the rights and freedoms of others" be added to that text.

36. The delegation of Bulgaria suggested the deletion of "their" from the Norwegian and Canadian text, and recalled that the notion of "collective rights" was now recognized under international law, as well as in the practice of the United Nations, so that chapter II should make reference to that established practice. The delegation of Ireland and the observer for Australia argued that the reference to "universally recognized human rights and fundamental freedoms" included collective rights.

37. The delegation of China orally proposed that "all human rights and fundamental freedoms as enshrined in the relevant international covenants and conventions" should replace "their human rights and fundamental freedoms".

38. At the 3rd meeting, having been unable to reach an agreement on the wording of paragraph I of chapter II, consideration of that paragraph was temporarily suspended, and the Working Group commenced a general debate on other paragraphs of that chapter, again using the Canadian and Norwegian text as the basis for consideration.

39. After having heard additional comments by various delegations on the contents of chapter II, the Working Group decided to entrust to its Chairman-Rapporteur the drafting of a single consolidated text of chapter II which should reflect the divergent views expressed and proposals made during the debate.

40. At its 5th meeting, the Chairman-Rapporteur introduced for consideration by the Working Group, his consolidated text (document E/CN.4/1988/WG.6/WP.6) reading as follows:

Chapter II

"Title

The rights to know, to be informed about, and to impart to others knowledge of universally recognized human rights and fundamental freedoms.

Paragraph I

All persons have the right, individually as well as together with others, to know, to be informed about and to make known their universally recognized human rights and fundamental freedoms and those of others.

Paragraph II

Everyone has the right, individually as well as together with others to seek, obtain and hold information about these rights and freedoms. This shall include access to information on the means by which these rights and freedoms are given effect in domestic legislative, judicial or administrative systems.

Paragraph III

Everyone has the right to publish, impart or disseminate freely to others views, information and knowledge of universally recognized human rights and fundamental freedoms.

Paragraph IV

Everyone has the right to study and to discuss the actual observance or non-observance of these rights and freedoms, either in his or her own country or in other countries, and to solicit public attention on these matters by such means as the encouragement of public discussion, the use of the media, peaceful demonstrations and other forms of free and peaceful expression in a spirit of tolerance and fraternity.

Paragraph V

Everyone has the right to strive for the promotion and protection of human rights and fundamental freedoms through measures at the national and international levels.

Paragraph VI

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

Paragraph VII

The State has the responsibility to take legislative, judicial administrative or other appropriate measures to promote the understanding by its people of their civil, political, economic, social and cultural rights. This shall include ensuring: the publication and widespread distribution of the texts of relevant laws and regulations and of international human rights instruments; full and equal access to

international documents in this field, including the State's periodic reports to the bodies responsible for implementation of international human rights treaties to which they are parties, as well as the deliberations by such bodies on these reports; promotion and improvement of teaching in schools and other educational and professional training establishments, about the observance of universally recognized human rights and fundamental freedoms.

Paragraph VIII

The State has the responsibility to protect individuals and groups engaged in the exercise of the right to know and to impart to others knowledge about universally recognized human rights and fundamental freedoms."

41. At its 6th meeting, the Working Group commenced consideration of this consolidated text on a paragraph by paragraph basis.

CONSIDERATION AND ADOPTION OF PARAGRAPHS OF CHAPTER II

Paragraph I

42. Paragraph I of the consolidated text submitted by the Chairman-Rapporteur read as follows:

"All persons have the right, individually as well as together with others, to know, to be informed about and to make known their universally recognized human rights and fundamental freedoms and those of others".

43. Many delegations were of the opinion that the words "and those of others" were redundant and should be deleted. The Working Group, ultimately, decided to delete those words.

44. The delegation of the German Democratic Republic supported by the delegation of Bulgaria, proposed to replace the word "their" by "the". The Working Group conducted a debate at some length on this question, but it was unable to reach a consensus.

45. The observer for Austria proposed to retain the word "their" in square brackets and provisionally adopt the proposal at a first reading.

46. At its 7th meeting, the Working Group agreed to adopt provisionally, at a first reading, the following text of paragraph I of chapter II:

"All persons have the right to know, and, individually as well as together with others, to be informed about, and to make known [their] universally recognized human rights and fundamental freedoms".

Paragraph II (Paragraphs II and III of the Chairman-Rapporteur's draft consolidated text)

47. Paragraphs II and III of the Chairman-Rapporteur's draft consolidated text (E/CN.4/1988/WG.6/WP.6) read as follows:

Paragraph II

"Everyone has the right, individually as well as together with others, to seek, obtain and hold information about these rights and freedoms. This shall include access to information on the means by which these rights and freedoms are given effect in domestic legislative, judicial or administrative systems."

Paragraph III

"Everyone has the right to publish, impart or disseminate freely to others views, information and knowledge of universally recognized human rights and fundamental freedoms."

48. In the debate on these paragraphs, many delegations, while generally accepting the text of paragraph III, expressed difficulties with some formulations of paragraph II, relating particularly to the phrases "obtain and hold information" and "access to".

49. The delegation of Ireland orally proposed to combine the first and second sentence of that paragraph, so that it would read as follows:

"Everyone has the right, individually as well as together with others, to seek, obtain and hold information about these rights and freedoms, including information on the means by which these rights and freedoms are given effect in domestic legislative, judicial or administrative systems."

