



People only live full lives
in the light of
Human Rights

UN LIBRARY

JUL 13 2015

UN/ISA COLLECTION



Human Rights

**Questions
and Answers**



United Nations
New York • 1987

Contents

	<i>Page</i>
<i>Foreword</i>	1
<i>Introduction</i>	2
What are human rights?	4
What is the Universal Declaration of Human Rights?	4
What rights are proclaimed in the Universal Declaration?	5
What are the International Covenants on Human Rights?	7
What rights are protected by the International Covenant on Economic, Social and Cultural Rights?	7
What rights does the International Covenant on Civil and Political Rights protect?	8
Who are to enjoy the rights guaranteed in the Covenants and when do those rights go into effect?	10
Are the rights recognized in the Universal Declaration and the Covenants subject to any limitations or suspensions?	11
What is the Optional Protocol to the Covenant on Civil and Political Rights?	12
Have the Covenants and Protocol the force of law?	12
What is the procedure for monitoring observance of human rights by parties to the Covenants?	14
Can an individual file a complaint with the United Nations for a violation of a right protected by a United Nations treaty?	15
Can an individual complain to the United Nations when his case is not covered by a United Nations treaty?	16
What is the Commission on Human Rights?	17
What does the United Nations do to put a stop to human rights violations?	18
What situations of human rights violations has the United Nations investigated?	20
Do other United Nations bodies deal with human rights?	20
What has the United Nations done about genocide?	22
What has the United Nations done to combat racial discrimination?	22
What is the United Nations position on <i>apartheid</i> ?	24
What has the United Nations done about <i>apartheid</i> ?	25
Is there a convention against <i>apartheid</i> ?	27

Has the United Nations taken any action against <i>apartheid</i> in non-political areas?	27
Is the United Nations doing anything to discourage Nazi ideologies?	28
What is the United Nations doing about slavery and similar practices, such as debt bondage and the sale of children?	29
What has the United Nations done to help refugees?	30
Has the United Nations done anything about stateless persons?	31
Where does the United Nations stand on discrimination against women?	31
Is there a convention prohibiting discrimination against women?	32
What else is the United Nations doing to promote women's rights?	33
What consideration is the United Nations giving to the rights of children?	34
Is the United Nations protecting the rights of young people?	35
What about the rights of indigenous populations?	35
Is the United Nations concerned about the rights of workers?	37
What is the United Nations doing to promote economic, social and cultural rights?	37
What about the right to development?	38
What about the right to adequate food?	39
What has the United Nations to say about the right to education?	39
What is the United Nations doing to combat intolerance based on religion or belief?	40
What is the United Nations doing about torture?	40
Is there a convention against torture?	42
What has the United Nations done about "disappeared" persons?	43
What has the United Nations done about arbitrary executions?	43
How does the United Nations help Governments to promote respect for human rights?	44
What role do non-governmental organizations have in the United Nations with regard to human rights?	45
What role do individuals have in the promotion of human rights?	45
<i>Text of the Universal Declaration of Human Rights</i>	47

Foreword

1988 marks the fortieth anniversary of the *Universal Declaration of Human Rights* which is an appropriate occasion for the United Nations to strengthen and intensify its efforts towards focusing worldwide public attention on the promotion and protection of basic human rights.

A key element in the realization of human rights is indeed the knowledge by each person of his or her inalienable rights and the means that exist to protect them. It is hoped that this booklet "Human Rights Questions and Answers" will assist an ever wider audience in better understanding their basic human rights, what the United Nations is doing to promote and protect them, and the international machinery available to help realize those rights.

Jan Martenson
Under-Secretary-General for Human Rights

Introduction

With the exception of the pursuit of peace, there is no cause the United Nations is more closely identified with than the cause of human rights. Concern for human dignity is written into its Charter and built into the operating structures of the Organization.

The Preamble of the Charter reaffirms the faith of the Peoples of the United Nations “in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women...” and proclaims their determination “to promote social progress and better standards of life in larger freedom”. The Charter also gives specific responsibilities for human rights to the General Assembly, the Economic and Social Council and other organs and provides for the establishment of a commission on human rights. The General Assembly initiates studies and makes recommendations on the subject of human rights and fundamental freedoms. The Trusteeship Council and the Assembly’s Special Committee on decolonization, which have overseen the entry of numerous new States into the community of nations, have been engaged in a long, patient labour on behalf of the rights of the peoples of non-self-governing territories, particularly their right to self-determination.

In the United Nations human rights effort, the Economic and Social Council plays a significant role. Empowered, like the Assembly, to make recommendations on the observance of human rights, the Council is also entrusted with drafting conventions on matters within its competence. In 1946, only one month after it first sat, the Council created, along with a Commission on the Status of Women, the Commission on Human Rights.

It is evidence of the deep commitment of the United Nations to the cause of human dignity that, as one of its earliest undertakings, the Commission on Human Rights took up the task of drafting an “international bill of human rights” that could serve as a standard against which nations might gauge their performance in upholding human rights. The first segment of such a bill, the Universal Declaration of Human Rights, went to the General Assembly in September 1948, and was adopted on 10 December of the same year without a dissenting vote.

It was several years before the remaining instruments of the International Bill of Human Rights were completed; the Assembly approved them in 1966. They took the form of two international covenants—one

covering economic, social and cultural rights; the other, civil and political rights. These covenants are legally binding treaties whose ratifying States pledged themselves to observe the specific rights enumerated in the instruments. Parties to the Covenant on Civil and Political Rights further agreed to the creation of a Human Rights Committee empowered to oversee how well they observed human rights. An Optional Protocol to that Covenant provides for the right of petition to the United Nations by individual citizens of the countries subscribing to it. The Covenants came into force in 1976.

At this point a new era in the history of human rights began. For the first time, States were bound before the international community to promote their individual citizens' rights. For the first time, they granted an international body authority to study their fidelity to promises to observe those rights. For the first time, victims of human rights violations had a means of recourse outside the jurisdiction of the authorities who oppressed them.

The United Nations today looks forward to the time when there will be universal adherence to the various human rights instruments, so that all States will be subject to a comprehensive system of review of human rights observance. At the same time, it works to influence improvements in national legislation and in administrative and judicial practices related to human rights, and to convince Governments to end rights violations and remedy individual cases.

This booklet, prepared by the United Nations Department of Public Information, answers some of the questions often asked about the United Nations position with regard to human rights and their place in society. It examines some of the principal United Nations efforts which promote these rights.

What are human rights?

Human rights could be generally defined as those rights which are inherent in our nature and without which we cannot live as human beings.

Human rights and fundamental freedoms allow us to fully develop and use our human qualities, our intelligence, our talents and our conscience and to satisfy our spiritual and other needs. They are based on mankind's increasing demand for a life in which the inherent dignity and worth of each human being will receive respect and protection.

The denial of human rights and fundamental freedoms not only is an individual and personal tragedy, but also creates conditions of social and political unrest, sowing the seeds of violence and conflict within and between societies and nations. As the first sentence of the Universal Declaration of Human Rights states, respect for human rights and human dignity "is the foundation of freedom, justice and peace in the world".

What is the Universal Declaration of Human Rights?

The Universal Declaration of Human Rights is the basic international pronouncement of the inalienable and inviolable rights of all members of the human family.

The Declaration was proclaimed in a resolution of the General Assembly on 10 December 1948 as the "common standard of achievement for all peoples and all nations" in respect for human rights. It lists numerous rights—civil, political, economic, social and cultural—to which people everywhere are entitled.

Originally the Universal Declaration was conceived of as a statement of objectives to be achieved by Governments and, as such, was not part of binding international law. However, the fact that it has been accepted by so many States has given it considerable moral weight. Its provisions have been cited as the justification for numerous United Nations actions, and have inspired or been used in many international conventions. In 1968, the United Nations International Conference on Human Rights agreed that the Declaration "constitutes an obligation for the members of the international community". The Declaration has also ex-

exercised a significant influence on national constitutions, on national laws and in some cases on court decisions.

The Universal Declaration of Human Rights is also the first segment of the International Bill of Human Rights, which includes the International Covenant on Economic, Cultural and Social Rights (adopted by the General Assembly in 1966), the International Covenant on Civil and Political Rights (adopted in 1966) and the Optional Protocol (adopted in 1966) to the latter covenant.

What rights are proclaimed in the Universal Declaration?

The first two articles of the Universal Declaration emphasize that all human beings, without distinction, are born free and equal in dignity and rights, and set out the basic principles of equality and non-discrimination in the enjoyment of human rights and fundamental freedoms.

