

COMMISSION ON HUMAN RIGHTS

Third session

AMERICAN DECLARATION OF THE RIGHTS AND DUTIES OF MAN

Adopted by the Ninth International Conference of American States

(Extract from the Final Act of the Conference)

WHEREAS:

The American nations have acknowledged the dignity of the individual, and their national constitutions recognize that juridical and political institutions, which regulate life in human society, have as their principal aim the protection of the essential rights of man and the creation of circumstances that will permit him to achieve spiritual and material progress, and attain happiness;

The American states have on repeated occasions recognized that the essential rights of man are not derived from the fact of one's being a national of a certain state, but are fundamental attributes of the individual;

The international protection of the rights of man should be the supreme guide of an evolving American law;

Both the American affirmation of essential human rights and the guarantees given by the internal regimes of the respective states establish the initial system of protection considered by the American States as being suited to the present social and juridical conditions, not without recognizing that they should increasingly strengthen that system in the international field as these conditions become more favourable;

THE NINTH INTERNATIONAL CONFERENCE OF AMERICAN STATES

AGREES

To adopt the following

AMERICAN DECLARATION OF THE
RIGHTS AND DUTIES OF MAN

/PREAMBLE

PREAMBLE

All men are born free and equal, in dignity and in rights, and, being endowed by nature with reason and conscience, they should conduct themselves as brothers one to another.

The fulfillment of duty by each individual is a prerequisite to the rights of all. Rights and duties are inter-related in every social and political activity of man. While rights exalt individual liberty, duties express the dignity of that liberty.

Duties of a juridical nature presuppose others of a moral nature that support those duties in concept and are the basis therefor.

Inasmuch as the spirit is the supreme aim of human existence and the greatest expression thereof, it is the duty of man to serve that end with all his strength and resources.

Since culture is the maximum social and historical expression of that spirit, it is the duty of man to preserve, practice, and foster culture by every means within his power.

And, since morality and good manners constitute the noblest flowering of culture, it is the duty of every man always to hold them in high respect.

CHAPTER ONE

RIGHTS

Article I

Every human being has the right to life, liberty, and the security of his person.

Right to life,
liberty, and
personal security.

Article II

All persons are equal before the law and have the rights and duties established in this Declaration, without distinction as to race, sex, language, creed, or any other factor.

Right to equality
before the law.

Article III

Every person has the right freely to profess a religious faith, and to manifest and practice it both in public and in private.

Right to religious
freedom and worship.

Article IV

Every person has the right to freedom of investigation, of opinion, and of the expression and dissemination of thought, by any medium whatsoever.

Right to freedom of
investigation, opinion,
expression, and
dissemination.

Article V

Every person has the right to the protection of the law against abusive attacks upon his honour, his reputation, and his private and family life.

Right to protection of honour, personal reputation, and private and family life.

Article VI

Every person has the right to establish a family, the basic element of society, and to receive protection therefor.

Right to a family and to the protection thereof.

Article VII

All women, during pregnancy and the nursing period, and all children have the right to special protection, care and aid.

Right to protection for mothers and children.

Article VIII

Every person has the right to fix his residence within the territory of the state of which he is a national, to move about freely within such territory, and not to leave it except by his own will.

Right to residence and movement.

Article IX

Every person has the right to the inviolability of his home.

Right to inviolability of the home.

Article X

Every person has the right to the inviolability and circulation of his correspondence.

Right to the inviolability and circulation of correspondence.

Article XI

Every person has the right to the preservation of his health through sanitary and social measures relating to food, clothing, housing, and medical care, to the extent permitted by public and community resources.

Right to the preservation of health and to well-being.

Article XII

Every person has the right to an education, which should be based on the principles of liberty, ethics, and human solidarity.

Right to education.

/Furthermore,

Article XII (Cont'd.)

Furthermore, every person has the right to an education that will prepare him to lead a decent life, to raise his standard of living, and to be a useful member of society.

The right to an education includes the right to equality of opportunity in every case, in accordance with natural talents, merit, and the desire to utilize the resources that the state or the community is in a position to provide.

Every person has the right to receive, free, at least a primary education.

Article XIII

Every person has the right to take part in the cultural life of the community, to enjoy the arts, and to participate in the benefits that result from intellectual progress, especially scientific discoveries.

He likewise has the right to the protection of his moral and material interests as regards his inventions or any literary, scientific, or artistic works of which he is the author.

Article XIV

Every person has the right to work, under proper conditions, and to follow his vocation freely, in so far as existing conditions of employment permit.

Every person who works has the right to receive such remuneration as will, in proportion to his capacity and skill, assure him a standard of living suitable for himself and for his family.