50. The delegation of the United States of America thought that "hold" should be replaced by "maintain".

51. The delegation of Argentina, in this regard, stated that there was no difficulty keeping "hold" in Spanish, and recorded its view that the different language versions of the final text of the declaration should be carefully edited.

52. The representative of the International League for Human Rights suggested that "to retain and use" might replace "to seek, obtain and hold".

53. The delegation of Portugal proposed that "receive" should be inserted after the word "obtain".

54. On the same point, the observer for Austria proposed that the passage should read "to seek, receive and retain".

55. After further discussion, the delegation of the German Democratic Republic submitted the following proposal for combining paragraphs II and III (E/CN.4/1988/WG.6/WP.10).

"Everyone has the right, individually as well as together with others

(a) to seek, obtain and hold information about these rights and freedoms;

(b) to publish, impart or disseminate freely to others views, information and knowledge of universally recognized human rights and fundamental freedoms.

This right should be exercised in accordance with the domestic legislative, judicial or administrative system."

56. After a lengthy debate on that proposal, the Chairman-Rapporteur suggested, and it was agreed, to set up an informal drafting group, composed of the German Democratic Republic, Ireland and Norway to prepare a new text for consideration by the Working Group. While the drafting group was able to agree in principle on the first part of the proposal submitted by the delegation of the German Democratic Republic in WP.10, it could not reach consensus as to the last sentence contained in that working paper. In connection with that sentence, some delegations expressed the view that the draft declaration should contain a general limitation clause rather than one in each of its chapters. This general clause could be considered later, during discussion of chapters IV or V.

57. At the 8th meeting, on 29 January, the delegation of the German Democratic Republic stated that it would not insist on retaining the last sentence of its proposal, but would return to the subject when the Working Group examined the chapter on limitations. In the light of that statement, the Working Group agreed to delete the sentence and to base its further consideration on the remaining wording of WP.10.

58. At the same meeting, the Working Group agreed to replace the opening phrase of sub-paragraph (a) of WP.10 by "to seek, obtain, receive and hold". It also considered an oral proposal submitted by the observer for Canada to add the following at the end of sub-paragraph (a) of WP.10 "including access to information on the means by which these rights and freedoms are given effect in domestic legislative, judicial or administrative systems".

59. Referring to this amendment, the delegation of China orally proposed the following:

"This shall include access to information on the remedies in domestic, legislative, judicial or administrative systems in case of violations of rights and freedoms."

60. Some delegations expressed reservations about this proposal, arguing in particular that the word "remedies" would actually narrow the scope of its coverage and was, therefore, not appropriate.

61. After a lengthy debate on various proposals submitted for paragraphs II and III, the delegation of Ireland said that the report of the Working Group to the Commission should reflect the discussion in the Working Group and show that there was no clear agreement on several points.

62. Subsequently, the delegation of the United States of America proposed to put in square brackets the formulation submitted orally by the observer for Canada and moved that the paragraph be provisionally adopted.

63. The Working Group finally adopted provisionally at the first reading the following combined text as paragraph II, on the understanding that the discussion thereon be reflected in the report:

Paragraph II

"Everyone has the right, individually as well as together with others

(a) to seek, obtain, receive and hold information about these rights and freedoms, [including access to information on the means by which these rights and freedoms are given effect in domestic legislative, judicial and administrative systems];

(b) to publish, impart or disseminate freely to others views, information and knowledge of universally recognized human rights and fundamental freedoms."

Paragraph III (Paragraph IV of the Chairman-Rapporteur's draft consolidated text)

64. Paragraph IV of the Chairman-Rapporteur's draft consolidated text (E/CN.4/1988/WG.6/WP.6) read as follows:

"Everyone has the right to study and to discuss the actual observance or non-observance of these rights and freedoms, either in his or her own country or in other countries, and to solicit public attention on these matters by such means as the encouragement of public discussion, the use of the media, peaceful demonstrations and other forms of free and peaceful expression in a spirit of tolerance and fraternity."

65. In the course of the discussion, some delegations expressed the view that the word "study" sounded too academic and its meaning was rather narrow. In the course of discussion of more appropriate wording the words "monitor", "observe" "examine" or "evaluate" were offered in addition to or substitution for "study", but several delegations thought that such wording would insinuate the notion of sanctions at the international level.

66. The delegation of Yugoslavia, on the same point, stated that "to study" should be retained in the paragraph as it implied a serious and careful action.

67. The delegation of Bulgaria proposed that "actual" should be deleted from the first line of the paragraph and that "objectivity" should be inserted before "tolerance", in the last sentence of the paragraph.

68. The representative of the International League for Human Rights suggested that "to evaluate, discuss and form opinions about the observance" should replace "to study and to discuss the actual observance". He also suggested that "domestically and internationally" should be inserted between "matters" and "by".

69. The delegation of Portugal proposed to replace the phrase "to study and to discuss the actual observance or non-observance" by "to get information about the actual observance."

70. The delegation of China suggested use of the wording "to give examination to".

71. The delegation of the USSR proposed to delete "actual observance" and "either in his or her own country or in other countries". It also proposed to delete "the encouragement of", which was subsequently agreed.

72. The observer for the Ukrainian SSR suggested insertion of the words "all legitimate" between "such" and "means"

73. The delegation of Norway expressed inability to accept insertion of the word "legitimate". It argued that international human rights law had now developed to the point where all domestic systems should follow international human rights standards. The delegation would prefer to have no limitation in this paragraph, and foreshadowed a general limitations clause that would speak of the need for "domestic legislation which is in compliance with the universally recognized human rights and fundamental freedoms".