The next 19 articles deal with the civil and political rights to which all human beings are entitled. These include the rights to:

- life, liberty and security of person
- freedom from slavery and servitude
- freedom from torture and cruel, inhuman or degrading treatment or punishment
- recognition as a person before the law
- equal protection of the law
- an effective judicial remedy for violations of human rights
- freedom from arbitrary arrest, detention or exile
- a fair trial and public hearing by an independent and impartial tribunal
- the presumption of innocence until guilt has been proved
- debarment from conviction for an act which was not a penal offence at the time it was committed
- freedom from arbitrary interference with privacy, family, home or correspondence
- freedom of movement and residence, including the right to leave any country and to return to one's country
- asylum

- a nationality
- contract a marriage and found a family
- own property
- freedom of thought, conscience and religion
- freedom of opinion and expression
- freedom of peaceful assembly and association
- participation in the government of one's country
- equal access to public service in one's country.

The next seven articles (22 to 28) deal with economic, social and cultural rights, including the rights to:

- social security
- work and free choice of employment
- equal pay for equal work
- just and favourable remuneration ensuring an existence worthy of human dignity
- form and join trade unions
- rest and leisure
- a standard of living adequate for health and well-being (including food, clothing, housing and medical care)
- right to security in the event of unemployment, sickness, disability, widowhood, old age or other circumstances beyond one's control
- protection of motherhood and childhood
- education, with parents having a prior right to choose their children's type of education
- participation in the cultural life of one's community
- protection of the moral and material interests resulting from one's authorship of scientific, literary or artistic productions.

In accordance with article 28, everyone is entitled to a social and international order in which the rights and freedoms set forth in the Declaration can be fully realized.

Article 29 says that everyone has duties to the community, in which alone the free and full development of one's personality is possible. It adds that, in the exercise of his or her rights and freedoms, everyone shall be subject only to the limitations that have been established by law to secure 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. These rights and freedoms may not be exercised contrary to the purposes and principles of the United Nations. The final article states that

nothing in the Declaration may be interpreted as implying for any State, group or person a right to do anything aimed at destroying the rights and freedoms set out in the Declaration.

What are the International Covenants on Human Rights?

The International Covenants on Human Rights are treaties whose States parties—i.e. nations which have formally agreed to abide by their provisions—undertake to respect, ensure and take steps for the full achievement of a wide range of rights.

There are two such Covenants: the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights. Both were adopted by the General Assembly and opened for signature in December 1966 and both entered into force in 1976.

The Covenants recognize and define in more detail most of the rights set out in the Universal Declaration, and deal with some additional rights as well. Each Covenant also sets up a mechanism through which United Nations bodies oversee the implementation by States parties of the rights protected. A Committee on Economic, Social and Cultural Rights has been established by the Economic and Social Council to review States parties' progress in implementing the Covenant on Economic, Social and Cultural Rights. The implementation of the Civil and Political Covenant is in the hands of another body of independent experts, the Human Rights Committee.

What rights are protected by the International Covenant on Economic, Social and Cultural Rights?

First, the Covenant lays down the principle that "all peoples have the right of self-determination". This means, the Covenant explains, that they have the right freely to determine their political status and freely to pursue their economic, social and cultural development. They have the right, for their own ends, freely to dispose of their natural wealth and resources. The Covenant also provides that its States parties shall ensure

to all the individuals within their territories, without discrimination, all the rights listed in the Covenant.

The rights recognized by the Covenant include the right to work, to free choice of jobs, to just and favourable conditions of work, to equal pay for equal work, to safe and healthy working conditions, and to rest and leisure. The right to form and join trade unions, the right to strike, and the right to social security, including social insurance, are also recognized. Protection and assistance are to be provided for the family, and special protection accorded to mothers and children. The Covenant states that an adequate standard of living is also everyone's right, and this includes adequate food, clothing and housing. The fundamental right of everyone to be free from hunger is specifically recognized. Everyone has the right to the highest attainable standard of physical and mental health and to an education.

States parties are to provide free and compulsory primary education; there should be arrangements for secondary education to become available and accessible to all. There should be equal access to higher education. Parents and legal guardians should be free to choose schools for their children and to ensure that their religious and moral education is provided for.

Everyone has the right to take part in cultural life and enjoy the benefits of scientific discoveries. Steps are to be taken to conserve, develop and diffuse science and culture. Freedom of scientific research and creative activity is to be respected and everyone has the right to enjoy the benefits of his own research and creative activity.

What rights does the International Covenant on Civil and Political Rights protect?

Like the Covenant on Economic, Social and Cultural Rights, the Covenant on Civil and Political Rights begins by stating that all peoples have the right of self-determination and may freely dispose of their own natural wealth and resources. Article 2 of the Covenant provides that each State party shall ensure the rights recognized in the Covenant without discrimination to all individuals within its territory.

The Covenant guarantees to everyone the right to life. No one

shall be arbitrarily deprived of his or her life. In countries which have not abolished the death penalty, sentence of death may be imposed only for the most serious crimes in accordance with the law. No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment; no one shall be held in slavery; no one shall be subjected to arbitrary arrest or detention. Anyone arrested shall be informed, at the time of the arrest, of the reasons for the arrest, and anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other legally authorized person; anyone who has been the victim of unlawful arrest or detention shall have an enforceable right to compensation.

The Covenant also guarantees that all persons deprived of their liberty should be treated with humanity and that no one shall be imprisoned merely on the ground of inability to fulfil a contractual obligation. The Covenant provides for liberty of movement—including the right to leave a country—and freedom to choose a residence. It places limitations upon the expulsion of aliens lawfully in the territory of a State party. Provisions are made for the equality of all persons before the courts and for guarantees in criminal and civil procedures. Retroactive criminal legislation is prohibited and the right of everyone to recognition as a person before the law is guaranteed. Arbitrary or unlawful interference with an individual's privacy, family, home or correspondence is prohibited.

In addition, the right to freedom of thought, conscience and religion and to freedom of expression—including the right to seek, receive or impart information—are recognized and the Covenant provides for the prohibition by law of any propaganda for war or any advocacy of national, racial or religious hatred that constitutes an incitement to discrimination, hostility or violence. The right of peaceful assembly and the right to freedom of association are recognized.

The right of men and women of marriageable age to marry and to found a family, and the principle of equality of rights and responsibilities of spouses as to marriage, during marriage and at its dissolution are also recognized.

The right of every child, without discrimination, to necessary measures of protection on the part of his family, society and the State, is recognized, as is the child's right to acquire a nationality.

The right of every citizen to take part in the conduct of public affairs, to vote and to be elected, and to have access, on general terms of

equality, to public services in his country are recognized. All persons are equal before the law and are entitled to equal protection of the law. Finally, measures for the protection of such ethnic, religious or linguistic minorities as may exist in States parties to the Covenant are called for.

The Covenant obliges each country which is a party to it to ensure that should someone's rights be violated, he or she will be given an effective remedy within that country.

Who are to enjoy the rights guaranteed in the Covenants and when do those rights go into effect?

All persons living in a State which is a party to the Covenants, or who are subject to that State's jurisdiction, are to enjoy the rights guaranteed in the Covenants, without distinction as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. The principle of equality and non-discrimination is basic not only to the Covenants but to all United Nations efforts to promote human rights.

The obligations a State assumes under the Covenant on Civil and Political Rights are meant to be discharged as soon as that State becomes a party to the Covenant. In cases where rights are not already provided for by law, the State undertakes to enact needed legislation.

The Covenant on Economic, Social and Cultural Rights, however, recognizes that full realization of the rights recognized in that document may have to be achieved over a period of time, to allow for certain structures or environments to be set up to facilitate the promotion of these rights. For example, the civil and political right to recognition as a person before the law is to be put into effect immediately. But there are economic, social and cultural rights, such as the right to education, which must be pursued progressively, while teachers are trained and school buildings erected.

**Are the rights recognized in the Universal Declaration
and the Covenants subject to any limitations
or suspensions?**

The Universal Declaration of Human Rights affirms that the exercise of a person's rights and freedoms may be limited—the limitations must be determined by law—but only for the purpose of securing due recognition of the rights of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society. Rights may not be exercised contrary to the purposes and principles of the United Nations, or if they are aimed at destroying any of the rights set forth in the Declaration.

The Covenant on Economic, Social and Cultural Rights states that the rights in that document may be limited by law, but only in so far as is compatible with the nature of the rights, and solely to promote the general welfare in a democratic society.

Unlike the Universal Declaration and the Covenant on Economic, Social and Cultural Rights, the Civil and Political Covenant contains no general provision applicable to all the Covenant's rights authorizing restrictions on their exercise. However, several articles in the Covenant provide that the rights being dealt with shall not be subject to any restrictions except those provided by law and those which are necessary to protect national security.

The Covenant on Civil and Political Rights allows a State to limit or suspend the enjoyment of certain rights in cases of officially proclaimed public emergencies which threaten the life of the nation. Such limitations or suspensions are permitted only "to the extent strictly required by the exigencies of the situation" and may never involve discrimination solely on the ground of race, colour, sex, language, religion or social origin. These limitations or suspensions must also be reported to the United Nations.

Certain rights, however, may never be suspended or limited even in emergency situations. These are the rights to life, freedom from torture, freedom from enslavement or servitude, protection from imprisonment for debt, freedom from retroactive penal laws, the right to recognition as a person before the law, and freedom of thought, conscience and religion.