Right to the benefits
of culture.

Right to work and to fair
remuneration.

Article XV

Every person has the right to leisure time, to wholesome recreation, and to the opportunity for advantageous use of his free time to his spiritual, cultural, and physical benefit.

Right to leisure time and to the use thereof.

Article XVI

Every person has the right to social security which will protect him from the consequences of unemployment, old age, and any disabilities arising from causes beyond his control that make it physically or mentally impossible for him to earn a living.

Right to social security.

Article XVII

Every person has the right to be recognized everywhere as a person having rights and obligations, and to enjoy the basic civil rights.

Right to recognition of juridical personality and of civil rights.

Article XVIII

Every person may resort to the courts to ensure respect for his legal rights. There should likewise be available to him a simple, brief procedure whereby justice will protect him from acts of authority that, to his prejudice, violate any fundamental constitutional rights.

Right to a fair trial.

Article XIX

Every person has the right to the nationality to which he is entitled by law and to change it, if he so wishes, for the nationality of any other country that is willing to grant it to him.

Right to nationality.

Article XX

Every person having legal capacity is entitled to participate in the government of his country, directly or through his representative, and to take part in popular elections, which shall be by secret ballot, and shall be genuine, periodic, and free.

Right to vote and to participate in government.

Article XXI

Every person has the right to assemble peaceably with others in a formal public meeting or an informal gathering, in connection with matters of common interest of any nature.

Right of assembly.

Article XXII

Every person has the right to associate with others to promote, exercise, and protect his legitimate interests of a political, economic, religious, social, cultural, professional, trade union, or other nature.

Right of association.

Article XXIII

Every person has a right to own such private property as meets the essential needs of decent living and helps to maintain the dignity of the individual and of the home.

Right to property.

Article XXIV

Every person has the right to submit respectful petitions to any competent authority, for reasons of either general or private interest, and the right to obtain prompt action thereon.

Right of petition.

Article XXV

No person may be deprived of his liberty except in the cases and according to the procedures established by pre-existing law.

No person may be deprived of liberty for non-fulfillment of obligations of a purely civil character.

Every individual who has been deprived of his liberty has the right to have the legality of the measure ascertained without delay by a court, and the right to be tried without undue delay or, otherwise, to be released. He also has the right to humane treatment during the time he is in custody.

Right to protection from arbitrary arrest.

/Article XXVI

Article XXVI

Every accused person is presumed to be innocent until proved guilty.

Every person accused of an offense has the right to be given an impartial and public hearing, and to be tried by courts previously established in accordance with pre-existing laws, and not to receive cruel, infamous, or unusual punishment.

Right to due process of law.

Article XXVII

Every person has the right to seek and receive asylum in foreign territory, in case of pursuit not resulting from common law crimes, and in accordance with the laws of each country and with international agreements.

Right of asylum.

Article XXVIII

The rights of man are limited by the rights of others, by the security of all, and by the just demands of the general welfare and the advancement of democracy.

Scope of the rights of man.

CHAPTER TWO

DUTIES

Article XXIX

It is the duty of the individual so to conduct himself in relation to others that each and every one may fully form and develop his personality.

Duties to society.

Article XXX

It is the duty of every person to aid, support, educate, and protect his minor children, and it is the duty of children to honour their parents always and to aid, support, and protect them when they need it.

Duties toward children and parents.

Article XXXI

It is the duty of every person to acquire at least an elementary education.

Duty to receive instruction.

/Article XXXII

Article XXXII

It is the duty of every person to vote in the popular elections of the country of which he is a national, when he is legally capable of doing so.

Duty to vote.

Article XXXIII

It is the duty of every person to obey the law and other legitimate commands of the authorities of his country and those of the country in which he may be.

Duty to obey the law.

Article XXXIV

It is the duty of every able-bodied person to render whatever civil and military service his country may require for its defense and preservation, and in case of public disaster, to render such civil services as may be in his power.

Duty to serve the community and the nation.

It is likewise his duty to hold any popular elective office that devolves upon him in the state of which he is a national.

Article XXXV

It is the duty of every person to co-operate with the state and the community with respect to social security and welfare, in accordance with his ability and with existing circumstances.

Duties with respect to social security and welfare.

Article XXXVI

It is the duty of every person to pay the taxes established by law for the support of public services.

Duty to pay taxes.

Article XXXVII

It is the duty of every person to work, as far as his capacity and possibilities permit, in order to obtain the means of livelihood or to benefit his community.

Duty to work.

Article XXXVIII

It is the duty of every person to refrain from taking part in political activities that, according to law, are reserved exclusively to the citizens of the state in which he is an alien.

Duty to refrain from
political activities
in a foreign country.