74. The delegation of Bulgaria stated its understanding that the draft declaration under consideration should apply to States in normal conditions and not to States in abnormal conditions like the situation in the occupied Arab territories or in South Africa. It was against this background that Bulgaria did not consider the use of the word "legitimate" as restrictive and supported the retention of this word.

75. With regard to the amendment by the delegation of Bulgaria to insert "objectivity", some delegations considered it inappropriate and questioned whether individuals had the responsibility to be "objective". Demonstrations, for example, were in their nature often non-objective, and the adjective "peaceful" was a sufficient safeguard against violence. This latter point was then challenged.

76. The delegation of Argentina suggested that "in the spirit of tolerance and fraternity" be put in square brackets.

77. As to the expression "either in his or her own country or in other countries", the delegation of China expressed its difficulty in accepting this wording. The observer for Australia proposed use of the wording of Article 19 of the International Covenant on Civil and Political Rights, namely "regardless of frontiers".

78. With regard to limitations, some delegations were of the opinion that early consideration and adoption of limitation clauses would facilitate the work of the Working Group, whilst others considered it difficult to consider them before the rights and freedoms to which such limitations would apply were considered and adopted; they held the view that these aspects should be considered in chapter IV as indicated in the Schematic Outline put forward by the Chairman-Rapporteur (E/CN.4/1986/WG.6/WP.6).

79. As the Working Group was unable to reach a compromise on these issues, the Chairman-Rapporteur suggested that an informal drafting group composed of Australia, Bulgaria, Canada, China, Ireland, Norway, the USSR and the United States of America try to find an agreed solution. It was agreed however that the issue of limitations should not be taken up at this stage by the drafting group.

80. At its 10th meeting, on 1 February 1988, the informal drafting group submitted the following text (E/CN.4/1988/WG.6/WP.11):

Paragraph IV

"Everyone has the right to study, discuss and form opinions as to whether these rights and freedoms are observed, both in law and in practice, regardless of frontiers, and to solicit public attention on these matters by such means as public discussion, the use of the media, peaceful demonstrations and other [legitimate] forms of free and peaceful expression [in a spirit of objectivity, tolerance and fraternity]."

81. Introducing this paragraph on behalf of the drafting group, the delegation of Norway stated that there had been no agreement concerning the wordings in brackets. The delegation added that the drafting group had had a discussion as to whether the word "legitimate" should have a place, but on this it was likewise unable to come to a consensus.

82. The Chairman-Rapporteur, in summing up the debate on paragraph IV, stated that agreement had been reached to delete "encouragement of" and to replace "domestically and internationally" by "regardless of frontiers". As to the inclusion of "legitimate" in the paragraph, the Working Group was clearly not going to be able to reach a consensus at the present session whether limitations should figure in each chapter or be dealt with in one chapter only. He suggested, therefore, that "legitimate" be put into square brackets and that the Working Group agree to revert to the broad issue when considering the limitations chapter. There was no dissent from WP.11 at this stage (see paras. 117 and 118 below).

83. The delegation of China stated that the phrase "regardless of frontiers" as contained in this paragraph was inconsistent with Chinese law. In a spirit of cooperation, however, the delegation of China would not insist on putting the phrase into square brackets, but upon the understanding that the report of the Chairman-Rapporteur would reflect the Chinese reservation on inclusion of this phrase in the text.

Paragraph IV (Paragraph V of the Chairman-Rapporteur's
draft consolidated text)

84. Paragraph V of the Chairman-Rapporteur's draft consolidated text read as follows:

"Paragraph V

Everyone has the right to strive for the promotion and protection of human rights and fundamental freedoms through measures at the national and international levels."

85. The delegation of Bulgaria stated that it preferred the wording for that paragraph put forward by the USSR in the second paragraph of WP.4. The delegation of Portugal, on the contrary, strongly supported the present wording of the paragraph.

86. Some other delegations argued that the words "strive for" watered down the significance of the article. The observer for the Ukrainian SSR proposed to replace "strive for" by "contribute to". The Working Group accepted this amendment.

87. The delegation of China proposed inserting "legitimate" before "measures" and deleting "and international levels" from the end of the paragraph.

88. The delegation of the German Democratic Republic supported the basic idea contained in the Chinese amendment and as an alternative, offered the following proposal in substitution for the phrase the Chinese delegation would have deleted:

"and in accordance with international obligations of the State at the international level."

89. The delegations of Ireland and Norway and the observer from the Netherlands expressed their inability to accept these proposals.

90. The delegation of the USSR made the following proposal:

"Everyone has the right to contribute to the promotion and protection of human rights and fundamental freedoms at the national level and taking of appropriate measures at the international level."

91. The delegations of Ireland and Norway and the observer from Australia subsequently expressed their difficulties about accepting the USSR's amendment, noting, inter alia, the imprecision or subjectivity of "appropriate". They felt that "contribute to" had already been a significant compromise.

92. The delegations of the Federal Republic of Germany and Ireland suggested the formulation:

"Everyone has the right to contribute to the promotion and protection of human rights and fundamental freedoms at the national and international levels,"

which was subsequently amended by the delegation of the USSR to read:

"contribute to the promotion and protection of the universally recognized human rights and fundamental freedoms."