What is the Optional Protocol to the Covenant on Civil and Political Rights?

The Optional Protocol is an adjunct instrument to the Covenant, which entered into force in 1976 at the same time as the Covenant. The States acceding to the Optional Protocol empower the Human Rights Committee, established under the Covenant, to receive communications from individuals who claim to be victims of a violation of any of the rights set out in the Covenant. In practice, the Committee also accepts communications from that individual's legal representatives or from close family members, if the individual is not in a position to submit a communication personally.

The Committee can consider a communication from an individual only after all available domestic remedies have been exhausted—that is, after the matter has been placed before the national courts or competent administrative authorities. Also, the State complained against must be a party to both the Covenant on Civil and Political Rights and the Optional Protocol.

After a communication has been declared admissible, the Committee in closed session examines the communications and discusses the merits of the case. When the Committee has finished considering the individual's complaint and the State party's reply, it can make its views known on whether or not the rights in the Covenant have been respected.

Have the Covenants and Protocol the force of law?

Yes. The provisions of the Covenants are binding on the States that ratify them. The rights they recognize are expected to be law in those States. For this reason, the Covenants contain “measures of implementation”—arrangements for international review of the way in which States carry out their obligations under the Covenants.

By October 1987, the Economic, Social and Cultural Covenant had been ratified by 91 States, the Civil and Political Covenant by 87, and 39 States were parties to the Optional Protocol.

The 91 States which ratified or acceded to the Covenant on Economic, Social and Cultural Rights were Afghanistan, Argentina, Australia, Austria, Barbados, Belgium, Bolivia, Bulgaria, the Byelorussian

SSR, Cameroon, Canada, the Central African Republic, Chile, Colombia, the Congo, Costa Rica, Cyprus, Czechoslovakia, the Democratic People's Republic of Korea, Democratic Yemen, Denmark, the Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Finland, France, Gabon, the Gambia, the German Democratic Republic, the Federal Republic of Germany, Greece, Guinea, Guyana, Honduras, Hungary, Iceland, India, the Islamic Republic of Iran, Iraq, Italy, Jamaica, Japan, Jordan, Kenya, Lebanon, the Libyan Arab Jamahiriya, Luxembourg, Madagascar, Mali, Mauritius, Mexico, Mongolia, Morocco, the Netherlands, New Zealand, Nicaragua, the Niger, Norway, Panama, Peru, the Philippines, Poland, Portugal, Romania, Rwanda, Saint Vincent and the Grenadines, San Marino, Senegal, Solomon Islands, Spain, Sri Lanka, the Sudan, Suriname, Sweden, the Syrian Arab Republic, Togo, Trinidad and Tobago, Tunisia, Uganda, the Ukrainian SSR, the USSR, the United Kingdom, the United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yugoslavia, Zaire and Zambia.

The 87 States which ratified or acceded to the Covenant on Civil and Political Rights were Afghanistan, Argentina, Australia, Austria, Barbados, Belgium, Bolivia, Bulgaria, the Byelorussian SSR, Cameroon, Canada, the Central African Republic, Chile, Colombia, the Congo, Costa Rica, Cyprus, Czechoslovakia, the Democratic People's Republic of Korea, Democratic Yemen, Denmark, the Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Finland, France, Gabon, the Gambia, the German Democratic Republic, the Federal Republic of Germany, Guinea, Guyana, Hungary, Iceland, India, the Islamic Republic of Iran, Iraq, Italy, Jamaica, Japan, Jordan, Kenya, Lebanon, the Libyan Arab Jamahiriya, Luxembourg, Madagascar, Mali, Mauritius, Mexico, Mongolia, Morocco, the Netherlands, New Zealand, Nicaragua, the Niger, Norway, Panama, Peru, the Philippines, Poland, Portugal, Romania, Rwanda, Saint Vincent and the Grenadines, San Marino, Senegal, Spain, Sri Lanka, the Sudan, Suriname, Sweden, the Syrian Arab Republic, Togo, Trinidad and Tobago, Tunisia, the Ukrainian SSR, the USSR, the United Kingdom, the United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yugoslavia, Zaire and Zambia.

The 39 States which ratified or acceded to the Optional Protocol were Argentina, Barbados, Bolivia, Cameroon, Canada, the Central African Republic, Colombia, the Congo, Costa Rica, Denmark, the Do-

minican Republic, Ecuador, Equatorial Guinea, Finland, France, Iceland, Italy, Jamaica, Luxembourg, Madagascar, Mauritius, the Netherlands, Nicaragua, the Niger, Norway, Panama, Peru, Portugal, Saint Vincent and the Grenadines, San Marino, Senegal, Spain, Suriname, Sweden, Trinidad and Tobago, Uruguay, Venezuela, Zaire and Zambia.

What is the procedure for monitoring observance of human rights by parties to the Covenants?

States parties have an obligation under both Covenants to report periodically to international bodies on measures they have taken, on progress they have made, and on any difficulties they have encountered in living up to the Covenants.

Although the Covenant on Economic, Social and Cultural Rights did not establish a specific oversight body, States parties send reports to the United Nations Secretary-General, who transmits them to the Economic and Social Council and to the pertinent specialized agencies. In 1985 the Council established a Committee on Economic, Social and Cultural Rights, composed of 18 independent experts, to study and discuss those reports with States parties and make recommendations of a general nature to the Council. The Committee held its first meeting in 1987.

The Covenant on Civil and Political Rights, on the other hand, set up a specific reporting body to which States parties must report periodically on human rights observance in their territory. This Human Rights Committee, composed of 18 independent experts, reviews the reports, discusses them with the State party concerned, and addresses general comments to the States and to the Economic and Social Council. The Committee held its first meeting in 1977.

Should two States parties to the Civil and Political Covenant disagree about whether one of them is fulfilling its obligations under the Covenant, the Human Rights Committee may be seized of the matter. The Committee would then seek a settlement based on respect for the rights recognized in the Covenant. If that is not possible, the Committee, with the consent of the concerned parties, may appoint a conciliation commission to help the States reach such a solution.

By August 1987, 21 States had accepted this procedure.

No similar procedure is provided for in the International Covenant on Economic, Social and Cultural Rights.

**Can an individual file a complaint with the
United Nations for a violation of a right protected by a
United Nations treaty?**

Yes, he or she can. Three United Nations treaties now in force provide that possibility: the Optional Protocol to the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. These are the procedures:

—Under the Optional Protocol, an individual can lodge a complaint, but only if the Government complained against has ratified both the Covenant and its Optional Protocol. So far, 38 States have done so. Thus, if Joan Smith believes her right to freedom of expression has been violated by a Government and has tried without success to obtain satisfaction within that country, and if that country is a party to both the Covenant and the Protocol, Joan Smith may complain to the Human Rights Committee. In closed session, the Committee will consider her complaint together with any information submitted by the Government. The Committee will forward to Joan Smith and to her Government its views on whether the Covenant was respected. The Committee will also include these views in its annual public report to the General Assembly.

The Committee also publishes all views, decisions declaring communications inadmissible and certain interlocutory decisions in a series entitled “Selected Decisions of the Human Rights Committee under the Optional Protocol”.

—Under the Convention on the Elimination of All Forms of Racial Discrimination, an individual, or group of individuals, can lodge a complaint with the Committee on the Elimination of Racial Discrimination, stating that his, or their, rights under the Convention have been violated. Again, this is possible only if the State against which the complaint is made is a party to the Convention and has accepted the optional complaint procedure. The complainant, in order to be heard, must first have

tried without success to obtain redress within that country. By August 1987, 12 States had accepted this optional procedure.

—Under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, a similar complaints procedure is available. If a State party has so accepted, an individual subject to the jurisdiction of the State party can complain to the Committee against Torture that he or she is a victim of a violation of the Convention by that State party. As in other procedures, redress must have been sought without success in the country concerned. By August 1987, 7 States had acceded to the Convention.

These complaint procedures are a new development in international law. Prior to ratification of the United Nations Charter, it was almost unthinkable that an individual citizen could complain to an international body against his own Government.

Can an individual complain to the United Nations when his or her case is not covered by a United Nations treaty?

Yes, he or she can. Anyone in the world, or any group of persons, who feel that they have been prevented from exercising their human rights may take their complaint to the United Nations, even when the case is not covered by a United Nations treaty. Thousands of letters complaining of human rights violations come to the United Nations each year, where they are dealt with by the Commission on Human Rights under a system known as the “1503” procedure (so called from the 1970 Economic and Social Council resolution establishing it).

According to this procedure, a copy of the complaint is forwarded to the Government concerned, which may submit a reply (the complainant’s name is withheld unless he or she has no objection to its being made known to the Government). A summary is made at the same time and sent confidentially to the members of the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities.

Complaints of human rights violations, together with any Government replies, are then considered in private by a working group of the Sub-Commission. Those which appear to reveal a consistent pattern of gross and reliably attested violations are referred by the working group to

the Sub-Commission itself, which in turn can forward to the Commission information on gross violations of human rights. The Commission, aided by its own working group, decides whether to carry out a thorough study of the situation or to appoint a special committee or rapporteur to investigate.