93. After a lengthy debate, the Chairman-Rapporteur suggested a compromise version, which would read as follows:

"Everyone has the right to contribute to the promotion and protection of human rights and fundamental freedoms at the national [and international] level[s]"

94. The delegation of Ireland proposed that, if the words "and international" were to be bracketed, so too should the words "contribute to" be.

95. The delegation of Norway stated that if Norway was the only one to oppose the Chairman-Rapporteur's version, it would reluctantly accept it on the condition that the report of the Working Group duly reflects his reservations.

96. At the 10th meeting, on 1 February 1988, the Chairman-Rapporteur suggested that the Working Group could provisionally accept the formula by reflecting the reservations expressed by Ireland and Norway. There was no dissent at this stage (see paras. 117 and 118 below) and discussion was suspended upon a text reading as follows:

IV. "Everyone has the right to [contribute to] the promotion and protection of human rights and fundamental freedoms [through measures] at the national [and international] level[s]."

Paragraphs V, VI and VII (Paragraphs VI, VII and VIII of the Chairman-Rapporteur's draft consolidated text)

97. Paragraphs VI, VII and VIII of the Chairman-Rapporteur's draft consolidated text (E/CN.4/1988/WG.6/WP.6) appear as follows:

"Paragraph VI

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

Paragraph VII

The State has the responsibility to take legislative, judicial, administrative or other appropriate measures to promote the understanding by its people of their civil, political, economic, social and cultural rights. This shall include ensuring: the publication and widespread distribution of the texts of relevant laws and regulations and of international human rights instruments; full and equal access to international documents in this field, including the State's periodic reports to the bodies responsible for implementation of international human rights treaties to which they are parties, as well as the deliberations by such bodies on these reports; promotion and improvement of teaching in schools and other educational and professional training establishments, about the observance of universally recognized human rights and fundamental freedoms.

Paragraph VIII

The State has the responsibility to protect individuals and groups engaged in the exercise of the right to know and to impart to others knowledge about universally recognized human rights and fundamental freedoms."

98. At its 6th, 7th and 11th meetings, on 28 January and 2 February 1988, the Working Group had a general debate on these paragraphs.

99. Many delegations expressed their readiness to accept paragraph VI. However, the observer for the Netherlands proposed to replace the words "new human rights ideas and principles, and to advocate their universal acceptance" by "new ideas and principles for the establishment of new human rights and to advocate them".

100. As to paragraph VII, many delegations expressed the view that it should be divided into three shorter paragraphs. It was argued that the importance of teaching human rights should be emphasized, in particular the teaching of policemen, military personnel, prison personnel and officers in related establishments.

101. The delegation of the United Kingdom proposed that the phrase "This shall include ensuring" be replaced by "These may include the following" in the second sentence, but other delegations opposed this proposal.

102. The delegations of Ireland and the United States of America questioned whether "full and equal access to international documents" could simply read "full access to international documents". On this point, many delegates preferred the original version suggested by the Chairman-Rapporteur.

103. The observer for the Ukrainian SSR proposed to replace the word "their" in the third line of the paragraph by "universally recognized".

104. The observer for the Netherlands suggested that the words "its people" in the third line should be replaced by "individuals and groups of individuals under its jurisdiction".

105. The delegation of the United States of America suggested that "relevant laws and regulations and of international human rights instruments" should read "domestic laws and regulations and of applicable international human rights instruments". Several delegates subsequently saw difficulties with, in particular, the word "applicable", and the delegation of Norway suggested that "basic" might be more appropriate.

106. Several delegates said they would prefer to remit the paragraph to the informal drafting group.

107. With regard to paragraph VIII, many delegates thought that it should be placed in chapter IV of the Schematic Outline. There was no discussion of its content, and it was agreed that its placement should be considered later.

108. The Working Group accordingly decided to submit paragraphs VI and VII (but not VIII) for further consideration by the informal drafting group identified in paragraph 79 above.

109. At its 12th meeting, on 3 February 1988, the delegation of Norway introduced the following amended text prepared by the informal drafting group (E/CN.4/1988/WG.6/WP.12):

"Paragraph VI

(as it appears in WP.6)

Paragraph VII

1. The State has the responsibility to take legislative, judicial, administrative or other appropriate measures to promote the understanding by all persons under its jurisdiction of their civil, political, economic, social and cultural rights.

2. Such measures shall include:

(a) the publication and widespread distribution of national laws and regulations and of basic international human rights instruments;

(b) full and equal access to international documents in the field of human rights, including the State's periodic reports to the bodies established by the international human rights treaties to which it is a party, as well as the official reports of these bodies.

3. The State has the responsibility to promote and improve the teaching of human rights and fundamental freedoms at all levels of education, and to encourage all those responsible for training lawyers, law enforcement officers, the personnel of the armed forces and public officials to include appropriate elements of human rights teaching in their training programmes."

110. The delegation of Norway stated that the informal drafting group had not been able to find agreement on the expression "full and equal" in sub-paragraph 2(b) of paragraph VII, but this question could be considered at the second reading.

111. In the debate on this paper, a number of delegates stated that they still held some reservations concerning the wording of paragraph VII.

112. The delegation of Venezuela pointed out, with regard to paragraph VI, that the word "new" was not included in the Spanish text.

113. The delegation of the United Kingdom stated that the wording of the third sub-paragraph of paragraph VII was not elegant, and it felt that the word "encourage" might be more appropriate than "promote and improve". It would like, however, to return to this question at the next reading of this paragraph.

114. The observer for the Ukrainian SSR stated, with regard to sub-paragraph 1 of paragraph VII, that the word "their" should read "universally recognized". It also said that it would like to return to this point at the second reading of the paragraph.

115. The delegations of Argentina and Venezuela proposed to insert the words "in this field" between the words "regulations" and "and" in sub-paragraph 2(a), but several delegations felt this proposal might be unduly restrictive.

116. Summing up the discussion on these paragraphs, the Chairman-Rapporteur suggested that the text be left as it stood, bearing in mind that all amendments and comments would be clearly reflected in the report.

Summary of consideration of Chapter II

117. The Chairman-Rapporteur requested the Secretariat to provide delegations with a clean text of the whole of chapter II so that they could reflect on it. If they wished, a group of the friends of the Chairman-Rapporteur might continue informal consultations on the text. Referring to the

Chairman-Rapporteur's suggestion, the delegation of the United States of America underlined that, in its view, chapter II was more or less completed, and the Working Group should therefore adopt it provisionally, at the first reading.

118. The delegations of Bulgaria, the German Democratic Republic and the Union of Socialist Soviet Republics stated that they were not yet in a position to adopt paragraphs III and IV as they stood now, while the delegation of Norway and the observer for Canada supported the view of the delegation of the United States of America that they had already been adopted by the Working Group at previous meetings. The delegation of the USSR expressed the opinion that paragraph IV should be included in a new chapter III (see para. 131 below), and recalled that the question of the adoption of paragraphs III and IV was not finalized at previous meetings.

119. After a debate on these matters the Chairman declared that the Working Group had discussed draft chapter II and had provisionally adopted its title and some of the provisions (paragraphs I, II, V and VI which had been numbered I, II/III, IV and VII in the Chairman-Rapporteur's consolidated text) at the first reading. This understanding found agreement with the Working Group.

120. The text of chapter II is contained in Annex II of the present report.

FURTHER CONSIDERATION AND IN PRINCIPLE ACCEPTANCE OF A
NUMBER OF PARAGRAPHS FROM THE COMPENDIUM OF ELEMENTS

121. The Working Group, at its second session, had considered chapter I of a future declaration and finally had prepared a "compendium of elements" (paragraph 45 of E/CN.4/1987/38).

122. At its 4th meeting, on 26 January 1988, the Working Group decided to invite an informal drafting group (composed of Argentina, Australia, Bulgaria, Canada, China, the German Democratic Republic, Ireland, the Netherlands, Norway, the Philippines and the USSR), to discuss the elements, and to determine those upon which consensus as to content and placement might be possible. The informal drafting group was broadly representative of the strands of opinion in the Working Group. It held two meetings.

123. At the 5th meeting, the delegation of Norway presented the text of paragraphs approved provisionally by the informal drafting group (E/CN.4/1988/WG.6/WP.7). This text is contained in Annex III (a) of the report. It pointed out that four preambular paragraphs and two paragraphs of each of chapters I and V were agreed upon. In introducing these proposals, the Norwegian delegation explained that the informal drafting group based its work on the "compendium of elements" in E/CN.4/1987/38. In so doing, it chose less controversial paragraphs for consideration and agreed that the submitted elements neither exhausted the possibilities for agreement nor were necessarily the most important ones.

124. In the course of the debate on E/CN.4/1988/WG.6/WP.7, the delegations of the United Kingdom and the United States of America and the observer for Canada held the view that the result of the informal drafting group reflected a broad spirit of consensus. Hence, after doing some editorial work, the

Working Group might wish to adopt provisionally the elements for chapters I and V in WP.7. Other delegations felt, however, that it would be premature to take any decision at that stage of consideration.

125. Additional paragraphs for inclusion in the paper produced by the informal drafting group were submitted by the delegations of the German Democratic Republic (E/CN.4/1988/WG.6/WP.8) and Bulgaria (E/CN.4/1988/WG.6/WP.9). The former is contained in Annex III (b) and the latter in Annex III (c).

126. During the discussion on the informal drafting group's paper, some delegations suggested that it so far dealt only with the rights of individuals; more attention needed to be paid to duties and responsibilities, bearing in mind that the individual needed protection not only against the State, but also against other individuals. Other delegations pointed out that the paper reflected no judgement about the merits of other elements. As to paragraph B of chapter V, it was stated that a declaration was not a treaty and thus it could not contain provisions restricting or derogating any rights. Having heard general comments by delegations and observers, the Working Group decided that the informal drafting group should continue its work, taking account of all comments made and proposals submitted, with a view to preparing a revised document.

127. At the Working Group's 9th meeting, the delegation of Norway presented the results of the informal drafting group's further work. It had agreed to approve provisionally six paragraphs for inclusion in the preamble and two paragraphs for each of chapters I and V. The text as in E/CN.4/1988/WG.6/WP.7/Rev.1 is contained in Annex III (d) of this report.