The matters dealt with under this procedure are confidential until the Economic and Social Council decides otherwise. However, the names of the countries dealt with by the Commission in confidential meetings are announced each year.

Separate procedures make it possible for individuals or groups in the Trust Territory of the Pacific Islands—the last remaining Trust Territory—to petition the Trusteeship Council about human rights and other matters. People living in non-self-governing territories may send communications to the General Assembly's Special Committee on decolonization. The Assembly's Special Committee against *Apartheid* also considers communications.

What is the Commission on Human Rights?

The Commission on Human Rights is the main United Nations body dealing with human rights. Its creation was provided for in the United Nations Charter itself.

In 1946, the Commission was formally established by the Economic and Social Council to assist the Council in matters relating to human rights, and in particular to draft the International Bill of Human Rights. Over the years, the Commission has evolved from an 18-member drafting body to the present 43-member body dealing with all aspects of human rights issues, involving the active participation of all sectors of the international community.

The Commission's terms of reference are extensive: it may deal with any matter relating to human rights. It makes studies on human rights problems, prepares recommendations for action, and drafts United Nations instruments relating to human rights. It undertakes special tasks assigned to it by the General Assembly or the Economic and Social Council, including the investigation of allegations of human rights violations and the handling of communications relating to such violations. It also

assists the Council, its parent body, in co-ordinating activities relating to human rights throughout the United Nations system.

To help it in its work, the Commission in 1947 established the Sub-Commission on Prevention of Discrimination and Protection of Minorities, which specializes in new human rights problems. The Sub-Commission is composed of 26 independent experts elected by the Commission, and it is empowered to undertake studies and make recommendations on ways to prevent discrimination, to protect minority rights and fundamental freedoms. It assists the Commission by performing other functions—such as examining communications alleging violations of human rights.

The Sub-Commission frequently appoints special rapporteurs or establishes working groups to deal with special topics, for example: discrimination in education, religion and the administration of justice; the adverse consequences for human rights caused by political, military, economic and other forms of assistance to colonial and racist régimes in southern Africa; the rights of ethnic, religious and linguistic minorities; issues related to self-determination; the realization of economic, social and cultural rights; the rights of indigenous populations; the new international economic order and the promotion of human rights; the right to adequate food as a human right; and the exploitation of child labour.

These studies may provide the basis for the preparation of draft instruments or the formulation of general principles on problems examined.

What does the United Nations do to put a stop to human rights violations?

The United Nations' first task in the area of human rights was to adopt internationally accepted standards on which to judge State conduct. To a large extent, it performed this task by adopting the International Bill of Rights. In 1966 and 1967, the Commission turned its attention to ways and means of putting a stop to violations. Since then the United Nations has progressively developed a variety of methods of focusing attention on violations, with the aim of bringing about changes in Government policy. The United Nations has decided to give priority in

this area to combating situations of flagrant and massive violations of human rights.

Each year in meetings open to the public and the press, the Commission and its Sub-Commission discuss violations of human rights wherever they occur in the world. Governments and non-governmental organizations present information on violations, and the Governments criticized are often there to present clarifications and reply.

The Commission and the Sub-Commission also meet in private with Governments to discuss alleged violations. The discussions are usually based on written information submitted by non-governmental organizations or individuals in accordance with the "1503" procedure.

When situations are sufficiently serious, the Commission may launch an investigation by objective experts or try to establish a dialogue with the Government to bring about change. Where possible, the Commission seeks to provide assistance in the form of expert advisers, fellowships or training courses to Governments that wish to work for the full observance of human rights.

The Commission studies human rights violations not only in particular countries but as global phenomena, i.e. particularly serious violations of human rights found to occur in many parts of the world. In this connection, for example, it has established a working group to examine enforced or involuntary "disappearances" and has appointed special rapporteurs to investigate arbitrary and summary executions and the practice of torture.

In such cases, when reliable information is received, the United Nations can urgently intervene with the Government concerned, appealing for information regarding disappearances, impending executions—when the minimum standards appear not to have been met—or cases of torture. Such urgent appeals have in many cases met with positive responses from Governments.

However, the United Nations has no way of forcing Governments to change their practices or policy. Persuasion is the only tool available to the Organization to bring about improvements in respect for human rights. All United Nations procedures are therefore aimed at focusing the persuasive weight of the opinion of the international community on the Government concerned.

What situations of human rights violations has the United Nations investigated?

Allegations of serious violations of human rights in southern Africa led the Commission on Human Rights to establish, in 1967, a special working group of experts to study ill-treatment of prisoners and detainees in South Africa. The group substantiated those allegations, as well as others concerning flagrant violations of trade union rights in that country, and continues to report on the situation. It also carried out a special study of *apartheid* from the point of view of international penal law, paving the way for the drafting of the 1973 International Convention on the Suppression and Punishment of the Crime of *Apartheid*.

In 1968, the General Assembly set up a committee of three persons to investigate Israeli practices affecting the human rights of the people of the occupied Arab territories. The committee is particularly concerned with respect for the 1949 Geneva Convention relative to the Protection of Civilian Persons in Time of War. It reports each year to the Assembly on its findings.

In 1975, the Commission set up a special working group to inquire into the situation in Chile, and in recent years special rapporteurs or representatives have also been appointed to investigate human rights situations in Afghanistan, Bolivia, Chile, El Salvador, Equatorial Guinea, Guatemala, Iran and Poland. Investigations are brought to a close when in the Commission's view the situations have changed and the investigations are no longer warranted.

Many more countries are dealt with in public by the Commission through the reports on disappearances, summary or arbitrary executions and torture. Also, in private session, the Commission discusses or has discussed many other situations.

Do other United Nations bodies deal with human rights?

Since almost all human problems have a human rights aspect, all the major organs of the United Nations—the General Assembly, the Security Council, the Trusteeship Council, the International Court of Jus-

tice and the Economic and Social Council—in one way or another deal with human rights.

The General Assembly is vested by the Charter with the responsibility of initiating studies and making recommendations to assist in the realization of human rights and fundamental freedoms for all. Since the adoption of the Universal Declaration of Human Rights in 1948, the Assembly has adopted some 60 declarations or conventions concentrating on human rights. They deal with genocide, racial discrimination, *apartheid*, refugees, stateless persons, the rights of women, slavery, marriage, children, youth, aliens, asylum, disabled and mentally retarded persons, torture, development and social progress. The conventions have the force of international law for the States which have become parties to them.

The Economic and Social Council, which is empowered to “make recommendations for the purpose of promoting respect for, and observance of, human rights and fundamental freedoms for all”, has a particular responsibility in this respect. It was this Council which established the Commission on Human Rights and the Commission on the Status of Women.

Several organs and committees established by the Assembly deal with human rights situations in the specific areas they were set up to oversee. One such body is the United Nations Council for Namibia; others are the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, the Special Committee against *Apartheid*, and the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories.

Expert committees set up in conformity with specific human rights treaties discuss the rights laid down by that particular treaty. These include the Human Rights Committee (established by the Covenant on Civil and Political Rights), the Committee on the Elimination of Racial Discrimination (set up by the International Convention on the Elimination of All Forms of Racial Discrimination) and the Committee on the Elimination of All Forms of Discrimination against Women. In addition, the Committee on Economic, Social and Cultural Rights has been set up by the Economic and Social Council to discuss the implementation of the International Covenant on Economic, Social and Cultural Rights. The Convention against Torture and Other Cruel, Inhuman or Degrading

Treatment or Punishment provides for the establishment of a Committee against Torture.

What has the United Nations done about genocide?

Genocide has been defined by the United Nations as the commission of acts with intent to destroy a national, ethnic, racial or religious group. From its earliest years, the Organization has taken a strong position against this crime.

The word genocide derives from the Latin words *genus*, meaning “a group”, and *caedere*, meaning “to kill” it is a comparatively new name for a practice which has inflicted great losses on humanity at all periods of history. The public outrage at this crime committed by the Nazis in the period of the Second World War gave rise to international action to prevent it. One of the first matters taken up by the General Assembly in 1946 was, therefore, the question of the prevention and punishment of genocide. In a resolution adopted in December of that year, the Assembly affirmed that genocide was a crime under international law which the world condemned; those guilty of it, whoever they were and for whatever reason they committed it, were punishable.

In 1948, the General Assembly adopted the Convention on the Prevention and Punishment of the Crime of Genocide. The Convention, which entered into force in 1951, declared genocide to be a crime under international law, whether committed in time of peace or war. It has been ratified by or acceded to by close to 100 States.

What has the United Nations done to combat racial discrimination?

The Organization’s opposition to racial discrimination goes back to the United Nations Charter and the Universal Declaration of Human Rights, and has been repeated in successive resolutions of the General Assembly. Particular attention has been paid to racial discrimination in southern Africa, where it appears in the form of a State-imposed system

known as *apartheid*. The United Nations has made special efforts to bring about a change in such policies.

In 1963, the General Assembly unanimously adopted the Declaration on the Elimination of All Forms of Racial Discrimination, which affirms that discrimination on the grounds of race, colour or ethnic origin is an offence to human dignity, a denial of Charter principles, a violation of human rights and an obstacle to friendly relations among nations.

In 1965, the General Assembly adopted the International Convention on the Elimination of All Forms of Racial Discrimination, which called for an end to discrimination and for the promotion of understanding among all races. Based on the conviction "that any doctrine of superiority based on racial differentiation is scientifically false, morally condemnable, socially unjust and dangerous, and that there is no justification for racial discrimination, in theory or in practice, anywhere", the Convention defined discrimination as "any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life".

Over three quarters of the United Nations membership are parties to this agreement, which obliges them to eliminate racial discrimination, prohibit discriminatory practices and, where warranted, ensure the adequate development and protection of certain racial groups. It obliges them also to declare punishable by law the dissemination of ideas based on racial superiority or hatred and to declare illegal any organizations that promote racism.

In 1969, a Committee on the Elimination of Racial Discrimination was set up under the Convention to consider reports by States parties on measures they have adopted to implement it. The Committee, composed of 18 experts, is empowered to discuss the reports with representatives of the States concerned, make recommendations and report to the General Assembly. It is empowered to reconcile disagreements between States parties over compliance, and to make recommendations for solutions to such disputes. It can hear grievances from individuals or groups, provided that their Governments recognize the competence of the Committee. Twelve States so far have recognized the Committee's competence in this matter.

The Assembly designated 1973 to 1983 as the Decade for Action to Combat Racism and Racial Discrimination, and called on all States to work to promote human rights and especially to eradicate racism and racial discrimination, to arrest any expansion of racist policies, to end racist régimes, and to isolate and dispel fallacious beliefs which contribute to racism and racial discrimination. In 1978, a World Conference to Combat Racial Discrimination, held at Geneva, adopted a Programme of Action for the second half of the Decade.

The Second World Conference to Combat Racism and Racial Discrimination, held at Geneva in 1983, adopted a Declaration condemning racism and racial discrimination and a Programme of Action for a Second Decade to Combat Racism and Racial Discrimination. This Programme contained proposals for action against *apartheid*, including the areas of education, mass media action, protection of minority groups, recourse procedures for victims of racial discrimination, national legislation and action by non-governmental organizations.

The Assembly has designated 21 March as the International Day for the Elimination of Racial Discrimination, to be commemorated each year. That is the anniversary of the date in 1960 when some 70 peaceful African demonstrators against *apartheid* “pass laws” were killed and over 180 wounded in Sharpeville, South Africa.

What is the United Nations position on *apartheid*?

Apartheid (from the Afrikaans word meaning “separateness”) is a systematic form of institutionalized racial discrimination and segregation, practised by the Government of South Africa as official policy since 1948. Under *apartheid*, black South Africans, the majority of the people of South Africa, are not allowed to participate in the political life of the country and are subject to hundreds of repressive laws and regulations.

Both the General Assembly and the Security Council have declared *apartheid* incompatible with the United Nations Charter. Both bodies have termed that policy a crime against humanity and have called on all States to take and promote action to end it.

What has the United Nations done about *apartheid*?

The issue of *apartheid* was first raised in the United Nations General Assembly in 1946. Since then, the Assembly, the Security Council and other United Nations organs have agreed on a wide range of measures by the international community aimed at ending *apartheid*.

Over the years, support has grown for the belief that eradication of *apartheid* and establishment of a truly democratic society in South Africa require the imposition of comprehensive mandatory sanctions against South Africa. For several years, the Assembly has voted overwhelmingly in favour of sanctions against South Africa.

Under the Charter, however, only the Security Council can impose mandatory sanctions. The Security Council has considered the question since 1960. In 1963, it called upon all States to cease the sale and shipment of arms and related material to South Africa. In 1977, it instituted a mandatory arms embargo against that country. This decision marked the first time in the history of the United Nations that action had been taken against a Member State under Chapter VII of the Charter, which provides for enforcement action against Member States in situations deemed to present threats to the peace, breaches of the peace and acts of aggression.

Besides the Assembly and the Security Council, several United Nations bodies deal with the problem of *apartheid*. The Special Committee against *Apartheid* keeps a watch on the situation and reports to the Assembly and the Security Council. A Group of Experts on southern Africa of the Commission on Human Rights investigates charges of ill-treatment of political prisoners and other detainees in southern Africa.

The General Assembly has also created three voluntary funds—the United Nations Trust Fund for South Africa, the United Nations Educational and Training Programme for Southern Africa and the Trust Fund for Publicity against *Apartheid*—through which contributions can be made to assist victims of *apartheid* and to publicize United Nations efforts against *apartheid*. A fourth fund for the victims of *apartheid* is administered by the Council for Namibia (the legal Administering Authority of the Territory, which is illegally occupied by South Africa in defiance of the international community).

In 1973, the General Assembly adopted the International Convention on the Suppression and Punishment of the Crime of *Apartheid* and opened it for signature by Member States.

To focus the attention of Governments and the world's people on the issue of *apartheid*, the United Nations has sponsored or co-sponsored world conferences and seminars on ways to eliminate *apartheid*, and annually commemorates a number of special days calling attention to various groups of people struggling against that system.

In 1976, following a student uprising in Soweto and other areas on 16 June, the Assembly proclaimed the date as the International Day of Solidarity with the Struggling People of South Africa. That year the Assembly also proclaimed 11 October as the Day of Solidarity with South African Political Prisoners, demanding the immediate and unconditional release of all persons imprisoned or restricted for their involvement in the struggle for liberation in South Africa. In 1981, the Assembly decided to observe 9 August—the anniversary of a 1956 march of women to the offices of the South African Government in Pretoria, in protest against the extension of the pass laws to African women—to be commemorated as the International Day of Solidarity with the Struggle of Women in South Africa and Namibia.

In 1977 the Special Committee against *Apartheid* helped sponsor a World Conference for Action against *Apartheid* at Lagos, Nigeria. The Declaration adopted by the Conference and later endorsed by the General Assembly reaffirmed the commitment of Governments and peoples of the world to take action to eradicate *apartheid*. The Assembly also proclaimed the period March 1978 to March 1979 as International Anti-*Apartheid* Year.

In 1981, the International Conference on Sanctions against South Africa, held in Paris, called for further international action to isolate that country, including the imposition, under Chapter VII of the Charter, of sanctions. The Assembly subsequently proclaimed 1982 the International Year of Mobilization for Sanctions against South Africa.

In July 1985, following a significant deterioration of the situation in South Africa, marked by the imposition of a new constitution and a state of emergency by the racist South African régime, the Security Council urged Member States to adopt a number of economic measures against the *apartheid* régime, such as suspension of all new investment in and guaranteed loans to South Africa, prohibition of the sale of gold

coins, prohibition of new contracts in the nuclear field and restrictions in the field of sports and cultural relations.

In 1986, a World Conference on Sanctions against Racist South Africa was held in Paris, timed to coincide with the tenth anniversary of the Soweto uprising. The Declaration adopted by the Conference called for a world-wide, comprehensive system of mandatory economic sanctions aimed at bringing an end to *apartheid*, and to South Africa's illegal occupation of Namibia and attacks on neighbouring States.

Is there a convention against *apartheid*?

Yes, the condemnation of *apartheid* as a crime was reinforced in international law with the adoption by the General Assembly in 1973 of the International Convention on the Suppression and Punishment of the Crime of *Apartheid*. The Convention provides that international responsibility for the crime of *apartheid* shall apply to individuals, members of organizations and institutions and State representatives, whether residing in the country where the acts are perpetrated or elsewhere. Persons charged can be tried by any State party to the Convention. States parties to the Convention are required to report periodically to a special three-member group of the Commission on Human Rights on the steps they are taking to implement the Convention.

The Convention has been ratified or acceded to by over 85 States.

Has the United Nations taken any action against *apartheid* in non-political areas?

In an effort to eliminate *apartheid* in sporting activities, the General Assembly has appealed to individuals, sports organizations and promoters to refuse to hold contests with persons or teams from a country which has an official policy of racial discrimination in sports.

In 1977, the Assembly adopted the International Declaration against *Apartheid* in Sports, followed, in 1985, by the International Convention against *Apartheid* in Sports, opened for signature in 1986. To promote the sports boycott, biannual registers of sports contacts with South

for cultural, academic and other forms of boycott of the *apartheid* régime. To promote the cultural boycott, in 1983 the Special Committee against *Apartheid* began making public a register of entertainers, actors

T

and terror, the Assembly called on all States to take measures against such manifestations.

In 1971, the Assembly urged other competent United Nations organs to place on their agendas the question of measures to be taken against ideologies and practices based on terror or on incitement to racial discrimination or any other form of group hatred. In accordance with this decision, the Commission on Human Rights has kept the topic on its agenda since 1972.