128. On several occasions during the discussion at the 5th, 9th and 12th meetings of E/CN.4/1988/WG.6/WP.7 and WP.7/Rev.1, the suggestion was made that some of the agreed paragraphs presented no difficulties for any participants and could be adopted as they were, a step that would have considerable symbolic significance. A number of other delegations felt, however, that it would be premature to "adopt" even those paragraphs. The delegation of the German Democratic Republic specifically stated at the 12th meeting that it would maintain its proposal in E/CN.4/1988/WG.6/WP.8 and insist upon returning to discussion on this matter at a more appropriate time. The delegation of Norway, for its part, reserved the right to return to consideration of other elements to be inserted into the paper at a later stage. Several other delegations expressed reservations about the proposal of the German Democratic Republic. It was further suggested to replace, in preambular paragraph A of WP.7/Rev.1 the words "States" by the words "international community".

129. Bearing these exchanges in mind, the Working Group concluded that, although WP.7/Rev.1 had found in principle agreement, it should be held open for reconsideration at a later stage, when other paragraphs might be added or the already agreed ones amended.

FUTURE WORK

130. At its 12th meeting, on 3 February, the Working Group held a brief discussion on its future work. While some delegations believed that it would be most appropriate to return to chapter I, others insisted that it would be more logical to maintain the forward momentum of the work at the current session and to proceed next to chapters III and IV. The Chairman-Rapporteur

observed that the sequence of these later chapters in his Schematic Outline had not been ideal, and that the order of treatment in the Canadian and Norwegian proposed text was more logical.

131. Consistent with this latter approach, the delegation of the Union of Soviet Socialist Republics stated that it wished to submit a text on chapter III as one possible basis for future discussion. In the interests of maximizing and consolidating the material that would be available to delegations in preparing for the fourth session of the Working Group, the Chairman-Rapporteur proposed that, although time would not permit the formal presentation of this USSR text, it should nevertheless be incorporated in the present report. There was no dissent, and the Soviet proposal (E/CN.4/1988/WG.6/WP.14) appears in Annex IV.

132. The observer for Canada expressed agreement with the Chairman-Rapporteur's plan to proceed on the basis of the subsequent chapters of his Schematic Outline, noted that the Canada-Norway draft declaration before the working group, being based on that outline, contained proposals for consideration at the next session, and underlined the need for all other proposals to comply in substance with the chapter headings of the Schematic Outline. The delegation of the USSR expressed the view that the question of the number of chapters and their headings was not decided yet and asserted that there was a consensus to return to this question in the future.

133. Time did not permit resolution of these differing perceptions concerning future work at the 12th meeting.

134. The Chairman-Rapporteur reminded the Working Group that the issue of a separate agenda item remained outstanding. The observer for Canada, supported by the delegation of the United States of America, expressed support for the establishment of such a separate agenda item for the next session of the Commission. No decision was reached at that meeting (see para. 12 above).

135. While it would of course be open to the Working Group at its next session to return to chapter I, the Chairman-Rapporteur suggests upon his own authority that Governments wishing in the interim to prepare their positions on existing material or to draft new material to do so in relation to the following provisional chapter headings:

- III. The right to associate with others in the promotion and the dissemination of knowledge about these rights.
- 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.

ADOPTION OF REPORT

136. At its 13th meeting, on 8 March 1988, the Working Group adopted the present report.

Annex I

(a) Text of chapter II as proposed by Canada and Norway (E/CN.4/1987/38, annex I)

"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.

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."

(b) Working paper submitted by China (E/CN.4/1988/WG.6/WP.1)

"Article 1

The State has the responsibility to take legislative, administrative, judicial and other necessary measures to promote the understanding by its people of the civil, political, economic, social and cultural rights, including the right to participate in the conduct of State and public affairs. The State shall give publicity to the respect of the dignity of man and to the combat against massive violations of human rights and such systems, actions which brutally trample upon human rights. Individuals and groups have the responsibility to assist the State in carrying out the above-mentioned activities.

Article 2

Individuals and groups have the right to impart knowledge of human rights. In doing so, they may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.

Article 3

The State has the obligation to protect individuals and groups engaged in imparting human rights knowledge within the limit of law. State organs and officials should not interfere in such activities by individuals and groups."

(c) Working paper submitted by Ireland (E/CN.4/1988/WG.6/WP.2)

"1. Everyone has the right to know their human rights and fundamental freedoms.

2. Everyone has the right to impart freely to others views, information and knowledge of their human rights and fundamental freedoms.

3. Everyone has the right to promote and protect, both at the national and international levels, their own human rights and fundamental freedoms and those of others.

4. Everyone has the right, individually or together with others, to have access to, and obtain, information on their rights and freedoms, and on the means by which these rights and freedoms are given full effect in domestic judicial and administrative systems.

5. Everyone has the right to study and discuss the actual observance or non-observance of these rights and freedoms, either in one's own country or in other countries, and to impart freely to others views and information on their rights and freedoms.

6. In order to enjoy effectively the rights set out above, everyone has the right, inter alia, to seek, receive, hold, impart, publish, monitor and disseminate information and views concerning any aspect of them, including monitoring their actual observance or non-observance. This shall include the right 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 demonstration, and other forms of free expression.

7. The State has the responsibility to protect individuals and groups engaged in the exercise of the right to know and to impart to others knowledge about universally recognized human rights and fundamental freedoms.

8. The State shall ensure that the texts of relevant laws and regulations are published, widely distributed and readily accessible to all. It shall ensure that its periodic reports to the bodies responsible

for the implementation of international human rights treaties to which it is party, together with the records of deliberations by these bodies on these reports, are readily accessible to all.

9. States shall seek to ensure that information on these rights and freedoms is widely available in the educational system."