In 1985, the Economic and Social Council held a solemn commemorative ceremony marking the days of the fortieth anniversary of the victory over nazism and fascism.

against slavery, and it has expanded its concern to such slavery-like practices as the sale of children, exploitation of child labour, debt bondage and the traffic in persons and the exploitation or the prostitution of others.

The International Slavery Convention, approved by the League of Nations in 1926, is one of the principal legal instruments in this matter; a Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery was adopted by a United Nations Conference in 1956; and in 1949 the United Nations adopted the Convention for the Suppression of Traffic in Persons and of the Exploitation of the Prostitution of Others.

Parties to the Slavery Convention pledge to prevent and suppress the slave trade and bring about the complete abolition of all forms of slavery. The Supplementary Convention outlaws institutions and practices similar to slavery—debt bondage, serfdom, purchase of brides, slavery-like practices concerning women, and exploitation of child labour. Parties to the Convention against the traffic in persons agree to punish those who engage in such traffic and those who exploit the prostitution of others.

A five-member Working Group on Slavery was set up in 1974. The Working Group meets each year and reviews information on the implementation of various conventions against slavery, slavery-like practices and the traffic in persons and exploitation of the prostitution of others. Governments, non-governmental organizations and specialized agencies present information to the Group on the above topics as well as on such specific matters as the sale of children, exploitation of child labour, debt bondage and slavery-like practices of *apartheid* and colonialism. The Group reports on the information received and makes recommendations to the Sub-Commission on Prevention of Discrimination and Protection of Minorities. For example, the Group has called for measures to eradicate slavery, including land reform and reform of educational systems. It has also recommended examination of situations that lead to forms of economic slavery, such as debt bondage.

What has the United Nations done to help refugees?

Some of the Organization's most effective work in the field of human rights has been done for refugees. Several million victims of war, persecution and internal upheavals have been the concern of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) and the Office of the United Nations High Commissioner for Refugees (UNHCR).

UNHCR provides international protection and humanitarian aid for some 12 million refugees under its care. It promotes the conclusion and ratification of international conventions for the protection of refugees, supervises their application, promotes through agreements with governments measures to improve the situation of refugees and reduce the number requiring protection, assists governmental and private efforts to promote voluntary repatriation or assimilation, promotes admission of refugees into countries, and works to obtain permission for refugees to transfer their assets, especially those necessary for resettlement.

UNRWA provides material assistance to about two million Palestine refugees in Jordan, Lebanon, the Syrian Arab Republic and the occupied territories of the West Bank and the Gaza Strip, providing them with education, health and relief services.

The United Nations took legal steps to protect refugees in 1951 when it adopted a Convention relating to the Status of Refugees, revising and consolidating previous international agreements on the human rights status of refugees and extending their scope. The Convention prohibits expulsion of refugees, especially to a territory where their lives or freedom would be threatened. It also specifies the minimum standards of treatment for refugees in the countries harbouring them, with regard to religion, access to courts, education, relief, labour legislation, housing and freedom of movement. A 1967 Protocol extends the Convention to apply to the situation of "new refugees", i.e. persons who became refugees after January 1951.

The Convention contains articles on non-discrimination in relation to race, religion, and country of origin, on the juridical status of refugees, on their rights to gainful employment, on the issue of identity papers and travel documents, on the applicability of fiscal charges to refugees, and on their right to transfer their assets to a country where they have been admitted for resettlement.

Has the United Nations done anything about stateless persons?

In 1954, the United Nations adopted a Convention relating to the Status of Stateless Persons. The Convention, which came into force in 1969, sets out standards of treatment for persons who do not have a nationality.

In an effort to reduce future statelessness, the United Nations in 1961 adopted a convention to help people acquire a nationality at birth and to limit the circumstances in which they might lose a nationality without acquiring another. This treaty, the Convention on the Reduction of Statelessness, came into force in 1975, but as of 1987 only 14 States had ratified or acceded to it.

Where does the United Nations stand on discrimination against women?

The United Nations, whose Charter affirms its faith in “the equal rights of men and women”, began early its work for the elimination of discrimination against women, setting up the Commission on the Status of Women as a functional commission of the Economic and Social Council. In 1952, the General Assembly adopted the first United Nations legal instrument dealing exclusively with women’s rights: the Convention on the Political Rights of Women. This treaty states that women shall be eligible, on equal terms with men, to vote in all elections, to hold public office and to exercise all public functions established by national law. When the United Nations was founded, only six out of every 10 Member States recognized fully the right of women to vote; today this right is recognized almost universally.

In 1957, the Assembly adopted the Convention on the Nationality of Married Women, which provides that a woman’s nationality cannot automatically be changed either by the contracting or dissolution of marriage or by a change of nationality by her spouse during marriage.

The 1962 Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages was designed to ensure freedom of choice of a spouse, to eliminate child marriages and the betrothal of girls before puberty, to establish appropriate penalties where necessary, and to provide for establishment of a register for recording marriages.

In 1967, the Assembly adopted a Declaration on the Elimination of Discrimination against Women, which proclaims women's equal rights with men before the law, including their right to property. It affirms that parents shall have equal rights and duties in matters relating to children and prohibits child marriage and the betrothal of girls before puberty.

**Is there a convention prohibiting discrimination
against women?**

Yes. In 1979, the United Nations adopted the Convention on the Elimination of All Forms of Discrimination against Women. The treaty, which came into force in 1981, covers measures to be taken to eliminate discrimination against women in various fields, including political and public life, nationality, education, employment, health, marriage and family. It gives special attention to the rights of rural women, the need to eliminate gender stereotypes, to suppress the exploitation of prostitution, and to accord women equality with men before the law.

States parties report periodically to the Committee on the Elimination of Discrimination against Women, set up under the Convention, on the progress they have made in implementing the provisions of the treaty. The Committee, composed of 23 experts elected by the States parties, meets annually to receive these reports. In its observations on reports reviewed, the Committee has called for more information on the status of rural women; the wage levels and unemployment rates of women and men; measures to involve more women in decision-making levels of management; and measures to overcome obstacles to equality arising from prejudices, customs and practices. The Committee has also suggested that States parties consider establishing public institutions to ensure the effective elimination of discrimination against women, and that where such institutions already existed, States parties should make full use of them. By August 1987, more than 90 States were parties to this Convention.

What else is the United Nations doing to promote women's rights?

The Commission on the Status of Women drafts conventions dealing with women's rights, and meets every other year to examine women's progress towards equality throughout the world. It works closely with various specialized agencies, especially the International Labour Organisation and the United Nations Educational, Scientific and Cultural Organization, in matters affecting economic rights and the right to education.

Focusing on how international standards are implemented, United Nations programmes for women emphasize both equality of rights and equality of opportunity for women and men. In these programmes, the role of women in the family is stressed, as well as the full integration of women in the economic, social and political development of countries. The relation between the status of women and national populations is also studied.

The General Assembly proclaimed 1975 as International Women's Year, and sponsored that year a World Conference in Mexico City. The Conference adopted a Declaration containing principles on the equality of women with men, and women's contribution to development and peace, as well as a World Plan of Action setting out guidelines and targets for improving the status of women. The Assembly also proclaimed 1976-1985 as the United Nations Decade for Women. In 1976, the Assembly approved the creation of an International Research and Training Institute for the Advancement of Women, with headquarters in Santo Domingo, Dominican Republic. The World Conference of the United Nations Decade for Women, held at Copenhagen in 1980, adopted a Programme of Action for the second half of the Decade, 1980-1985. Taking for its theme the words "Equality, Development and Peace", with a sub-theme "Employment, Health and Education", the Conference proposed actions to fulfil the objectives of the World Plan by the end of the Decade. A World Conference to Review and Appraise the Achievements of the United Nations Decade for Women was held at Nairobi in July 1985, and strategies to advance the status of women by the year 2000 were adopted. The strategies focused on ways to improve the legal status of women as well as their role in all spheres of development activity and in the promotion of international peace and security.

What consideration is the United Nations giving to the rights of children?

The rights and well-being of the world's children are the prime concern of one of the best-known of its agencies, the United Nations Children's Fund (UNICEF), which works for the right of disadvantaged children in developing countries to have access to proper health care and nutrition, functional education, clean drinking water, sanitation and other basic services. UNICEF provides equipment and supplies for schools, health centres, rural water systems and other community-oriented services, and help for training the local personnel needed to make such services work. Since the mid-1970s, UNICEF has focused increasingly on supporting such efforts at the community level, based on participation of the people of villages or urban settlements.

The framework for UNICEF's efforts is provided by the Declaration of the Rights of the Child, adopted by the General Assembly in 1959. The Declaration restated several provisions of the Universal Declaration of Human Rights as applicable to children, adding that the child "needs special safeguards and care, including appropriate legal protection, before as well as after birth".

The basic premise of the Declaration is that mankind owes the child the best it has to give. Parents, individuals, voluntary organizations, local authorities and Governments are called on to recognize the rights and freedoms set forth and to strive for their observance. The Declaration also states that children shall enjoy special protection and be given opportunities and facilities to enable them to develop in a normal and healthy manner and in conditions of freedom and dignity.

The General Assembly proclaimed 1979 (the twentieth anniversary of the proclamation of the Declaration) as the International Year of the Child, in order to encourage all countries to review their programmes for the promotion of the well-being of children.

A legally binding convention on the rights of the child is currently being prepared by the Commission on Human Rights.

Is the United Nations protecting the rights of young people?

Yes, it is active in this area. In order to protect the rights of young people, the General Assembly in 1965 adopted by acclamation the Declaration on the Promotion among Youth of the Ideals of Peace, Mutual Respect and Understanding between Peoples. The Declaration sets out principles to guide not only young people but also adults who are concerned with the education and welfare of youth. According to the Declaration, the education of the young should enable them to develop all their faculties. It should foster acquisition of higher moral qualities and deep attachment to the ideals of peace, liberty and the dignity and equality of all men. It should imbue youth with respect and love for humanity and for humanity's creative achievements. The Declaration emphasizes the important role of the family in achieving those aims.

The Assembly has also adopted resolutions related to youth, including their education for full participation in all aspects of life and development, health policies and programmes to ensure they can take advantage of opportunities open to them, and measures to increase employment for youth.

The General Assembly proclaimed 1985 as International Youth Year. Under the theme "Participation, Development, Peace", its aim was to spread awareness of the situation of youth, their problems and aspirations and the integration of young people into the development process.

The Sub-Commission on Prevention of Discrimination and Protection of Minorities commissioned a study in 1985 on human rights and youth, analysing efforts to promote young people's enjoyment of human rights, particularly the rights to life, education and work.

What about the rights of indigenous populations?

Since the 1970s the Sub-Commission on Prevention of Discrimination and Protection of Minorities has paid growing attention to the rights of indigenous peoples. The Sub-Commission in 1970 commissioned a complete and comprehensive study of the problem of discrimina-

tion against indigenous populations, and it considered the study's conclusions, proposals and recommendations in 1983 and 1984.

A working group on indigenous populations was set up by the Sub-Commission in 1982 in order to review developments pertaining to the promotion and protection of the human rights of indigenous peoples and to give attention to the evolution of international standards concerning those rights. The group has recognized the need to deal urgently with cases of physical destruction of indigenous communities (genocide) and with cases of destruction of indigenous cultures (ethnocide). In 1983 the group established a plan of action listing areas for consideration in the future.

The working group is unique among United Nations human rights organs in that it has decided not only to hear evidence from Governments, specialized agencies and accredited non-governmental organizations but also to receive representatives of indigenous populations from any part of the world.

In 1983 the General Assembly called for the recognition of the following basic rights of indigenous populations:

- to call themselves by their proper name and to express freely their own identity;

- to have official status and to form their own representative organizations;

- to maintain within the areas where they live traditional economic structure and way of life; this should in no way affect their right to participate freely on an equal basis in the economic, social and political development of the country;

- to maintain and use their own language, wherever possible, for administration and education;

- to enjoy freedom of religion or belief;

- to have access to land and natural resources, particularly in the light of the fundamental importance of rights to land and natural resources to their traditions and aspirations; and

- to structure, conduct and control their own educational systems.

In 1985 the United Nations established a voluntary fund to provide financial assistance to representatives of indigenous populations to enable them to meet with the working group.

Is the United Nations concerned about the rights of workers?

Safeguarding the human rights of the worker is the specific concern of the International Labour Organisation (ILO), a specialized agency of the United Nations. Up to mid-1987, ILO had adopted 162 Conventions and 172 Recommendations, dealing with a wide range of rights—trade union rights, freedom from forced labour and job discrimination, hours of work, minimum wages, occupational safety and health, social security, the protection of migrant workers, etc. ILO has a series of supervisory procedures to check on compliance with obligations under its Conventions, as well as special machinery to examine complaints of violations of trade union rights. It provides advice and assistance to Governments and employers' and workers' organizations in developing social policy, laws and institutions.

What is the United Nations doing to promote economic, social and cultural rights?

The Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights both set out a number of human rights, the realization of which depends very much upon the economic and social development of a country or territory. Among these rights are the right to social security, the right to work under just and favourable conditions, the right to a standard of living adequate for the health and well-being of oneself and one's family and the right to education.

The United Nations itself, in particular through the United Nations Development Programme and the specialized agencies such as the International Labour Organisation, the World Health Organization, the Food and Agriculture Organization and the United Nations Educational, Scientific and Cultural Organization, provides through numerous assistance programmes direct aid to improve the economic well-being, health care, educational facilities and many other aspects of life of people in numerous countries of the world.

The Commission on Human Rights, for its part, reviews each year the question of the realization of economic, social and cultural rights in order to identify obstacles to the full realization of those rights and to suggest ways to overcome them. For example, in 1986 the Commission considered reports submitted by the International Labour Organisation, the Food and Agriculture Organization, the United Nations Educational, Scientific and Cultural Organization and the World Health Organization on the state of implementation of the rights to food, health, education and work. The Commission, in light of those reports, requested the Sub-Commission to carry out further work on how to realize economic, social and cultural rights.

The Sub-Commission in 1983 considered a study on the new international economic order and the promotion of human rights. It stated, *inter alia*, that the ultimate objective in establishing a new international economic order must be the realization of full respect for human rights.

What about the right to development?

The right to development as a human right has been recognized by the Commission on Human Rights and the General Assembly; both bodies have stated that the equality of opportunity for development is as much a prerogative of nations as of individuals within nations.

In 1986 the General Assembly adopted the Declaration on the Right to Development, which proclaims that the right to development is an inalienable right by virtue of which every human person and all peoples are entitled to participate in, contribute to and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized. The Declaration also states that the human person is the central subject of development and should be the active participant and beneficiary of the right to development.

The Declaration also provides that States shall ensure, *inter alia*, equality of opportunity for all in their access to basic resources, education, health services, food, housing, employment and the fair distribution of income and that appropriate economic and social reforms should be made with a view to eradicating all social injustices.

What about the right to adequate food?

The right of everyone to an adequate standard of living for himself and his family, including adequate food, is recognized by the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights. The 1974 World Food Conference recognized the inalienable right of all men, women and children to be free from hunger and malnutrition in order to develop fully and maintain their physical and mental faculties, and in 1983 the General Assembly, noting with concern the continuing hunger and malnutrition in many developing countries, reaffirmed that the right to food was a universal human right and that food should not be used as an instrument of political pressure.

The Commission on Human Rights in 1983 expressed its deep concern about the precarious nature of the food situation, particularly in the least developed countries, and about the implications of that for enjoyment of the fundamental right to food. The Commission thus called for, in the study, the right to adequate food as a human right with special attention to the normative content of the right and its significance in relation to the establishment of the new international economic order. This study was completed in 1987.

What has the United Nations to say about the right to education?

In a world where almost half of all children grow up without any education because of the lack of schools, and where four out of 10 adults cannot read or write, the United Nations recognizes that a massive effort is needed to give substance to the right to education. The United Nations Educational, Scientific and Cultural Organization, a United Nations specialized agency, has organized its planning in the context of respect for this right. Its efforts include assistance to States to develop national literacy programmes and help in conducting mass literacy pilot programmes, funded with the aid of the United Nations Development Programme. UNESCO's assistance includes educational programmes, training for teachers, assistance in building inexpensive schools, modernization of

curricula and production of quality textbooks. UNICEF also assists national educational programmes with supplies and equipment.

What is the United Nations doing to combat intolerance based on religion or belief?

The General Assembly in November 1981 adopted and proclaimed the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, completed after almost 20 years of effort by the Commission and the General Assembly. The Declaration provides, among other things, that:

—Everyone shall have the right to have a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching;

—No one shall be subject to coercion which would impair his freedom to have a religion or belief of his choice;

—No one shall be subject to discrimination by any State, institution, group of persons or person on grounds of religion or belief.

The Declaration also lays down specific elements which go into the freedom of religion or belief.

In 1984 the Sub-Commission commissioned a study on the current dimensions of the problem of intolerance and of discrimination on the ground of religion or belief. In 1984 the Commission, expressing its deep concern over reports of incidents and governmental action inconsistent with the Declaration, appointed a special rapporteur to examine such incidents and actions and to recommend remedial measures. The special rapporteurs submitted their reports in 1986 and 1987, and the Commission on Human Rights and the Sub-Commission continue to study this question closely.

What is the United Nations doing about torture?

Both the Universal Declaration of Human Rights and the Covenant on Civil and Political Rights state that “No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment”.

Torture is also prohibited in a number of other treaties and declarations.

In 1975, the Assembly adopted the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and in 1979 it adopted the Code of conduct for Law Enforcement Officials, which provides that "No law enforcement official may inflict, instigate or tolerate any act of torture or other cruel, inhuman or degrading treatment or punishment."