(d) Working paper submitted by China (E/CN.4/1988/WG.6/WP.3)

"1. The State has the responsibility to take legislative, judicial, administrative and other necessary measures to promote the understanding by its people of the civil, political, economic, social and cultural rights, including the right to participate in the conduct of state and public affairs.

2. The State shall give publicity to the respect of the dignity of man and the combat against massive violations of human rights and such systems, actions which brutally trample upon human rights.

3. The State has the responsibility to protect individuals and groups engaged in the exercise of the right to know, to be informed about, and to impart to others knowledge of universally recognized human rights and fundamental freedoms.

4. The State shall ensure that the texts of relevant laws and regulations are published, widely distributed and readily accessible to all. It shall ensure that its periodic reports to the bodies responsible for the implementation of international human rights treaties to which it is party, together with the records of deliberations by these bodies on these reports, are readily accessible to all.

5. The State has the prime responsibility to carry out the human rights education. And it shall seek to ensure that information on these rights and freedoms is widely available in the national educational system.

6. Everyone has the right to know one's human rights and fundamental freedoms.

7. Everyone has the right to be informed about one's human rights and fundamental freedoms.

8. Everyone has the right to impart freely to others views, information and knowledge of one's human rights and fundamental freedoms.

9. Everyone has the right to contribute to promotion and protection of one's own human rights and fundamental freedoms and those of others through all legitimate means and approaches.

10. Everyone has the right to access to information about one's rights and freedoms, and on the means by which these rights and freedoms are given full effect in domestic legislative, judicial and administrative systems.

11. Everyone has the right to study and discuss the actual observance or non-observance of human rights and freedoms.

12. Everyone has the right to solicit the attention of the public by legitimate means on actual observance or non-observance of human rights and freedoms protected by the international instruments of human rights and legislations of state which is a party to the instruments.

13. 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."

(e) Working paper submitted by the USSR (E/CN.4/1988/WG.6/WP.4)

"1. In the first sentence of paragraph 2, delete 'to others'.

2. Make the second sentence of paragraph 2 into a separate paragraph (whose position in the Declaration shall be determined at a later date) and reword it as follows:

'Everyone has the right to strive to promote and protect human rights and fundamental freedoms at the national level and to take appropriate measures at the international level'.

3. In the first sentence of paragraph 3, delete 'in full' and amend 'in domestic ... systems' to read 'in legislative, administrative and judicial systems'. Delete the second sentence of this paragraph.

4. Insert a new paragraph 4 reading:

'States shall ensure full and equal access to information about human rights, including international documents in this domain'. Add after it the final sentence of the present paragraph 3."

(f) Working paper submitted by the Byelorussian SSR (E/CN/1988/WG.6/WP.5)

"I. Everyone has the right, individually as well as together with others:

(1) To know, be informed and impart information about the universally recognized human rights and fundamental freedoms;

(2) To exercise those rights and freedoms;

(3) To seek to secure for themselves and for others the effective observance and exercise of those rights and freedoms;

(4) To be protected in the exercise and promotion of those rights and freedoms;

(5) To have access to national remedies in the event of violation of those rights and freedoms.

II. For the purposes of the fullest possible exercise of the above rights, States shall:

- (1) Develop and put into practice their own laws, rules and policies in the sphere of the civil, political, economic, social and cultural human rights and fundamental freedoms and take upon themselves concrete obligations by, if they have not already done so, acceding to or ratifying the basic international instruments in that regard;
- (2) Safeguard effectively everyone's right to know and act upon their rights and duties and, to that end, publish and render accessible national laws and all relevant rules and procedures, as well as the basic international instruments in the sphere of human rights;
- (3) Promote and improve instruction in schools and other educational institutions, including professional training systems, in matters relating to the furtherance of the observance of the universally recognized human rights and fundamental freedoms;
- (4) Protect individuals and public organizations who or which endeavour, within the bounds of national law, to promote and protect human rights and fundamental freedoms."

Annex II

Text of Chapter II (E/CN.4/1988/WG.6/WP.13)

Title

The rights to know, to be informed about, and to impart to others knowledge of universally recognized human rights and fundamental freedoms.

Paragraph I

All persons have the right to know, and, individually as well as together with others, to be informed about, and to make known [their] universally recognized human rights and fundamental freedoms.

Paragraph II

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

(a) to seek, obtain, receive and hold information about these rights and freedoms, [including access to information on the means by which these rights and freedoms are given effect in domestic legislative, judicial or administrative systems];

(b) to publish, impart or disseminate freely to others views, information and knowledge of universally recognized human rights and fundamental freedoms.

Paragraph III

Everyone has the right to study, discuss and form opinions as to whether these rights and freedoms are observed, both in law and in practice, regardless of frontiers, and to solicit public attention on these matters by such means as public discussion, the use of the media, peaceful demonstrations and other [legitimate] forms of free and peaceful expression [in a spirit of objectivity, tolerance and fraternity].

Paragraph IV

Everyone has the right to contribute to the promotion and protection of human rights and fundamental freedoms [through measures] at the national [and international] level[s].

Paragraph V

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

Paragraph VI

1. The State has the responsibility to take legislative, judicial, administrative or other appropriate measures to promote the understanding by all persons under its jurisdiction of their civil, political, economic, social and cultural rights.

2. Such measures shall include:

(a) the publication and widespread distribution of national laws and regulations and of basic international human rights instruments;

(b) full and equal access to international documents in the field of human rights, including the State's periodic reports to the bodies established by the international human rights treaties to which it is a party, as well as the official reports of these bodies.