In 1982, the Assembly adopted a set of principles of medical ethics relevant to the role of health personnel, particularly doctors, in protecting prisoners and detainees from torture and cruel punishment. The principles prohibit health personnel, particularly physicians, from engaging, actively or passively, in acts which constitute participation in, complicity in, incitement to or attempts to commit torture or other cruel, inhuman or degrading treatment or punishment.

In 1985, in a further effort to eliminate the practice of torture, the Commission on Human Rights appointed a special rapporteur charged with reporting to it on the occurrence and extent of torture in the world and with making recommendations. In 1986, the special rapporteur provided the Commission with analytical information on national legislation and regulations concerning torture, on allegations of torture he had received, as well as on conditions under which torture was practised, types and methods of torture, trade in implements of torture and the link existing between torture and violation of other human rights. He recommended a number of practical measures to Governments to prevent torture at the national and international levels. In 1987, he analysed the role of medical personnel in ensuring protection against torture and recommended periodic visits by a committee of experts to places of detention or imprisonment. When presented with reliable information about cases of torture, the special rapporteur sends urgent appeals to Governments to ensure respect for the physical and mental integrity of the individual concerned.

The United Nations also seeks to assist torture victims and their families. In 1981, the Assembly set up the United Nations Voluntary Fund for Victims of Torture, which supports projects in various parts of the world, providing medical, psychological and material assistance to torture victims and their families. Projects so far concern mainly support for therapy and rehabilitation programmes for victims of torture and support for training of medical professionals in specific techniques required

in the treatment of torture victims. Since the Voluntary Fund began operations, grants of almost \$3 million have been authorized for some 57 projects being carried out in close to 30 countries throughout the world. Governments, organizations, foundations and individuals have been invited to make contributions to the Fund.

Is there a convention against torture?

Yes. In 1984, the Assembly adopted a Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The Convention—which entered into force in June 1987—defines torture as any act by which severe physical or mental pain or suffering is intentionally inflicted by, at the instigation of, or with the acquiescence of someone acting in an official capacity, to obtain information or a confession, to punish, intimidate or coerce, or for any reasons based on discrimination. “It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions”, the Convention adds.

States parties to the Convention must prevent torture in their jurisdictions, and ensure that torture is legally punishable. No exceptional circumstances, such as war, threat of war, or internal political instability or other emergency, may be invoked to justify torture; nor can a torturer be excused by virtue of having acted under orders. In a special feature, the Convention provides that suspected torturers shall be extradited to stand trial for their crimes or that, if not extradited, they may be placed on trial in the courts of any State party to the Convention.

The Convention sets up a 10-member Committee against Torture, which is charged with examining reports from States parties on steps they have taken to give effect to the Convention.

The Convention also provides for international investigation of reliable reports of alleged torture, including visits in any State party, by the Committee against Torture. States parties may, upon ratification, withdraw from this latter provision. In addition, the Committee may consider complaints from individuals that the Convention’s provisions have been violated, as well as complaints from one State party that another State party is not living up to the terms of the treaty, provided the State party concerned has accepted these optional procedures. By August 1987, 23 States had ratified or acceded to the Convention; 7 had accepted the individual complaint procedure.

What has the United Nations done about “disappeared” persons?

The General Assembly, in 1978, expressing deep concern over reports of disappearances of persons in various parts of the world—reportedly as a result of excesses on the part of law enforcement or security authorities—asked the Commission on Human Rights to consider the question and make recommendations. In 1980, the Commission set up a working group on disappearances. The group examines information received from relatives of missing persons, human rights organizations and other sources concerning alleged disappearances, and submits sufficiently documented cases to the Governments concerned, requesting them to carry out investigations and to inform the group of the results. The working group has also visited countries to study the situation of disappearances; in doing so it meets with Government officials, human rights organizations and relatives of the disappeared.

Within the framework of its “urgent action procedure”, the group can transmit immediately, by cable or letter, any urgent reports received between sessions to the Government of the country concerned; the working group has learned of cases in which such appeals have helped save lives.

What has the United Nations done about arbitrary executions?

In recent years, the General Assembly has repeatedly condemned the practice of summary and arbitrary executions.

In 1980, the Assembly urged Governments to respect minimum standards concerning the imposition of the death penalty, the safeguards for a fair trial and other provisions contained in the Covenant on Civil and Political Rights as a way of avoiding arbitrary or summary executions.

In 1982, at the request of the Commission on Human Rights, the Economic and Social Council appointed a special rapporteur to study summary or arbitrary executions. The rapporteur examines information on allegations of such executions and reports to the Commission each year on his activities. He also appeals to Governments regarding reports

of scheduled executions when the minimum standards appear not to have been respected; he has also carried out on-site visits to investigate reports of arbitrary executions.

In 1984, the Economic and Social Council approved safeguards intended to guarantee protection of the rights of persons facing the death penalty. The guarantees had been recommended by the Committee on Crime Prevention and Control, a standing committee of the Council. They provide minimum standards for fair trials, for the right of appeal in capital cases and for the right to seek pardon. They set forth the principle that the death penalty should be imposed only for the most serious crimes, and it should not be imposed on those below 18 years of age when the crime was committed, on pregnant women, new mothers or insane person.

The General Assembly and the other bodies dealing with human rights questions continue to study this question closely, with a view to eliminating the practice of summary or arbitrary executions.

How does the United Nations help Governments to promote respect for human rights?

The United Nations provides assistance in this area upon request. It supplies advisory services of experts, offers fellowships and organizes seminars; in addition, several training courses on national and regional levels have been held to familiarize criminal justice and other government officials with international human rights standards in criminal justice matters, and legislation and practices of other countries.

Recently the Commission on Human Rights, at the request of the Governments concerned, has given particular attention to helping countries overcome the effects of inherited difficult human rights situations. For example, experts have been provided to help draft a new constitution and to help prepare laws on criminal procedures and private associations.

The United Nations also encourages Governments to improve national and local machinery for the protection of human rights. Encouragement is also given for the establishment of regional machinery for protecting human rights where such machinery does not now exist.

What role do non-governmental organizations have in the United Nations with regard to human rights?

Article 71 of the Charter of the United Nations provides for consultations between the Economic and Social Council and non-governmental organizations. Several hundred international non-governmental organizations have received consultative status under this Article, which permits them to sit as observers at public meetings of the Council and the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities, and, in accordance with the rules established by the Council, to make oral statements and submit written documents.

In their interventions at such meetings, the non-governmental organizations call attention to human rights situations needing the attention of the United Nations and suggest studies which should be carried out and instruments which should be drafted; they also assist in the actual drafting of declarations and treaties. Non-governmental organizations may also submit reports alleging violations of human rights, for confidential consideration by the Sub-Commission and the Commission under the "1503" procedure. The views of non-governmental organizations are also sought on a wide range of issues where such consultation is appropriate and under decisions taken by the General Assembly, the Economic and Social Council, the Commission on Human Rights and its Sub-Commission on Prevention of Discrimination and Protection of Minorities. The views and information they provide are included in the official reports.

Non-governmental organizations also play an important role in informing their members and the general public of United Nations activities in the field of human rights and in encouraging everyone to promote respect for their human rights and the human rights of others.

What role do individuals have in the promotion of human rights?

The individual person is central to United Nations activities in behalf of human rights, both as the beneficiary of the rights proclaimed and as the key actor in their realization.

The Universal Declaration of Human Rights calls upon every individual and every organ of society to promote respect for human rights and to strive for their universal and effective recognition. Individually, in their local communities, and through non-governmental organizations, each person can promote education about human rights, encourage respect for human rights at all levels of national life, and work for the full participation of his or her country in the efforts of the United Nations to protect human rights internationally. The importance of the impact that individual citizens can have by working together for peace and human rights should not be underestimated.

In the long run, it is only through the active support of the individual citizens of the world that United Nations efforts to protect human rights will succeed.

Universal Declaration of Human Rights

Preamble

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

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

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

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

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

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

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

Now, therefore, The General Assembly proclaims

This Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and interna-

tional, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

Article 1

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

Article 2

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Furthermore, no distinction shall be made on the basis of the political jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Article 3

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

Article 4

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

Article 5

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

Article 6

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

Article 7

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

Article 8

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

Article 9

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

Article 10

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

Article 11

1. Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.

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

Article 12

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

Article 13

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

Article 14

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

Article 15

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

Article 16

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

Article 17

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

Article 18

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

Article 19

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

Article 20

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

Article 21

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

Article 22

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

Article 23

1. Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.

2. Everyone, without any discrimination, has the right to equal pay for equal work.

3. Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

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

Article 24

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

Article 25

1. Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

2. Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

Article 26

1. Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

2. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

3. Parents have a prior right to choose the kind of education that shall be given to their children.

Article 27

1. Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.

2. Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

Article 28

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

Article 29

1. Everyone has duties to the community in which alone the free and full development of his personality is possible.

2. In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