3. The State has the responsibility to promote and improve the teaching of human rights and fundamental freedoms at all levels of education, and to encourage all those responsible for training lawyers, law enforcement officers, the personnel of the armed forces and public officials to include appropriate elements of human rights teaching in their training programmes.

Annex III

- (a) Set of paragraphs agreed upon provisionally by the informal drafting group examining the "Compendium of Proposals" (E/CN.4/1988/WG.6/WP.7)

Preambular paragraphs

A

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 anyh kind such as race, colour, sex, language, religion, political and other opinions. (NB. To be drafted according to United Nations Charter preambular language).

B

Reaffirms the importance of the International Covenants on Human Rights as major parts of international efforts to promote universal respect for and observance of human rights and fundamental freedoms;

Appeals strongly to all States and have not yet become parties to the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights to do so, as well as to consider acceding to the Optional Protocol to the International Covenant on Civil and Political Rights, so that these instruments acquire genuine universality;

C

Each State has a prime responsibility and duty to promote and protect universally recognized human rights and fundamental freedoms.

D

The drafting group decided to reconsider at a later stage Basket One Element F with a view to elaborating an appropriate paragraph for inclusion in the preamble.

Operative paragraphs

Chapter One

A

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.

B

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.

Chapter Five

A

In the exercise of the rights and freedoms which are set forth in this Declaration, 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.

B

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.

C

The drafting group decided to recommend to the Working Group to consider the possibilities of elaborating a paragraph on derogation which may or may not be made from the provisions in the Declaration itself.

- (b) Proposals by the German Democratic Republic for inclusion in WP.7
(E/CN.4/1988/WG.6/WP.8)

"Include in the Preamble:

Conscious of the need for the creation of conditions of stability, well-being, peaceful and friendly relations among States based on respect for the principles of equal rights and self-determination of all peoples,

Considering that co-operation in the field of human rights should make an effective contribution to the urgent task of preventing mass and flagrant violations of human rights, to promote and protect human rights and fundamental freedoms for all, to the strengthening of international peace and security, and to the establishment of a New International Economic Order,

Convinced that such co-operation should be based on the norms and principles embodied in the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant international instruments and on the profound understanding of the economic, social and cultural realities in different societies,

Include in Chapter I:

Everyone has the right to promote and protect human rights and fundamental freedoms recognized by the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant international instruments.

Include in Chapter V:

In the exercise of the rights and freedoms set forth in this declaration everyone shall base his activities on the just requirements of the State and of the principles of the United Nations Charter and shall refrain from any activity that is inconsistent with the international legal framework."

- (c) Proposal by Bulgaria for inclusion in WP.7 (E/CN.4/1988/WG.6/WP.9)

"Preambular paragraph:

Reaffirming the indivisibility and interdependence of all human rights and fundamental freedoms."

- (d) Amended set of paragraphs agreed upon provisionally by the informal drafting group (E/CN.4/1988/WG.6/WP.7/Rev.1)

"Preambular paragraphs

A

Mindful that the international community shall fulfil its solemn obligation 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 opinion, national or social origin, property, birth or other status.

B

Reaffirming the importance of the International Covenants on Human Rights as major parts of international efforts to promote universal respect for and observance of human rights and fundamental freedoms;

Appealing strongly to all States that have not yet become parties to the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights to do so, as well as to consider acceding to the Optional Protocol to the International Covenant on Civil and Political Rights, so that these instruments acquire genuine universality.

C

Stressing that each State has a prime responsibility and duty to promote and protect universally recognized human rights and fundamental freedoms.

D

In the international co-operation in the field of human rights, special attention should be given to the elimination of the massive 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.

E

All human rights and fundamental freedoms are indivisible and [interdependent/interrelated], without prejudice to the implementation of each of these rights and fundamental freedoms.

F

Recognizing that the maintenance of international peace and security contributes to the realization of the entire range of human rights, mindful that the absence of international peace should not be made an excuse for not realizing human rights.

Operative paragraphs:

Chapter One

A

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.

B

Each State has a prime responsibility and duty to promote and protect universally recognized human rights and fundamental freedoms by adopting such legislative, administrative and other steps as may be necessary to create the social and political conditions and legal guarantees required to ensure that all persons are able to avail themselves of these rights and freedoms in practice.

Chapter Five

A

In the exercise of the rights and freedoms which are set forth in this Declaration, 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.

B

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."

Annex IV

Proposal on chapter III submitted by the USSR
(E/CN.4/1988/WG.6/WP.14)

Chapter III: The right of everyone to contribute to the promotion and protection of universally recognized rights and fundamental freedoms

1. Everyone has the right to contribute to the promotion and protection of human rights and fundamental freedoms.
2. Everyone has the right to submit to State bodies and public organizations proposals for improving their activity and to criticize shortcomings in their work.
3. Everyone has the right to protection by the courts against encroachments on their life, health, honour, reputation, personal freedom or property.
4. Everyone has the right to lodge complaints against the actions of officials, State bodies or public organizations.
5. The State shall create conditions for steadily wider participation by citizens in the management of State and public affairs.

The State shall ensure that proposals and complaints relating to the work of State bodies, officials or public organizations are examined in accordance with the established procedure and time-limits. This shall include timely responses to such proposals and complaints and the taking of appropriate measures.